

**STATE OF INDIANA
CITY OF CHARLESTOWN
CHARLESTOWN CITY COUNCIL**

ORDINANCE NO. 2009-OR-04

AN ORDINANCE AMENDING THE MINIMUM STANDARDS FOR EMPLOYMENT FOR CERTAIN EMPLOYEES OF THE CITY OF CHARLESTOWN, INDIANA

WHEREAS, Ordinance No. 2006-OR-10 was adopted by the Charlestown City Council and should be updated; and

WHEREAS, the Board of Public Works recommends the adoption of an updated ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Charlestown City Council as follows:

Section 1: Employees Affected By This Ordinance/Definition of Terms

- A. This ordinance shall apply to all appointed city and municipal employees of the City of Charlestown, regardless of what department or under what City Board the employees may be working, but shall not include the following listed work classifications:
 - 1. Sworn members of the Charlestown Police Department
 - 2. Persons or firms whose employment is based on contract/agreement for professional services.
- B. Definitions
 - 1. City-The City of Charlestown, Indiana
 - 2. Regular Employee-
 - a. Hourly: full-time employee of the City of Charlestown for more than ninety (90) days and whose normal workweek consists of forty (40) hours
 - b. Exempt employees: salaries employees determined to be exempt from the overtime requirements of the FLSA shall not be eligible for overtime pay as defined herein. Such employees shall not receive a deduction in pay for absences less than one (1) day. However, absences of one full day or more shall be deducted from the employee's sick leave or vacation leave if the employee has such leave accumulated. However, if the employee does not have any accumulated sick or vacation leave, then one-fifth (1/5) of their weekly salary shall be deducted from their weekly pay.
 - 3. Temporary employee- An employee whose anticipated work schedule is of a comparatively short nature or definitely limited in duration, e.g., seasonal or summer help.
 - a. Student employee- An employee who is a student of a school, college, or university in an internship/student-type relationship. The assigned position need not be directly related to the content or level of the person's education.

- b. Intermittent/Seasonal employee- An employee appointed to a position for a specific 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 in generally not predictable.
- 4. Probationary employee- Any hourly regular or temporary employee who has not completed ninety (90) days of service since the date of hire.
- 5. Accrued benefits- Benefits, e.g., vacations and paid leaves which are earned based on the number of days worked.
- 6. Outside employment- Additional employment (second job) while continuing to draw salary from the City.
- 7. Day- A day is equal to eight (8) hours of work, or more if approved by the appointing authority.

Section 2: Management Authority and Responsibility

- A. The Appointing Authorities (e.g. Mayor or Clerk Treasurer) maintain the ultimate right to manage their work forces, consistent with the policies set forth in this ordinance and all applicable State and Federal laws.
- B. The Appointing Authority rights and responsibilities include, but are not limited to, the following:
 - 1. determining methods and procedures;
 - 2. determining number of the work force;
 - 3. determining assignment of duties;
 - 4. determining hours of employment;
 - 5. determining compensation of personnel;
 - 6. hiring employees;
 - 7. disciplining employees;
 - 8. discharging employees;
 - 9. promoting employees;
 - 10. transferring employees; and
 - 11. laying off employees for lack of work, lack of funds or due to job abolishment

Section 3 – Employee Responsibility

- A. City Employees shall have the responsibilities including, but not limited to the following:
 - 1. Reporting to the scheduled work site at the assigned time;
 - 2. Performing his/her duties in manner contributing to the overall efficiency of the public operations and improvement of services to the public, as directed by their department directors;
 - 3. Consulting with his/her department director for approval when outside employment is contemplated. After department director consults the Appointing Authority, approval may be given or denied. However, even after receiving such approval, outside employment shall, in no case, be permitted to interfere with the

assigned duties, either in terms of “conflict of interest” or in “physical capabilities,” while employed by the City.

Section 4-Hiring and Promotion

- A. The City shall recruit and hire without regard to race, color, creed, religion, age, sex, or national origin. When vacancies occur, the preference may be given to current employees who possess qualifications needed to fill the position. If, in the judgment of management, a job cannot be filled from within, the Appointing Authority will handle recruitment.
- B. Probationary Period: A trial working period and part of the selection process whereby an employee’s work and conduct is under close observation for the purpose of determining suitability and qualifications for regular appointment to the position. Exempt employees are not included. The probationary period shall be:
 - 1. For a normal duration of ninety (90) days, however, may be extended up to an additional ninety (90) days if deemed appropriate by the appointing authority.
 - 2. A time during which the employee’s supervisor shall observe the performance record and, upon request or need, shall report such observations to the Appointing Authority.
 - 3. A time during which the Appointing Authority may remove from payroll when satisfied that the employee:
 - a. Is unable or unwilling to perform the required duties of the position in a satisfactory manner;
 - b. Work habits and dependability do not merit continuance of employment;
 - c. Has erred or misrepresented the information asked in the application for employment.
 - 4. Probationary employees may be entitled to bereavement leave and leave without pay as defined in Sections 10 and 13 of this ordinance, however, sections covering vacations, excused (paid) leave, military leave, maternity leave, and court and jury duty leave shall apply to regular full-time employees only.
- C. Temporary Employees: The sections of this ordinance covering vacations, excused (paid) leave, military leave, maternity leave, funeral leave, court and jury duty leave, and holiday pay shall not apply to temporary employees. Temporary employees may, however, be granted leave without pay due to extraordinary reasons sufficient in the opinion of the Appointing Authority to warrant such leave of absence.
- D. New full-time employees of the sanitation, street, sewer, parks, and water departments of the City may be required to have an Indiana Commercial Drivers License within six (6) months of the date of hire and have a high school diploma or GED. All new employees must be able to perform all physical labors associated with their assignment, and must have all licenses required by law or regulation to perform tasks to which they are assigned, unless the new employee submits a statement from a City appointed physician.

Section 5- Regular Work Schedules/Overtime/Break Periods

- A. Hours: The various department directors shall establish and keep accurate records of times the employees report to work, number of hours worked during the day, and the number of days the employees work during the week.
- B. Overtime: Any regular hourly employee who accumulates over forty hours within a seven (7) day work period (including holidays, vacation, personal, or sick time) shall be paid or compensated with compensatory time at a rate of one and a half (1 ½) times their normal rate of pay.
- C. Rest periods: Employees may be authorized to take break periods each full working day, subject to the discretion of the employer. Such breaks shall not interfere with the proper performance of the employee’s work responsibilities, will be set by the Appointing Authority and are subject to change.
- D. Lunch breaks: Lunch periods shall be one (1) hour in duration and shall be unpaid periods of time unless specifically excused by the Appointing Authority.

Section 6- Holidays

- A. All employees shall receive regular rate of pay for eight (8) hours on the following recognized holidays:

1. New Year’s Day.....	January 1 st
2. Martin Luther King’s Birthday.....	Third Monday in January
3. President’s Day.....	Third Monday in February
4. Good Friday.....	Friday before Easter
5. Memorial Day.....	Last Monday in May
6. Independence Day.....	July 4 th
7. Labor Day.....	First Monday in September
8. Veteran’s Day.....	November 11 th
9. Thanksgiving Day.....	Fourth Thursday in November
10. Friday after Thanksgiving.....	Fourth Friday in November
11. Christmas Eve Day.....	December 24 th
12. Christmas Day.....	December 25 th
13. Floating Holiday.....	(requires supervisor approval)
- B. If the date falls on a regular day off, time may be taken on the workday immediately before or immediately following that day.
- C. Holiday pay shall be conditioned on the employee working the day immediately prior to and following the holiday unless excused by the Appointing Authority.
- D. Temporary/probationary employees will not be eligible for holiday pay other than defined in Section 4 parts B5 and C.
- E. When necessary to provide uninterrupted services to the public, holiday time shall be scheduled on a split-personnel basis. Employees scheduled to work hours on the actual holiday, and provided equal time off is not taken, shall be paid at the overtime rate for those hours worked as well as eight (8) hours of holiday pay.

Section 7- Annual Leave (Vacation)

- A. A full-time employee shall be entitled to annual leave with pay according to the following method:

<u>Length of Service</u>	<u>Annual Leave Earned</u>
After 1 full year of service	40 hours
2-9 years	80 hours
10-14 years	120 hours
15 years and over	160 hours

- B. New employees hired after July 1, 2006 are not entitled to annual leave until they have worked at least one (1) full year. Annual leave accrues on an individual employee's hire date. All City employees hired prior to July 1, 2006 shall have an anniversary (hire) date of January 1.
- C. Annual leave requests shall be made at least one (1) week in advance of the proposed starting date and approved by the department director in accordance with the needs of the department. Employees will make every effort to respect all annual leave requests consistent with those needs. Seniority shall prevail in the determination of annual leave requests.
- D. In case of emergencies, when an employee has been unable to schedule his/her annual leave, this time may be paid or carried over upon approval by the Appointing Authority.
- E. Annual leave is not earned while an employee is in a non-paid status.

Section 8- Excused Days with Pay / Personal Leave / Sick Leave

- A. Each regular full-time City employee is entitled to forty (40) hours paid personal leave each year after one (1) year of employment. New employees hired after July 1, 2006 are not entitled to personal leave until they have worked at least one (1) full year. Personal leave accrues on an individual employees hire date. All city employees hired before July 1, 2006 have an anniversary (hire) date of January 1.

Under no circumstances shall paid personal leave be carried over from year to year.

- B. Each regular full-time City employee is entitled to forty (40) hours paid sick leave each year after one (1) year of employment. New employees hired after July 1, 2006 are not entitled to personal leave until they have worked at least one (1) full year. Sick leave accrues on an individual employees hire date. All city employees hired before July 1, 2006 have an anniversary (hire) date of January 1.
- C. Sick days may be carried over into the following year. A maximum of thirty (30) sick days may be accumulated, but no more than a total of thirty (30) sick days may be maintained at any time.
- D. Sufficient written notice shall be given the department director not less than twenty-four (24) hours prior to the scheduled appointment when an employee knows in advance of a

need to use the excused day(s). Sick leave shall be charged in minimum amounts of two (2) hours, unless otherwise approved by the Appointing Authority.

E. Other Paid Absences:

1. On-the-job-injury- Should an employee experience a work related injury, he/she shall be entitled to seven (7) days of compensation from the City, after which Worker's Compensation Insurance will compensate the employee.
2. Serious Illness- In the event an employee should become ill and require hospital confinement, he/she may be paid the regular salary for a period of one (1) week, after which the disability group insurance carrier shall compensate the employee. Elective surgery is not considered a serious illness.
3. Other paid absences as defined in Sections 9, 10, 11, and 12 of this ordinance.

Section 9- Military

Any City employee who is a member of a reserve component of the Armed Forces of the United States shall be entitled to excused leave while engaged in the performance of his/her official duty or training. While on such leave, employee will be paid at the regular rate of pay for a maximum of fifteen (15) working days in any one (1) calendar year. 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.

Section 10- Funeral Leave

In cases of death in the immediate family: Spouse, child, other dependent, brother, sister, parents, grandparents, parents of the spouse, or any other person who is living in the employee's household at the time of the dependent death for which the employee provided financial support. Any eligible employee may be granted funeral leave, upon the approval of the Appointing Authority. Funeral leave will be granted for attendance to funeral matters and will be paid absences; however, this leave shall not exceed three (3) days. Additional absences in connection with the funeral of a non-immediate family member or friend may be excused without pay and shall be at the discretion of the Appointing Authority or may be charged against vacation or personal leave.

Section 11- Maternity Leave

Any employee unable to work due to pregnancy, recent confinement (delivery), or other pregnancy related causes may request and may be granted leave without pay for a period of time up to twenty-six (26) weeks. All accrued leave and vacation time may be applied to maternity leave for pay purposes.

Section 12- Court and Jury Leave

An employee who is called for court, jury duty, or subpoenaed to testify in a court of law during any portion of the employee's regularly scheduled working day will be excused from work for the days on which service is required. The employee may choose to receive his/her regular salary

or wage in full for such time from the City in which all compensation received for court services shall be turned over to the Clerk Treasurer in full or the employee may choose to retain all compensation received for court service and waive his/her regular salary/wage in full for such time from the City. The employee will be required to present proof of service (e.g. subpoena) and the amount of payment received from the clerk of court. If the employee is released from jury duty or court and a reasonable amount of time remains during his/her scheduled workday, two (2) hours or more, he/she shall be expected to report to work with the City after having been released by the court.

Section 13- Excused Leave Without Pay

Upon application in writing and approval of the Appointing Authority, any employee may be granted a leave of absence without pay. Such leave of absence will be granted for a minimum of seven (7) days, but may not exceed thirty (30) days in duration. Unpaid leave may be granted, but not limited, the following reasons:

1. For educational purposes where the education will be beneficial to both the employee and the City;
2. For personal reasons, such as illness in the family, personal problems, and legal difficulties, where there is such urgency that no other alternative are available; and
3. 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 circumstances.

Section 14- Travel Reimbursement

Any City employee performing City necessitated travel and using his/her own automobile will be reimbursed for mileage at the maximum rate authorized by the Internal Revenue Service. Where overnight stay is necessitated, a City employee on City related business would be reimbursed for lodging costs. All travel arrangements must have the approval of the Appointing Authority. All travel reimbursements shall be conditioned upon the submission of proper documentation, such as lodging receipts or other common carrier tickets. Documentation is to be submitted in the month the expenses were incurred whenever possible.

Section 15- Disciplinary and Dismissal Actions

Discipline and/or discharge of a regular employee shall be at the discretion of the Appointing Authority. All City employees are At-Will employees.

Section 16- Resignations / Layoffs / Reductions in Force

- A. Resignations- To resign in good standing, an employee must submit his/her written notice through the Appointing Authority at least two (2) weeks prior to the planned date of termination. Employees who resign in good standing are entitled to all accrued but

unused vacation pay at their current rate of pay as defined in Section 7 of this ordinance and upon the date of termination.

An employee absent for three (3) consecutive scheduled workdays without due notification of valid reason, and has no legitimate reason for failure to notify, shall be considered as having resigned his/her employment. Employees who resign, but do not resign in good standing, will be liable to forfeiture of accrued vacation benefits.

- B. Layoffs / Reduction in Force- Employees may be placed on layoff status or may be demoted for reason(s) of lack of work, lack of funds or projected lack of funds, abolishment of positions, and/or reorganization. The order in which employees shall be placed on layoff status or demoted shall be determined in accordance with the interest of efficiency of public operations. Employees placed on layoff status shall be entitled to all accrued but unused vacation pay at their current rate of pay as defined in Section 7 of this ordinance. A laid off employee shall be eligible for recall for a period of one (1) year following the date of layoff. Each recalled employee shall be allowed ten (10) calendar days from the date of receipt of the certified letter to return to work. In the event of extenuation circumstances, the employee shall submit to the Appointing Authority in writing the reason for not returning to work.

Section 17- Severability

Should a court of competent jurisdiction hold any section or part of this ordinance invalid, the remaining parts shall continue in full force and effect.

Section 18- Other Ordinances Repealed

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed in so far as the same effect as this ordinance. The ordinance specifically repeals ordinance number 2006-OR-10.

Section 19- Effective Date

This ordinance shall be in full force and effect immediately from and after its passage and publication as prescribed by law, but not earlier than March 1, 2009.

ADOPTED by the City Council of Charlestown, Indiana this 2nd day of March, 2009.

	AYE	NAY	ABSTAIN	ABSENT
<u>Jeff Aaron</u> Jeff Aaron	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Mark Goodlett</u> Mark Goodlett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Scott McKechnie</u> Scott McKechnie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Terry Pierce</u> Terry Pierce	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Dan Roberts</u> Dan Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED: G. Robert Hall
G. Robert Hall, Mayor

DATE: 3/2/09

ATTEST: Donna Coomer
Donna Coomer, Clerk Treasurer

DATE: 3/2/09