

CITY HALL



# CITY OF CHARLESTOWN PERSONNEL POLICIES MANUAL

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## II. PURPOSE OF THE PERSONNEL POLICIES MANUAL

The purpose of this Personnel Policies Manual is to provide the general guidelines for all employees within the City of Charlestown government. Persons working for the City under a Contract will comply with the specific wording of their contracts or agreements. While the City adheres to the policies outlined in this manual, they are intended as guidelines and not conditions of employment. The contents of this manual are subject to change without notice at the sole discretion of the City. The language used in this manual does not create a contract between the City and its employees. The information contained in this manual is being presented in summary form, as a matter of information only. Please be aware that on occasion the City's actions may vary from those outlined in this manual. In those rare instances where this manual and official City policies, processes or plan documents vary, the policies, processes and plan documents prevail. In addition, a particular state or local law may require the City to vary its policies and processes from those described in this manual. This manual supersedes and replaces any former or existing City manuals and policy statements.

All employees are expected to become familiar with the contents of this manual and to use it as needed as a reference guide. Non-compliance with any section of this manual may result in discipline up to, and including, termination of employment.

All employees must acknowledge that they have read the manual and that they know how to access the manual and are encouraged to contact Human Resources with any questions or clarifications on manual content.

### ***THIS MANUAL DOES NOT CREATE A CONTRACT OR ANY CONTRACTUAL RIGHTS.***

**NOTE:** All employees' benefits pertaining to insurance plans are governed by formal documents. The Personnel Policies Manual cannot be construed as amending, changing, or otherwise overriding those plans or the rights stated and defined therein.

Pursuant to codes established by the State of Indiana and the Salary Ordinance of the City of Charlestown, the Board of Public Works is authorized to establish personnel policies for City employees. Employees with questions or comments regarding any section of the Personnel Policies Manual should contact the Human Resources Representative.

### **A. INTRODUCTION**

Welcome to the City of Charlestown! To our new employees, we are delighted that you have chosen to join us in service to our City. To our current employees, we thank you for your ongoing dedication. We hope each and every employee will enjoy a long and successful career in which you will take advantage of any and all opportunities to enhance

your career and further the City's presence and impact on the communities and people that we serve.

Our expectation is that working with us will open your eyes to greater possibilities. The City has a reputation for outstanding leadership, service, and dedication to our residents and guests. We share a strong work ethic within a culture of empowerment and encouragement of one another. Creativity, talent, active involvement and support aid the City in achieving its goals. We sincerely hope you will take pride in being an important part of Charlestown's success.

We put the needs of our residents first and foremost and always keep the mission of our City in mind. The welfare of our employees is a priority in all that we do.

Please take the time to review the policies contained in this manual. If you have any questions, do not hesitate to contact the Human Resources Department.

## **B. HISTORY**

Charlestown was established in 1808 and named after one of its surveyors, Charles Beggs.

From 1811 to 1878 Charlestown was the county seat of Clark County, but as Jeffersonville had surpassed it economically, the county seat reverted to Jeffersonville in 1878.

Charlestown was also the home of Jonathan Jennings, the first state governor of Indiana. Milling was important to the town, as the first mill was built in the area, on Fourteen Mile Creek, in 1804. This mill would be abandoned when John Work built a mill by use of a tunnel in 1814. Today, that mill is part of the Tunnel Mill Scout Reservation.

In 1940 the population of Charlestown was 900, but it swelled to 13,400 due to the building and operation of the Indiana Army Ammunition Plant (INAAP). This created a housing problem, as chicken, wood, and wash houses had to house all the new residents who flocked to the area for the jobs created by the INAAP.

## **C. MISSION STATEMENT AND PURPOSE**

We, as Elected Officials of the City of Charlestown, and as the Executive and Legislative body of City Government, will work to sustain and build upon the tradition of the outstanding quality of life in our City by delivering the highest levels of services to our residents and guests through our values and actions.

## **D. DEFINITIONS**

Unless otherwise indicated in these policies, the following definitions shall apply:

**APPOINTING AUTHORITY:** The City of Charlestown elected or appointed officials, boards, commissions, or other bodies authorized by law to make appointments to the several positions of their office or department. For purposes of this manual, Appointing Authorities may also mean a designee of an Appointing Authority authorized to carry out certain duties on behalf of the Appointing Authority, where law or regulations permit.

**CLASS:** A group of positions that involve similar duties and responsibilities, require similar qualifications, and are properly designed by a common descriptive title indicating the general nature of the work. A class may include only one (1) position in some circumstances.

**CITY:** City of Charlestown, Indiana. Some policies may refer to cities in the generic sense (e.g., service with a City).

**EMPLOYER:** City of Charlestown, Indiana. The Appointing Authority is the direct supervisor, who represents the City of Charlestown, Indiana.

**POSITION:** A group of duties and responsibilities assigned or delegated by competent authority to be performed by one (1) person.

**SUPERVISOR:** The Appointing Authority is the direct supervisor. They may authorize an individual to oversee and direct the work of employees under their authority on a daily basis.

**SALARIED EMPLOYEES:** Those employees who are paid a salary within the meaning of the Fair Labor Standards Act, rather than an hourly wage. The mere fact that a person's salary is computed from or expressed as an hourly amount for data processing purposes does not mean a person is hourly rather than salaried. Salaried status depends on how a person is paid, normally a set amount annually versus a rate calculated and paid by the actual number of hours worked.

**LATERAL TRANSFER:** The movement of an employee from one position to another where there is no change in the level of responsibility, classification, or salary.

## II. EMPLOYMENT

### A. EMPLOYMENT-AT-WILL

Public employment is based on the “at-will” doctrine. “At-will” employment means any individual may voluntarily leave employment or may be terminated by the City at any time with or without cause. Any change to this policy will be effective only if set forth in writing and signed by both the employee and the appropriate elected official.

There are exceptions to the “at-will” doctrine, which prevent wrongful termination. These exceptions are included in the following:

- The American With Disabilities Act
- The Age Discrimination in Employment Act
- The Civil Rights Act of 1991
- The Consumer Credit Protection Act
- The Employee Retirement Income Security Act
- The Equal Opportunity Employment Act
- The Fair Labor Standards Act
- The Health Insurance Portability and Accountability Act of 1996 (HIPAA)
- The Occupational Safety and Health Act
- The Family and Medical Leave Act of 1993
- The Fifth and Fourteenth Amendments to the United States Constitution
- Title VII of the 1964 Civil Rights Act and other anti-discrimination laws
- The Uniformed Services Employment and Reemployment Rights Act
- Applicable State Statutes
- Any applicable union contracts

For more information, please contact the Human Resources Representative.

The City’s supervisory and management personnel are not authorized to enter into any agreement, oral or written, that changes the at-will relationship. Supervisors and management personnel may not make any representations to employees or applicants concerning the terms or conditions of employment with the City that are not consistent with City policies. No statements made in pre-hire interviews or discussions, or in recruiting materials of any kind, alter the at-will nature or imply that discharge will occur only “for cause.”

This policy may not be modified by any statements contained in this manual or any other employee materials, including applications, memoranda, or other documents provided to applicants and employees in connection with their employment. None of these documents whether single or combined, create an expressed or implied contract of employment for a definite period, or an express or implied contract concerning any terms or conditions of employment.



Similarly, City policies and practices with respect to any matter should not be considered as creating any contractual obligation on the City's part or as stating in any way that termination will occur only "for cause". Statements of specific grounds for termination set forth in this manual or in any other City documents are examples only, not all-inclusive lists, and are not intended to restrict the City's right to terminate at-will.

Completion of a Probationary Period or conferral of regular status does not change an employee's status as an at-will employee or in any way restrict the City's right to terminate the employee or change the terms or conditions of employment.

## **B. OPEN DOOR POLICY**

Our open door policy reflects our commitment to transparent and flexible communication between all employees. We believe this policy enhances communication across levels of the organization and translates to better communication, which helps build a culture of trust. Everyone has valuable thoughts to share and both our workplace and our ways of working can always be improved.

We ask our employees, as the heart of our organization, to be ready to provide positive or negative feedback, or share ideas that can help us thrive. We expect supervisors of all levels to keep their door open; and this refers to so much more than the physical door. Supervisors should be ready to listen to their employees in person, virtually or through email, messaging apps, etc. They should establish a culture of trust and communication within their team. This also applies to executive leadership who should remain approachable for everyone in the organization. Employees are encouraged to communicate their thoughts, questions and concerns with management and Human Resources.

Our open door policy encourages employees to:

- Ask for counsel or feedback.
- Ask questions about a subject.
- Express a complaint or concern.
- Raise awareness about a problem.
- Ask for resolution to an inside dispute or conflict.
- Make suggestions for change.
- Discuss other personal topics.

More specifically, we hope that listening to employees will help us to:

- Address employee concerns in time.
- Resolve disputes before tensions escalate.
- Help employees who were victimized or harassed.
- Seize opportunities to improve processes.
- Foster a culture of mutual trust and collaboration.

What we ask from employees:

- Ask for an appointment in advance, whenever possible, to talk about a significant or delicate matter with a supervisor.
- Try to resolve minor disputes with colleagues before reaching out to a supervisor.
- Trust and communication should work horizontally as well as vertically in the City.
- In general, speak up with opinions about something. Also, inform management when harassment, victimization or any violation of our code of conduct is noticed. We need all employees to ensure the workplace is a safe, productive, and fun place for everyone.

### **C. EMPLOYER-EMPLOYEE RELATIONS**

The City is committed to a mutually rewarding and direct relationship with its employees.

Thus, the City attempts:

- To be receptive to constructive suggestions, criticisms, and questions.
- To establish committees consisting of managerial and non-managerial employees as needed, to develop, review, and/or discuss policies, benefits, programs, etc. of importance to employees.
- To have regularly scheduled departmental meetings to keep employees informed about items of interest and to discuss issues of concern to employees.

The City, as part of its commitment to delivering the highest level of services to our residents and guests, expects all employees:

- To treat all residents, guests, and suppliers as customers of all City services.
- To represent the City in a positive and ethical manner.
- To perform assigned tasks in a safe and efficient manner.
- To attend work as required and to be punctual.
- To demonstrate a considerate, friendly, and constructive attitude toward fellow employees, supervisors, and elected officials.
- To follow the City and departmental policies and practices.

The City retains the sole discretion to exercise all managerial functions, including the following rights:

- To dismiss, assign, supervise, and discipline employees.
- To determine and change employee work schedules to meet the needs of our customers and guests of City of Charlestown.
- To assign employees to other jobs within departments or into other departments.
- To determine and adjust the employee number and specific qualifications of the workforce.
- To determine and change the nature, location, services rendered, quality, and continued operation of departments.

- To assign duties to employees in accordance with the City's needs and requirements and to carry out all ordinary administrative and management functions.
- To establish, change, and abolish policies, practices, rules, and regulations as the City works to meet the needs of our customers.

#### **D. APPOINTING AUTHORITY RIGHTS**

The Appointing Authorities maintain the ultimate right to manage their work forces, consistent with the policies set forth in this manual and all applicable State and Federal laws. The Appointing Authority rights include, but are not limited to: determining methods and procedures, number of the work force, assignment of duties, hours of employment and compensation of personnel, hiring, disciplining, discharging, promoting and transferring employees, and laying off employees for lack of work, lack of funds, or due to job abolishment. An Appointing Authority may be the Mayor, elected official, director, or supervisor, which is mentioned throughout this manual.

#### **E. EMPLOYMENT STATUS**

All employees of City of Charlestown shall be categorized as full-time, part-time, temporary, or intermittent/seasonal.

**Non-Exempt and Exempt Employees:** All employees are classified as either "exempt" or "non-exempt" in compliance with the federal Fair Labor Standards Act (FLSA) and applicable state law.

Exempt employees are paid on a salaried basis and are not entitled to overtime pay. Such employees shall not receive a reduction in pay for absences of less than one (1) day. However, absences of one (1) full day or more shall be deducted from the employee's sick leave or vacation leave if the employee has such leave accumulated.

Non-exempt employees are paid on an hourly basis, and are eligible for overtime pay at the rate of one and one-half times their hourly rate for all hours worked in excess of forty (40) hours per workweek. All "non-exempt" employees must record all work hours accurately, and payment must be made for all time worked.

##### **i) Definitions**

**FULL-TIME EMPLOYEE:** A permanent employee who works for the City on a forty-hour per week basis and has met a 90-day (calendar day) probationary period as designated by the Appointing Authority. Employees who have not completed the probationary period will not be eligible for certain benefits.

**PART-TIME EMPLOYEE:** A permanent employee who works for the City on a less than forty-hour per week basis and has met a 90-day (calendar day) probationary period as designated by the Appointing Authority.

TEMPORARY EMPLOYEE: An employee who works in a position which is of a non-permanent nature, which position has a specified duration of time, not to exceed six (6) months.

INTERMITTENT/SEASONAL EMPLOYEE: An employee appointed to a position, for a specified period of time on a recurring, non-permanent basis to perform work or an activity limited to a season, or determined by the fluctuating demands of the work and is generally not predictable.

Employees shall be informed of their employment status at the time of appointment.

All employees must provide the Human Resource Representative with their current address and phone number. Changes in this information must be reported within five (5) days of an employee changing address or phone number. This way, the Human Resources Representative can inform insurance carriers, the IRS (for W-2 purposes), and any others that the information would be required.

## **F. JOB CLASSIFICATIONS**

All employees are hired into positions having specific job titles (classifications). The job title refers only to the major responsibilities of a position and is not inclusive as to duty assignment. Any employee may be required to perform any task relevant to the execution of the statutory responsibilities of the City.

The Appointing Authority shall administer a classification plan based on an analysis of the duties and responsibilities of positions within the organization. Class specifications shall include a class title, nature of work, examples of duties, minimum qualifications, and content-related worker characteristics.

The Appointing Authority may on an annual basis review the duties and responsibilities of positions and make necessary adjustments or revisions to the classification plan.

## **G. EQUAL EMPLOYMENT**

Implementing all activities related to the recruitment, selection, and employment of new employees, as well as in matters of promotion, demotion, lateral job change, transfer, layoff, or termination of existing employees, the City will adhere to all relevant laws, regulations, and guidelines promulgated by Federal and State Statutes, and City Ordinances.

It is the policy of the City to ensure equal opportunity regarding recruitment, hiring, training, compensation, overtime, job classifications and assignments, working conditions, promotions, demotions, lateral job changes, transfers, and all other aspects of employment to all individuals regardless of protected status. Protected status is defined as including gender, age, race, color, national origin, religion, physical or mental disability, veteran status, pregnancy, marital status, parental status, or any other legally protected status.

All position vacancy materials will contain the phrase "An Equal Opportunity Employer" and the City will make known its Equal Employment policy to those with whom it deals.

Any employee with questions or concerns about any type of discrimination in the workplace should bring these issues to the attention of the Human Resources Representative. Employees may raise concerns and make reports without fear of reprisal.

Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

All information concerning the Equal Employment Opportunity Commission is posted for the public in all City buildings. For more information, contact the Human Resources Representative.

#### **H. GENETIC INFORMATION NONDISCRIMINATION ACT**

The Genetic Information Nondiscrimination Act ("GINA") prohibits employers from requesting, requiring, or testing for genetic information of employees or their family members. In order to comply with this law, the City asks that employees not provide any genetic information when responding to requests for medical information. Genetic information, as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

The City will not tolerate discrimination or harassment based on genetic characteristics and/or information.

#### **I. REASONABLE ACCOMMODATION - ADA**

The City is committed to treating physically or mentally disabled individuals without unlawful discrimination in all aspects of employment, including but not limited to: recruitment, applicant processing, selection, hiring, transfer, job classification, rate of pay, benefits, compensation, training, tenure, performance evaluation, promotion, demotion, reduction in force, discipline, termination, and all other terms and conditions of

employment. It is the intent of the City to comply with all applicable requirements of the American's With Disabilities Act (ADA).

The City will reasonably accommodate persons with a disability on a case-by-case basis, provided such accommodation does not create an undue hardship on City operations. Accommodations may include making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules and/or equipment, or similar accommodations. The Mayor, Board of Public Works, Human Resources Representative and/or the City Attorney will make determination of reasonable accommodation.

The City will also provide reasonable accommodations for an employee who is currently pregnant, is recovering from childbirth, is breastfeeding or has a medical condition related to pregnancy, childbirth or breastfeeding. For those employees who are breastfeeding, the City will provide reasonable breaks to express breast milk. For more information, please refer to the Lactation Breaks policy.

Employees who want an accommodation should inform the Human Resources Representative of their condition. Such employees are required to provide pertinent medical information. Employees and their Supervisors should contact the Human Resources Representative for assistance when an accommodation is desired.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, and which threat cannot be eliminated by reasonable accommodation, will not be hired or retained. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on the appropriate leave.

Further, disabled individuals cannot pose a direct threat to the safety of themselves or others.

Generally, a "direct threat" means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

Benefits provided to disabled individuals who are qualified to perform the work must be consistent with the benefits provided to other employees.

Any individual who believes they have received treatment inconsistent with the policies set forth above or any other requirement of ADA, may file a complaint with the Human Resources Representative.

## **J. LACTATION BREAKS**

All employees who are nursing mothers are eligible to take reasonable breaks under this policy to express breast milk after the birth of the employee's child. The City encourages all employees who intend to take breaks under this policy to notify the Human Resources Department of their intent when they are discussing their return to work following leave relating to childbirth.

Employees may take a reasonable amount of break time to accommodate the employee's need to express breast milk. Lactation breaks under this policy are paid.

The City has a designated Lactation Room, located in City Hall. Please contact Human Resources with any questions or concerns.

## **K. IMMIGRATION REFORM AND CONTROL ACT**

The City is an E-verify employer that is committed to employing only those who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, Public Law 99-603, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility on the first day of employment. Any employee with an expiring work authorization must renew the authorization or the employee will be considered to have voluntarily resigned.

Former employees who are rehired must also complete the form if they have not completed an I-9 with the City within the past three years or if their previous I-9 is no longer retained or valid. All offers of employment are conditioned upon the receipt of satisfactory evidence of an employee's authorization to work in the United States.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Human Resources Department. Employees may raise questions or complaints about immigration law compliance at any time without fear of retaliation.

## **L. HIPAA**

The City acknowledges participants' privacy rights as specified in the Privacy Rule of the Administrative Simplification provisions of the Health Insurance Portability and Accountability Act of 1996, and has implemented policies and procedures to ensure these privacy rights are protected.

In conducting the benefits administration for employees, the City will manage Protected Health Information (“PHI”) in a manner that prevents unnecessary or inadvertent access to, use of or disclosure of PHI.

Participants in the City’s benefit plans have the right to review their PHI, as well as request restrictions on how and to whom their PHI is communicated. Any violation of this policy should be reported to the Deputy Clerk Treasurer, who is designated as the City’s HIPAA Privacy Officer. The City will not discriminate or retaliate against any participant for making such a request or reporting a violation of this policy.

## **M. RECRUITMENT/HIRING**

### **i) Vacancies, Announcement, and Application Procedures**

All vacancy announcements will specify the job title, nature of the job, required qualifications, essential functions of the position, compensation range, application deadline, and the place to file such applications.

The Appointing Authority shall not be obligated to consider any applications submitted after the close of the posting period. If the Appointing Authority deems no internal bidder is qualified for the vacancy, the Appointing Authority may fill the vacancy through the selection of outside applicants. The Appointing Authority will coordinate with the Human Resources Representative for posting and/or advertising of said position. Nothing in this section shall be construed to prevent the Appointing Authority from advertising for external applicants concurrently with the internal positing of vacancies.

### **ii) Evaluation of Applicants**

A review of all applications shall first be made to determine which applicants possess the minimum job-related qualifications (e.g., minimum licenses, certifications, experience, or any specialized training, etc.).

Upon determination of which applicants meet the minimum job-related qualifications, the applicants’ knowledge, skill, and ability to perform the essential functions of the position shall be considered. Applicants shall be required to provide any information and undergo any job-related performance tests, reference checks, background checks, or other job-related procedures necessary to demonstrate qualification for the position sought.

Applicants selected for employment may be required to submit to a physical and/or psychological examinations and drug testing to determine their ability to perform the duties of the position for which they have been selected. Such examinations shall be conducted prior to commencement of employment and shall be a condition



for acceptance as an employee of the City. All testing and examinations required by the City shall be at the expense of the City.

### **iii) Disqualification**

The Appointing Authority may eliminate an applicant from consideration if the applicant:

1. Does not possess the knowledge, skill, and abilities necessary to effectively perform the duties of the vacant position;
2. Has made a false statement of material fact on the application form or supplements;
3. Has committed or attempted to commit a fraudulent act at any stage of the selection process;
4. Is an alien not legally permitted to work.

An applicant may be eliminated from consideration upon other reasonable grounds relating to job requirements (e.g. inability to perform essential functions even with reasonable accommodation).

If an applicant is hired and it is subsequently discovered that any of the above disqualifying criteria apply, the Appointing Authority may terminate the employee for dishonesty or incompetence

### **iv) Medical Examination**

A physical examination by a qualified physician may be required by the Appointing Authority prior to appointment to ensure that selected job applicants are physically able to perform the essential duties of the position for which they are applying. Examinations may include any job-related examinations determined to be pre-employment requirements. If an employee is being reinstated within one (1) year of separation, another examination may not be required.

Any applicant choosing to waive the examination requirement shall submit a written affidavit from a qualified physician describing their state of health at the time of employment.

After hiring, employees may be legally required to submit to medical examinations for certain purposes during their period of employment with the City. Such an examination is intended to ensure that the incumbent continues to be physically able to perform the duties of their position. Examples include (but not limited to) mandatory drug and alcohol testing, examination to certify continued eligibility for FML (Family and Medical Leave), examination to assess eligibility for Worker's Compensation, examination required by Occupational Safety & Health programs, or any other pertinent medical testing.

## **N. Employee Orientation**

Prior to working independently, each employee shall be given an orientation to the facility by the Appointing Authority (or the Supervisor) of the Department in which the employee will work. The Appointing Authority will schedule an appointment with the Human Resources Representative to distribute all necessary paperwork such as benefits information (if applicable), State forms, such as a W4, Federal forms, such as an I-9, and a copy of the City of Charlestown Personnel Policy Manual, etc. After the employee has had time to complete all the necessary paperwork and prior to the next payroll period, the Employee will meet again with the Human Resources Representative to discuss and review the Policy Manual and any other questions concerning employment with the City or benefits.

In addition, the Appointing Authority will orientate the new incumbent on the job description, plus a demonstration of equipment and procedures required of the specific position to which the employee will be assigned. Each department or office within City government may have its own set of policies and applicable procedures specific to the nature of their office; therefore, the Appointing Authority will review those policies/procedures.

A review of ethical considerations and confidentiality will be administered by the Appointing Authority to the employee.

## **O. Drug-Free Workplace Orientation For New Employees**

As a consideration prior to hiring, all prospective employees will receive a copy of the City of Charlestown Drug Free Workplace Statement and Policy, and Drug Testing Policy; and will be required to sign a receipt which will become a permanent part of the employee's personnel file. In addition, as a further condition precedent to hiring, all prospective employees will be required to sign a written statement to the effect that:

- They understand and support the City of Charlestown Drug-Free Workplace Policy;
- They agree to refrain from violating this policy while employed by the City;
- They acknowledge, in advance, that they understand that the penalty for breach can be discharge, and agree that penalty is appropriate when supported by evidence;
- They acknowledge that they have been warned that alcohol and drug testing of employees will be conducted in accordance with the City's policy where there is individualized reasonable suspicion of alcohol or drug use or drug impairment.

Please refer to Section 14.09 on Alcohol Misuse and Drug Abuse in the Workplace.

### III. COMPENSATION

#### A. PAY PERIOD

The City of Charlestown administers a weekly pay period, (except for elected officials, which are paid monthly or quarterly). If a holiday occurs on a payday, paychecks will be issued on the preceding Thursday, except under extenuating circumstances, in which case paychecks will be issued as soon as they are available.

Supervisors are to receive any questions regarding an employee's pay and are responsible for making the necessary explanations or inquiries to resolve the matter. The Clerk-Treasurer's office should be notified immediately to correct any discrepancies.

Paychecks will not be issued to anyone except the employee without written authorization. Pay advances of any kind are not permitted.

The City Salary Ordinance, as adopted by the City Council annually, is on file in the office of the City Clerk-Treasurer. The Salary Ordinance designates classes of positions and titles and establishes salary ranges for each one. The annual compensation for an authorized full-time position shall be no less than the minimum nor exceed the maximum amount designed for the salary range to which the position is assigned. The Clerk-Treasurer shall keep the City Council advised regarding the annual compensation of all employees.

Starting salaries for a full-time employee shall normally be set at the entry level designed in the Compensation Plan for the particular position title. A higher starting salary may be assigned if it is determined that the applicant possesses superior qualifications in comparison to other applicants by virtue of past performance, experience, training and education or performance.

#### B. PAYROLL DEDUCTIONS

Certain deductions are made from an employee's paycheck as required by law, in accordance with employee benefit plans, or as requested by the employee and authorized by law. These deductions are itemized on the employee's pay statement, which accompanies their biweekly paycheck. Deductions include:

1. Public Employees' Retirement Fund (PERF): The State law requires that employees contribute to the Public Employees Retirement Fund.
2. Income Taxes: Federal and State Laws and some City ordinances require that taxes be withheld from each salary payment. The amount of tax to be withheld is determined from tables furnished to the City Payroll Office by the Indiana Department of Revenue and various Indiana cities, and varies according to the amount of salary and number of exemptions. Employees are required to complete withholding tax certificates upon initial employment and to inform the Human Resource office of any exemption change(s) whenever such change occurs.

3. Other Deductions: Examples include employee health insurance contributions, other voluntary insurance contributions, and deferred compensation (457 Plan).
4. Miscellaneous: Some employees may be required by law, or in some cases, choose to have child support payments deducted. Also, an employee may have a garnishment placed upon them. The City of Charlestown may refuse to make deductions, not required by law, which are below certain prescribed minimum amounts, which occur at irregular intervals, or for another similar cause. Other than those deductions required by law, the Clerk-Treasurer may decline to make a deduction that the employee's check is insufficient to cover.

All requests for payroll deductions must be presented to the Appointing Authority for authorization.

### **C. OVERTIME**

Any employee may be required to work in excess of the normal workday or workweek to meet operational demands. Overtime will be paid under the guidelines set out by the FLSA (Fair Labor Standards Act) and paid accordingly. Eligibility for overtime shall be based upon all hours in "active pay status".

Overtime is generally discouraged and is usually performed only when the Supervisor determines it is necessary. Advance notice will be given to employees whenever possible; however, employees should be aware that situations arise that do not permit advance notification. All overtime must be approved by the employee's supervisor in advance, except in unusual or emergency situations.

### **D. DIRECT DEPOSIT**

The City requires that employees use the direct deposit program. Using the direct deposit program enables employees to have their paychecks deposited directly into their personal checking or savings accounts by the morning of payday.

In the event that a hard copy check is issued, it is the City's policy that employee paychecks will only be given directly to that employee or mailed to the home address on file.

In the event of a lost paycheck, the Payroll Department must be notified as soon as possible and before a replacement check can be issued. In the event the lost paycheck is recovered and the City identifies the endorsement as that of the employee, the employee must remit the amount of the replacement check to the City within 24 hours of the time it is demanded.

#### **E. DEFERRED COMPENSATION – 457 PLAN**

Any full-time employee may elect to defer a portion of their income from current taxation through a deferred compensation plan as defined by Internal Revenue Service 457. The maximum percent of income an employee may elect to defer is fixed by law. Employees may contact the Human Resources Representative for more information regarding the tax sheltered annuity program.

#### **F. LONGEVITY PAY**

The City offers longevity pay to only Police Officers and is based on rank and years of service. Please refer to the Police Officer’s Manual for further explanation. You may also contact the Human Resources Representative for an explanation of the accrual process and pay schedule.

#### **G. GARNISHMENTS**

A court ordered legal claim against the wages of an employee by a creditor for nonpayment of a debt by legal authority is a garnishment and shall be recognized and executed by the Employer. When a garnishment is received for an employee, the Clerk-Treasurer’s office will notify employee.

## **IV. WORKPLACE POLICIES AND PROCEDURES**

### **A. PERSONAL APPEARANCE**

The Employer reserves the right to prescribe appropriate dress and grooming and to set standards that are deemed to be in the best interest of the City. The Employer requires that an employee's clothing, grooming, and overall appearance be appropriate, presents a favorable public image, and be in conformity with regulations established by the Employer. Clothing shall be conducive to the safe and effective performance of the required job duties.

### **B. CONFLICTS OF INTEREST**

A potential or actual conflict of interest exists when an individual may benefit financially from a decision made in their role with the City. This may also include indirect benefits to family members or businesses with which the employee is closely associated, particularly if those interests or commitments are not disclosed.

Although not all conflicting interests are prohibited, those that may compromise the employee's primary obligations to the City must be disclosed and thoroughly reviewed. Examples of potential conflicts of interest include, but are not limited to the following:

- The use of any information not available to the public that was obtained as a result of the individual's relationship with the City.
- The solicitation or acceptance of a personal gift, favor, loan, gratuity, reward, promise of employment, actual employment or any other item of monetary value that might influence or appear to influence the individual's judgment or conduct regarding City business or policy.

Every employee has the responsibility to disclose any relationship with any outside organization that may lead to the appearance of a potential or actual conflict of interest as soon as the individual becomes aware that the potential or actual conflict may exist. For example, any employee who has control or influence over a decision to engage in a business transaction with an outside organization because of their position at the City must disclose that relationship immediately. This obligation extends to relatives and close family members including, but not limited to, spouses, domestic partners, parents or parents-in-law, grandparents, great grandparents, aunts and uncles, brothers and sisters (in-law), children (whether natural or adopted), grandchildren, great grandchildren, as well as the spouses of brothers, sisters, children, grandchildren, and great grandchildren.

The employee's supervisor, in consultation with Human Resources, will review the situation and make a determination whether an actual conflict of interest exists and if so, the steps necessary to eliminate the situation.

All employees are responsible for promptly notifying their supervisor of any instances of actual or potential conflict of interest. In addition, every individual with supervisory

responsibility is responsible for reporting potential or existing conflicts of interest of other employees. Failure to disclose any potential or existing conflicts of interest may result in corrective action, up to and including termination of employment.

### **C. ACCESS TO PERSONNEL FILES**

The City maintains a personnel file for each employee. The personnel file includes employment records such as the employment application, resume, performance documentation, and salary or position changes.

Personnel files are the property of the City, and access to the information they contain is restricted.

Employees who wish to review their own file may provide their request in writing to Human Resources. With reasonable advance notice, employees may review their own personnel file within the Human Resources office and in the presence of a designated Human Resources staff member. Employees may request copies of signed documents in their personnel file.

Requests for copies must be made in writing to Human Resources.

Individuals who are on leave of absence or whose employment has been terminated for reasons other than retirement with reemployment rights, have the right of access to their personnel file.

### **D. ETHICS OF PUBLIC EMPLOYMENT**

All employees are expected to maintain the highest possible ethical/moral standards and to perform within the law of the State of Indiana and other rules and regulations as may be set forth by the City. Each employee assumes the responsibility to service the public in an honest, effective, and friendly manner.

No employee shall use their position with the City for personal gain, nor shall they engage in any business or transaction, which is in conflict with the proper discharge of their duties.

No employee shall accept any valuable gratuity, whether in the form of a service, loan, item, or promise from any person, firm, or corporation which is interested directly or indirectly in any manner whatsoever in business dealings with the City; nor shall employees accept any valuable gift, favor, or item that may tend to influence an employee in the discharge of their duties. No employee shall grant any improper favor, service, or item in the discharge of their duty. Therefore, a limit of \$100 (one hundred dollars) will be considered reasonable for gifts that might consist of luncheons or dinners at various meetings, seminars, or conventions.

All employees are expected to maintain the highest possible ethical, moral, and legal standards, and to perform their duties in compliance with all applicable federal, state, and local laws, the rules and regulations contained in this manual, and/or future administrative directives deemed necessary.

No employee shall, without proper and legal authorization, disclose confidential information concerning the property, government, or affairs of the City.

No employee shall represent private interests in any action or proceedings against the City in any matter in which the City is a party.

No employee shall engage in or accept private employment or render services for private interests, when such employment or service is incompatible with the proper discharge of their official duties, or would tend to impair their independent judgment or action in the performance of their official duties.

#### **E. LATE ARRIVAL**

Late arrival on a regular basis is inexcusable and will not be tolerated. Late arrival is defined as any situation where an employee reports to work after their scheduled starting time. Whenever a covered, non-exempt employee is late, that employee shall be subject to a reduction in pay corresponding to the amount of time they were late, unless they offer to the supervisor a written reason for being late which is deemed acceptable by the supervisor.

In addition, if an employee is late, that employee may be subject to appropriate disciplinary action, unless they offer to the supervisor a written reason for being late which is deemed acceptable by the supervisor.

#### **F. SEXUAL HARASSMENT**

The City strictly prohibits sexual harassment in the workplace by any person, in any form. This policy is consistent with and pursuant to the guidelines on sexual discrimination issued by the Equal Employment Opportunity Commission (EEOC).

Specifically, it is both illegal and against the policy of the City for any employee to sexually harass another employee or applicant. The EEOC guidelines identify three (3) situations in which "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature" constitute unlawful harassment:

- When an employee must submit to such conduct as a condition of employment;
- When decisions about an employee's job such as promotion, demotion, benefits, and wages are based on their submission to or rejection of such conduct; and/or
- When such conduct "unreasonably interferes" with their job performance and creates an "intimidating, hostile, or offensive" working environment.



The first two (2) categories are commonly referred to as quid pro quo sexual harassment, which is acquiescence to sexual advances or some type of sexual consideration required, in exchange for a tangible job benefit. The third category prohibits sexual harassment based on a “hostile or offensive” work environment, even where there has been no conditioning of employment benefits for sexual favors. Such harassment typically involves workplace conduct such as lewd or explicit sexual remarks, innuendoes, jokes, gestures, touching, discussions of sexual activity, and display of obscene or suggestive pictures or cartoons.

Any employee or applicant who believes they have been the subject of sexual harassment should report the alleged act immediately (not later than forty-eight (48) hours after the alleged act occurs) to their supervisor. (If the supervisor is the accused party, the individual should report the incident directly to the Appointing Authority or the Personnel Representative). An investigation of all complains will be undertaken upon notification.

Any supervisor or other employee who has been found by the Appointing Authority after appropriate investigation, to have sexually harassed another employee or applicant, will be subject to appropriate disciplinary action, consistent with the provisions outlined in this manual, and up to and including termination.

The Appointing Authority recognizes that the question of whether or not a particular action or incident is based upon a purely personal, social relationship between consenting adults that has no discriminatory employment effect, requires a factual determination based upon all facts in the matter.

Given the nature of this type of employment discrimination, the Appointing Authority also recognizes that false accusations of sexual harassment can have serious effects on innocent women and men. Appropriate disciplinary action may, therefore, be taken for false accusations of sexual harassment. The Appointing Authority trusts that all employees will continue to act responsibly to establish a pleasant working environment free of discrimination.

## **G. EMPLOYEE DISCIPLINE, APPEALS, AND GRIEVANCES**

### **i) Disciplinary Principles**

All employees of the City, except those employees working under a contract, serve at the will of the City. However, to provide for professional and consistent delivery of services, the City has adopted the following general principles to administer disciplinary actions of employees:

- Employees should be advised of expected job behavior, the types of conduct that the Employer has determined to be unacceptable, and the normal penalties for unacceptable behavior.
- Immediate attention will be given to policy infractions.

- Deviations from standard procedure should be clearly justified and documented.
- Each offense should be dealt with objectively.
- Discipline for minor offenses, as determined by the Employer, should be progressively applied.
- Each department head shall be responsible for administering discipline (i.e. verbal warnings and written reprimands) and for making recommendations to the Mayor or elected officials regarding more severe discipline.
- The Appointing Authority and/or elected officials will make final determinations regarding demotions, suspensions, or terminations of employment for all employees except those under a contract.
- Employees subject to demotion or termination shall be entitled to request a hearing to be conducted by the Appointing Authority in order to offer an explanation for the alleged misconduct. At the conference, the employee may present any testimony, witnesses, or documents, within reason, that are necessary for the employee to explain their actions.

## ii) Progressive Discipline Policy

The Appointing Authorities and supervisors of the department generally follow a system of progressive discipline when correcting job behavior. The Appointing Authority has adopted this discipline policy as a guideline for the administration of discipline. It is not, however, to be construed as a delegation of, or a limitation upon, the Appointing Authority's right to impose a different level of discipline, when circumstances warrant.

This discipline policy provides standard penalties for specific offenses, however, the examples of specific offenses given in any grouping are not all-inclusive, and as noted, merely serve as a guideline.

The examples of Group I, II, and III Offenses, set forth below, are non-inclusive examples of misconduct which the Employer has determined may warrant disciplinary action.

In general, Group I Offenses may be defined as those infractions which are of a relatively minor nature and which cause only a minimal disruption to the organization in terms of a slight yet significant decrease in organization productivity, efficiency, and/or morale. Group I Offenses, if left undisciplined by proper authority, will usually cause only a temporary minor adverse impact against the organization unless such acts are compounded over time.

Group II Offenses may be defined as those infractions which are of a more serious nature than Group I Offenses and which, in turn, cause a more serious and longer

lasting disruption to the organization in terms of decreased organizational productivity, efficiency, and/or moral. Group II Offenses, if left undisciplined by proper authority, can cause a serious and longer lasting adverse impact against the organization than the Group I Offenses.

Group III Offenses may be defined as those infractions which are of a very serious or possibly a criminal nature, and which cause a critical disruption to the organization in terms of decreased productivity, efficiency, and/or morale. Group III Offenses, if left undisciplined by proper authority, may cause long-lasting and critically serious adverse impact against the City.

GROUP I OFFENSES	
<b>First Offense.....</b>	Instruction and Cautioning
<b>Second Offense.....</b>	Written Reprimand
<b>Third Offense.....</b>	Up to three (3) day suspension without pay (Five (5) days for administrative, supervisory, or professional employees exempt from overtime)*
<b>Fourth Offense.....</b>	Up to termination

Examples of a Group I Offense:

1. Failure to “report off” work for any absence.
2. Failure to commence duties at the beginning of the work period, or leaving work prior to the end of the work period. Late arrival without approval or tardiness in excess of three (3) days per calendar year.
3. Leaving the job or work area during the regular working hours without authorization.
4. Making preparations to leave work without specific prior authorization before the lunch period, or for any official break time, or before the specified quitting time.
5. Leaving post of continuous operations position prior to being relieved by employee of incoming shift. Increased to Group III offense if it would involve a public safety employee, where lives may be jeopardized.
6. Neglect or carelessness in signing in or out.
7. Unauthorized absence from work (except job abandonment, which is a constructive resignation and/or grounds for removal).
8. Creating or contributing to less than serious unsanitary or unsafe conditions or poor housekeeping. More serious violations carry more severe penalties.
9. Distracting the attention of others, unnecessary shouting demonstration, or otherwise causing disruption on the job.
10. Mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.

11. Use of abusive language toward other employees.
12. Failure to cooperate with other employees as required by job duties.
13. Failure to use reasonable care of City property or equipment.
14. Use or possession of another employee's working equipment without authorization.
15. Neglect or carelessness in observance of official safety rules, or disregard of common safety practices. Wanton or willful neglect carries more severe penalties. See Group III.
16. Failure to observe department rules.
17. Obliging the City for any expense, service, or performance without authorization.
18. Failure to report minor accidents, injury, or equipment damage.
19. Disregarding job duties by neglect of work or reading for pleasure during working hours.
20. Unsatisfactory work or failure to maintain required standard performance.
21. Unauthorized use of technology (e.g. telephones, computers) for anything other than City business purposes.
22. Excessive garnishments.
23. Other failure of good behavior or conduct unbecoming a public employee.

GROUP II OFFENSES	
<b>First Offense</b> .....	Instruction and two (2) or three (3) day suspension Without pay (For administrative, supervisory, and Professional employees exempt from overtime, Five (5) days)**
<b>Second Offense</b> .....	Up to termination

Examples of a Group II Offense:

1. Sleeping during working hours.
2. Reporting for work or working while unfit for duty (may be a Group III Offense for CDL holders).
3. Conduct violating morality or common decency.
4. Unauthorized use of City property or equipment.
5. Willful failure to sign in or out when required.
6. Willful failure to make required reports.
7. Failure to report for overtime work without good reason after being scheduled to work according to overtime policy.
8. Solicitation on City premises without authorization.
9. The making or publishing of false, vicious, or malicious statements concerning employees, supervisors, the City, or its operations.
10. Refusing to give testimony when accidents are being investigated.

11. Giving false testimony during a complaint or grievance investigation or hearing.
12. Unauthorized posting or removal of notices or signs from official bulletin boards.
13. Distributing or posting written or printed matter of any description of City premises or equipment unless authorized.
14. Unauthorized presence on City property.
15. Willful disregard of department rules.
16. Use of abusive language toward supervisors or other employees.
17. Discourteous treatment of the public.
18. Misuse of two-way radio or related equipment, abusive language over the airways, or interference with business-related transmission.

### GROUP III OFFENSES

<b>First Offense.....</b>	<b>Up to and including termination</b>
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#### Examples of a Group III Offense:

1. Wanton or willful neglect in the performance of assigned duties or in the care, use, or custody of any City property or equipment. Abusing or deliberately destroying City property, tools, or equipment, or the property of employees, in any manner.
2. Signing or altering other employees' time cards, tampering with other employees' time cards, or unauthorized altering of own time card.
3. Falsifying testimony when accidents are being investigated; falsifying or assisting in falsifying or destroying any City records, including work performance reports; or giving false information or withholding pertinent information called for in making application for employment.
4. Making false claims or misrepresentation in an attempt to obtain any City benefit.
5. Performing private work on City time or using City property or equipment for private gain.
6. Gambling during working hours.
7. Stealing or similar misconduct, including destroying, damaging, or concealing of any property of the City or of other employees.
8. The manufacturing, distributing, processing, or using alcohol or controlled substances (without a properly reported prescription) in the workplace.
9. Fighting or attempting to injure other employees, supervisors, or persons.
10. Carrying or possession of firearms, explosives, or weapons on City property at any time without prior authorization.
11. Knowingly concealing a communicable disease such as TB, which may endanger other employees.
12. Misusing or removing City records of information without prior authorization.

13. Instigating, leading, or participating in any walkout, strike, sit-down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the City's work stations.
14. Dishonesty or any dishonest action. Some examples of what is meant by "dishonesty" or "dishonest action" are: theft, pilfering, opening desks assigned to other employees without authorization, making false statements to secure an excused absence or to justify an absence or tardiness, making or causing to be made inaccurate or false reports concerning any absence from work. The foregoing are examples only and does not limit the terms "dishonesty" or "dishonest action".
15. Insubordination, e.g., refusing to perform assigned work or to comply with written or verbal instruction of the supervisors.
16. Committing safety violations.
17. Threatening, intimidating, or coercing employees or supervisors.
18. Engaging in unauthorized political activity.
19. Engaging in sexual harassment.

## H. GRIEVANCE POLICY

It is the policy of the Appointing Authority of the City ensure that employees' questions, grievances, and complaints arising from misunderstandings and the application of policies, procedures, and work rules that will inevitably develop in the day-to-day activities of public service, are to be promptly heard, answered, and action taken to resolve or clarify the particular situation.

All employees shall have the right to file a grievance without prejudice. No employee shall be disciplined, harassed, or treated unfairly in any manner as a result of filing a grievance or testifying in a grievance hearing, unless the employee gives false testimony.

A grievance is defined as a disagreement between an employee and management as to the interpretation or application of official City policies, agency rules, or decisions, anything subject to state or federal law, departmental rules and regulations, or other disagreements perceived to be unfair or inequitable relating to discipline, treatment, or other conditions of employment.

### i) Election of Remedy

Nothing in this policy is intended to deny employees any rights available at law to have redress to their legal rights, including the right to appeal to the Indiana Civil Rights Commission, the Equal Employment Opportunity Commission, or any court of competent jurisdiction. However, if the employee elects to file a grievance on a matter over which another appeals body has jurisdiction, it is the employee's responsibility to meet the criteria for filing with that appeals body.

## ii) Procedures

### a) Step 1

The Employee will submit an oral grievance to their immediate Supervisor within 7 (seven) working days of the action's occurrence. The immediate supervisor shall meet with the employee and make every effort to resolve the grievance within 3 (three) working days of the date of the presentation of the grievance. As an alternative option, the employee may submit the grievance to the appointing authority.

### b) Step 2

If the grievance has not been settled in Step 1, a written appeal shall be prepared in detail, dated, and signed by the employee, and presented to both the employee's immediate supervisor and the department head within 3 (three) working days after the receipt of the immediate supervisor's oral reply from Step 1. Upon receipt of the written appeal, the department head shall attempt to resolve the grievance and reply in writing within three working days of the date of presentation of the written grievance.

### c) Step 3

If the grievance has not been settled in Step 2, the written appeal along with all pertinent correspondence to date shall be presented to the Human Resources Representative within 3 (three) working days of the receipt of the reply from Step 2. The Human Resources Representative shall notify the appropriate personnel to conduct a detailed investigation and the Mayor will give a final decision within 10 (ten) working days of the date of presentation of the written grievance.

If the employee's immediate Supervisor is also the Department Head and if the grievance has not been settled in Step 1, the written appeal shall be presented to both the Department Head and the Human Resources Representative within 3 (three) working days of the receipt of the oral reply from Step 1. The procedure stated in Step 3 shall then take effect.

Failure of the employee to submit their appeal within the time limits specified will result in the City considering the matter settled and closed.

## I. RETALIATION

The City encourages employees to express freely and responsibly their opinions and feelings about any complaint of discrimination or harassment. There will be no retaliation or discrimination against any employee who submits a good faith complaint, reports an

incident witnessed, or participates in any way with the investigation of a discrimination or harassment claim. Any overt or covert act of reprisal, interference, restraint, penalty, discrimination, coercion, or harassment, against a person who uses this policy and its procedures not only undermines the City's atmosphere of trust, but also threatens its ability to conduct investigations and address violations.

Retaliation includes any threat or other form of intimidation directed at a complainant, a witness, or a supporter at any point before, during or after an investigation, mediation and/or hearing. Accordingly, such acts violate this policy and will be subject to prompt, appropriate disciplinary action up to and including termination of employment.

## **J. WHISTLEBLOWING**

The City encourages its employees to report improper activities in the workplace and will protect employees from retaliation for making any such report in good faith.

Employees have the right to report, without suffering retaliation, any activity by the City or a City employee that the employee reasonably believes: 1) violates any state or federal law; 2) violates or amounts to noncompliance with a state or federal rule or regulation; or 3) violates fiduciary responsibilities by a corporation or limited liability company to its shareholders, investors, or employees.

In addition, employees can refuse to participate in an activity that would result in a violation of state or federal statutes, or a violation or noncompliance with a state or federal rule or regulation. Employees are also protected from retaliation for having exercised any of these rights in any former employment. The whistleblower protection laws do not entitle employees to violate a confidential privilege of the City (such as the attorney-client privilege) or improperly disclose trade-secret information.

Employees have the duty to comply with all applicable laws and to assist the City to ensure legal compliance. An employee who suspects a problem with legal compliance is required to report the situation(s) to an appointing authority or supervisor. Employees may also report information regarding possible unlawful activity to an appropriate government or law enforcement agency.

Any employee who believes they have been retaliated against for whistleblowing may file a complaint with the City's Human Resources Department.

## **K. EXPENSE REIMBURSEMENT**

This policy contains procedures for the majority of travel and expense related issues and will apply to all employees regardless of position, location or status. The policy is not intended to cover every situation that may arise but has been designed in an effort to balance our business needs, security, service, compliance and cost savings.



For many of our expenses (Hotel, Car Rentals), the City has established preferred vendors or agencies. All employees are expected to utilize these vendors / agencies whenever possible. These vendors / agencies offer benefits to the City that may not be immediate and therefore one's full compliance is required.

#### **i) General Travel Guidelines**

It is the City's policy to reimburse employees for all necessary, reasonable expenses incurred while traveling for authorized city business. Employees are expected to:

- To obtain travel approval from their supervisor prior to making any travel plans.
- Spend city's money as carefully and judiciously as they would their own.
- Exercise good judgment and respect to the budgeted travel plan.
- Report all expenses and advances promptly and accurately with required documentation.

#### **ii) Air Travel**

All flights both Domestic and International shall be booked as Non-Refundable.

Note: Pre-approval is required prior to booking Refundable fares.

Airline reservations shall be booked as coach with the lowest available fare and at least 2 weeks (14 days) in advanced if practical, to take advantage of cost saving opportunities. Business class may be substituted with approval and only if the single leg of travel is at least 7 hours or more of continuous flight.

Upgrades are permitted at the employee's personal expense. Individuals may use their own personal accumulated frequent flyer mileage or status to purchase upgrades. Upgrades are NOT reimbursable and must not appear on expense reports. Personal upgrades do not change the policy of using the lowest available airfare and must not cause additional expense to the City.

ACCEPTABLE AIRLINE FEES: Baggage, Food (follow daily meal per diem allowance).

For flights over 3 hours in duration, Wi-Fi is reimbursable.

NON-REIMBURSABLE: In flight WI-FI (flights under 3 hours), movies and alcohol, airlines club membership, application fees associated with frequent flyer programs

Employees are encouraged to use off-site airport parking.

### iii) Hotels

The City's standard hotel rate cap is \$200.00 per night. Hotel phone usage and PPV entertainment is not reimbursable.

It is incumbent of our employees to reserve stays in visiting areas, utilizing best rates that align with our daily hotel rate cap of \$200.00 per night.

### iv) Ground Transportation

Rental vehicles should ONLY be used when the nature of the trip or the location being visited is such that the use of local transportation (ride share, mass transit, etc.) is not practical or would be more expensive.

a) General Guidance:

- All drivers MUST hold a valid driver's license.
- Always inspect rental vehicles for damages, prior to leaving the rental agency's lot.
- Return all rental cars with full fuel tank is required.
- Parking violations and/or all traffic violations including DUI are not covered as reimbursable expenses.

**NOTE:** All efforts should be made to share rental vehicles among City travelers. Individual rentals shall ONLY be permitted when scheduling deems it necessary.

b) Acceptable Usage:

- Rental vehicles should be utilized as an alternative to airfare when practical.
- The cost for livery services (vehicles for hire such as taxis, car service, Uber & Lyft) in the case that is less expensive than renting a vehicle. The most economical livery service option must be used.

Rental cars are justified when it is more economical than other local ground transportation (i.e. group travel, distance, etc.).

- Mid-Size cars should be used for 1-2 travelers
- Full Size / SUV for 3+ travelers

c) Rental Insurance:

The City provides vehicle insurance coverage for all employee that requires business travel.

**Note:** The City's insurance policy does not cover rental agency's Loss of Use. Therefore, if any damage to the rented vehicle is caused that require repairs, the City can be charged daily rates while the vehicle is unable to be rented.

#### v) Personal Vehicle Usage

- Mileage, above normal commutes, are reimbursed at the appropriate IRS rates.
- The mileage reimbursement amount for authorized business travel using a personal vehicle will be revised as necessary to meet IRS guidelines.
- Fuel expenses are not reimbursable for personal vehicle usage.

#### vi) Meals & Entertainment

##### a) Business Meal Expenses and Entertaining Clients

Business meals are defined as: Meals with Clients, Prospects or City employees (client meeting, special reward dinner etc.), during which a specific business discussion takes place. Business practice may dictate the necessity to host business contacts outside of City office. This form of entertainment must be neither excessive nor lavish and must be necessary to conduct business. These special cases should be approved in advance by a supervisor.

Meals brought in for conference meetings requires pre-approval by a supervisor.

##### b) Business Meal Reimbursement

The City will reimburse employees for meals expenses for Breakfast/Lunch/Dinner while traveling on city business.

Alcoholic beverages are not reimbursable.

Whenever more than one employee is attending a reimbursable function, the highest-level person should incur the expense, identify attendees and submit the related expense report.

All itemized receipts must be submitted for reimbursement.

As per IRS guidelines, to be reimbursed, the employee must identify all attendees (City employees and those from other employers), their name, titles and City affiliation, date, amount, place where business meal was conducted. Specify business purpose when submitting the expense report.

- c) Personal Meal Expenses  
 Personal meals are defined as meal expenses incurred by an employee on an overnight, out-of-town business trip. Employees will be reimbursed for personal meals expenses with the guidelines described below (see category: "Spending Limits").

All itemized receipts must be submitted for reimbursement.

- d) Alcoholic Beverages  
 While consumption of alcoholic beverages is not specifically prohibited under this policy, expenses for alcoholic beverages will not be reimbursed.
- e) Spending Limits:  
 Reimbursable meal expenses per person are limited to \$10 for Breakfast & \$15 for Lunch and \$50 for dinner or up to \$75 per day (including tax & tip). Receipts must be included.

In high cost cities such as New York, Boston, Philadelphia, Washington, DC, Miami, Chicago, Las Vegas, San Diego, Los Angeles & San Francisco, reimbursable meals expenses per person are limited to \$15 for Breakfast, \$20 for Lunch & \$55 for Dinner or \$90 per day (including tax & tip).

Employees may be billed for any per diem overages for meals and drinks.

#### vii) **Miscellaneous Expenses**

- a) General Guidelines  
 Use the established City form for expense reimbursement. Do not bypass established procedures / policies due to availability or perceived need. Use good business sense and expense control.

Unacceptable Miscellaneous Expenses:

- Home internet connection
- Medical expenses not covered by insurance
- Personal entertainments: ball games, movies etc.
- Health clubs
- Briefcases, planners, and other items for personal use
- Barber, manicurist, bootblack, and masseur
- Personal subscriptions or reading materials
- Charitable donations
- Personal or rental clothing

- Expenses for laundry services will not be reimbursed for out-of-town assignments of 3 nights or less.
- Repair, maintenance or insurance on personal cars
- Items that must be capitalized (furniture, computer software, equipment, etc.)
- Personal property lost or stolen while traveling
- Babysitting, pet sitting and kennel fees
- Toiletries
- Spouse or significant others travel expenses
- Additional flights or rental car insurance premiums
- Airline club membership, fees and upgrades
- Traffic, parking tickets or court fees and costs due to negligent illegal or wrongful act.
- In-Room or In-Flight movies

#### **L. WORKPLACE RELATIONSHIPS**

City employees are expected to make relationship decisions with direct reports that promote an atmosphere of mutual trust and avoid both conflicts of interest and the appearance of conflicts of interest. Great care must be exercised at all times to ensure that personal relationships do not result in situations that might interfere with objective judgment.

There are risks in any relationship between individuals in inherently unequal positions. Because of the potential for conflicts of interest, exploitation, favoritism, and bias, relationships (including sexual or romantic relationships - whether regarded as consensual or otherwise) between individuals in these inherently unequal positions, should be avoided and under some circumstances, are strictly prohibited by this policy.

Consensual sexual or romantic relationships between adult employees are not in general prohibited by this policy. However, relationships between employees in which one has direct or indirect authority over the other are always potentially problematic.

Where such a relationship develops, the person in the position of greater authority or power must recuse themselves to ensure that they do not exercise any supervisory or evaluative function over the other person in the relationship. The employee must also notify their supervisor or Human Resources so that person can ensure adequate alternative supervisory or evaluative arrangements are put in place. This obligation to recuse and notify exists for past as well as for current relationships. Failure to disclose the relationship in a timely fashion will itself be considered a violation of policy.

The City has the option to take any action necessary to ensure compliance with the spirit of this policy, including transferring either or both employees to minimize disruption of the work group.

If there is any doubt whether a relationship falls within this policy, individuals should disclose the facts of the situation and seek guidance from their supervisor or Human Resources.

The City understands that sexual or romantic relationships are often private in nature and treats such information sensitively and (to the extent practicable) confidentially.

Suspected policy violations should be reported to the employee's supervisor or Human Resources. Human Resources will coordinate the investigation of the complaint in consultation with the appropriate appointing authority. If any of these people are included in the complaint, they will not be involved in the investigation or decision.

If charges of sexual harassment are made, compliance with this policy shall not be a defense in any proceeding under the City's Sexual Harassment Policy. Employees who engage in sexual or romantic relationships with another employee contrary to the guidance, prohibitions and requirements provided in this policy or the City's Sexual Harassment Policy, are subject to disciplinary action, up to and including termination of employment.

## **M. PRIVACY**

The City's voicemail, email and computer systems are provided to facilitate business operations. All messages and other communications generated and/or stored on or through these systems are considered business records and property of the City. With that being said, network users can expect that their data is confidential and secure.

Network administrators will access data on the system only to maintain network operation and security. Contents of personal files may be accessed by programs designed to do conduct informational searches for materials that could interfere with network operation or security. Files may be individually searched for investigative purposes only when ordered by a court of law or when there is an alleged violation of City regulations. The search must be authorized by Human Resources.

The City reserves the right to access, monitor, display, listen to, and copy any usage logs for phones or computers, voicemails, emails or other computer-stored information, messages or communications, at any time, in accordance with applicable law.

Use of the City's information technology is subject to legal and policy restrictions that apply to all City property and the constraints necessary for the reliable operation of electronic communication systems and services.

## **N. WORKPLACE VIOLENCE**

The City is committed to fostering an environment that promotes the achievement of its mission of service. To accomplish this goal, employees are expected to behave in a fashion that promotes a community free from violence, threats of violence, harassment, intimidation, and disruptive behavior of a violent or intimidating nature.

Workplace violence is strictly prohibited and the City will respond promptly and in accordance with this policy to violence, threats of violence, harassment, intimidation, or disruptive behavior of a threatening nature towards people or property. Complaints involving workplace violence are treated with a sense of urgency and individuals who violate this policy may be removed from the City's property and subject to disciplinary and/or legal action, up to and including termination of employment and/or criminal prosecution.

Workplace violence is defined as any actual or threatening behavior of a violent nature, as understood by a reasonable person, exhibited by employees or others within the scope of this policy. Examples of workplace violence include, but are not limited to the following:

1. Intentional physical contact for the purpose of causing harm (such as slapping, punching, striking, shoving, or otherwise physically attacking a person).
2. Menacing or threatening behavior (such as throwing objects, waving fists, damaging property, stalking, or otherwise acting in an aggressive manner; or, using oral or written statements or behavior specifically intended to frighten, coerce, or cause distress) where such behavior would be interpreted by a reasonable person as being evidence of intent to cause physical harm to individuals or property or coerce behavior from individuals.
3. Possessing any firearm, imitation firearm, or any components that can readily be assembled into a firearm or other weapon, as defined by the laws of Indiana, irrespective of whether the individual possesses a valid permit to carry the firearm or a valid firearms purchaser identification card.

Bullying is defined as "repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment." The City considers the following types of behavior examples of bullying:

1. Verbal bullying: Slandering, ridiculing or maligning a person or their family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
2. Physical bullying: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault; damage to a person's work area or property.
3. Gesture bullying: Nonverbal threatening gestures or glances that convey threatening messages.
4. Exclusion: Socially or physically excluding or disregarding a person in work-related activities.

Other behaviors that are strictly prohibited include the following:

1. Stalking: A course of conduct directed at a specific person on at least two or more occasions that would cause a reasonable person to fear for her, his, or another's safety, or to suffer substantial emotional distress. Stalking can be accomplished by direct action, indirect action, or through third parties. The type of actions that can constitute stalking include following another, monitoring another, surveilling another, threatening another, communicating with another or by interfering with another's property.
2. Sexual Misconduct: Behavior that includes domestic violence, dating violence, stalking and sexual assault, are prohibited under state and federal law.

When necessary, the City may inspect and/or search all City property, as well as any employee's personal property on City premises. While the City does not expect employees to be skilled at identifying potentially dangerous persons, all employees are expected to exercise good judgment in recognizing behavior that could be a sign of a potentially dangerous situation. For employees to understand and report behavior that could lead to violent incidents, we have included this list of prohibited conduct. This list of behaviors should not be considered all-inclusive but merely a list of examples to be considered. These and other violent actions may result in disciplinary action, up to and including termination of employment:

- Intentionally causing physical injury to another person
- Making verbal or written (including email) threats of violence or intimidation
- Harassing, threatening or intimidating others
- Intentionally damaging City property or the property of another employee
- Possession of a weapon (prohibited weapons include any form of weapon or explosive restricted under local, state or federal regulations; this includes all firearms, knives, or other weapons)
- Committing acts motivated by or related to, sexual harassment, discrimination, hostile work environment, or domestic violence
- Retaliatory actions against an individual who reported incidents



## O. ALCOHOL MISUSE AND DRUG ABUSE IN THE WORKPLACE

### i) Notice upon Hiring:

As a condition prior to hiring, all prospective employees will receive a copy of the City of Charlestown Drug Free Workplace Statement and Policy, and Drug Testing Policy; and will be required to sign a receipt which will become a permanent part of the employee's personnel file.

In addition, as a further condition precedent to hiring, all prospective employees will be required to sign a written statement to the effect that:

- They understand and support the City of Charlestown Drug Free Workplace Policy;
- They agree to refrain from violating this policy while employed by the City;
- They acknowledge, in advance, that they understand that the penalty for breach can be discharge, and agree that penalty is appropriate when supported by evidence;
- They acknowledge that they have been warned that alcohol and drug testing of employees will be conducted in accordance with the City's policy where there is individualized reasonable suspicion of alcohol or drug use or drug impairment.

### ii) Distribution of Drug Free Workplace Policy

All current employees will receive a copy of the City's Drug Free Workplace Statement and Policy, and will be required to sign a receipt for it, which will become a permanent part of the employee's personnel file.

All current employees will be asked to voluntarily sign a statement supporting the strict enforcement of this policy.

All current employees will be given notice that the City reserves the right to order employees to submit to alcohol or drug testing where supported by an individualized reasonable suspicion of alcohol or drug use or drug impairment.

### iii) The Drug Free Workplace Policy:

**ALCOHOL:** The intoxicating agent in beverage alcohol, ethyl alcohol, or other lower molecular weight alcohols including methyl and isopropyl alcohol.

**CONTROLLED SUBSTANCE:** Any controlled substance continued in Schedules I through V of Section 202 of the Controlled Substance Act (21 USC 812; or as defined in IC 35-48-1-1).

CONVICTION: Any finding of guilt, including a plea of *nolo contendere* (no contest) or the imposition of a sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.

CRIMINAL DRUG STATUTE: A criminal statute, which states that a person may not manufacture, distribute, dispense, use, possess, provide, or administer any controlled substance.

For purposes of this policy all definitions will be consistent with IC 35-48-2-2 et seq.

It is the policy of City of Charlestown to maintain a safe and productive workplace free of drugs and free of those individuals who use drugs.

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by any employee which takes place in whole or in part in the workplace is strictly prohibited and will result in criminal prosecution and employee discipline which may include termination from employment.

Any employee convicted of any federal, state, or municipal criminal drug statute must notify the Employer of that fact within five (5) calendar days of the conviction. Notification of the employee does not excuse that employee from possible disciplinary action under the City's personnel policy manual.

Any employee who reports for duty in an altered or impaired condition which is the result of the illegal use of controlled substances or the abuse of legal substances will be subject to disciplinary action or discharge. Any decision to take such action may be held in abeyance pending the completion by the employee of a drug rehabilitation program.

Any employee convicted of a drug offense, who fails to report the conviction as required by the above, will be:

- Terminated from employment;
- Forever barred from future employment with City of Charlestown;
- Held civilly liable for any loss of federal funds resulting from the failure to report the conviction.

## **P. The Drug Testing Policy**

### **i) Applicant Drug Testing:**

Applicants for positions covered by this policy shall be required to sign a written waiver and consent form and to take a drug test as a condition of employment. Additional rules apply specifically for commercial driver's license holders under a separate policy.

## **ii) Employee Drug Testing:**

The Employer reserves the right to set standards for employment and to require employees, as a condition of continued employment, to submit to physical examinations including appropriate testing for alcohol, illegal drugs, or the misuse of legal drugs where there is reasonable suspicion that an employee's work performance is, or could be, affected by the condition.

In cases in which the Employer has a reasonable suspicion to believe that the employee is in an altered or impaired condition as the result of the influence of alcohol or the controlled substances referenced in Paragraph O, Section iii above, the Employer may require the employee to go to a medical clinic, at the Employer's expense, to receive appropriate testing. For purposes of this policy, "reasonable suspicion" means suspicion based on personal observation by an Employer representative, including descriptions of inexplicable or abnormal behavior, appearance, speech, or breath.

If required, the employee will sign a waiver and consent form authorizing the clinic to administer the appropriate tests and release the test results to the Employer.

A refusal to sign a waiver and consent form or to allow the appropriate testing will constitute insubordination and a presumption of impairment and may result in discharge.

Any employee tested in accordance with the above procedure may request, in advance of the original test, that a portion of the original specimen be delivered to a third party for testing at the employee's expense.

The result of any such test will constitute medical information and will remain confidential in accordance with state law.

## **iii) Policy Distribution**

Each employee will receive an information package containing:

- Information concerning the dangers of drug abuse in the workplace;
- A current copy of the City's published statement;
- A current copy of the City's Drug Free Workplace Policy;
- A current copy of the City's Drug Testing Policy;
- Information concerning any available drug counseling, rehabilitation, and employee assistance programs;

- Information concerning the penalties that will be imposed for the breach of the City's Drug Free Workplace Policy;
- Notice to the employee that any work-related conviction of any federal or state criminal drug statute must be reported in writing to the Employer within five (5) calendar days after such conviction.

#### **iv) Training**

All employees and supervisors will receive training in the dangers of drug abuse. All supervisors will receive training in the enforcement of this policy.

### **Q. Alcoholism and Drug Addiction**

The City of Charlestown Appointing Authorities recognize alcoholism and drug addiction as diseases, which may be treatable, and encourage those employees who suspect they may have a drinking or drug problem to seek assistance.

For the purpose of this policy, a drinking or drug abuse problem exists in the eyes of the Appointing Authority when an employee's alcohol consumption or drug use begins to interfere with their job performance.

This policy is intended to assure that no employee with a drinking or drug problem will have their job security or promotional opportunities jeopardized by a request for treatment. On the other hand, this policy does not excuse employees from discipline or corrective action initiated by the Appointing Authority for unsatisfactory performance or work-related misconduct. Rather, this policy is intended to help employees who themselves initiate requests for assistance. The individual's rights to confidentiality and privacy are recognized. The pertinent information and records of employees with drinking or drug problems will be preserved in the same manner as all other medical records.

The Appointing Authority and supervisors should not attempt to diagnose alcoholism or drug addiction. A referral, initiated by the Appointing Authority or the supervisor, for diagnosis and treatment should be based strictly on unsatisfactory or deteriorating job performance resulting from apparent medical or behavioral problems, whatever their nature.

It will be the responsibility of the employees to comply with the referral for diagnosis and to cooperate with the prescribed treatment. An employee's refusal to accept diagnosis or treatment, or failure to respond to treatment, will be handled in the same manner as for all other illnesses when job performance continues to be adversely affected.

Implementation of this policy will not require or result in any special regulations, privileges, or exemptions from the standard administrative practices applicable to job performance requirements.

## R. NO SOLICITATION/NO DISTRIBUTION

Only official City business should be transacted in work areas during employee work time.

### i) Non-Employee Solicitation and Distribution

There shall be no solicitation or distribution by non-employees at any time on any Employer's premises or in any work area, without the express consent and application of permit through the City of Charlestown Board of Public Works. This section does not apply to vendors.

### ii) Employee No-Solicitation Rule

There shall be no solicitation or distribution by employees of any other employee or non-employee during work time.

Employees may solicit other employees during non-work time in work areas, and during non-work time in non-work areas.

## S. OUTSIDE EMPLOYMENT

Under no circumstances shall an employee have other employment, which conflicts with the policies, objectives, and operations of the several offices of City of Charlestown. In addition, an employee shall not become indebted to a second employer whose interests might be in conflict with those of the City office in which they work.

Employment "conflicts", as set forth in this policy, are when a second job impairs the employee's ability to perform the duties of their position.

Full-time employment by the City shall be considered the employee's primary occupation, taking precedence over all other occupations.

"Outside" employment, or "moonlighting", shall be a concern to the Appointing Authority only if it adversely affects the job performance of the employee's City job. Two (2) common employment conflicts, which may arise, are:

### i) Time Conflict:

Defined as when the working hours required of a "secondary job" directly conflicts with the scheduled working hours of an employee's job with the City; or when demands of a "secondary job" prohibit adequate rest, thereby adversely affecting the quality of the employee's job performance with the City.

## ii) Interest Conflict

Defined as when an employee engages in “outside employment” which tends to compromise their judgment, actions, and/or job performance with the City.

Should the Appointing Authority feel that an employee’s outside employment is adversely affecting the employee’s job performance, the Appointing Authority may recommend, but may not demand, that the employee refrain from such activity. However, any conflict, policy infractions, or other specific offense which is the direct result of an employee’s participation in outside employment will subject the employee to discipline or discharge, in a manner that is otherwise consistent with the policies set forth in this manual.

## T. HANDLING CITIZENS’ QUESTIONS/COMPLAINTS

All citizens should be treated with respect and courtesy. Employees should not engage in arguments, debates, or lengthy discussions with private citizens regarding the City’s policies, procedures, or services.

Any employee questions about the City’s policies, procedures, or services, or who receives a complaint from a private citizen should refer the individual to the department head or designee.

Employees shall notify their immediate supervisor of any inquiry or complaint from private citizens.

## V. EMPLOYEE BENEFITS

### A. HEALTH AND WELFARE BENEFITS

The City offers a wide variety of benefits to employees who meet eligibility requirements. The insurance benefits described in this manual are expressly subject to the terms, conditions, and eligibility requirements set forth in the formal plan documents governing the City's compensation and benefits plans.

Benefits that employees may be eligible for include:

- Health
- Dental
- Vision
- Life & Accidental Death and Dismemberment

### B. ELIGIBILITY & ENROLLMENT

Insurance is available for all regular, full-time employees and eligible family members. The effective date of insurance coverage is the first day of the month, following a 60 calendar-day waiting period.

Please note that elected officials do not have a waiting period or probationary period for insurance benefits and are covered on the first day of taking office.

If an employee's address change takes place while employed (and /or including separation), the Human Resources Representative needs to be notified immediately so that the insurance companies have current, updated information. Failure to comply may result in coverage or claims not being paid in a timely manner.

**NOTE:** The City of Charlestown does not guarantee the continuation of current insurance benefits or any insurance benefits to employees on a permanent basis. No deductions will be made until an employee formally enrolls in a plan and gives the City authorization to make deductions. For more information about the benefits, please contact the Human Resources Representative or the City's insurance agent of record.

### C. SECTION 125 PLAN - SUPPLEMENTAL HEALTH INSURANCE

Because the City participates in a Section 125 Plan (governed by Internal Revenue Services compliance's and laws), and administered by Benefit Marketing Solutions, employee contributions for group health and other voluntary benefit coverage's may be made with pre-tax dollars through a payroll deduction. By contributing this way, employees reduce the out-of-pocket dollars and receive a savings in their "take-home" pay or net earnings.

## D. PENSION PLAN – PUBLIC EMPLOYEES RETIREMENT PLAN (PERF)

Elected Officials and full-time employees are eligible to participate in the City's pension plan through the Public Employees Retirement Fund (PERF). Employees in positions covered by PERF are required to make an employee contribution to PERF of 3% of their gross earnings.

Complete information regarding PERF can be found in the PERF Manual or obtained from the Human Resources Representative.

## E. WORK-RELATED INJURY OR ILLNESS – (WORKER'S COMPENSATION)

Worker's Compensation Insurance provides coverage for work-related injuries and illnesses as required under the Worker's Compensation laws of the State of Indiana. Worker's Compensation Insurance covers all authorized expenses related to the treatment of a work-related illness or injury and provides "lost time benefits" when an employee must be absent from work on a Worker's Compensation Disability Leave.

**NOTE:** The granting and duration of each absence resulting from a work-related injury or illness will be determined the City in conjunction with applicable federal and state laws. The Worker's Compensation insurance company will determine compensation.

### i) Eligibility

All employees are covered under the City's Worker's Compensation Insurance Plan.

A City employee who has worked for City of Charlestown:

- For at least 12 months and for a minimum of 1,250 hours in the immediately preceding calendar year (not including holidays), and
- That has an absence resulting from a work-related injury or illness which qualifies,
- also counts as Family and Medical Leave.

### ii) Reporting

Any illness or injury related to an employee's work assignment must be reported to the Department Head so that the necessary forms can be completed and sent with the employee prior to evaluation and treatment at a medical facility, if possible

**NOTE:** Work-related illnesses or injuries that occur when an employee is away from the City and conducting City business or participating in a training program, should be treated by a provider in the geographical area where the illness or injury occurred and submitted to the City's Worker's Compensation Insurance carrier.

Work-related illnesses or injuries should never be submitted under the City's group health insurance. Failure to promptly report a work-related injury or illness may result in ineligibility for benefits.



In the event an employee qualifies for FML, a Leave Request Form may be obtained from the Human Resources Representative and completed when both of the following conditions exist:

- The employee is treated by the City's designed health care provider; and
- The employee is diagnosed by the health care provider as having a serious health condition. (See "Serious Health Conditions" defined under the Family and Medical Leave Section of this manual).

### **iii) Duration of a Worker's Compensation Disability**

The employee will be terminated if unable to return to work within the 12 months from the date of the work-related injury or the onset of the work-related illness. An eligible terminated employee may elect to continue group health insurance through COBRA.

### **iv) Compensation and Benefits**

Lost time benefits due to a work-related injury or illness begin on the eighth calendar day following an employee's absence because of a work-related injury or illness.

If the absence from work extends longer than 21 calendar days, the initial seven-day waiting period will be retroactively paid by the Worker's Compensation Insurance Carrier.

The amount of the compensation an employee receives from the City's Worker's Compensation Insurance Carrier is fixed by state law and is determined by an employee's average wages over the preceding 52 weeks of employment. The City will not issue paychecks to an employee in exchange for an employee's Worker's Compensation Disability checks. An employee may not supplement Worker's Compensation paychecks with accrued time since Worker's Compensation paychecks are not taxed.

An employee returning from an absence resulting from a Worker's Compensation Disability Leave is entitled to any unconditional pay increases that occurred during their absence.

### **v) Insurance Coverage**

Insurance coverage and other insurance benefits will continue on the same basis as coverage would have been provided had the employee been continuously employed as long as the employee pays their regular portion of the premium on a timely basis. Employees must make arrangements with the Clerk-Treasurer's Office to pay their portion of this insurance coverage.

The employee's insurance coverage may be terminated, if the employee's premium payment is more than 30 days late. Before terminating the coverage, however, the City will first give the employee at least 15 days written notice that the premium is late and that coverage will lapse, if the payment is not provided by a specific date. Additionally, failure of the employee to return to work when released by the health care provider, assuming such release is given before the end of 12 months from the beginning of a Worker's Compensation Disability Leave, may give the City the right to collect the employer-paid portion of premium contributions made while the employee was on leave, unless the reason for not returning is a certified new or continuing serious health condition or other circumstance beyond the employee's control. NOTE: Any changes in the terms of the City's group health insurance will apply to employees on Worker's Compensation Disability Leave.

#### **vi) Holidays**

Employees shall not receive Holiday pay or time off for Holidays during a Worker's Compensation Disability Leave.

If a full-time employee returns to work on less than a full-time work schedule or is working on an intermittent basis/reduced work schedule basis because of a work-related injury or illness, they will not receive Holiday pay or time off for Holidays until the employee is working on a full-time basis again, unless they have enough accrued time to cover work time missed.

#### **vii) Bereavement Time Off**

Employees are not entitled to Bereavement Time Off during a Worker's Compensation Disability Leave. If a full-time employee has returned to work on less than a full-time basis from a Worker's Compensation Disability or is working on an intermittent basis or reduced work schedule basis because of a work-related injury or illness, however, they are eligible for Bereavement Time Off.

#### **viii) Self Employment Or Other Work While On Leave**

An employee who is self employed or accepts other employment or works for any other current employer during a Worker's Compensation Disability Leave must report such work immediately to Human Resources Representative.

An employee who is self employed or accepts other employment or works for any other current employer, performing work of a like or similar character or exertion as that which the employee performed for the City, during the employee's Worker's Compensation Disability Leave of absence shall be considered to have terminated their employment with the City as of the date such employment began.

Employees described in the immediately preceding paragraph may be required to reimburse the City for the employer-paid portion of the group health insurance premium contributions made while the employee was on Worker's Compensation Disability Leave. Please refer to the section on voluntary termination.

#### **ix) Job Restoration After A Worker's Compensation Disability Leave**

During Worker's Compensation Disability Leave, every effort will be made by the City to hold an employee's position open until they return or place them in an equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

If an employee's position is eliminated during a Worker's Compensation Disability Leave, through, for example, layoff or restructuring, the employee will not be entitled to return to their former or an equivalent position.

Prior to returning to work from a Worker's Compensation Disability Leave an employee must submit a release from the health care provider to their Department head.

The City will make every effort to cooperate with a doctor's written orders for restrictions placed on an employee. Arrangements for "light" duty work must be made in writing and approved by the Appointing Authority in advance of an employee's return.

If an employee who is on a Worker's Compensation Disability Leave that is also on FML refuses to return to work (before the end of the FML period of 12 weeks) until they are fully restored to perform all the essential duties of their job, even though the City is willing and able to accommodate restrictions placed upon the employee by the health care provider, then the employee's lost time benefits from the City's Worker's Compensation Carrier will cease. The FML will continue however, until available FML is exhausted. If the employee has available accrued time, they may be paid for work time missed.

An employee who is on Worker's Compensation Disability Leave and does not return to work immediately following release from the health care provider, shall be considered to have voluntarily terminated employment as of the date of the release. Please refer to the section on voluntary termination.

Employment will be terminated, if an employee remains unable to be released to return to work within 12 months from the date of the work-related injury or the date of the onset of the illness.

#### **x) Worker's Compensation Disability Leave And The American's With Disabilities Act (Ada)**

The City complies with the ADA. The City offers Worker's Compensation Disability Leave to qualified disabled employees under the same circumstances that it offers Worker's Compensation Disability Leave to non-disabled employees.

The ADA does not require the City to allow a disabled employee to extend a Worker's Compensation Disability Leave beyond the 12-month period that is allowed by the City. The ADA may, however, require the City to provide reasonable accommodations (as long as an accommodation is not an undue hardship) to employees who become qualified under the ADA as a result of a work-related injury or illness.

#### **xi) A Work-Related Injury Or Illness And Personnel Files**

All medical information obtained in connection with a work-related injury or illness is kept in a confidential medical file separate from an employee's personnel file.

### **F. COBRA**

Employees, their spouses, or dependents who are enrolled in the City's group health insurance at the time of the employee's termination from employment (other than for gross misconduct or as the result of retirement) or because of another qualifying event may, unless otherwise provided by law, elect to continue participating in the group health insurance plan through the Consolidated Omnibus Reconciliation Act (COBRA). In addition to termination of employment (except for gross misconduct), qualifying events include: death, divorce, legal separation of marriage, and other similar change of status (example: dependent age no longer qualifies for coverage under the parent's group plan). When there is a qualifying event, the employee must notify the Human Resources Representative. BMS administers the COBRA and the monthly payment/expense is paid directly to BMS by the qualifying person or employee.

## VI. PROFESSIONAL DEVELOPMENT

### A. PERFORMANCE EXPECTATIONS

It is the responsibility of every employee to be aware of and abide by City policies and procedures. It is also the responsibility of each employee to perform all assigned duties in accordance with the performance standards that have been established. Employees are encouraged to engage in open communication with their supervisor and seek performance feedback on a regular basis. Supervisors with direct reports are encouraged to provide daily feedback regarding employee performance including successes and challenges.

When necessary, employees may be given performance improvement plans to help manage or correct performance deficiencies. These plans are designed to make employees aware of the importance of meeting performance expectations and outline the actions, milestones and behaviors that are necessary to successfully complete the plan.

The City may consider an employee's job performance, prior violation of work rules, and other relevant circumstances in determining whether to counsel, warn, suspend, or terminate employment. The facts and circumstances of each case will be reviewed and management and Human Resources will decide upon any appropriate corrective action steps. The City may also take interim measures pending the full investigation and resolution of any disciplinary matter. This includes, but is not limited to, suspensions and leaves of absence, which could lead to further disciplinary action, up to and including termination of employment.

### B. PERFORMANCE MANAGEMENT & EVALUATIONS

The City generally conducts performance reviews of its employees. Performance reviews help management ensure that:

- Employees meet reasonable workplace standards and goals;
- Supervisors have an opportunity to assess employee achievements and areas needing improvement with respect to these standards and goals; and
- Employees are on notice about supervisor assessments.

#### i) Review Process

The performance review process generally functions as described below. The City reserves the right to modify this process in its discretion.

##### a) Supervisor Assessment

Employees are encouraged to participate in open communication with their supervisor and seek performance feedback on a regular basis.

Supervisors with direct reports are encouraged to provide daily feedback regarding employee performance including successes and challenges. Through formal and informal conversations, both parties

are kept abreast of progress towards the successful completion of goals and expectations. These discussions also enable the supervisor to provide timely feedback and coaching as the year unfolds. Supervisors will keep track of key performance highlights and challenges that occur during the year and use these notes when it's time to prepare the annual review.

Supervisors will meet with employees in person to conduct the annual performance review, allowing the opportunity for dialogue and questions. If goals have been set and ongoing communication/feedback has taken place, the overall outcome of the annual review should come as no surprise to the employee.

b) Performance Ratings

Employees are evaluated against an objective set of criteria. Supervisors will assess, across a variety of indicators, whether employees exceed, meet or fail to meet expectations. Examples of core competencies include:

- Quantity of Work
- Communication
- Service Focus
- Decision Making
- Team Building
- Job Knowledge
- Initiative

c) Goals

Working with supervisors, employees will have an opportunity to set goals or performance commitments on a quarterly basis. Subsequent reviews will take into consideration goals articulated in prior reviews.

d) Training and development needs

Supervisors may suggest, as appropriate and in conjunction with the employee, additional training and development that can be used to help the employee improve performance.

The employee will also have an opportunity to provide comments on the review.

## **C. CHANGES IN JOB RESPONSIBILITIES**

### **i) Promotions**

Promotional opportunities shall be offered as far as practicable to qualified current employees. The Appointing Authority may limit a selection process to qualified employees, or may allow such employees preference in application and/or consideration, to the extent such is permitted by State and Federal laws.

Factors to consider for promotion include an employee's completion of required training courses, licensing or certification requirements, other minimum qualifications, annual performance evaluation ratings, and the employee's knowledge, skills, and abilities to perform the essential functions of the vacant position.

Employees who desire to be considered for a posted vacancy shall complete a vacant position application and submit it to the official designed on the vacancy posting within the posted period.

### **ii) Basis For Selection**

Appointments to vacant positions shall be made based solely on the Appointing Authority's assessment of the applicant's knowledge, skills, and abilities, and other job-related qualifications, as ascertained through fair and practical selection methods.

### **iii) Shift Transfer**

Shift transfer occurs when an employee moves from one shift to another with no change in responsibility, classification, or salary.

Requests for transfer may be granted based upon the needs of the department, availability of positions, and the approval of the Appointing Authority.

Shift transfer requests must be in writing and addressed to the Appointing Authority or designee. All requests for transfer must contain the following information:

- Name of employee;
- Shift to which they are currently assigned;
- Reason for transfer request.

Employees requesting shift transfer will be interviewed. Employees that are represented by a bargaining unit contract will abide by those rules and regulations and do not fall under these guidelines.

#### iv) Temporary Assignment

A temporary assignment is defined as the assignment of an individual employee to a classification or job assignment different from their own. A temporary assignment shall be affected by the City to meet the operational needs of a department and shall not be affected for disciplinary purposes.

Temporary assignments are affected in order to meet operational needs due to illness, emergencies, or special circumstances as determine by the City.

An employee temporarily assigned to a position with a lower rate of pay shall not be reduced in pay.

Temporary assignments shall not exceed a period of six (6) months.

Temporary assignments to lower level positions should be reported to the Human Resources Representative. Where feasible, the department head should notify the assigned employee of the ending date of the temporary assignment.

Temporary assignments to higher level positions where a pay adjustment is to be made (more than thirty (30) days) must be reported to the Human Resources Representative. This report must show the employee's name, regular rate of pay, temporary rate of pay, and the starting and ending date of the temporary assignment.

All temporary assignments shall be made in writing, with copies to the employee, the department head, and if a pay adjustment is to be made, to the Human Resources Representative.

#### v) Training

- a) Employee's Responsibility for Maintaining and Upgrading Job Skills  
Each individual administrator, supervisor, and employee bears primary responsibility for maintaining individual knowledge, skills, and abilities necessary to perform the job, and for upgrading skills necessary to meet technological change or seek promotion. The City will facilitate those efforts and provide training from time to time.

An employee may pursue independent study or training but may not obligate the City to pay expenses or compensation without specific advance permission.

Employees may be required to attend job-related training programs, courses, workshops, seminars, etc. If the Appointing Authority assigns



the employee to attend such training or approves a specific request from an employee to attend such training, the City shall pay the expense incurred.

b) Training Program Evaluation

The Appointing Authority may periodically examine current and proposed training programs in order to insure the program's relevance to both the individual employee and organizational training needs.

c) On-the-job Training (OJT)

On-the-job training prepares an employee to effectively perform the responsibilities required of their position. It allows the employee to learn their job duties, proper procedures, and expected performance levels.

#### vi) Demotions

A demotion may occur for one of the three reasons: (1) An employee's inadequate job performance; or (2) an employee requests a job move that is a demotion; or (3) The City makes a change that results in an employee being demoted, such as, but not limited to, when there is a change in job content or departmental structure. In this case the demotion is not related to an employee's job performance.

When the demotion is the result of one of the above-mentioned reasons, the employee's salary/wage may be affected. The employee's Department Head, Appointing Authority, and/or Human Resources Representative will notify and discuss the change with the individual.

## **VII. TIME OFF**

### **A. TIMEKEEPING**

To comply with applicable laws and ensure that accurate records are kept of time worked and time not worked (i.e. Vacation, Sick, Leave, etc.), all employees are required to record and approve their time in the City's timekeeping system. Employees must record their time on a daily basis and submit their time on a weekly basis weekly as directed by their supervisor. Each non-exempt employee is to maintain an accurate daily record of hours worked. All absences from work should be appropriately and accurately recorded. This ensures that employees are paid correctly and in a timely fashion.

Falsification of time records or failure to follow City procedures in time reporting may result in disciplinary action, up to and including termination of employment.

### **B. WORK SCHEDULING**

The Employer shall establish the standard workday, workweek, and starting and quitting times for each department, taking into account current and anticipated workloads, public service needs, and other factors. No established schedule shall be construed as a guarantee of work hours or as a restriction on the Employer's right to restructure the workday or workweek.

Subject to the discretion of the City, employees may be authorized to take break periods each full working day. Such breaks shall not interfere with the proper performance of the employee's work responsibilities and will be set by the Appointing Authority and are subject to change. Lunch periods are determined by the supervisor or Appointing Authority and shall be unpaid periods of time. Employees must clock out for their lunch break and clock back in upon return.

Each department's or office's standard workday, workweek, and starting and quitting times shall be appropriately communicated to the affected employee(s).

### **C. FLEX TIME AND COMP TIME**

Flex time may be given at the Supervisor's discretion if an employee needs to "flex" or alter their schedule to accommodate a situation. The City may utilize "time-off" or flexible hours in order to avoid having employees work in excess of forty (40) hours in a work week. The Supervisor and/or the Appointing Authority must approve flex time scheduling. An example of flex time could be that an employee needed to work ten or twelve hours on a Monday, but on Tuesday they would come in two or four hours later than normal and leave at the regular time. This would balance out the pay period and comply with the 40-hour workweek. The employees' supervisor must authorize all flex time.

Likewise, comp time (or time off from work) is given in lieu of monetary payment. City Departments that have not budgeted for overtime pay may utilize comp time for employees who find it necessary to work in excess of their regularly scheduled workweek. The Appointing Authority will set the guidelines in their respective departments of the time frame in which an employee should take the time off. It will also be the responsibility of each Appointing Authority to document comp time for auditing purposes and to provide an accounting record.

Any comp time accumulated by those who are paid on an hourly basis or are non-exempt will be earned at one and one-half times in excess over forty (40) hours, as set out under the Fair Labor Standards Act (FLSA). Under certain prescribed conditions, employees may receive compensatory time off at a rate of not less than one and one-half hours for each overtime hour worked, instead of cash overtime pay. FLSA further states that "police and firefighters, emergency response personnel, and employees engaged in seasonal activities to 480 hours of comp time; all others, 240 hours." (Section 3(s)(1)(C) of the Fair Labor Standards Act.

Both Flex time and Comp time are discouraged by the City; however, there may be unusual circumstances that would warrant a need to use either of these means for compensation.

#### **D. REMOTE WORK**

Remote work arrangements provide employees with significant flexibility and affords the City to recruit and employ talent throughout the country.

Please note that all employees, whether remote or office-based, will be provided with one office setup by the City. Additional office space, equipment, etc. will be at the employee's own expense.

Employees who work remotely must adhere to the following rules:

- Remote work employees are responsible for ensuring that their workspace is in compliance with the Occupational Safety and Health Act ("OSHA") and with relevant safety and health standards.
- Remote work employees should speak to their supervisor if they have any questions with respect to OSHA compliance. The City may inspect the alternative worksite for compliance with OSHA.
- A remote work employee who is injured or becomes ill while performing duties in the interest of the City (rather than being injured or becoming ill while performing normal living duties) must report the injury or illness to their supervisor as soon as possible.
- Prior to beginning a remote work arrangement, employees must ensure that their remote computers and telephone system are compatible with all office configurations.
- All City owned equipment must be registered with Human Resources.

- All remote work expenses and purchases must be approved by the employee's supervisor prior to purchase or set up.
- City owned equipment is subject to IT monitoring. All remote work employees must comply with all City rules and regulations in accordance with the City's security policies.
- Remote work employees are responsible for maintaining the integrity and confidentiality of City information. Employees' remote work computers must utilize anti-virus software approved by IT or the employee's supervisor and must have a firewall enabled.
- Any sensitive files or programs should be password protected to ensure the security of City information. In the event that a certain remote work employee requires direct access to the City's internal system, they must contact their immediate supervisor and IT to develop a secure means to access the internal system.
- Remote work employees are responsible for ensuring that their remote systems and information are backed up on a periodic basis. Remote work employees' supervisors will inform them of the appropriate back-up procedure.
- Remote work employees must report any suspected computer virus infections to their supervisor or IT as soon as possible. Remote work employees are subject to all of the City's policies and procedures when performing work on City and personal electronic devices.

## E. HOLIDAYS

Full-time employees are entitled to the following holidays:

HOLIDAY	DAY OBSERVED
<b>New Year's Day</b>	January 1 <sup>st</sup>
<b>Martin Luther King Day</b>	Third Monday in January
<b>President's Day</b>	Third Monday in February
<b>Good Friday</b>	Friday before Easter
<b>Primary Election Day</b>	First Tuesday in May (when applicable)
<b>Memorial Day</b>	Last Monday in May
<b>Juneteenth</b>	June 19 <sup>th</sup>
<b>Independence Day</b>	July 4 <sup>th</sup>
<b>Labor Day</b>	First Monday in September
<b>Columbus Day</b>	Second Monday in October
<b>Election Day</b>	First Tuesday in November (when applicable)
<b>Veterans Day</b>	November 11 <sup>th</sup>
<b>Thanksgiving (2 days)</b>	Fourth Thursday & Friday in November
<b>Christmas Eve</b>	December 24 <sup>th</sup>
<b>Christmas Day</b>	December 25 <sup>th</sup>
<b>Floating Holiday</b>	N/A

If the holiday falls on Sunday, it will be observed on the following Monday; if it falls on Saturday, it will be observed on the preceding Friday.

In observance of each authorized holiday, both full-time and part-time employees will normally be granted the day off from work. Only full-time employees shall receive straight time holiday pay for each authorized holiday. Due to the emergency areas covered by the City, some areas are required to work holidays. In recognition of the fact if you are required to work on a recognized holiday you will be paid the overtime rate for hours worked as well as 8 hours of holiday pay.

If a holiday occurs while an employee is on vacation, such vacation day will not be charged against their vacation leave. Employees must be in a paid status the entire shift during the day before and the day after a holiday in order to be paid for the holiday.

Time worked on any of the above listed holidays shall be included in time calculations in accordance with Section 7.04 Overtime.

An employee scheduled to return from a non-paid leave on the day after a holiday will not be paid for the holiday. An employee whose leave without pay is approved through the end of the last business day preceding a holiday is also presumed to be on leave during the holiday, and will not receive compensation for the holiday, unless the Appointing Authority has specifically authorized pay.

The holiday scheduled may be amended by the Board of Works, with written notice, distributed to all departments within City government.

## F. VACATION

Full-time employees shall be entitled to annual vacation leave with pay according to the following schedule:

LENGTH OF SERVICE	VACATION LEAVE
<b>After 1 full year of service</b>	5 days
<b>2 - 9 years of service</b>	10 days
<b>10 - 14 years of service</b>	15 days
<b>15 years+ years of service</b>	20 days

Time accrues on the employee's anniversary date unless hired before 2006. If an employee was hired before 2006, their Date of Hire is considered January 1<sup>st</sup>. Vacations shall not be carried over from year to year and must be taken within the year of eligibility. In cases of emergencies when at the end of the year an employee has been unable to schedule their vacation leave, this time will be paid upon approval by the Mayor and the Board of Public Works.

Additionally, if a new employee has prior employment service with the City of Charlestown then after that employee has completed one (1) full year of additional service that employee shall be entitled to have their prior service time counted toward the calculation of the annual leave that employee is entitled to take.

Vacation leave is credited for all continuous service in active pay status. Vacation is not earned while an employee is in a non-paid status (i.e., leave of absence without pay, disciplinary suspensions, disability leave under unpaid Family and Medical Leave).

No employee will be entitled to vacation leave under any circumstances until they have completed one (1) full year of full time employment with the City.

Employees desiring vacation should check the dates of their vacation with the Supervisor or Appointing Authority. Vacation leave is granted in minimum units of four (4) hours or half-day increments; lesser amount must have the approval of the Appointing Authority. Vacations are scheduled in accordance with workload requirements of the individual department or office. For this reason, it is essential that vacation requests be made at least one (1) week in advance of the proposed starting date. Appointing Authorities and department supervisors have the authority to approve or deny vacation requests. Seniority shall prevail in the determination of vacation requests.

## **G. FUNERAL LEAVE**

Any eligible employee may be granted funeral leave, upon approval of the Appointing Authority. If there is a death in an employee's immediate family, the City will approve leave, with pay as necessary for the attending of the funeral and taking care of personal matters related to the death, for a period of three (3) days. Time off will be granted for the following:

- Spouse, child, step-child, mother, father, sibling, grandparents, and spouse's parents or siblings.
- Any other individual living in the employee's household and under their care.

Any other absence in connection with funerals of other relatives or friends may be excused without pay at the discretion of the department head or may be charged against vacation or personal time.

## **H. SICK LEAVE**

Regular full-time employees accrue five (5) working days (or 40 hours) of sick leave after completing a full calendar year. An employee who does not use their five sick days, or any portion of sick time, may carry those days forward into the following year. A maximum of 30 (thirty) days may be accumulated, but no more than a total of thirty days may be maintained at any time.

An employee requesting sick leave shall inform their supervisor as soon as possible. An employee requesting sick leave for the purpose of medical, dental, or optical examinations shall provide written notification to their supervisor as far in advance as possible, but not less than twenty-four (24) hours prior to the scheduled appointment. Failure to comply with these notice requirements may result in denial of sick leave for the period of absence.

The employee will submit to such medical examination, nursing visit, or other inquiry, which the Appointing Authority deems necessary. The employee may be required to produce a certificate signed by a licensed physician to justify the use of sick leave, specifically in a circumstance where the employee is absent more than five consecutive days.

Sick leave may be requested for the following reasons:

- Personal illness or injury;
- Exposure of the employee to a contagious disease which would have the potential of jeopardizing the health of the employee or the health of others;
- Medical, dental, or optical examination, or the appointments for the employees' child/children medical, dental, or optical examinations.

The Appointing Authority may deny a sick leave application if an investigation discloses facts inconsistent with the proper use of sick leave. If sick leave is disapproved, the employee shall be informed of the reasons and notified that the day of absence will be considered unpaid leave. If the employee fails or refuses to file a required physician's certificate or fails to comply with any other provisions of this section, they shall not be paid for sick leave. Disciplinary action may also result for any refusal or failure to file a required physician's certificate.

If an employee's injury or illness occurs while in the performance of their job with an outside employer or if the outside employment is directly responsible for the employee's injury or illness, then the employee shall not receive sick leave compensation from the City for the injury or illness.

Sick leave must be used in 15 minute increments and will be paid their regular rate of pay.

Vacation or personal leave may be used for sick leave purposes after sick leave is exhausted, at the employees' request and with the approval of the Appointing Authority.

If vacation, sick, or personal leave is used with compensation payments in order to draw full wages, the amount of leave charged must equal the employee's total salary for the same period.

An employee fraudulently obtaining sick leave, or anyone found falsifying sick leave documents, shall be subject to disciplinary action or termination in accordance with policies outlined in this manual.

Accumulated sick leave may not be cashed in nor compensated for upon separation or retirement.

## I. FAMILY AND MEDICAL LEAVE ACT (FMLA)

### i) Eligible Employees

Employees are eligible for Family and Medical Leave (FML) if they meet the following criteria:

- Employee has been employed by the City for at least twelve (12) months as a full-time employee;
- Employee has been paid in work status with at least 1,250 hours of service during the twelve (12) month period immediately preceding the start of the leave. (NOTE: Paid vacation, sick leave, etc., does not count towards the 1,250 hours of service).

### ii) Eligible Leave

Employees who meet the above criteria are eligible for up to twelve (12) weeks of FML for any of the following reasons:

- Birth of a child, and to care for a newborn child;
- Placement of a child by way of adoption or foster care;
- The employee having a “serious health condition” that makes them unable to perform the functions of their job;
- To care for the employee’s spouse, son, daughter, or parent who has a “serious health condition.”

### iii) Definitions

SPOUSE: A husband or wife. Unmarried domestic partners do not qualify for FML to care for their partner;

CHILD: A son or daughter, including a child eighteen (18) years or over who is incapable of self-care because of a mental or physical disability;

PARENT: A biological parent or an individual who stands in the place of a parent to the employee (in loco parentis). “In-laws” are not included in the definition of “parent”;



**FOSTER CARE:** Placement of a child with the employee through a formal agreement for substitute care requiring state action, rather than an informal arrangement to take care of another person's child;

**SERIOUS HEALTH CONDITION:** An illness, injury, impairment, or physical/mental condition that involves a period of incapacity or treatment that requires absence from employment for more than three (3) calendar days and involves care by a health care provider. Serious health condition also includes continuing treatment of chronic or long-termed incurable conditions and prenatal care.

The Human Resource Representative will assist you with any questions in determining a "serious health condition" under the Family and Medical Leave Act.

#### **iv) Request/Notificaton Of Leave**

When feasible, employees must submit a written request for leave thirty (30) days prior to the requested leave start date. In situations involving medical emergencies, etc., employees are to submit their request as soon as possible, but not later than four (4) days after the beginning of the emergency situation.

Request for leave will include a brief description of the need for the leave, identify who the leave is for, what relationship the individual is to the employee (e.g., employee, spouse, parent, etc.), and length of leave requested. Along with the request, the employee will also furnish the Appointing Authority with medical certification of the serious health condition from the physical/health care provider. The medical certification shall include the identity of the individual with the serious health condition, date on which the condition began, probable duration of the condition, and if regarding the employee, whether the employee is unable to perform the essential functions of their job. Based upon the request for leave and the medical provider's certification, the Appointing Authority shall authorize or deny the request, or may, at the City expense, require the employee to obtain a second medical opinion to confirm the leave request.

The Appointing Authority may designate that an employee's leave qualifies for and will be counted as Family and Medical Leave. The Appointing Authority must make such designation prior to the starting of the leave unless sufficient information as to the reason for the leave is not available until after the leave began.

#### **v) Approval/Denial Of Leave Request**

The Appointing Authority shall notify the employee orally or in writing within two (2) business days as to the approval or denial of their FML request, and that any sick, personal, or vacation leave will be set off against the leave pursuant to the

Appointing Authority's policy regarding same (See "Utilization of Accumulated Paid Leave"). Oral notice will be followed by written confirmation by payday following. If the Appointing Authority is late complying with these notice requirements, paid leave may only be set off against FML leave prospectively, once notice is given (See "Utilization of Accumulated Paid Leave" below). The Appointing Authority shall note the starting and ending dates of leave, reinstatement procedures, and utilization of accumulated paid leave. The Appointing Authority shall send a copy of this written notice to the insurance office. The Human Resources Office shall notify the employee as to the status of insurance coverage and the employee's contribution, if applicable.

#### **vi) Utilization Of Accumulated Paid Leave**

Employees are required to utilize accumulated paid leave for all or part of the FML twelve (12) week period. Unpaid FML shall be authorized when all eligible accrued paid leaves have been exhausted (sick leave, vacation, personal time, comp). Family and Medical Leave and paid leave, for conditions that qualify under FML, run concurrently. The entire twelve (12) week FML is not in addition to the paid leave, just any remaining portion after the paid leave time is subtracted.

#### **vii) Leave Period**

An eligible employee may take up to twelve (12) workweeks of FML during a twelve- (12) month period. The twelve month period shall be measured forward from the date the employee's first FML begins (i.e., an employee whose eligible FML begins September 15, 2003 is entitled up to twelve weeks from September 15, 2003 through September 14, 2004).

Employees may request intermittent or reduced leave schedules to accommodate medically necessary treatment in connection with a serious health condition. Intermittent or reduced leave may not exceed the total hours an employee would have worked during their regular twelve- (12) week schedule. If intermittent or reduced leave is approved, the Appointing Authority may require the employee to schedule the leave so as not to unduly disrupt the Appointing Authority's operations, or the employee may be placed in an alternate position which better accommodates the intermittent leave schedule.

#### **viii) Insurance Coverage**

Employees are entitled to maintain the same health benefits during the FML. However, it is the employees' responsibility to make arrangements through the Clerk-Treasurer's Office for their portion of the contribution of monthly premiums. Should an employee fail to return to work after their FML expires, the Appointing Authority may recover from the employee the City's share of health insurance premiums paid during the period of unpaid FML. Insurance premiums may not be

recovered if the employee fails to return to work due to the continuation, recurrence, or onset of a serious health condition or circumstances beyond the employee's control.

#### ix) Working While On Leave

An employee who is self employed, accepts other employment, or works for any other current employer during a Family and Medical Leave, must report such work immediately to the Human Resources Representative.

An employee who is self employed or accepts other employment or works for any other current employer, performing work of a like or similar character or exertion as that which the employee performed for the City, during Family Medical shall be considered to have terminated employment with the City as of the date such employment began.

Employees described in the immediately preceding paragraph may be required to reimburse the City for the employer-paid portion of group health insurance premium contributions made while the employee was on leave.

#### x) Job Restoration

During Family and Medical Leave, every effort will be made by the City to hold an employee's position open until they return to work.

However, based upon the necessity of continuing operations during an employee's absence, the City may choose to fill any non-elected position. If the position is filled while an employee is on the FML, the City will make every effort to place the employee in an equivalent position, with equivalent pay, benefits, and other terms and conditions of employment. In addition, the position into which the employee is placed, will have substantially similar duties.

**NOTE:** If an employee's position is eliminated during the Family and Medical Leave, through, for example, layoff or restructuring, the employee will not be entitled to return to their former or an equivalent position.

The City does not have "light duty" positions, but if a health care provider indicates in writing that an employee is not able to perform all the essential functions of the position, but that the employee may perform their job with restrictions, the City will make every effort to cooperate with a doctor's written orders for restrictions placed on an employee in order for the employee to perform meaningful and necessary work the City needs done. Arrangements for "light work" must be made in writing and approved by the Appointing Authority in advance of an employee's return.

Employees whose FML was for their own personal medical conditions must, prior to reinstatement, submit a medical certification to their Appointing Authority as to their ability to return to work, subject to a second medical opinion as deemed necessary by the Appointing Authority, or a third medical opinion as provided in the Family and Medical Leave Act.

Employees on FML who do not return to work immediately following release from the health care provider as fully restored to perform all the essential functions of their positions, shall be considered to have voluntarily terminated employment as the date of the release.

Employment will be terminated if an employee is not able to return to work at the end of the FML. There may be exceptions to termination required under the ADA, and the City will comply with ADA.

#### **J. PERSONAL LEAVE**

In addition to leave granted for sickness, the City allows regular full-time employees five (5) personal days, following one year full year of service with pay at the regular hourly rate per year. Under no circumstances shall paid excused days be carried over from year to year.

The same advance notices will be requested by the employee to the Appointing Authority before personal leave is given.

#### **K. LEAVE OF ABSENCE**

It is the policy of the City of Charlestown to review each request for a leave of absence individually and to decide to grant or deny a request for a leave on the basis of factors affecting the particular request. Requests for a leave of absence must be submitted in writing to the Deputy Clerk/Human Resources Representative. A granted leave will be without compensation and benefits (unless it is Family Medical Leave and the employee has accrued time to use to stay in pay status). Employees on leave without pay may be required to make contributions for health insurance or other voluntary insurance benefits. Employees on a leave without pay will not lose any employment benefits or seniority accrued before the date on which leave commenced. An unpaid personal leave of absence, if approved, will be granted for a minimum of one week and a maximum of thirty days.

Requests for leave of absence for other than military leave should be made with the full understanding that while we will make every effort to have a comparable position with comparable pay for you when you return from leave, we cannot guarantee the same position will be available upon your return.

Reinstatement after a leave of absence will be dependent upon an available opening for which you are qualified. If you do not report to work at the end of your personal leave of absence, it will be considered a voluntary resignation.

**i) Procedures:**

Leave of absence without pay may generally be granted for the following reasons:

- For educational purposes where the education will be beneficial to both the employee and the City;
- For personal reasons, such as illness in the family (FML), personal problems, and legal difficulties, when there is such urgency that no other alternatives are available; and
- For personal reasons when the granting of the leave will not be disruptive to department operations, such as for travel or for highly unusual personal requirements.

**ii) Factors to be weighed in considering a request for a leave of absence are:**

- Time employed by the City; and
- Effect upon departmental performance.

Requests for leaves of absence for a period of thirty (30) days or less may be approved by the department head. Requests for a leave of absence for a period of more than thirty days must be approved by the department head and/or other Appointing Authorities within City government. No request will be considered without the approval of the department head concerned.

Where the leave of absence in excess of thirty days is approved, the employee requesting such leave may continue their various insurance coverage by pre-paying the entire insurance premium for the period they are to be absent. Such arrangements may be made in the payroll department.

Exclusions to this policy are military leave of absence, maternity leave of absence, and leave resulting from serious illness or physical disability.

**L. MILITARY LEAVE**

**i) Reserve Training**

I.C. Sections 10-5-8-1, 10-5-8-2, and 36-8-5-8 require that Indiana National Guard, Defense Corps, Naval Militia, and all U.S. Armed Forces reserve component members be authorized up to fifteen (15) working days' leave with pay per calendar year for training purposes.

Along with requests for such leave, employees are required to submit the published order authorizing the military duty or a written statement from the appropriate

military commander authorizing such duty. Employees requesting such leave will also be required to complete the necessary leave papers.

## ii) Active Duty

A permanent employee who is drafted or is called for active duty in the Armed Forces of the United States, the Coast Guard, Public Health Service, Civil Defense, or is drafted in the Merchant Marine Service, shall (in accordance with existing law) be entitled to reemployment after honorable discharge or discharge under honorable conditions from such services, provided the employee is physically and mentally able to do the work required and reports for work within ninety (90) days of such discharge, or within ninety (90) days after they are released from hospitalization continuing after discharge for a period of not more than one (1) year. They shall be employed in the position or a similar position to the one held at the time of entry into the Armed Forces. All salary adjustments or position upgrades shall be granted to the employee upon reinstatement. In the event their former job no longer exists, they shall be employed in such a capacity for which they are qualified at a salary comparable with that they formerly received.

## M. COURT AND JURY DUTY LEAVE

If an employee is called for court jury duty or subpoenaed to testify in a court of law during any portion of the employee's regular scheduled working day, that employee may choose to be compensated for such time in one of the manners set forth below.

- The employee may choose to receive their regular salary or wage in full for such time from the City. In such case, all compensation received for court service shall be turned over to the City Treasurer in full;
- The employee may choose to retain all compensation received for court service and waive their regular salary or wage in full for such time from the City.

The employee will be expected to report for work following jury duty, if a reasonable amount of time (two (2) hours or more) remains during their scheduled work day.

If any employee is called for court jury duty or subpoenaed to testify in a court of law, outside of their regularly scheduled working hours, all compensation received for such court service shall be retained by the employee.

Employers will not reimburse employees when appearing in court for criminal or civil cases, when the case is being heard in connection with the employee's personal matters, such as traffic court, divorce proceedings, custody, appearing as directed with juvenile, etc. These absences would be leave without pay, vacation, personal paid leave, or compensatory leave.

## N. VOLUNTEER SERVICE LEAVE

The City provides unpaid leave to eligible employees who are volunteer firefighters, members of a volunteer medical services association or members of the Civil Air Patrol so that such employees may respond to a call to emergency duty.

Employees should notify the City of their status as volunteer firefighters, members of a volunteer medical services association or members of the Civil Air Patrol. Additionally, employees should provide as much advanced notice as possible of the need for leave under this policy when they are called to emergency service.

Employees may use accrued, unused paid time off for leave taken under this policy. The notice and eligibility requirements for any such time will generally apply to an employee's request for use under this policy.

Employees requesting leave under this policy should comply with the following requirements:

- Notify the City as soon as possible of being or becoming designated as volunteer firefighters, members of a volunteer medical services association or members of the Civil Air Patrol.
- Notify the Human Resources Department as soon as possible when called to emergency service and of the need for leave under this policy. Be sure to provide information regarding the start and end dates for the requested leave.
- Upon return from leave, provide the Human Resources Department with appropriate written documentation confirming that during the leave the employee was actively engaged in responding to an emergency.
- Upon return from leave, employees will typically be restored to their positions, or to an equivalent position with equivalent pay, benefits, and other employment terms and conditions.

Employees with questions regarding this leave should contact the Human Resources Department.

## **O. DOMESTIC VIOLENCE LEAVE**

The City provides reasonable and necessary unpaid leave and other reasonable accommodations to employees who are victims of domestic violence, sexual assault or stalking.

Unpaid leave under this policy is available for an employee who is the victim of domestic violence, sexual assault or stalking to attend legal proceedings or to obtain or attempt to obtain any relief necessary, including a restraining order, to ensure the employee's own health, safety or welfare, or that of the employee's child or children.

Employees may also request unpaid leave for the following purposes:

- Obtain services from a domestic violence shelter or rape crisis center.
- Seek medical attention for injuries caused by domestic violence or sexual assault.
- Obtain psychological counseling for the domestic violence or sexual assault.
- Take action, such as relocation, to protect against future domestic violence or sexual assault.
- 

To request leave under this policy, an employee should provide the Human Resources Department with as much advance notice as possible under the circumstances. If advance notice is not possible, the employee should provide the Human Resources Department one of the following certifications upon returning back to work:

- A police report showing that the employee was a victim of domestic violence or sexual assault.
- A court order protecting the employee from the perpetrator or other evidence from the court or prosecuting attorney that the employee appeared in court.
- Documentation from a medical professional, domestic violence or sexual assault victim advocate, health care provider, or counselor showing that the employee's absence was due to treatment for injuries from domestic violence or sexual assault.

Employees requesting leave under this policy may choose to use accrued paid time off. In addition, the City will provide reasonable accommodations to employees who are victims of domestic violence, sexual assault or stalking for the employees' safety while at work. A reasonable accommodation may include the implementation of safety measures, such as a transfer, reassignment, modified schedule, changed work telephone, changed work station or installed lock; assistance in documenting domestic violence, sexual assault or stalking that occurs in the workplace; an implemented safety procedure; or another adjustment to the employee's job duties and position.

To request an accommodation under this policy, an employee should contact the Human Resources Department. The City will engage in a timely, good faith and interactive process to determine effective reasonable accommodations and to provide as much support as possible to the employee.



## VIII. CITY PROPERTY AND TECHNOLOGY

### A. MOBILE COMMUNICATIONS

The use of personal mobile communication devices and other electronic devices has expanded rapidly. The City does not wish to unreasonably constrain the use of these devices; however, it has a broader responsibility to: (1) ensure that they are used in an appropriate manner; (2) ensure the integrity of proprietary information; (3) preserve the privacy of employees, and (4) ensure that unauthorized surveillance does not breach the reasonable expectation of privacy in the workplace environment.

#### i) Mobile Communication Device

A mobile communication device (MCD) is defined as any Cell Phone, headphones, Bluetooth device, or any other wireless device that could be used to access the City's network.

Employees are required to exercise discretion and restrict the use of personal mobile communication devices in the workplace setting. For employees, excessive calls via personal mobile communication devices and/or the use of its multi-media functions (games, internet, videos, and music) can interfere with productivity and can be distracting to fellow workers. For safety purposes, use of mobile communication devices while driving on City business should be done in compliance with state law requiring the use of hands-free equipment. In addition, the use of headsets and wireless head set technology while operating work-related equipment is a safety hazard and is not allowed.

#### ii) Employees Required to Use MCD

Some City employees may be required to use an MCD in the course of their employment on a regular basis. The City provides MCD for positions that require a MCD.

Under this policy, the MCD and service plan are owned by the City. The City is legally responsible for the MCD, contracts and costs. An employee must notify their Department Head as soon as possible and in no case more than five (5) working days beyond inactivation of the communication service or loss or theft of the MCD.

1. Certain employees are required to have a cell phone as a condition of their employment.
2. If an employee is assigned a city phone, the employee is responsible for the cell phone registered to them.
3. You may not order phones, parts, or supplies. These tasks will be completed by the Clerk Treasurer's Office.
4. You may be held responsible for any overage charges incurred on your phone.

5. When you separate from employment, your City cell phone must be turned in to Human Resources.
6. If you do not return the phone or if the phone you return is not the one assigned to you, you will be responsible for the replacement cost of the phone which will be deducted from your final check.

The City of Charlestown will not be held responsible for any personal cell phones.

## **B. SOCIAL MEDIA/INTERNET**

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not employed or affiliated with the City, as well as any other form of electronic communication. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any conduct that adversely affects your job performance, the performance of your fellow employees or otherwise adversely affects people who work on behalf of the City's legitimate business interests, may result in disciplinary action up to and including termination of employment.

Social media sites like Facebook, Twitter, Instagram, Snapchat and YouTube and other networking and blogging platforms have become valuable tools for communicating with the City's many constituencies. For some audiences they are actually the preferred way to stay in touch. The City recognizes the impact these sites can have, both positively and negatively, on the overall perception of the City.

### **i) Responsibilities**

Social media users acting on behalf of the City must adhere to applicable City policies and procedures. Official City social media accounts are to be administered by internal members of the City community. Administrators are responsible for removing content that may be in violation of City policies.

### **ii) Content**

Use good judgment about content. Do not include confidential information about the City or its employees. You may not post any content that is threatening, obscene, a violation of intellectual property rights or privacy laws, or otherwise illegal.

Representation of your personal opinions as those of the City or any of its organizations is strictly prohibited. You may not use the City name to promote any opinion, product, cause, or political candidate. Be sure to include the statement:

“this is my personal opinion and not necessarily that of the City” when necessary. While the City does not regularly review content posted to social media sites, it shall have the right to remove any content for any reason, including but not limited to: use of curse words, content that it deems threatening, obscene, a violation of intellectual property rights or privacy laws, or otherwise illegal. When using or posting online material that includes direct or paraphrased quotes, thoughts, ideas, photos, or videos, always include citations and/or provide a link to the original material, if applicable. Refrain from using information and conducting activities that may violate local, state, or federal laws and regulations.

### iii) Using Social Media at Work

Employees should refrain from using social media while on work time on City systems or equipment, unless it is work-related as authorized by a supervisor and is consistent with City policies. Do not use the City’s email addresses to register on social networks, blogs or other online tools utilized for personal use.

### iv) Know and Follow the Rules

Carefully read these guidelines, as well as other policies contained within this Handbook, and ensure your postings are appropriate and in compliance with any applicable rules or guidelines. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar conduct will not be tolerated and may result in disciplinary action up to and including termination of employment.

a) Be Respectful

Please keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing the City’s Open Door Policy instead of posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that could reasonably be viewed as malicious, obscene, threatening or intimidating, or that disparages other employees, etc., or that might constitute harassment or bullying and may result in disciplinary action up to and including termination of employment.

b) Be Honest and Accurate

Make sure you are always honest and accurate when posting information. If you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember, the Internet archives almost everything; therefore, even deleted postings can be searched.

Never post any information or rumors that you know to be false about the City, fellow employees, or people working on behalf of the City or personal information about your co-worker. Never post confidential information.

### **C. COMMUNICATION EQUIPMENT, INTERNET AND E-MAIL**

The City of Charlestown has access to the Internet and e-mail with the capability to use this communication within the scope of the daily duties. The City desires to limit its use to legitimate uses by City employees. Any electronic media that has been provided to employees is for the benefit of the City and its citizens.

All City of Charlestown employees have a responsibility to use the electric media provided in a manner, which both enhances the image of the City and is productive in its service and operation.

This section applies to all City employees, not subject to a prior agreement or contrary to provisions of law.

Communications equipment and services include mail, electronic mail (e-mail), courier services, facsimiles, telephone systems, personal computers, computer networks, on-line services, Internet connections, Intranet connections, computer files, video equipment and tapes, audio tape recorders and recordings, cellular phones, electronic tablets, two-way radios, and bulletin boards. (For the purpose of clarification, electronic media means the usage of e-mail and the Internet and the terminology may be used interchangeably).

The electronic media provided by the City is the property of the City. Any data produced or stored on its electronic media belongs to the City. Access to and the use and disclosure of any such data shall be subject to and in accordance with the requirements of the Indiana Access to Public Records Law as provided in Indiana Code 5-14-3 et seq. as amended. The City may monitor and review use of any data stored on the electronic media at any time with reasonable notice to the user.

Additionally, all messages composed, sent, or received on its electronic media are and remain the property of the City and are not the private property of any employee. This applies even if access to information/message is by password.

All use of the electronic media and other communication equipment shall be consistent with an employee's current responsibilities and shall be for legitimate governmental business purposes. The electronic media and other forms of communication are not to be used to create any offensive or disruptive messages. Among those, which are considered offensive or disruptive, are any messages, which contain:

- Sexual implications, racial slurs, gender specific comments, or any other comment that offensively addresses someone's race, color, religion, gender, national origin, age disability, sexual orientation, religious beliefs, or political beliefs;
- Epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts, which relate to race, color, religion, gender, national origin, age, or disability; or
- Written or graphic material that defames or shows hostility or aversion toward any individual or group because of race, color, religion, gender, national origin, age, or disability, or that contains obscene, profane, lewd, offensive, or other off-color material.

The electronic media and other communication equipment are not to be used to send (upload) or receive (download) pornographic materials, copyrighted materials, trade secrets, proprietary financial information, confidential files, or similar materials without prior authorization. The City reserves the right to review, audit, intercept, access, and disclose all messages created, received or sent by any communication equipment for any purpose.

The confidentiality of any message must not be assumed. Even when a message is erased, it may still be possible to retrieve and read that message. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them. Employees must not attempt to gain access to another employee's messages without the latter's permission. Any exception to this policy must receive prior approval from the Department Head. Employees are not to use a password, access files, or retrieve any information unless authorized to do so. Unauthorized access of any data stored on the electronic media is expressly forbidden.

Contracts and licenses with software program providers define the limits of software program use. Employees are forbidden to use any software program contrary to the provisions of these contracts and licenses. The City provides the software programs that are anticipated to be needed by employees in performing their job responsibilities. If any employee believes that they need additional software programs, they should consult with their supervisor. Employees shall not copy or install any software program of any kind on the City's electronic media or any part thereof without the prior authorization. When so authorized, the employee shall insure that the software program has been checked for viruses and confirm that the fact with the designed supervisor or Appointing Authority before installation. Employees will follow the guidelines and procedures outlines in regards to downloading software of files.

Contracts and licenses with hardware providers define the limits of hardware use. Employees are forbidden to use any hardware contrary to the provisions of these contracts and licenses. The City provides the hardware that is anticipated to be needed by employees in performing their job responsibilities. If an employee believes that they need

additional hardware, the employee should consult with their supervisor. Employees shall not install or attach any hardware of any kind to the City's electronic media or any part thereof without prior authorization from the supervisor or Appointing Authority. Employees may have access at other times through written or expressed consent of supervisors and with the knowledge of the Appointing Authority.

The electronic media and communication equipment operated by the City shall be free of partisan political statements and/or identification of political affiliation.

All employees are responsible for assisting in maintaining the security of the City's electronic media and communications equipment. Each employee is responsible for the safekeeping of their password (if applicable) to the City's electronic media. Employees should periodically change their passwords. If an employee feels there has been a compromise with the security of their password, the employee should immediately change the password. If an employee needs assistance with changing their password, the employee may contact the supervisor or Appointing Authority immediately. All passwords must be made available to the City upon request of the department head or elected official. An employee should not leave any electronic media logged on to either the Internet or other external systems while they are not present.

Components of the electronic media shall not be relocated or attempted to be relocated without the prior authorization. The electronic media shall not be removed from the City premises without the authorization of the employee's supervisor or Appointing Authority.

Any known or suspected violations of this policy should be reported to the violator's supervisor. Alleged violations will be investigated promptly by the designated City officials. Employees found to be in violation of this may be subjected to disciplinary action up to and including termination of employment with the City.

#### **D. USE OF CITY VEHICLES**

A "City vehicle" is any vehicle the City assigns to employees. This policy applies to all employees who use a City vehicle, and applies during and outside of working hours. Employees may qualify for a City vehicle if they need a City vehicle for their daily work.

To be eligible for a City vehicle, employees must submit a copy of their driver's license. Employees are only allowed to drive a City vehicle if they have a valid driver's license and a clean driving record for at least 2 years. A clean driving record means the employee has not been held at fault for certain car accidents or arrested on charges of violating vehicle and traffic laws. The City can assign and revoke access to City vehicles at its discretion.

The City will make reasonable accommodations to facilitate vehicle use for eligible employees with disabilities.

### **i) Personal Use**

The City does not allow personal use of City vehicles except for commuting to and from home. Personal use includes using the vehicle for personal errands between business activities or using the vehicle outside of business hours. All work safety rules continue to apply when a City vehicle is used for personal purposes.

### **ii) Driver Rules**

1. Obey traffic laws in your jurisdiction and be courteous toward other drivers.
2. Document driving expenses.
3. Monitor gas, tire pressure, and fluid levels.
4. Report any damage or problems to your assigned vehicle immediately.
5. Report changes to your driver privileges, such as driver's license suspension, immediately.
6. Always lock City vehicles.
7. Bring vehicle to scheduled maintenance appointments.
8. Do not drive while intoxicated, fatigued, or on medication that affects your driving ability.
9. Do not smoke in any City vehicle.
10. Do not lease, sell, or lend a City vehicle.
11. Do not use a phone or text while driving.
12. Do not allow unauthorized drivers to use a City vehicle unless required by an emergency.

Employees who violate City vehicle rules are subject to disciplinary actions, up to and including termination and legal action.

### **iii) Accident Procedures**

In case of an accident, contact Deputy Clerk of Records immediately. They will contact the insurance provider. Follow legal guidelines for exchanging information with other drivers and report the accident to local police if required. Do not guarantee payment or accept responsibility without City authorization.

### **iv) Responsibilities**

The City is responsible for:

- Ensuring vehicles are safe before assigning them.
- Scheduling regular maintenance.
- Providing car insurance.
- Retiring and replacing cars as needed.

The City is not responsible for:

- Paying fines employees receive while driving City vehicles they are responsible for.
- Making bail for employees who are arrested while driving cars from the City fleet.

## **E. RESIGNATION**

Employees who plan to voluntarily resign shall notify their immediate supervisor at least two (2) weeks in advance of the effective date of termination.

Any employee who resigns is encouraged to give their reasons for resigning and to discuss with their supervisor any working conditions which they feel are unsatisfactory.

A formal letter of resignation shall be required by the Appointing Authority. The Appointing Authority hereby accepts resignations upon receipt, and will rely on having received it. Resignations may not, therefore, be revoked without permission.

Failure to give proper notification shall result in ineligibility for reinstatement.

A person who resigned in good standing may be reinstated, at the discretion of the Appointing Authority, in their former type of position within one (1) year following resignation, provided the person remains qualified to perform the duties of the position and such reinstatement would be in the City's best interest.

Employees who resign from their employment in good standing with the City shall receive payment for accumulated but unused vacation at their current rate of pay, providing they have one (1) year of public service. This would include giving proper notice and returning all city issued equipment, including passwords to City equipment.

The Appointing Authority or designee may schedule a voluntary exit interview with the employee on their last working day.

The exit interview is an opportunity for the employee to offer constructive criticism and insight regarding the operation of the office or department.

The department head or designee should commit the results of the interview in writing in order to maintain a written record of areas discussed and items requiring further investigations.

The employee's correct mailing address should be verified at the conclusion of the interview.



## **F. REDUCTIONS IN FORCE/LAYOFF**

The City maintains the legal right to reduce the workforce when necessary due to:

- Lack of work;
- Lack of funds or projected lack of funds;
- Job abolishment; and/or
- Reorganization.

Whenever a reduction is necessary, the City will determine the classification(s) in which the layoff(s) will occur and the number of employees to be laid off in each department.

Employees shall be laid off with consideration of length of continuous service and relative to the operational needs of the City. Employees may displace less senior employees in another department, provided they possess the minimum qualifications and licenses required for the position.

A recall list shall be established for each classification affected by the layoff, listing each laid off employee in the order of layoff. A laid off employee shall be eligible for recall for a period of one (1) year following the date of the layoff.

The employee shall be responsible for keeping a current address on file with the Employer. Failure to do so may result in the inability to notify the laid off employee of their eligibility for reinstatement.

Each recalled employee shall be allowed ten (10) calendar days from the date of receipt of the certified letter to return to work, except in the event of extenuating circumstances, submitted in writing and approved by the Appointing Authority. Any employee accepting or declining reinstatement to the same classification from which the layoff or displacement initially occurred shall be removed from eligibility for further recall.

## **G. RETURN OF CITY PROPERTY**

Any City-owned materials that pertain to confidential information, were furnished to employees to perform their job, or produced by employees during the course of their employment, will remain the sole property of the City. These materials include, but are not limited to, contact lists, documents, proposals, work papers, deliverables, photocopies, notes, drawings, manuals, computer programs, documentation, disks, portable/digital media, computer tapes, equipment, email, instant messaging and/or voicemail.

Upon termination of employment, whether voluntary or involuntary, all City-owned materials and equipment (computer equipment, cell phones, etc.) must be returned to the City in good working condition. Passwords and passcodes must also be given over at the time of termination.

## **IX. WORKPLACE SAFETY**

### **A. SAFETY AND HEALTH**

Work safety and health is one of the City's primary concerns. The safe and healthful performance of all work assignments is the responsibility of both supervisory and non-supervisory personnel. It is the responsibility of each employee to ensure that all safety equipment is used and all safety procedures/practices are observed.

Any employee found to be unwillfully negligent in equipment operation, resulting either in damage to the equipment or an accident, shall be disciplined according to these policies.

Any employee found to be deliberately negligent in equipment operations, resulting in either damage to the equipment or an accident, shall be subject to immediate termination. All employees who drive City vehicles will maintain the appropriate speed limits. Violators are subject to disciplinary action, including termination.

All employees, particularly supervisors, are charged with the responsibility of reporting the existence of any hazardous condition or practice in the workplace.

Supervisors found to be negligent in requiring and/or controlling the use of prescribed safety equipment are subject to disciplinary action, including termination.

The Appointing Authority may adopt health and safety policies and procedures that are beyond the scope of this manual.

Anytime any City employee is involved in an accident, while on City time, the employee's supervisor and/or police officer will escort the employee to a medical facility for appropriate drug/alcohol testing.

### **B. OSHA**

In compliance with the Occupational Safety and Health Act (OSHA), the City strives to furnish a workplace free of recognized hazards that could cause physical harm to its employees. Employees should conduct all tasks in a safe and efficient manner complying with all local, state and federal safety and health regulations and program standards, and with any special safety concerns for use in a particular area.

The City requires that every employee assumes the responsibility for individual and organizational safety. Failure to follow City safety and health guidelines or engaging in conduct that places the employee, others, or City property at risk can lead to employee disciplinary action up to an including termination of employment.

## C. SECURITY

Security is everyone's responsibility. Report any suspicious people in or around our facilities to a supervisor. We have taken precautions to ensure safety; however, the City assumes no responsibility for personal articles that may be stolen or lost and encourages employees not to bring personal items of value to the workplace. Be sure to take precautions with personal property; e.g., do not leave purses in plain sight and do not leave wallets in coat jackets hanging on doors. Notify a supervisor immediately of any incidence of theft.

## D. VISITORS IN THE WORKPLACE

In order to ensure the safety and security of City employees, visitors, and property and to limit access to City facilities by authorized personnel only, the following guidelines have been adopted:

- **Workspace access:** Access to City workspace is limited to current employees, contractors and other authorized visitors.
- **Safety:** All employees and visitors are required to comply with all safety rules, regulations, and policies while on City property or in City vehicles.
- **Children and Other Family Members:** Unless special circumstances exist, children and other family members of employees are not allowed in the offices.

## E. SMOKING

The City is committed to maintaining a healthy and safe environment for all. It is therefore the policy of the City, in accordance with Indiana state law, that smoking and tobacco use (including the use of smokeless tobacco) is prohibited in all City buildings and facilities (unless specifically designated as a "smoking permitted" area) as follows:

- Inside City buildings and entryways.
- Conference rooms, break rooms, etc.
- Within 8 feet of entrance to any building according to IN state law.
- Other common, public areas including stairwells, elevators, escalators, lobbies, hallways, waiting rooms, reception areas, and non-specified restrooms.
- Any area in which a fire or safety hazard exists.

Smoking and tobacco use are also prohibited in all City vehicles (owned or leased), regardless of location.

This policy covers all smoking methods, including but not limited to the use of electronic smoking devices (e-cigarettes, e-cigars, e-pipes) and hookah-smoked products.

This policy does not supersede more restrictive policies that may be in force in compliance with federal, state, or local law and ordinance.

## **F. BLOODBORNE PATHOGENS**

The City works hard to minimize exposure to blood and other potentially infectious material. These guidelines are applicable to employees who may reasonably anticipate occupational exposure to bloodborne pathogens (“BBP”). The City is committed to ensuring that training and the hepatitis B vaccination series are made available to those individuals who are exposed to BBP in the course of their duties.

Each department assists with providing information and training on safe work practices, conducting routine inspections of work areas, investigating accidents, and recommending preventive and corrective actions. Supervisors are responsible for ensuring annual training for any of their employees that may reasonably anticipate exposure to BBP in the course of performing their duties.

A variety of controls are in place to effectively eliminate or minimize the risks of infection, including universal precautions, engineering controls and work practices, personal protective equipment, sanitary conditions, waste regulation, laundry procedures, and labels and signs. Safety training is conducted annually. Any employee exposure must be immediately reported by completing the appropriate BBP incident report form. A copy of the form must be submitted for incident analysis. This will initiate the appropriate medical evaluation. The exposed employee will seek medical evaluation from an Occupational Health Clinic as directed by the City.

## **G. RIGHT TO KNOW (HAZARD COMMUNICATIONS)**

This policy is written to ensure that employees are alerted and properly trained in the safe use of hazardous substances with which they may come in contact. The City will accomplish this by compiling lists of hazardous substances, harmful physical agents and infectious agents, maintaining and using Material Safety Data Sheets (MSDS), and by ensuring proper container labeling.

The purpose of the MSDS is to describe the physical and chemical properties of hazardous substances as well as their health hazards, routes of exposure, precautions for safe handling and use, emergency and first aid procedures, and control measures. MSDSs must be available in the immediate work area.

Employees have a “right to know” about the hazardous substances they work with and how to handle them safely. All employees are responsible for following safety instructions on labels and MSDSs and complying with safety procedures. This policy applies to all employees who may work with hazardous substances. Each department is responsible for maintaining up-to-date inventories of hazardous substances and making MSDSs readily available. Each department purchasing or using hazardous chemicals is to assign a person responsible to coordinate the purchasing, inventory, dispensing, and forwarding of MSDSs as appropriate. Copies of the MSDSs for all new purchases must be sent to the Human Resources Department.

Supervisors are responsible for providing job-specific training to their employees, including discussion of how to safely handle hazardous substances in their work area. Supervisors are responsible for identifying any new hazardous substances before they are introduced into the workplace and informing employees in the work area about the dangers of such hazardous substances. The Human Resources Department will assist supervisors with this process.

Hazardous substances must be labeled with the main hazard name, the hazard warning and necessary measures to protect the employee against exposure risks. All employees are expected to read labels and follow instructions and warnings. Detailed labeling requirements are specified in the Right-To-Know Plan.

The Human Resources Department will maintain copies of records of all employees who are provided with Right-To-Know training. Each department must maintain a record of individual department training and forward a copy to the Human Resources Department.

## **H. FIRES & EMERGENCIES**

The City is committed to providing a safe work environment for all employees. Employees are expected to abide by safe work practices and adhere to general safety rules to ensure their safety as well as the safety of coworkers.

Each facility shall have posted an emergency plan detailing procedures in handling emergencies such as fire, weather-related events and medical crises.

IN CASE OF AN EMERGENCY, PLEASE DIAL 911. Our buildings have emergency procedures to follow in the event of fire or disaster. Exits and areas around fire extinguishers must be kept clear at all times. Fire exits should only be used for emergency evacuation.

## **I. INCLEMENT WEATHER**

The City recognizes that on certain days it may be difficult or impossible for a scheduled employee to come to work due to excessive snow, ice, or other inclement weather. The City encourages its employees to come to work on such occasions only if, in the employee's judgment, they are able to do so in a safe manner. If you work in an emergency area and are required to report, even when the City building is closed, the following policy specifies the guidelines for payment of wages on such days:

Scheduled employees who are able to come into work on such inclement days shall be paid their regular wage for actual time worked. Those employees who are not able to come to work due to inclement weather shall be paid for the day at the discretion of the elected official or appointing authority, by using vacation or personal time accrued. In cases where the City building is closed, employees will be paid for that day their regular rate of pay.

Dear City of Charlestown Employee:

It is a pleasure to have you working with the City of Charlestown to provide quality services for our citizens. You are the City's most important asset. We hope that you find a sense of satisfaction in your job responsibilities. Your input and suggestions as to how city government might run more efficiently, or how your job might become more fulfilling and effective are not only welcome, but expected.

During the next few weeks or perhaps months, you will receive much new information about working in city government, and to help you absorb and organize this information more easily, we have developed this personnel policies manual. Please use it as a reference. If you have any questions, your Department Head or Human Resources Representative in the Clerk-Treasurer's Office will be happy to discuss them with you.

Since it is impossible to address every possible circumstance or change, the policies contained in this manual may be subject to change or modification from time to time.

We look forward to working with you and wish you success in your career with the City of Charlestown.

Sincerely,

Charlestown Board of Public Works

## CITY OF CHARLESTOWN ACKNOWLEDGE OF RECEIPT OF THE PERSONNEL POLICIES MANUAL

I have received a copy of the City of Charlestown's Personnel Policies Manual with revisions and changes from the previous policies. The majority of the changes are those that are new laws or statutes pertaining to State or Federal legislation. I understand that I am responsible for reading its contents and that my Department Head or Human Resources Representative are available to explain any information or answer any questions I might have. I understand that the City retains the right to change policies, benefits, and conditions of employment at any time.

I understand that the Personnel Policies Manual does not constitute a contract of employment and that no contractual relationship exists between me and the City. I further understand that I am an employee-at-will and that the City or I may choose to terminate my employment at any time, with or without notice, or with or without cause.

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Name (please print)

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Signature

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Date