

# **1. PERSONNEL POLICIES HANDBOOK**

**The policies contained in this chapter and throughout the Pulaski County Personnel Policies Handbook apply to all Pulaski County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

## **1.1 USE AND REVISION OF PERSONNEL POLICIES HANDBOOK**

This Pulaski County Personnel Policies Handbook is designed to provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. It is your responsibility to read, understand, and comply with all provisions of the handbook. The Pulaski County Personnel Policies Handbook describes many of your responsibilities as an employee and outlines the programs developed by Pulaski County to benefit our employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

Nothing in this policy is intended to, in any sense, constitute a contract of employment. In accordance with Indiana statutes, Pulaski County is an "At-Will" employer. This means the employee may resign at any time and the County may discharge an employee at any time with or without cause. This personnel policy is not a contract of employment and in no way grants property interests or contractual rights to County employees. This policy does not create an entitlement or an expectation of continued employment.

No employee handbook can anticipate every circumstance or question about policies. As the County continues to grow, the need may arise to change policies described in the handbook. Pulaski County therefore reserves the right to revise, supplement, or rescind any policies or portion of the policies from time to time as it deems appropriate, in its sole and absolute discretion. Employees will, of course, be notified of such changes as they occur.

While Pulaski County believes these policies are accurate, they are only summaries, and any discrepancies between these summaries (such as insurance policies) shall be governed by the actual terms of the underlying, more detailed plan documents.

**1.1(a) Exclusive Personnel Policy:** This Personnel Policies Handbook is the exclusive written policy pertaining to the employee/employer relationship between the County and its full time, part time, and seasonal employees. Any previous versions of policy (other than those passed by the County Council with regard to pay) in the form of a handbook, ordinance, resolution, or verbal motion is hereby revoked by the adoption of this handbook.

**1.1(b) Inter-Department Policy:** Each department head is encourage to have written policies governing the daily tasks, authorized conduct, safety protocols, documentation, equipment and facility maintenance and other like policies within their department. The inter-department policy will govern the employee's conduct so long as the policy does not

conflict with this Pulaski County Personnel Policies Handbook. The priority of policy begins with this handbook which may be supplemented, but not contradicted by inter-department policies.

**1.2 EXCEPTIONS AND SPECIAL CONDITIONS**

Pulaski County's employment practices and policies will apply equally to all employees, unless exempted by law, contract, or the terms of a policy. Where federal and state laws or regulations supersede Pulaski County policies, employees will be instructed to observe the requirements of these state and federal laws.

**1.3 "PULASKI COUNTY" DEFINED**

In this personnel policy, the "County" shall be defined to mean the Pulaski County Board of County Commissioners, the Pulaski County Council, the elected officials of Pulaski County, and/or agency and department heads acting individually or in conjunction with each other within their areas of assigned responsibility or as defined by applicable statute, constitutional provision, ordinance, case law, or resolution.

**1.4 PERSONNEL ADMINISTRATION COMMITTEE**

The Pulaski County Personnel Administration Committee is established and shall meet as deemed necessary to review the application of County personnel policies and perform certain advisory functions such as:

1. Reviewing employee complaints in connection with the problem resolution procedure in the Pulaski County Personnel Policies Handbook and providing advisory recommendations as warranted;
2. Monitoring personnel policies and procedures and making recommendations for revisios, modifications, additions, and deletions as deemed necessary; and
3. Reviewing all standard operating procedures adopted by any department.

The Pulaski County Personnel Administration Committee shall serve yearly and be comprised of five (5) members. The members of the Personnel Administration Committee shall be two (2) County Council members, appointed by County Council, one (1) County Commissioner, appointed by the Board of County Commissioners, the Auditor by virtue of the position, and the County Attorney. The Committee shall meet quarterly and as needed.

**1.5 EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of the County of Pulaski to provide equal opportunity in employment to all employees and applicants for employment and to prohibit discrimination in employment

because of race, creed, religion, color, sex, age, national origin, disability, military status, or any other classification protected under applicable law.

This policy applies to all terms, conditions, and privileges of employment, including, but not limited to, hiring, probation, training, promotion, transfer, compensation, benefits, assistance, layoff, recall, employee facilities, discharge, and retirement.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their elected official/department head or the County Commissioners. If the elected official/department head is the potential cause of concern then report your concerns to the County Attorney by completing **Problem Resolution (Form Q)**. The employee will not be subject to any retaliation for reporting conduct of a department head or fellow employee.

## 1.6 MANAGEMENT RIGHTS

Pulaski County retains the responsibility and authority to manage and direct on behalf of the public the operations and activities of the County to the full extent authorized by law. Often referred to as the Home Rule. The law states that unless otherwise delegated by statute, the County Executive maintains authority to manage the county department and employees. Such responsibility and authority shall include but not be limited to:

1. The right to direct the work of its employees;
2. The right to establish policy;
3. The right to maintain the efficiency of public operations;
4. The right to design and implement safety programs for employees;
5. The right to design and implement job training for employees;
6. The right to determine what services shall be rendered to the public;
7. The right to determine job content and job descriptions;
8. The right to determine and implement objectives and goals of the County;
9. The right to establish, allocate, schedule, assign, modify, change, and discontinue County operations, work shifts, and working hours;
10. The right to establish, change, and discontinue work standards;
11. The right to hire, examine, classify, train, transfer, assign, and retain employees; suspend, discharge, or take other disciplinary action against employees in accordance with applicable law and to relieve employees from duties due to disciplinary reasons or other legitimate reasons; and make promotions and demotions;
12. The right to change, modify, and alter the composition of the work force;
13. The right to determine, establish, and implement policies for the selection, training, and promotion of employees in accordance with applicable law;

14. The right to establish, implement, modify, and change procedures and policies for the safety, health, and protection of County property and personnel;
15. The right to adopt, modify, change, enforce, or discontinue any existing rules, regulations, procedures, and policies;
16. The right to establish, select, modify, change, or discontinue equipment, materials, and the layout and arrangement of equipment;
17. The right to determine the size and character of inventories and their disposal;
18. The right to control the use of property, machinery, inventories, and equipment owned, leased, or borrowed by the County;
19. The right to determine the location, establishment, and organization of new departments, divisions, subdivisions, or facilities thereof, and the relocations of departments, subdivisions, locations, and the closing and discontinuance of same; and
20. The above enumeration of management rights is not inclusive of all such rights and all rights granted the County by constitution, statute, charter, ordinance, or in any manner are retained by the County.

#### **1.7 PRODUCTIVE WORK ENVIRONMENT**

It is a policy of Pulaski County to maintain a productive work environment. Verbal or physical conduct by any supervisor or employee which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment will not be tolerated. Any violation of this provision will result in disciplinary action against the employee. If the inappropriate conduct was by a department head, the employee should report the behavior pursuant to Section 7 on **Form Q, Problem Resolution Form** and go directly to the County Attorney.

#### **1.8 AUTHORIZED ALIEN STATUS AND CITIZENSHIP**

All new hires must cooperate with the County in its compliance with the Immigration Reform and Control Act of 1986 and in verifying employment eligibility. New employees shall complete an **I-9 form** and show proof of identity and employment eligibility within the first three (3) days of employment. Former employees who are rehired must also complete the form if they have not completed an I-9 form with Pulaski County within the past three (3) years, or if their previous I-9 form is no longer retained or valid. Employees who refuse to or are unable to supply the documentation necessary to prove that they are American citizens or aliens authorized to work in this country will be terminated. Supervisors shall ensure appropriate forms are properly completed and retained as required by law. I-9 forms are maintained by the Auditor.

Employees with questions or seeking more information on this issue are encouraged to contact the County Commissioners. Employees may raise questions or complaints without fear of reprisal.

**1.9 E-VERIFY**

The Auditor's office shall administer the e-verify enrollment of all County new-hires; and shall ensure that appropriate forms are properly completed and retained as require by law.

**1.10 ELIGIBILITY FOR LOCAL PUBLIC BENEFITS**

All County employees shall complete a **Employee Status Information Hire/Change (Form B)** to ensure entitlement to a Federal public benefit as defined by IC 12-32-1-2 and State or Local public benefits as defined by IC 12-32-1-3. This form shall be administered and retained by the Auditor's office as required by law. Failure of the employee to complete the necessary forms will delay benefits and payment.

**2. EMPLOYMENT POLICIES**

**The policies contained in this chapter and throughout the Pulaski County Personnel Policies Handbook apply to all Pulaski County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

**2.1 HIRING PROCESS**

The County shall adhere to the following process when hiring all personnel:

1. The department head seeking to fill a vacancy or new position shall follow the advertising and posting procedure pursuant to *Section 2.3 of this Personnel Policies Handbook*. If a suitable employee within the County is available for the position, the department head shall proceed to *Section 2.4 of this Personnel Policies Handbook* and have said individual complete an employment application and follow the process from that point forward.
2. An employment application shall be filled out by all applicants. This must be **Form A** in the County Policies Handbook. The department head shall review the employment applications, and must conduct any applicant testing required under *Section 2.4 of this Personnel Policies Handbook* and choose the applicant, or applicant they wish to interview. The department head should then conduct all pre-employment interviews as defined in subsection Section 2.6 that the department head requires in their discretion to choose their choice of potential employee. The department head must then do drug testing, and a criminal background check. They may also be required to do a medical review if applicable as provided under Section 2.7, and must obtain a copy of the BMV records for any applicant who will be required to drive during their employment. Upon completion of the above, the department head shall select the best suited applicant in the department head's opinion to proceed with the hiring process.

3. Once the department head has made their selection they shall e-mail a copy of the application, all test results, and background checks of their selected applicant to the three Pulaski County Commissioners. The Pulaski County Commissioners will have forty-eight hours to review the application. If they have no objections to the applicant being hired, they shall respond back to the department head confirming their acceptance. If they don't respond within the forty-eight hours the applicant will be deemed acceptable and the department head shall offer an official letter of employment to the applicant, **Form E of the Personnel Policy Handbook**. The department head/elected official must make sure all the requirements of the checklist provided under *Section 2.2 Hiring Checklist of this Personnel Policies Handbook* have been provided to the Pulaski County Auditor and complete the **Offer of Employment (Form E)**.
  
4. If a Pulaski County Commissioner has a question or they require any further prerequisites including but not limited to, seeking further references of the applicant, follow-up on references, review testing, obtain and review criminal background checks and credit history checks, conduct further interviews with the applicant, or do any other hiring prerequisite they deem appropriate before the department head offers the official offer of employment. The Commissioners must seek an executive session and notify the department head. (Executive sessions requires 48 hour notice) The Commissioners will either approve by a majority of the vote the department head's offer of employment and provide an official letter of employment to the applicant, reject the applicant with reasons provided to the department head at which point the department head shall return to step two (2) of the hiring process and select a new applicant, or table the issue for a period of time for the Commissioners' to conduct any hiring prerequisites they deem appropriate, in which case the position will remain vacant until the Commissioners' are ready to vote on the applicant.

The hiring process set forth herein shall apply to any county position and to all department heads unless hiring authority rests solely with the elected official/department head by statute. If the elected official/department head has statutory authority to appoint a position, then the hiring process shall not apply and the elected official/department head shall appoint the position and notify the Pulaski County Auditor of their selection. No official letter of employment will be provided since the position was appointed directly by the elected official/department head and the individual was not hired by the Pulaski County Commissioners. At the time this policy book was adopted the statutory exceptions to the hiring process were as follows:

The judges of the Pulaski Circuit Court and Pulaski Superior Court have the authority to appoint the Bailiff, Court Reporter, and other employees necessary to carry out the business of the Court pursuant to IC 33-30-7-2(d), IC 33-29-1-4, and IC 33-29-1-5. The Pulaski County Prosecutor has the authority to appoint the Deputy Prosecuting Attorney and the Investigator for the Pulaski County Prosecutor's Office pursuant to IC 33-39-6-2 and IC 33-39-4-1. The County Sheriff has the authority to appoint the Jail Matron pursuant to IC 36-8-10-5. If other positions within the County government are governed

by statute on the power to appoint the statutory authority will take precedence over the hiring process set forth herein.

**All County employees whether hired through the hiring process or appointed by the elected official/department head shall comply with the County Personnel Policies Handbook.**

**2.2 DRUG TESTING, CRIMINAL BACKGROUND CHECK, AND HIRING CHECKLIST**

Before the offer of employment can be made, the department head/elected official must have the Applicant complete the following:

1. Each prospective Applicant selected by the department head/elected official must complete a criminal background check and obtain information pursuant to IC § 10-13-3-27. The Pulaski County Sheriff's Department is authorized pursuant to this statute to release a limited criminal history. The department head/elected official shall submit the **Criminal Background Check (Form C-1)** of the Personnel Policies Handbook to the Pulaski County Sheriff's Department for said check.
2. Each prospective Applicant selected by the department head/elected official whose employment with the County will involve driving a county vehicle or using their own vehicle during County employment shall provide a copy of their BMV record. The department head/elected official shall submit **Bureau of Motor Vehicle Release of Driving Record (Form D-1)** of the Personnel Policies Handbook to the Bureau of Motor Vehicles.
3. Each prospective Applicant selected by the department head/elected official must submit to a drug test. Drug testing will be handled by whomever is currently contracted by the County to perform the testing. The Auditor can provide this information.
4. Each prospective Applicant selected by the department head/elected official whose employment with the County involves any position where physical labor, driving during working hours, law enforcement activity, typing, or the ability to sit or stand for long periods of time are an essential function of their position shall submit to a medical review by a medical doctor of their choice as provided on **Medical Review (Form L)** of the *Personnel Policy Handbook*.
5. Once the official letter of employment has been given to the Applicant, the department head/ elected official must make sure the Applicant completes the **I-9**, E-verify, and verification of eligibility for local public benefits form, **Employee Status Information Hire/Change Form (B)** and any other information the Auditor may need for payroll purposes as provided under *Section 1.8-1.10 of this Personnel Policy Book*.

### **2.3 ADVERTISING AND POSTING OF POSITIONS**

Whenever vacancies occur or new positions are created, job information shall be posted publicly within County facilities until the opening is filled. Bulletin boards located in government County buildings will be used for posting job openings.

Open positions that have been posted may, at the discretion of the department head be advertised in newspapers, trade journals, and website advertising. Advertisements shall be approved by the Auditor and shall describe the position, basic qualifications, and state that the County is "An Equal Opportunity Employer."

Basic qualifications of formal education, background, and experience shall be determined before recruiting begins and shall be based upon job requirements as well as dictates of applicable federal, state, and local laws.

### **2.4 EMPLOYMENT APPLICATIONS**

All applicants are required to complete a Pulaski County application for employment. Prospective employees may only complete and submit a job application in conjunction with a posted position. This standardized **Application for Employment form (Form A)** shall be submitted to and maintained by each County Department or Office.

Applications for County employment shall request only information necessary for rational decision making. Only questions specifically related to occupational standards shall be asked.

All applicants must complete the Pulaski County Employment Application in its entirety. Applicants must account for periods of employment and unemployment.

The County relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment.

Any misrepresentations, falsifications, or material omissions in any form may result in the County's exclusion of the individual from further consideration for employment, or if the person has been hired, termination of employment.

Placement of an employment application with the County does not mean that an applicant will be interviewed. Equal consideration will be given to all applicants based on qualifications listed for the job.

Applications will be retained in active files for twelve (12) months, or for the duration of applicant recruitment lists when used. Applications shall be returned to the County Auditor prior to hiring or being placed on the County payroll. All newly hired employees shall report to the Auditor's Payroll Clerk to submit documents necessary for compliance with federal, state, and local law and for enrollment in any eligible benefit programs.

**2.5 APPLICANT TESTING**

Applicant tests may include, but are not limited to, basic skills written tests, mechanical or physical agility, and psychological tests may be used by the County in the selection process for certain positions. Such tests are to be related to the requirements of the position. The County Board of Commissioners must approve the use of any tests for prospective employees.

**2.6 PRE-EMPLOYMENT INTERVIEWS**

Pre-employment interviews are used to gather information and screen applicants for County employment. Interviews shall be conducted by the administrative officer or department head seeking to fill the job vacancy or new position.

**2.7 MEDICAL EXAMINATIONS**

To help ensure that employees are able to perform their duties safely, medical examinations may be required of those positions where the essential function of the position requires physical labor, driving during working hours, or if the employee is going to a sheriff's deputy or a jailer or the position requires prolonged periods of sitting or standing. The medical examination may be used prior to hiring, or anytime during the course of employment with the County.

An applicant may be required to undergo a pre-employment medical examination by a medical doctor of their choice..

If an employee is off of work due for a medical reason, a department head/elected official shall require a **Medical Review Form (Form L)** be completed by a physician before being allowed to return to work.

Employees may be required to submit to fitness for duty medical or psychological evaluations prior to returning from military leave or employee illness or injury leave under the Family and Medical Leave Act (FMLA), or to meet terms and conditions associated with performing job duties.

Information on an employee's medical condition or history shall be kept in a confidential medical file that is separate from other employee information. Medical information shall be maintained by the Auditor's Office, with copies involving benefits or compensation to the Auditor's Payroll Clerk. Access to this information will be limited to the employee, elected official/department head of the employee, designated employees responsible for processing insurance and workers' compensation claims, and others as authorized by statute.

## 2.8 **EMPLOYMENT STATUS**

It is the intent of Pulaski County to clarify the definitions of employment status, so employees understand their employment status and benefit eligibility. Any changes in employment status shall be conveyed in writing. No change in employment status is to be construed or inferred without written notification. Each County employee is assigned to one (1) of the following three (3) classifications.

**FULL-TIME AFFORDABLE CARE ACT (FTA)** employees are those who are not in a PT or ST status and who are regularly scheduled to work at least thirty (30) hours or more per workweek. FTA employees are eligible for legally mandated benefits such as Worker's Compensation, Social Security benefits, and County health insurance, subject to the terms, conditions, and limitations of benefit programs. FTA employees are eligible for the following benefits: Paid Time Off, Holidays, health insurance and retirement programs. For the purposes of clarification throughout the handbook, these employees will be referred to as FTA employees.

**PART-TIME (PT)** employees are those who are not assigned to a FTA or ST status. Part-time employees shall not work more than twenty-eight (28) hours per week, with the exception of mandatory certification training required of the position. Part-time employees retain that status until expressly notified of a change. Part-time employees do receive all legally mandated benefits such as Workers' Compensation and Social Security benefits subject to terms, conditions, and limitations of each benefit program. PT employees are not eligible for the following benefits: Paid Time Off, Holidays, health insurance and retirement programs. For the purposes of clarification throughout the handbook, these employees will be referred to as PT employees.

**SEASONAL/TEMPORARY (ST)** employees are those who are hired as interim replacements to temporarily supplement the workforce, or to assist in the completion of specific project and who are not assigned to a FTA or PT status. It is the policy of the County that a Seasonal/Temporary employee who works for one-hundred- twenty (120) days in a calendar year shall not be rehired by the County without a minimum of six (6) months separation period between season/temporary engagements. Temporary employees retain that status until notified of a change. Temporary employees receive all legally-mandated benefits such as Workers' Compensation and Social Security benefits. ST employees are not eligible for the following benefits: Paid Time Off, Holidays, health insurance and retirement programs. For the purposes of clarification throughout the handbook, these employees will be referred to as ST employees.

## 2.9 **INTRODUCTORY PERIOD**

The introductory period is intended to give new, or rehired employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The County uses this period to evaluate employee capabilities, work habits, and overall performance.

All new or rehired employees work an introductory basis for the initial six-hundred and thirty (630) active working hours after their “date of hire”. Any significant absence will automatically extend the introductory period by the length of the absence.

During the introductory period, employees are eligible for those benefits that are required by law, such as workers’ compensation insurance and Social Security. They may also be eligible for other employer provided benefits, subject to the terms and conditions of each benefit program. Employees should read the information for each specific benefit program for the details on eligibility requirements. Questions regarding benefits should be directed to the Auditor’s Payroll Clerk.

Any Employee who has worked for the County more than six-hundred and thirty (630) active work hours and has applied for a position within another department within the County will maintain their county benefit package if they are hired for the new position in a different department. All other aspects of the introductory period shall apply.

The **Performance Appraisal Form (Form F)** shall be completed at the conclusion of the introductory period.

Employees who satisfactorily complete the introductory period, will be notified of their new employment status.

Employees that fail to meet the standard of requirements for their position within the introductory period will be notified of their termination.

## **2.10 EMPLOYMENT REFERENCE CHECKS**

To ensure that individuals who are employed by the County are well qualified and have a strong potential to be productive and successful, it is the policy of the County to check the employment references of all applicants. (**See Employment Verification Form V**)

For employment reference checks requested by outside employers of past or current County employees, the County will respond in writing only to those reference check inquiries that are submitted in writing. Responses to such inquiries will confirm only factual information, such as dates of employment, wage rates, and position(s) held.

No additional employment data will be released without written authorization and a release signed by the individual who is the subject of the inquiry.

## **2.11 PERSONNEL FILES**

The employment selection procedure shall be documented and recorded and shall remain strictly confidential. Accurate personnel records shall be kept on file for each employee for a period of not less than seven (7) years and should be used to substantiate and support the employment decision in the event of inquiry.

The County maintains four (4) separate personnel records concerning the employee's employment history.

1. **Personnel File:** In each employee's personnel file, records regarding position, pay, benefits, and other employee status actions will be retained. Other items that may be contained in the file are written notes of explanation, original application, and employee forms for taxes, retirement application or other county offered programs. This file shall be maintained by the Auditor. Certain documents in this file shall be deemed confidential and released only to persons as authorized by statute.
2. **Administration File:** This file should contain disciplinary actions, awards received, training records, and performance reviews. This confidential file shall be kept confidential unless disclosure is required by the Indiana Public Access Records Law. This file shall be maintained by Auditor.
3. **Medical File:** The employee's medical file shall contain all medical information, including health insurance enrollment and beneficiary forms, disability information, ADA accommodations, workers' compensation documents, and other medical related information. This confidential file shall be kept confidential unless disclosure is required by the Indiana Public Records Law. This file shall be maintained by the Auditor.
4. **CDL File:** The CDL file is maintained by the department head for that employee with copies forwarded to the Auditor.

## 2.12 ACCESS TO PERSONNEL FILES

Access to confidential personnel files shall be limited to the employee, the elected official/department head of the employee, the Auditor's Office, County Auditor, County Attorney, and other persons authorized by the County Attorney as authorized by statute. The Auditor shall not provide any information pursuant to a subpoena or court order sooner than ten (10) calendar days after the date of receipt. Within five (5) calendar days of the receipt of the subpoena, the County Attorney shall notify the affected employee(s) of the subpoena to permit the employee(s) to seek any appropriate judicial relief.

Personnel files are property of the County and access to the information they contain is restricted. Only officials or representatives of the County who have a legitimate reason to review information in a file are allowed to do so. With reasonable advance notice, employees may review their own personal files in Pulaski County's offices and in the presence of an individual appointed (the elected official/department head) to maintain the files. Upon request, the County will provide the employee copies of any documents contained in his/her personnel file.

**2.13 PERSONAL INFORMATION CHANGES**

It is the responsibility of each employee to promptly notify Pulaski County of any changes in personal data and report information affecting insurance benefits to the Auditor's Office and information affecting compensation to the Auditor's Payroll Clerk. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, driver's license status and proof of insurance (where applicable), and other such status reports should be accurate and current at all times. Any unreported changes in personal status may impact eligibility under the County's benefit plans.

**2.14 ORIENTATION/EXIT INTERVIEWS**

Once employed by the County, the department head/elected official shall conduct an informal orientation to familiarize the new employee with the County; the employee will receive a copy of the Pulaski County Personnel Policies Handbook and any applicable workplace rules, including the drug-free workplace policy. It is the responsibility of the employee to read and understand the Personnel Handbook. Each employee shall sign the Employee Acknowledgment form; periodic updates will also be acknowledged. Orientation must be completed within five (5) working days of date of hire. If the orientation is not completed within the five (5) working day period, employees' hourly rate of pay will be paid at the minimum wage.

Upon termination, the employee or Department Heads shall contact the Auditor's Office regarding compensation and the County benefits.

**2.15 PERFORMANCE EVALUATION**

Elected officials/department heads and employees are strongly encouraged to discuss job performance and goals on an informal, regular basis. Additional formal performance reviews **must** be conducted to provide both elected officials/department heads and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

New full-time employees will be evaluated within six (6) months, and three hundred and sixty-five (365) days of hire by their elected official/department head. After each evaluation, the employee's elected official/department head will have a job **Performance Review (Form F)** with them, and then add the evaluation and performance to the administrative file. All employees must be evaluated once a year. This allows the elected official/department head and employee the opportunity to discuss the job responsibilities, standards, and performance requirements, in addition to correcting deficiencies and reinforcing strengths and future goals.

Performance appraisals shall be confidential and shall be made available only to the employee appraised, their elected official or department head, and to a prospective elected official or department head if a transfer or promotion is being considered, and the County Attorney and County Commissioners in the event of a complaint arising out of the administration of personnel policies.

The County Commissioners shall conduct the performance evaluation on the non-elected department heads. Elected officials will not be evaluated.

The performance of all employees should be evaluated on an annual basis.

## **2.16 OUTSIDE EMPLOYMENT/CONFLICT OF INTEREST**

An employee may hold a job with another organization as long as he/she satisfactorily performs his/her job responsibilities with the County. All employees will be judged by the same performance standards and will be subject to the employer's scheduling demands, regardless of any existing outside work requirements.

Employees who are provided Family and Medical Leave under the County's FMLA policy for their own serious illness or injury shall not be engaged in outside employment while on FMLA.

If the department head/elected official determines that an employee's outside work interferes with performance or the ability to meet the requirements of the County as they are modified from time to time, the employee may be asked to terminate the outside employment if he/she wishes to remain employed with the County. The department head/elected official shall complete a **Notice of Disciplinary Form (Form P)** detailing the discussion of the issues with the employee and may terminate employment if necessary.

Employees may not enter into dealings or financial interests in contracts and services performed by Pulaski County. This includes deriving any direct or indirect profit resulting from the sale, service, contracting, or purchases made on behalf of Pulaski County.

County employees may not accept financial benefits that would reasonably tend to influence decisions or encourage that employee to disclose confidential County information. Any offers of money, services, benefits, favors, or other possible conflicts should be reported to elected official/department head and/or the County Commissioners. Employees having financial interest in a County or substantial investments in a corporation that might benefit from their dealings with the County must file a **Conflict of Interest form** with the County Clerk with a copy to the State Board of Accounts.

Soliciting political party campaign contributions or promoting political activities are prohibited actions. Violators will be subject to disciplinary procedures.

## 2.17 REQUESTS FOR INFORMATION

Ind. Code 5-14-3-3 is the controlling law on all public requests for information from the County. The law is explained below:

### **HOW A PUBLIC RECORDS REQUEST IS MADE:**

Ind. Code 5-14-3-3 states that any person may inspect and copy the public records of any public agency during the regular business hours of the agency. The request for inspection or copying must:

- 1) identify with reasonable particularity the record being requested; and
  - 2) be, at the discretion of the agency, in writing on or in a form provided by the agency.
- (Pulaski County Public Access Request Form X.)**

**Form X** should be used by all departments when being presented with a request for public records. **Form X** needs to be made available to the public at each county office. The person completing **Form X** should describe in detail with "reasonable particularity" the records requested so the department can understand how to respond. The law does allow for a request to be made orally but Pulaski County requires it to be in writing and **Form X** must be used. All departments should post the County's "**Public Notice**" **Form Y** in a conspicuous location so that the public knows the County's policy on requests being in writing. This is the best practice since it eliminates confusion when requests are made orally.

Like with any law there are exceptions to the "right to inspect public records". Ind. Code 5-14-3-4 sets forth the exceptions. This is information that is confidential and the public does not have access to. Each department must review this code section to verify with each request whether the request is accessible or not to the public. There are over twenty-five exceptions to the rule. There is a separate statute on law enforcement officer job information Ind. Code 5-14-3-4.3 and information on persons arrested or jailed, Ind. Code 14-5-3-5.

### **HOW A DEPARTMENT SHOULD RESPOND TO A REQUEST:**

If the Requester has completed the request form and the information is not confidential, the Department should respond accordingly to gather the information requested. Sample response letters are available through the Indiana Public Access Counselor website ([www.in.gov/pac](http://www.in.gov/pac)) All departments should use these as a template for responses. Responses should be in writing and should state the cost of the copying fee for said public records. Ind. Code 5-14-3-8 provides that an agency can charge ten cents (\$0.10) per page and twenty-five cents (\$0.25) for color copies.

If the Requester has completed the request form and the information is confidential, the Department should send to the Requester a denial of the record request in writing pursuant to Ind. Code 5-14-3-9(d). The response should contain "a statement of the specific exemption or exemptions authorizing the withholding of all or part of the public record; and the name and the title or position of the person responsible for the denial.

Ind. Code 5-14-3-6 sets forth that if the public record contains disclosable and non-disclosable information the department shall separate the material that may be disclosed and make it available for inspection and copying. It is possible a department may have to redact information from a form by coping the document and blacking out the confidential information. **(Note: Just make sure to hold it to the light to make sure it is not legible.)**

**TIME PERIOD FOR DEPARTMENT TO RESPOND:**

Ind. Code 5-14-3-9 sets forth the time period the County has to respond to each request. If the Requester is physically present in the office of the a department, the department has twenty-four hours to respond before the request is considered denied by the department. If the request is made in writing by mail, facsimile, or e-mail the department has seven days to respond before the request is considered denied.

**If after review of Ind. Code 5-14-3-4, the department has questions about whether a document is confidential the issue should be brought to the attention of the County Attorney.**

**2.18 LAYOFF AND RECALL**

Pulaski County maintains the right to reduce its workforce. Examples of reasons when a reduction might occur include, but are not limited to:

1. Lack of work;
2. Lack of funds or projected lack of funds;
3. Job abolishment; and/or
4. Reorganization.

Whenever a reduction is necessary, the County will determine the classifications in which the layoffs shall occur and the number of employees to be laid off in each department. Determinations on which employees will be laid off will include employee qualifications, length of continuous service, and operational needs of the County. Compensation for an employee separated due to a layoff will be made on the next scheduled payday. The final check will include vacation and compensatory leave time, as appropriate.

Each recalled employee shall be allowed five (5) working days from the date of receipt of a certified letter explaining the recall to return to work.

Any recalled employees needing more than the five (5) working days to report to work must have written approval from their elected official/department head. 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.

**2.19 NEPOTISM**

Effective July 1, 2012 Indiana Code 36-1-20.2 specifies that relatives may not be employed by the County in positions that result in one relative being in the direct line of supervision of the other relative. An employee who is employed by the County as of June 30, 2012, is not subject to the nepotism provision unless the employee has a break in employment with this County in the future.

This nepotism policy does not apply to the County Sheriff's spouse employed as the Jail Matron or to relatives of the County Coroner who have previously served as the County Coroner.

Direct line of supervision is defined as an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation.

Indiana Code defines relative to include a spouse; a parent or step-parent; a child or step-child; a brother, sister, step-brother, or step-sister; a niece or nephew; an aunt or uncle; a daughter-in-law or son-in-law; an adopted child; and a brother or sister by half blood.

Each elected office holder of the County shall annually certify in writing that the officer is in compliance with the nepotism policy under Indiana Code 36-1-20.2. Such certification must be submitted to the County Commissioners not later than December 31 of each year.

An elected official or department head that is in violation of this policy may be subject to penalties for perjury which is a level 6 felony with up to two and one-half (2 1/2) years prison sentence. The County's failure to adopt policies under Indiana Code 36-1-20.2 (Nepotism) will result in the Department of Local Government Finance not approving the County's budget or any additional appropriations for the ensuing calendar year until the State Board of Accounts certifies the County is in compliance.

**2.20 FULL-TIME TO ELECTED OFFICIAL EMPLOYMENT**

In the event that a full-time employee is elected to a full-time Pulaski County elective office he/she shall be compensated for any accrued paid time off (PTO) or compensatory time earned as a regular full-time employee. If such elected official returns to a non-elective full-time position his/her time in elective office shall count as years of service for the purpose of determining the amount of eligible PTO or other benefits based on years of service with the County.

**2.21 COMMISSIONERS AND COUNCIL MEMBERS PROHIBITED FROM EMPLOYMENT WITH THE COUNTY**

Ind. Code 3-5-9-7 strictly prohibits a member of the executive board (Commissioners) or the fiscal body (Council members) from being employees of the County. Therefore, it is the county policy that no member of either board shall hold any employment position within the County other than their elected position as board member.

**2.22 CONTRACTING WITH THE COUNTY**

Effective July 1, 2012 Indiana Code 36-1-21 states that the County may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with: (1) an individual who is a relative of an elected official or; (2) a business entity that is wholly or partially owned by a relative of an elected official only if the elected official files a full disclosure which must:

- Be in writing
  - Describe the contract or purchase
  - Describe the relationship of the official to the business
  - Be affirmed under penalty of perjury
  - Be submitted to the legislative body prior to final action
- 
- Be filed (within 15 days of final action) with the State Board of Accounts and the County Clerk.

If a contract is entered into with a relative the appropriate agency of the County shall make a certified statement that the contract amount or purchase price was the lowest amount or price offered or make a certified statement of the reasons why the vendor or contractor was selected. Contracts in existence prior to July 1, 2012 are excepted.

An elected official that is in violation of this policy may be subject to penalties for perjury which is a class D felony with up to three (3) years prison sentence. The County's failure to adopt policies or failure to include a statement in the R-100 Personnel Report under Indiana Code 36-11-21 (Contracting with a Unit) will result in the Department of Local Government Finance not approving the County's budget or any additional appropriations for the ensuing calendar year.

### **3. SALARY ADMINISTRATION**

**The policies contained in this chapter and throughout the Pulaski County Personnel Policies Handbook apply to all Pulaski County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

#### **3.1 NORMAL WORK WEEK**

The normal work week typically begins at 12:00 a.m. on Sunday and ends at 11:59 p.m. the following Saturday.

#### **3.2 WORK HOURS**

County offices and departments shall observe the hours of work designated and established by the Board of County Commissioners. The regular work hours may be changed by the Board of Commissioners upon notice to each department head.

**Animal Control:** Employee will be on an on-call basis

**County Home:** Employees will work 35 hours per week with a twenty (20) minute paid lunch period scheduled at the discretion of the elected official/department head.

**Courthouse/Annex:** Employees will work 35 hours per week. Monday - Friday 8:00 a.m. – 4:00 p.m., with one (1) hour unpaid lunch period scheduled at the discretion of the elected official/department head.

**Emergency Medical Services (EMS):** Employees work 24 hours on and 48 hours off, with lunch period scheduled at the discretion of the elected official/department head.

**EMS Administrative Staff:** Employees will work 35 hours per week. Monday – Friday 8:00 a.m. – 4:00 p.m., with one (1) hour unpaid lunch period scheduled at the discretion of the elected official/department head.

**Highway:** Employees will work 40 hours per week. April - September; Hours are Monday – Thursday 6:00 a.m. – 4:00 p.m. with a twenty (20) minute paid lunch period scheduled at the discretion of the elected official/department head. October - March; Hours are Monday - Friday 7:00 a.m. - 3:00 p.m. with a twenty (20) minute paid lunch period scheduled at the discretion of the elected official/department head. The switch between the two schedules shall occur on the first day of a new payroll cycle in April and October.

**Jail:** Employees will work 12 hour shifts (36 or 48 hours a week). Sunday – Saturday, 6:00 – 6:00 with a twenty (20) minute paid lunch period scheduled at the discretion of the elected official/department head.

**Recycling:** Employees will work 40 hours per week. Monday – Friday 7:00 a.m. – 4:00 p.m., with one (1) hour unpaid lunch period scheduled at the discretion of the elected official/department head.

**Transfer Station:** Employees will work 40 hours per week. Monday – Friday 7:00 a.m. – 4:00 p.m., and Saturday 8:00 a.m. - 12:00 p.m. with a twenty minute (20) paid lunch period scheduled at the discretion of the elected official/department head

**Sheriff Merit Officers:** Employees will work 12 hour shifts (36 or 48 hours a week). Sunday – Saturday, 6:00 – 6:00 with a twenty (20) minute paid lunch period scheduled at the discretion of the elected official/department head.

**Dispatchers:** Employees work forty (40) hours per week Sunday through Saturday at the discretion of the Sheriff and will take a working lunch at their workspace.

**Matron:** Employee will work 35 hours per week. Monday – Friday 8:00 a.m. – 4:00 p.m., with one (1) hour unpaid lunch period scheduled at the discretion of the elected official/department head.

**Sheriff Administrative Staff:** Employees will work 35 hours per week. Monday – Friday 8:00 a.m. – 4:00 p.m., with one (1) hour unpaid lunch period scheduled at the discretion of the elected official/department head

**Sheriff Cook:** Employees will work 40 hours per week. Monday – Friday 6:00 a.m. – 2:00 p.m. with a twenty (20) minute paid lunch period scheduled at the discretion of the elected official/department head.

Elected officials or department heads will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

County offices and departments shall observe the hours of work designated and established by the Board of County Commissioners. Work hours and/or schedules can be changed upon request from office elected official or department heads. Such requests shall be submitted in writing and come before the County Commissioners for approval.

Work hours and/or schedules are subject to change at any time during employment to meet the needs of Pulaski County.

**Any overtime shall conform with Section 3.12 of this policy book.**

### **3.3 COMPENSATION**

Pulaski County's compensation plan is based on the current salary ordinance in accordance with decisions by the County or the State of Indiana as budgets are set. Pay

for any given position is subject to the annual budgetary process and, as such, may be subject to increase, reduction, or status quo maintenance for any time period. The County Council adopts an annual salary ordinance establishing pay rates for all County positions.

The supervising elected official/department head or administrator may make suggestions about salary compensation and other pay system concerns; however, the final decision regarding compensation levels rests with the Pulaski County Council.

### **3.4 TIMEKEEPING/TIME CLOCK**

Federal and state laws require the County to keep an accurate record of time worked in order to calculate employee pay and benefits. "Time worked" is all time actually spent on the job performing assigned duties.

The Fair Labor Standards Act (FLSA) and Family and Medical Leave Act (FMLA) require that certain records be kept on each covered non-exempt worker. The record must include accurate information about the employee and data about hours worked and wages earned. Employers are required to maintain the following records:

1. Employee's full name, as used for Social Security purposes, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records;
2. Address, including zip code;
3. Birth date if younger than 19;
4. Sex and occupation;
5. Time of day of week when employee's workweek begins, hours worked each day, and total hours worked each workweek;
6. Basis on which the employee's wages are paid;
7. Regular hourly rate;
8. Total daily or weekly straight-time earnings;
9. Total overtime earnings for the workweek;
10. All additions to or deductions from the employee's wages;
11. Total wages paid each pay period; and
12. Date of payment and the pay period covered by the payment.

IC 5-11-9-4 requires that public sector employees maintain records showing which hours were worked each day by officers and employees. These records are subject to audit by the State Board of Accounts.

Every employee is responsible for accurately recording time worked on timecards punched by a time clock.

All employees must punch their own timecard when entering the building on the appropriate time clock. Employees should accurately record the time they begin and end their work, and the time they begin and end each meal period on appropriate employee

service records. Employees should also record the beginning and ending of any split shift or departure from work for personal reasons. Overtime work must always be approved by the elected official/department head before it is performed.

Employees shall record the use of paid time off (PTO), Family and Medical leave, or any other type of approved leave on their time records. Failure to record the leave in any status may result in the employee not being paid for the leave.

Tampering, altering, and/or falsifying time records, and recording time on another employee's time record shall result in disciplinary action, including termination.

The term "time clock" as used in this Section shall include the current County issued time clocks, or any other time recording technology as the County may authorize and provide in the future.

### **3.5 WORK TIME RESTRICTED (as defined by FLSA)**

Non-exempt employees should report to work no more than **seven (7) minutes** prior to their scheduled starting time, nor stay more than **seven (7) minutes** after their scheduled stop time, without prior authorization from their elected official/department head. Deviations of up to **seven (7) minutes** will not have an impact on overtime, compensatory time or a reduction in pay calculations. Consistent non-compliance with scheduled work hours will be considered in employee evaluations.

### **3.6 ROUNDING (as defined by FLSA)**

Time is to be recorded to the one-quarter (1/4) hour, using the **seven (7) minutes** rule (i.e. leeway of **seven [7] minutes** before and **seven [7] minutes** after scheduled start and stop times, excluding lunch breaks). All employee work commenced more than **seven (7) minutes** before the start time work hour will be paid on a quarter hour schedule; all employee work continued more than **seven (7) minutes** after the end of the last work hour will be paid on a quarter (1/4) hour schedule. *(For example: If you are scheduled to work from 8:00 a.m. to 4:00 p.m. and you clock in at 7:53 a.m. your pay will begin at 8:00 a.m. If you clock out at 4:07 p.m. your pay will end at 4:00 p.m. If, however you are asked to finish a task by your department head and cannot clock out till 4:08 p.m. you will be paid until 4:15 p.m.)*

### **3.7 MULTIPLE POSITIONS**

Employees working in more than one Pulaski County position as a non-exempt employee shall count the combined hours worked in both positions in determining overtime obligations under the Fair Labor Standards Act (FLSA).

### **3.8 TIME CARDS**

It is an employee's responsibility to sign his/her timecard to certify the accuracy of all time recorded. The elected official/department head will review and initial timecards before submitting for payroll processing. If corrections or modifications are made to the timecards, both the employee and the elected official/department head should verify the accuracy of the changes by signing the timecard. Should an employee fail to sign such a timecard, the timecard shall be submitted by the elected official/department head with an acknowledgment that the employee has reviewed the modification.

Employees working on county time but out of the office or off-site employees (such as inspections, etc.) need to call time in, and must write his/her time on the timecard and must be initialed by their supervisor. Time should be recorded in one-quarter (1/4) hour increments.

The supervisor will counter-sign the timecard, indicating that the hours claimed were actually worked. Failure by an employee to submit a timecard when required or submitting a falsified timesheet may result in disciplinary action, including termination. Copies of time cards must accompany the payroll sheet and original time cards are kept on file by the department head in individual offices.

Employees should review their service record every month with their elected official/department head to verify the amount of time worked. The elected official/department head will countersign for agreement. Failure of an employee to review their service record and file a written objection to the Auditor's Office on the **Time Card Discrepancy Form U** within 30 days of the alleged error shall waive any future claim for compensation arising from the alleged error.

For detailed instructions on how and when to complete timecards, employees should consult with their elected official/department head. If the issue cannot be resolved, consult the County Auditor.

The term "time card" as used in this Section shall include the current County issued time card, or any other time recording technology as the County may authorize and provide in the future.

### **3.9 PAYDAYS**

Regular employees are paid Fridays on a bi-weekly basis. Each paycheck will include earnings for all work performed through the end of the previous payroll period according to the pay schedule set every year by the Board of County Commissioners.

Every employee will be required to have his/her earnings direct deposited.

If a regularly scheduled payday falls on a day off (such as a holiday), employees will be paid on the last day of work before the regularly scheduled payday.

If the employee has ended employment with the County for any reason, and they have not returned all County property then the final paycheck will be a paper check that may have deductions for items as set forth in Section 3.16.

Pulaski County does not provide pay advances.

### **3.10 PAY CORRECTIONS**

Pulaski County takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. The County prohibits improper deductions from wages. Any employee who thinks that he/she has had incorrect deductions from his/her paycheck or was not paid the proper amount should give notice on the day of receipt of such pay or any day thereafter, in writing to the elected official/department head who should promptly bring the discrepancy to the attention of the County Auditor so corrections can be made as quickly as possible.

The prompt reporting of errors is in everyone's best interest. All reports will be investigated. If it is determined that an improper deduction was made, the error will be corrected on the next payroll date.

Failure of an employee to review their service record and file a written objection to the Auditor's Office on the **Time Card Discrepancy (Form U)** within 30 days of the alleged error shall waive any future claim for compensation arising from the alleged error.

### **3.11 PAY DEDUCTIONS/GARNISHMENTS**

No payroll deduction will be made from an employee paycheck unless authorized by the employee or required by law. Employees are required to report changes in family status, address, or other information that could affect amount of deductions withheld. The County is legally required to make certain deductions from each employee's paycheck, including federal, state and local income taxes, retirement system contributions, court-ordered child support, and any other deductions required by law. The County must also deduct social security taxes on each employee's earnings, up to a specified limit called the social security "wage base." The County matches the amount of social security taxes paid by each employee.

The County offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover costs to participate in these programs.

Pay garnishments are deductions taken by Pulaski County, usually to help pay off a debt or obligation to Pulaski County or others or as may be required by Court order.

Questions concerning paycheck deductions and/or methods of calculation should be directed to the Auditor.

### **3.12 OVERTIME COMPENSATION AND COMPENSATORY TIME**

Each County position is designated either as **NON-EXEMPT** or **EXEMPT** from federal and state wage and hour laws (such as the Fair Labor Standards Act [FLSA]); and employees holding such positions are treated accordingly:

Employees holding **NON-EXEMPT** positions, whether hourly or salaried, are entitled to overtime pay or compensatory time off under the specific provisions of federal and state laws.

Employee holding **EXEMPT** positions are excluded from specific provisions of federal and state wage and hour laws, and are not entitled to and shall not receive overtime compensation or compensatory time off.

#### **3.12.1 Overtime**

Employees will be given the opportunity for overtime work assignments when operating requirements or other needs cannot be met during regular working hours. All overtime work must receive the elected official/department head's prior authorization and the **Overtime Authorization (Form H)** must be completed. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all non-exempt employees in the form of monetary reimbursement or compensatory time, in accordance with federal and state wage and hour restrictions. Overtime pay is based on actual hours worked.

Employees who work overtime without receiving prior authorizations from the elected official/department head may be subject to disciplinary action, up to and including termination of employment.

**3.12.1(A) Non-public Safety Employees and Dispatchers** eligible for overtime shall be paid straight time for additional hours worked up to forty (40) hours per week. The employee shall be granted either overtime compensation in the form of monetary reimbursement at a rate of one and one-half times (1 ½) the hourly wage for all approved hours worked in excess of forty (40) in a normal work week; or if overtime funds have not been appropriated, the employee will receive FLSA compensatory time as described

below. Overtime monetary reimbursement is based on actual hours worked. Time off on paid time off (PT), holidays, all accrued compensatory time, or any leave of absence will not be considered as hours worked for purposes of calculating overtime.

**3.12.1(B) Sheriff Merit Officers and Jailers** eligible for overtime shall be paid straight time for additional hours worked in excess of eighty-six hours (86) 14 day work period. The employee shall be granted either overtime compensation in the form of monetary reimbursement at a rate of one and one-half times (1 ½) the hourly wage for all approved hours worked in excess of eighty six hours (86) hours in a 14 day work period; or if overtime funds have not been appropriated, the employee will receive FLSA compensatory time as described below. Overtime monetary reimbursement is based on actual hours worked. Time off on PTO, holidays, all accrued compensatory time, or any leave of absence will not be considered as hours worked for purposes of calculating overtime.

**3.12.2 Compensatory Time**

Employees not regularly scheduled to work forty (40) hours per week will receive non-FLSA compensatory time on a hour-for-hour basis for additional approved hours worked up to forty (40) in a normal work week.

Employees regularly scheduled to work more than forty(40) week may be compensated with FLSA compensatory time in keeping with this policy book.

When FLSA compensatory time is used in place of monetary reimbursement; compensatory hours shall be awarded at the rate of one and one half (1 ½) hours for all hours worked over forty (40) in a normal work week. Calculating compensatory time is based on actual hours worked. Time off on paid time off (PTO), holidays, compensatory time, or any leave of absence will not be considered as hours worked for purposes of calculating compensatory time. Use of FLSA compensatory time, in lieu of monetary overtime, must be determined in advance of submission of the payroll.

At their sole discretion, elected officials/department heads may schedule use of employee compensatory time so long as the other provisions of this policy book are maintained.

**3.12.3 Maximum Compensatory Time Accrual**

Employees who may retain up to twenty (20) compensatory time hours and may accrue up to eighty (80) compensatory time hours before monetary compensation is required. Elected officials and department heads are required

to schedule use of compensatory time as soon as possible to avoid accrual beyond the stated retention limit of twenty (20) hours. The earnings of compensatory time must be logged on each employee's time card and initialed by the Elected Official or Department Head.

Department heads shall monitor employee accrual of overtime compensatory hours, and ensure that employees schedule use of compensatory time within ninety (90) days from the date it was earned.

Elected officials and department heads shall provide the Auditor's office with an accurate and current record of all accrued compensatory time simultaneously with the bi-weekly payroll. All elected officials and department heads must provide a record of certification of their current liability for compensatory time as of the date of the adoption of this manual and from time to time as requested by the Auditor. All elected officials and department heads shall provide documentation showing compensatory hours are computed in accordance with this policy.

**3.12.4 Overtime Approved in Writing**

All overtime compensation or compensatory time shall be approved in writing by completing an **Overtime Authorization form (Form H)** and submitting to the employee's supervisor. Documentation shall be maintained in the department of the employee with a copy attached to bi-weekly payroll and provided to the Auditor's office.

Overtime Authorization forms are available in the Auditor's office or with the Elected Official/Department Head. If there is not an **Overtime Authorization Form** presented to the Auditor's Office overtime will not be paid.

**3.12.5 Failure to Work Scheduled Overtime or Overtime without Authorization**

Failure to work scheduled overtime or overtime worked without prior authorization may result in disciplinary action, up to and including termination.

This policy applies to all non-exempt employees of the County as determined by the County Council's designation of jobs as "non-exempt" under the FLSA.

**3.13 EMERGENCY CLOSING**

Periodic emergencies, such as severe weather or power failures, can disrupt County operations, sometimes requiring closing of a work facility or delaying operation for a specific period of time (such as a two hour delay). When such emergencies occur during non-working hours, local radio and/or television stations will be asked to broadcast notification of the closing or delay. A decision will be made in a timely manner.

The decision to close or delay due to an emergency will be at the discretion of the President of the Board of Commissioners. A phone tree will be implemented to notify elected officials/department heads who will then notify their employees. All departments must inform the Auditor of the phone tree contact for their department. Due to the event that the President of the Board of Commissioners cannot be reached, a decision can be made by one of the other members of the Board of Commissioners and notification will be given by the Auditor after conferring with the appropriate officials.

When a Pulaski County work facility is officially closed by the County Commissioners for emergency conditions during the regular shift, working full-time employees will be paid for hours worked prior to emergency closing at the regular rate of pay.

If operations are officially closed or delayed compensatory or PTO may be used. Employees in essential operations are expected to work when operations are officially closed or delayed and will receive regular pay.

### **3.14 EMPLOYMENT TERMINATION**

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

**Resignation:** Voluntary employment termination initiated by an employee. The County requests at least two (2) weeks written notice from the employee. The elected official/department head shall determine whether the employee may work out his/her notice. The Employee shall complete the **Employee Status Information Terminating Employment (Form T)**.

**Suspension:** All elected official/department heads shall have the power to temporarily suspend any employee under their supervision. The temporary suspension shall be effective immediately upon verbal notification to the employee. The elected official/department head shall complete a **Notice of Disciplinary Action Form (Form P)** and suspend the employee for their Group Offense Violation as indicated on page 90-91 of this policy book. The employee may be suspended for two days or four days without pay pursuant to the group offense violated. The elected official/department shall deliver a copy of **Form P** to the Auditor. (This document should be placed in the employee's administrative file.) The temporary suspension shall prohibit the employee from earning any wages or salary from the County, performing any work for the County, utilizing any vehicles or personal property of the County, or accessing any areas of County property that are not open to the public. Once the temporary suspension time is up, the employee may return to work and resume their duties.

**Suspension Pending Discharge:** Any elected official/department heads that believes any employee should be discharged under their supervision shall have the power to suspend the employee pending notice to the Commissioners of the discharge. The

suspension shall be effective immediately upon verbal notification to the employee. The elected official/department head shall complete **Suspension Pending Discharge Form (Form S)** and deliver it to the employee by personal service and shall e-mail it along with all written Notice of Disciplinary Actions in said employees file to the three Pulaski County Commissioners, the County Auditor, and the County Attorney. The Pulaski County Commissioners will have forty-eight (48) hours to review the Suspension and Notice of Disciplinary Actions. If they have no objections to the termination of said employee, they shall respond back to the department head confirming the termination is acceptable. If they don't respond within the forty-eight (48) hours the termination will be deemed acceptable and the department head shall terminate the employee and complete the form **Employee Status Information( Form T)**.

The suspension shall prohibit the employee from earning any wages or salary from the County, performing any work for the County, utilizing any vehicles or personal property of the County, or accessing any areas of County property that are not open to the public.

If a Pulaski County Commissioner has a question regarding the termination, the Commissioner must seek an executive session and notify the department head/elected official and employee. (Executive sessions requires 48 hour notice) The Commissioners will review the suspension and discuss the action to be taken. The County Commissioners may approve of the reasons for the suspension and terminate the employee, overrule the suspension and remove the same thereby reinstating the employee to their position, or table the issue until further investigation on the conduct of the employee can be completed and/or the County Commissioners are ready to vote on the issue. If the issue is tabled, the suspension of the employee shall remain in effect until the County Commissioners vote. The employee's benefits under this personnel policies handbook shall remain in effect until the County Commissioners make their final determination. If the employee is terminated, then their benefits shall terminate in accordance with the personnel policies handbook.

The only purpose of this section is for the Commissioners to review all recommended discharges to make sure the department head has documented the disciplinary actions leading to discharge, and that the discharge is supported by the facts and the law.

Discipline and termination of non-elected department heads shall begin by any one Commissioner, but will require an executive session between the Commissioners to complete the process.

**Discharge:** Involuntary employment termination initiated by the County.

**Layoff:** Involuntary employment termination initiated by the County for non-disciplinary reasons, which may include but is not limited to lack of work, lack of funds or projected lack of funds, job abolishment; and/or reorganization.

**Retirement:** Voluntary employment termination initiated by the employee meeting County retirement criteria, such as age and length of service. The Employee shall

complete the **Employee Status Information Terminating Employment (Form T)**. The County requests at least four (4) weeks written notice from the employee. Employees will receive their final pay in accordance with applicable state law.

Employee benefits will be affected by employment termination in the following manner:

All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense, if the employee chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance. An employee's termination date shall always be the last day worked. An employee's termination date may not be extended to include accrued and/or unused paid time off (PTO).

All elected official/department head shall complete the form **Employee Status Information Terminating Employment (Form T)** at the time of employment termination for every employee within their department to afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the County, or return of County-owned property.

### **3.15 RETURN OF PROPERTY**

Employees and elected officials/department heads are responsible for all property, materials, or written information issued or in his/her possession or control. All property must be returned by employees on or before the last day of work (i.e., all equipment, keys, and uniforms). Where permitted by law, the County may withhold from an employee's paycheck the cost of any items that are not returned as required. The County may also take all action deemed appropriate to recover or protect its property.

## **4. EMPLOYEE BENEFITS**

**The policies contained in this chapter and throughout the Pulaski County Personnel Policies Handbook apply to all Pulaski County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

Pulaski County provides a wide range of benefits to eligible employees. Programs such as social security, worker's compensation, and unemployment insurance cover all employees in the manner prescribed by law. Eligibility for additional benefits depends on a variety of factors, many of which are described elsewhere in this handbook.

### **4.1 PAID TIME OFF “PTO”**

The purpose of paid time off “PTO” is to allow and encourage eligible employees to renew their physical and mental capabilities and provide opportunities for rest, relaxation, and personal pursuits. Regular full-time employees are eligible to earn and use PTO as described in this policy. Temporary employees or part-time employees are not eligible to accrue PTO. PTO will be credited to eligible employees according to the following PTO seniority schedule:

<b>Department</b>	<b>First Year (After 90 Days)</b>	<b>2-5 Years</b>	<b>6-10 Years</b>	<b>11+ Years</b>	<b>Maximum Carry Over</b>
35 Hour Schedule	42 Hours	112 Hours	133 Hours	154 Hours	42 Hours
40 Hour Schedule	48 Hours	128 Hours	152 Hours	176 Hours	48 Hours
24 Hours on 48 Hours Off Schedule	48 Hours	128 Hours	152 Hours	176 Hours	48 Hours
Sheriff (86 Hrs/ 14 Day Period)	50 Hours	134 Hours	158 Hours	182 Hours	50 Hours

#### **4.1.1 Terms and Conditions of PTO Leave**

- A. After a 90 (ninety) day introductory period the first year, the subject employee will be credited with an annual PTO commensurate with the amount established in the PTO seniority schedule above. The first year will be based on the anniversary hire date.
- B. For all employees hired after January 1, 2015, at the beginning of the second year of an employee's employment with the County their

PTO will be prorated to December 31st of that year using the following formula:

D = Days left in the calendar year from anniversary date until December 31st of that year.

Y= 365 days in the year

P = Percentage of the year. (Note round up or down to the nearest hundredth place, for example .2356 would be .24)

PTO = Paid Time Off Hours for the applicable department and years of service on the PTO seniority schedule.

PRH = Pro rata hours due employee  
(round up to the nearest whole hour)

**FORMULA:**

$D \div Y = P$
$PTO \times P = PRH$

The employee will be given the PTO produced by the formula from the one year anniversary of their hire date until December 31st of that year. This will be called the employee's prorated period and will not count toward advancement on the PTO seniority schedule regardless of its length. For purposes of advancement on the PTO seniority schedule the employee will be given credit for one (1) year of work beginning January 1st on the year immediately following their prorated period.

- C. PTO may not be taken in advance of having been earned and only current employment time shall be used in computing time.
- D. An employee may take PTO in increments of a minimum of 1 hour. All PTO must be scheduled in advance and approved by the employee's department head.
- E. No PTO shall accrue while an employee is on unpaid leave of absence, except for Family and Medical leave as specified in this policy.
- F. To take PTO, employees should request advance approval, within 2 weeks from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements. Employee's must

schedule and take off eligible PTO time. **See Request (Form I).**

- G. PTO is paid at the employee's base rate at the time it is taken.
- H. Employees may carry over no more than allowed as stated on the PTO schedule for their department.
- I. In the event a holiday occurs while an employee is on PTO, the employee will not be charged PTO hours for that holiday.
- J. Upon termination of employment, employees are entitled to payment for the unused balance of their accrued PTO. The amount of PTO for the year of termination shall be pro-rated in accordance with the number of days worked in the calendar year of their termination and their current standing on the PTO seniority schedule. The prorated amount shall be added to any PTO carried over from the previous years to get a total PTO payable to the employee. Payment for accrued and unused PTO, other than at termination, is not allowable.
- K. PTO will not count as “actual hours worked” for purposes of calculating overtime.

Payment for accrued and unused PTO at termination may be included in the employee's last regular earnings paycheck, if possible, or in a separate check. An employee's termination date may not be extended to gain additional PTO. The employee's termination date shall always be the last day worked.

In the event that an elected official/department head leaves office and directly becomes a regular full-time County employee, their length of service shall include time spent in office when determining status on the PTO seniority schedule.

**4.2 HOLIDAYS**

The schedule of holidays will be determined annually by the Pulaski County Board of Commissioners. Additional days may be added at the discretion of the County Commissioners. This annual schedule will govern the number of holidays each year for all departments except the Sheriff's Department which is addressed separately herein. All full-time employees shall receive holiday pay according to the following schedule:

<b>SCHEDULES</b>	<b>HOLIDAY HOURS</b>
35 Hour Schedule	7 Hours
40 Hour Schedule	8 Hours

24 Hours on 48 Hours Off Schedule	12 Hours
Sheriff (86 Hours/14 day period)	12 Hours

Part-time employees and temporary employees shall not receive compensation for holidays so designated. **All holiday hours must be submitted timely on the current payroll schedule.**

If an eligible non-exempt employee works on a recognized holiday, he/she will receive holiday pay according to the above schedule, plus wages at one and one-half (1 ½) times the base hourly rate for the actual hours worked.

If an eligible non-exempt employee works on Easter Sunday, he/she will receive wages at one and one-half (1 ½) times the base hourly rate for the actual hours worked on Easter.

Sheriff Department employees shall receive 12 days of holiday pay per calendar year. Sheriff Department employee will receive one holiday each month. If the employee does not use the holiday during the month, the unused holiday hours will automatically be paid to the employee in the next pay period. Any unused holiday hours will be paid out at the end of each month and cannot be carried over. Sheriff Department employees that work on the actual holidays will not receive any additional pay for hours worked.

#### **4.3 FAMILY AND MEDICAL LEAVE ACT (FMLA)**

The County shall comply with all regulations as described in the Family and Medical Leave Act (FMLA) of 1993 including all subsequent revisions. This policy (also stated as “regular” FMLA policy) serves as a general description of employee’s FMLA rights; therefore, in the event a conflict arises between this policy and applicable law, employees shall be granted all such rights allowed by law. Pulaski County shall adhere to the “General Notice Requirements” prescribed by the Department of Labor through the following actions:

1. Posting required FMLA information explaining provisions of the Act and procedures for filing complaints of violations of the Act with the Wage and Hour Division of the Department of Labor. This information shall be posted prominently where it can be readily viewed by employees and applicants for employment; and
2. Providing this general notice to each County employee by including the notice in the Personnel Policies Handbook or other written guidance to employees concerning employee benefits and leave rights. The general notice may be distributed electronically as deemed appropriate by Pulaski County.

**4.3.1 Entitlement**

Eligible employees are entitled to twelve (12) weeks of paid/unpaid (depending on terms and conditions described below) FMLA leave for the following situations:

1. The birth of a son or daughter, and to care for the newborn child;
2. The placement with the employee of a son or daughter for adoption or foster care;
3. To care for the employee's spouse, son, daughter, or parent with a serious health condition; and
4. The employee's own serious health condition that makes the employee unable to perform the functions of one's position.

**4.3.1(A) Serious Health Condition Defined**

For purposes of FMLA, a "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care (an overnight stay in a hospital, hospice, or residential medical care facility), including any period of incapacity or any subsequent treatment in connection with such inpatient care, or a condition that requires continuing care by a licensed health care provider. This policy is intended to cover illnesses of a serious and long-term nature resulting in recurring or lengthy absences.

**4.3.1(B) Chronic, Permanent, or Long-term Health Condition Defined**

For purposes of FMLA, a "chronic serious health condition" requires periodic visits, defined as at least twice a year, for treatment by a health care provider, or by a nurse under direct supervision of a health care provider. Such condition continues over an extended period of time, including recurring episodes of a single underlying condition, and may cause episodic rather than a continuing period of incapacity.

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, represents a "permanent or long-term health condition." The employee or family member, with such condition, must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

This policy is intended to cover chronic, permanent, and long-term health conditions as defined by the FMLA.

#### **4.3.2 Eligibility**

An “eligible employee” is an employee of a covered employer who:

1. Has been employed by the employer for at least 12 months;
2. Has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of leave; and
3. Is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite.

Separate periods of employment with the County shall be counted towards the twelve (12) month requirement provided that the break in service does not exceed seven (7) years, unless the separate periods of employment are due to National Guard or Reserve military service obligations or where a written agreement exists concerning the employer’s intention to rehire the employee after a break in service.

#### **4.3.2(A) Intermittent Leave or Reduced Leave Schedule**

Intermittent leave or leave on a reduced leave schedule must be medically necessary due to a serious health condition or a serious injury or illness.

An employee shall advise the County, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable.

The employee and Pulaski County shall attempt to work out a schedule for such leave that meets the employee’s needs without unduly disrupting the County’s operations, subject to the approval of the health care provider.

#### **4.3.3 Employee Notice Requirements**

##### **4.3.3(A) Foreseeable FMLA Leave**

An employee must provide the County at least thirty (30) days advance written notice before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a family member.

If thirty (30) days notice is not practicable, because of a lack of knowledge of approximately when leave will be required to begin, a

change in circumstances, or a medical emergency, notice must be given as soon as practicable – typically either the same day or the next business day of needing such leave.

Those employees who do not provide at least thirty (30) days notice for foreseeable leave, shall be required to explain the reason(s) why such notice was not practicable under the County’s FMLA policy.

When planning medical treatment, the employee must consult with the employer and make a reasonable effort to schedule the treatment so as not to disrupt unduly the employer’s operations, subject to the approval of the health care provider.

**4.3.3(a) Employee Failure to Provide Notice**

When the need for FMLA leave is foreseeable at least thirty (30) days in advance and an employee fails to give timely advance notice with no reasonable excuse, the employer may delay FMLA coverage until thirty (30) days after the date the employee provides notice.

The need for leave and the approximate date leave would be taken must have been clearly foreseeable to the employee thirty (30) days in advance of the leave.

When the need for FMLA leave is foreseeable fewer than thirty (30) days in advance and an employee fails to give notice as soon as practicable under the particular facts and circumstances, the extent to which an employer may delay FMLA coverage for leave depends on the facts of the particular case.

**4.3.3(B) Unforeseeable FMLA Leave**

When the approximate timing of the need for leave is not foreseeable, an employee must provide notice to the County as soon as practicable under the facts and circumstances of the particular case.

It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by the employer’s usual and customary notice requirements applicable to such leave.

Notice may be given by the employee’s “spokesperson” (e.g., spouse, adult family member, or other responsible party) if the employee is unable to do so personally.

**4.3.3(a) Employee Failure to Provide Notice**

When the need for FMLA leave is unforeseeable and an employee fails to give notice in accordance with the County's FMLA policy, the extent to which the County may delay FMLA coverage for leave depends on the facts of the particular case.

**4.3.3(C) Requesting FMLA Leave**

**All requests for FMLA leave must be submitted, in writing, directly to the elected official/department head. The elected official/department head shall make a determination of approval or denial of FMLA. Such requests shall be supported by medical certification on FMLA forms provided by the County.**

When an employee seeks leave due to a FMLA-qualifying reason for which the County has previously provided the employee FMLA-protected leave, the employee **must** specifically reference either the qualifying reason for leave or the need for FMLA leave.

Employees should contact the County Auditor to secure such forms and procedures used for requesting leave under the County's Family and Medical Leave policy.

**4.3.4 Employer Notice Requirements**

**4.3.4(A) Eligibility and Rights & Responsibilities**

When an employee requests FMLA leave, or when the County acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the County must notify the employee of the employee's eligibility to take FMLA leave within five (5) business days, absent extenuating circumstances.

Employee eligibility is determined, and notice shall be provided, at the commencement of the first instance of leave for each FMLA qualifying reason in the applicable twelve (12)-month period.

The County shall use the Department of Labor form **WH-381 (Notice of Eligibility and Rights & Responsibilities)** to satisfy requirements under this section.

**4.3.4(B) Designation Notice**

The employer is responsible in all circumstances for designating leave as FMLA-qualifying, and for giving notice of the designation to the

employee. When the County has enough information to determine whether the leave is being taken for a FMLA-qualifying reason (e.g., after receiving a certification), the County shall notify the employee whether the leave will be designated and will be counted as FMLA leave within five (5) business days absent extenuating circumstances.

Only one (1) notice of designation is required for each FMLA-qualifying reason per applicable twelve (12)-month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or intermittent or reduced schedule leave.

If the County determines that the leave will not be designated as FMLA-qualifying (e.g., if the leave is not for a reason covered by FMLA or the FMLA leave entitlement has been exhausted), the County shall notify the employee of that determination.

If the County has sufficient information to designate the leave as FMLA leave immediately after receiving notice of the employee's need for leave, the County may provide the employee with the designation notice at that time.

If the information provided by the County to the employee in the designation notice changes (e.g., the employee exhausts the FMLA leave entitlement), the County shall provide, within five (5) business days of receipt of the employee's first notice of need for leave subsequent to any change, written notice of the change.

The County shall use the Department of Labor form **WH-382 (Designation Notice)** to satisfy requirements under this section.

#### **4.3.5 Certification**

Pulaski County shall require that an employee's leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position, be supported by a certification issued by the health care provider of the employee or the employee's family member. Initial certification requests by the County shall be at the employee's expense.

Pulaski County shall give notice of a requirement for certification each time a certification is required. Employees shall be notified through form **WH-381 (Notice of Eligibility and Rights & Responsibilities)**.

Pulaski County shall provide an employee with the appropriate certification form at the same time the County provides an employee with form **WH-381 (Notice of**

**Eligibility and Rights & Responsibilities).** The County shall use Department of Labor forms as follows: **WH-380-E (Employee's Serious Health Condition)** or **WH-380-F (Family Member's Serious Health Condition)**.

At the time the County requests certification, the County shall also advise the employee of the anticipated consequences of the employee's failure to provide adequate certification.

The employee must provide the requested and complete certification to the County within fifteen (15) calendar days after the County's request.

**4.3.5(A) Complete and Sufficient Certification**

The employee must provide a complete and sufficient certification to the County. The County shall advise an employee whenever the County finds a certification incomplete or insufficient, and shall state in writing what additional information is necessary to make the certification complete and sufficient. The employee shall have seven (7) calendar days to fix any such deficiency.

If the deficiencies specified by the County are not fixed in the resubmitted certification, the County may deny the taking of FMLA leave, in accordance with Federal law.

**4.3.5(B) Clarification and Authentication**

If an employee submits a complete and sufficient certification signed by the health care provider, the County may not request additional information from the health care provider. However, the County may contact the health care provider for purposes of clarification and authentication of the medical certification (whether initial certification or recertification) after the County has given the employee an opportunity to fix any deficiencies (see above). To make such contact, the County Auditor or designated official by the County Commissioners will be responsible for obtaining clarification and/or authentication. Under no circumstances, may the employee's direct supervisor contact the employee's health care provider.

The County shall not ask health care providers for additional information beyond that required by the certification form. The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule must be satisfied when individually-identifiable health information of an employee is shared with the County by a HIPAA-covered health care provider.

**4.3.5(C) Second and Third Medical Opinion**

The County reserves the right to require a second medical opinion from an independent medical provider. The County shall pay for the second opinion, including reasonable “out-of-pocket” travel expenses, and shall designate a provider who is not an employee of the County. If the two (2) opinions conflict, the County shall pay for a third opinion, including reasonable “out-of-pocket” travel expenses.

The opinion of the third provider is final and binding on both the County and the employee.

The County may deny FMLA leave to an employee who refuses or whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. The County shall provide the employee with a copy of second and/or third medical opinions within five (5) business days.

**4.3.5(D) Recertification**

The County may require an employee to report periodically during the leave period on the employee's leave status and the employee's intention to return to work.

The County may seek re-certifications for leave taken due to an employee's own serious health condition or the serious health condition of a family member, no more than every thirty (30) days unless the employee requests an extension of leave, circumstances described by the previous certification have changed significantly, or the County receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.

Where the employee's need for leave due to the employee's own serious health condition, or the serious health condition of the employee's covered family member, lasts beyond a single leave year, the County shall require the employee to provide a new medical certification in each subsequent leave year.

The employee must provide the requested recertification to the County within fifteen (15) calendar days after the employer's request. Any recertification requested by the County shall be at the employee's expense.

**4.3.5(E) Fitness-for-Duty Certification**

The County may require a fitness-for-duty certification before an employee returns to work from FMLA leave other than intermittent leave. The County shall notify an employee in form **WH-382 (Designation Notice)** whether a fitness-for-duty certification shall be required.

The cost of the certification shall be borne by the employee, and the employee is not entitled to be paid for the time or travel costs spent in acquiring the certification.

The County may delay restoration to employment until an employee submits a required fitness-for-duty certification.

**4.3.6 Calculation of FMLA Leave**

For purposes of calculating employee entitlement for a subsequent FMLA leave, the "twelve (12)-month period" is measured forward from the date when the employee's previous FMLA leave began. For example, under this method an employee is entitled to twelve (12) weeks of leave the first time FMLA leave is taken (e.g. March 7, 2010); the next twelve (12)-month period would begin the first time leave is taken after completion of that twelve (12)-month period ending on (March 6, 2011).

In situations where both a husband and wife work for the County and FMLA leave is requested and approved to care for a newborn child or a child newly placed for adoption or foster care, the employee(s) **combined total** leave is limited to twelve (12) weeks. Such leave must be taken within twelve (12) months from the date of birth or the date of placement.

With the exception of one (1) week vacation pay, all accrued paid leave time shall be used during leave taken under the Pulaski County's FMLA policy (i.e., non-FLSA compensatory time, vacation and personal time). Accruals for benefit calculations, such as vacation, personal time or holiday benefits, shall not be affected by taking FMLA leave.

**4.3.6(A) Intermittent Leave or Reduced Leave Schedule**

Intermittent leave shall be calculated using one (1) hour increments. An employee's FMLA leave entitlement may not be reduced by more than the amount of leave actually taken, except as provided under the Family and Medical Leave Act.

**4.3.6(B) Health Benefits**

Any health plan, including self-insured plans, provided by the County will be continued for the employee on FMLA leave on the same terms that would have been provided if the employee had continued his or her work during the period that he or she was on approved FMLA leave. County employees are responsible for paying their share of the premium costs while on FMLA leave. If an employee chooses not to return to work for reasons other than a continuing serious health condition of the employee or the employee's family member, or a circumstance beyond the employee's control, the County shall require the employee to reimburse the employer the amount it paid for the employee's health insurance premium during the leave period.

**4.3.7 Employee Reinstatement**

On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence.

However, the County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate situations of intermittent leave.

If the employee fails to return to work, he or she shall repay the County's portion of the premium costs and any of the employee's portions that were not paid by the employee during the FMLA leave.

The County shall consider an employee's failure to report to work at the end of the leave period as an employee resignation.

**While an employee is on FMLA leave for their own serious illness or injury, he/she shall not be engaged in outside employment.**

**4.3.8 Military Family Leave Entitlements**

The National Defense Authorization Act for FY 2008 and 2010 (NDAA) amended the FMLA to allow eligible employees to take up to twelve (12) weeks of job-protected leave in the applicable twelve (12)-month period for any "qualifying exigency" arising out of the covered active duty or call to covered active duty status of a spouse, son, daughter, or parent.

The NDAA also amended the FMLA to allow eligible employees to take up to twenty-six (26) weeks of job-protected leave in a “single twelve (12)-month period” to care for a covered servicemember with a serious injury or illness. These types of FMLA leave are known as the Military Family leave entitlements.

This policy supplements the County’s “regular” FMLA policy and provides notice of employee rights to such leave. Except as mentioned below, an employee’s rights and obligations to Military Family leave are governed by the County’s “regular” FMLA policy.

Military Family leave runs concurrent with other leave entitlements provided under federal, state, and local law, such as Indiana Military Family leave under Indiana Code 22-2-13.

**4.3.8(A) Employee Notice Requirements**

Employees seeking to use Military Caregiver leave **must** provide thirty (30) days advance written notice of the need to take such leave for planned medical treatment for a serious injury or illness of a covered servicemember. If leave is foreseeable but thirty (30) days advance notice is not practicable, the employee must provide notice as soon as practicable – generally, either the same or next business day.

An employee must provide written notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable.

When the need for Military Family leave is not foreseeable, the employee must provide notice to the County as soon as practicable under the facts and circumstances of the particular case.

Generally, it should be practicable to provide notice for unforeseeable leave within the time prescribed by the County’s usual and customary notice requirements. Please see section “Requesting FMLA Leave” above.

**4.4.8(B) Entitlement**

Eligible employees are entitled to **twelve (12) weeks** of paid/unpaid Military Family leave for the following situation:

1. Any qualifying exigency arising out of the fact that the employee’s spouse, son, daughter, or parent is a covered military member on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

Eligible employees are entitled to **twenty-six (26) weeks** of paid/unpaid Military Family leave for the following situation:

1. To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

**4.3.8(C) Covered Active Duty Defined**

The term “covered active duty” means, in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty pursuant to applicable law.

**4.3.8(D) Covered Servicemember Defined**

The term “covered servicemember” means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five (5) years preceding the date on which the veteran undergoes such medical treatment, recuperation, or therapy.

**4.3.8(E) Qualifying Exigency Leave**

Eligible employees may take **up to a total of twelve (12) weeks** of paid/unpaid Military Family leave during the normal twelve (12)-month period established by the County for FMLA leave for qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter, or parent (the “covered military member”) is on covered active duty, or has been notified of an impending call or order to covered active duty, in the Armed Forces.

A call to covered active duty for purposes of leave taken because of a qualifying exigency refers to a Federal call to covered active duty. State calls to covered active duty are not covered unless under order of the President of the United States pursuant to applicable law.

Such leave may commence as soon as the military member receives the call up notice. **This type of leave will be counted toward the employee's twelve (12)-week maximum of FMLA leave in a twelve (12)-month period.**

Qualifying exigencies include the following:

1. **Short-notice deployment:** Issues arising from a covered military member's short notice deployment (i.e., deployment on seven [7] or less days of notice) for a period of seven (7) days from the date of notification;
2. **Military events and related activities:** Events and activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of a covered military member;
3. **Childcare and related activities:** Certain childcare and related activities arising from the covered active duty or call to covered active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the covered active duty or call to covered active duty of the covered military member;
4. **Financial and legal arrangements:** Making or updating financial and legal arrangements to address a covered military member's absence;
5. **Counseling:** Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the covered active duty or call to covered active duty status of the covered military member;
6. **Rest and recuperation:** Taking up to five (5) days of leave to spend time with a covered military member who is on short-term temporary, rest, and recuperation leave during deployment;

7. **Post-deployment activities:** Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the covered military member's covered active duty status, and addressing issues arising from the death of a covered military member; and
8. **Additional activities:** Any other event that the employee and County agree is a qualifying exigency.

**4.3.8(a) Certification**

The first time an employee requests leave because of a qualifying exigency arising out of the covered active duty or call to covered active duty status of a covered military member, the County shall require the employee to provide a copy of the covered military member's covered active duty orders or other documentation issued by the military which indicates that the covered military member is on covered active duty or call to covered active duty status, and the dates of the covered military member's covered active duty service. This information need only be provided to the County once. A copy of new covered active duty orders or other documentation issued by the military shall be provided to the County if the need for leave because of a qualifying exigency arises out of a different covered active duty or call to covered active duty status of the same or a different covered military member.

The County shall use the Department of Labor form **WH-384 (Qualifying Exigency)** to satisfy requirements under this section.

The employee must provide the requested and complete certification to the County within fifteen (15) calendar days after the County's request.

**4.4.8(b) Verification**

If an employee submits a complete and sufficient certification to support his or her request for leave because of a qualifying exigency, the County shall not request additional information from the employee.

However, if the qualifying exigency involves meeting with a third party, the County shall contact the individual or entity with whom the employee is meeting for purposes of verifying a meeting or appointment schedule and the nature of the meeting between the employee and the specified individual or entity. The employee's permission is not required in order to verify meetings or appointments with third parties, but no additional information may be requested by the County. The County also shall contact the appropriate unit of the Department of Defense to request verification that a covered military member is on covered active duty or call to covered active duty status; no additional information may be requested and the employee's permission is not required.

**4.3.8(F) Military Caregiver Leave**

Eligible employees who are a spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness may take **up to a total of twenty-six (26) weeks** of paid/unpaid Military Family leave during a "single twelve (12)-month period" to care for the servicemember.

Eligible employees may not take leave under this provision to care for military members on the permanent disability retired list.

This is the only type of FMLA leave that may extend an employee's leave entitlement beyond twelve (12) weeks to a **combined total** of twenty-six (26) weeks of leave for any FMLA-qualifying reason during the "single twelve (12)-month period." However, only twelve (12) of the twenty-six (26) weeks total may be for a FMLA-qualifying reason other than to care for a covered servicemember.

The "single twelve (12)-month period" for leave to care for a covered servicemember with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12)-months later, regardless of the twelve (12)-month period established by the employer for other types of FMLA leave.

A husband and wife who are eligible for FMLA leave and are employed by the County shall be limited to a **combined total** of twenty-six (26) weeks of leave during the "single twelve (12)-month period" if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee's parent with a

serious health condition, or to care for a covered servicemember with a serious injury or illness.

**4.3.8(a) Next of Kin Defined**

The “next of kin of a covered servicemember” is the nearest blood relative, other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of Military Caregiver leave under the FMLA.

**4.3.8(b) Designating Leave**

In the case of leave that qualifies as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition during the “single twelve (12)-month period,” the County shall designate such leave as leave to care for a covered servicemember in the first instance. Leave that qualifies as both leave to care for a covered servicemember and leave taken to care for a family member with a serious health condition during the “single twelve (12)-month period” will not be designated and counted as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition.

This section also applies to leave taken for other FMLA-qualifying reasons.

**4.3.8(c) Certification**

When leave is taken to care for a covered servicemember with a serious injury or illness, the County shall require an employee to obtain a certification completed by an authorized health care provider of the covered servicemember. Certification requests by the County shall be at the employee’s expense.

The County, if appropriate, shall seek authentication and/or clarification of the certification as stated above in the County's FMLA "regular" policy.

However, second and third opinions and recertifications, as outlined above in the County's FMLA "regular" policy, are not permitted for leave to care for a covered servicemember.

The County shall require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember.

The County shall use the Department of Labor form **WH-385 (Serious Injury or Illness of Covered Servicemember)** to satisfy requirements under this section.

The employee must provide the requested and complete certification to the County within fifteen (15) calendar days after the County's request.

**4.3.8(d) ITOs and ITAs Certification**

The County, in place of the Department of Labor form WH-385, shall accept "invitational travel orders" ("ITOs") or "invitational travel authorizations" ("ITAs") issued to any family member to join an injured or ill servicemember at his or her bedside as sufficient certification under this policy. An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA.

During that time period, an eligible employee may take leave to care for the covered servicemember in a continuous block of time or on an intermittent basis. An eligible employee who provides an ITO or ITA to support his or her request for leave shall not be required to provide any additional or separate certification that leave taken on an intermittent basis during the period of time specified in the ITO or ITA is medically necessary.

An ITO or ITA is sufficient certification for an employee entitled to take FMLA leave to care for a covered servicemember regardless of whether the employee is named in the order or authorization.

If an employee will need leave to care for a covered servicemember beyond the expiration date specified in an ITO or ITA, the County shall request that the employee have an authorized health care provider complete the Department

of Labor form **WH-385 (Serious Injury or Illness of Covered Servicemember)**, as requisite certification for the remainder of the employee's necessary leave period.

The County, if appropriate, shall seek authentication and/or clarification of the ITO or ITA as stated above in the County's "regular" FMLA policy. However, second and third opinions and recertifications, as outlined above in the County's FMLA "regular" policy, are not permitted during the period of time in which leave is supported by an ITO or ITA.

The County shall require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember.

In all instances in which certification is requested, it is the employee's responsibility to provide the County with complete and sufficient certification and failure to do so may result in the denial of FMLA leave.

**Health Insurance: Employees must continue to contribute their portion of the County health insurance plan while they are on FMLA. The employee's portion is normally withheld from their wages, but with the non-paid FLMA, the insurance premium will not be deducted from the payroll by the County Auditor's office so they employee must be sure to bring the payment to the Auditor as directed. If the employee does not pay the insurance premium as directed by the Auditor it may result in termination of employment by the County Executive.**

#### **4.4 AMERICANS WITH DISABILITIES ACT (ADA)**

It is the policy of Pulaski County that qualified individuals with disabilities not be excluded from participation in or benefit from the services, programs or activities of the County. It is the policy of the County not to discriminate against a qualified individual with a disability in: job application procedures; the hiring, advancement or discharge of employees; employee compensation; job training, and other terms, conditions and privileges of employment. It is the intent of the County to comply with all applicable requirements of the Americans with Disabilities Act (ADA).

If a person is not able to perform the essential functions of a job, even with reasonable accommodation, the person is not qualified for the position. The County will reasonably accommodate persons with a disability on a case-by-case basis, which may include making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules, modifying equipment, or similar accommodations.

Accommodations may not create an undue hardship for the County or other employees. An individual who cannot be reasonably accommodated for a job, without undue hardship, will not be selected for that position.

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 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. Employees requesting an ADA accommodation must secure ADA forms (**Reasonable Accommodation Request form**) from the Auditor's office. It is the employees' responsibility to complete and return such forms as specified.

Benefits provided to disabled individuals who are qualified to perform the work are not different from the benefits provided to other employees.

Members of the public, including individuals with disabilities and groups representing individuals with disabilities, are encouraged to submit suggestions to the ADA Coordinator/County Auditor, so the County might better meet the needs of individuals with disabilities pursuant to this policy.

Any individual who believes he or she has received treatment inconsistent with the policies set forth above or any other requirement of ADA, may file a complaint within ninety (90) days of the date of the alleged discriminatory act or practice with County ADA Coordinator/County Auditor, Auditor's Office, Winamac, Indiana.

#### **4.5 MILITARY LEAVE**

Pulaski County is committed to protecting the job-related rights of employees absent on military leave. In accordance with federal and state law, including the Uniformed Services Employment and Re-employment Rights Act (USERRA) of 1994, the County will not discriminate against any employee on the basis of that person's membership in or obligation to perform service for any of the uniformed services of the United States.

##### **4.5.1 Annual Training**

A military leave of absence will be granted to all full-time County employees to attend scheduled drills or training, or to respond to call to active duty with the U.S. armed services. Employees with appropriate military orders will be granted paid leave for annual training for Reserve or National Guard for a period of up to fifteen (15) days per year. Such military leave will not be "charged" against an

employee's vacation time, and seniority will continue to accrue in the same manner as for employees not on military leave.

Subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible, the employer will continue to provide health insurance benefits for the full term of the annual training period.

Employees on two (2)-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time. Employees on longer military leave must notify the employer of the intent to return to employment in accordance with all applicable state and federal laws.

#### **4.5.2 Active Duty/Enlistment**

The Uniformed Services Employment and Re-employment Rights Act (USERRA) of 1994 grants special considerations and rights to employees that are either called to active military status or enlist in the armed forces. Active duty military leave will be unpaid.

USERRA requires employers to grant such employees reinstatement of the position held at the time of departure for military service, or in some cases to a position of equivalent or equal stature and pay provided the employee is discharged from service honorably. The cumulative length of service that causes an absence from a position may not exceed five (5) years, except where provided by law.

USERRA also requires that returning eligible employees be granted seniority and benefits at the same level as if the employee had not left employment for service. Benefit time will continue to accrue while an employee is on military leave. Additionally, service members may (but are not required to) use accrued vacation or personal leave while performing military duty.

Employees who are on active military duty leave and are under the County's health care plan, may elect at their own cost to continue the health plan coverage for up to twenty-four (24) months after the absence begins, or the period of active duty service, whichever is shorter.

Upon returning from military leave of absence, an employee will be reinstated to the same position or one of comparable status and pay, provided the employee is discharged from military status under honorable conditions, and makes a request for reinstatement within ninety (90) days after release from active duty or one year after release from hospitalization due to military accident. The employee must also be qualified to perform the normal duties of the occupation for which he/she is being considered.

Employees on such leave must notify Pulaski County of the intent to return to employment in accordance with all applicable state and federal laws.

#### **4.5.3 Indiana Military Family Leave**

Eligible employees that are a parent, spouse, grandparent, or sibling of a person who is ordered to active duty for a period exceeding eighty-nine (89) days may be allowed Indiana Military Family Leave under qualifying circumstances. In order for an employee to be eligible for Indiana Military Family Leave, the employee must have worked for Pulaski County for the previous twelve (12) months and worked a minimum of fifteen hundred (1,500) hours during that period.

Eligible employees may take leave during either the thirty (30) days before active duty orders are in effect or during the period in which the person ordered to active duty has their orders terminated. Indiana Military Family Leave may not exceed a total of ten (10) working days annually. Employees must notify their elected official/department head thirty (30) days in advance of the days they intend to take Indiana Military Family Leave, unless the person ordered to active duty receives deployment orders less than thirty (30) days in advance.

Pulaski County may require verification of the military orders in order to approve Indiana Military Family Leave.

Indiana Military Family Leave is unpaid and employees are responsible for paying their own benefits while on such leave. An employee may choose to substitute any earned paid vacation leave, personal leave, or compensatory time available to the employee for any part of the ten (10) day period of Indiana Military Family Leave.

Indiana Military Family Leave runs concurrent with other leave entitlements provided under federal, state and local law, such as Military Family Leave under the FMLA.

#### **4.6 BEREAVEMENT LEAVE**

The employee may elect to use any accrued compensatory time or PTO time for bereavement leave.

#### **4.7 JURY DUTY AND COURT APPEARANCES**

Pulaski County encourages employees to fulfill their civic responsibilities by serving jury duty when summoned. Regular full-time employees shall be paid their regular pay while on jury duty leave. The employee may retain any and all jury pay received from the Court.

If an employee is released from jury duty with more than half of his/her regularly scheduled shift remaining, the employee is expected to report to work.

The County will continue to provide and accrue all regular benefits for the full term of the jury duty absence.

#### **4.8 WORKER'S COMPENSATION**

Pulaski County provides a comprehensive worker's compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, worker's compensation insurance provides benefits after a short waiting period, or if the employee is hospitalized, immediately. While on worker's compensation disability, employee benefits shall accrue. Employee income received while on leave under this policy shall not exceed wages the employee would have normally received pre-major illness in-line-of-duty leave.

Any employee who sustains a work related injury or illness should inform his/her elected official/department head **immediately**. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible and limit disputes regarding when the injury occurred.

If the employee has a life threatening condition, he/she should proceed directly to the nearest hospital or medical facility and report the injury as soon as practical.

**Employees should contact the Auditor's office to obtain information and forms regarding filing Workers' Compensation claims.** Medical certifications are required. Once completed, all such forms are to be filed directly with the Auditor's office.

As specified by Indiana workers' compensation statutes, when a compensable injury renders an employee unable to work, compensation for lost wages is paid starting on the eighth (8<sup>th</sup>) day. However, on the twenty-second (22<sup>nd</sup>) day of disability the employee will receive compensation for the first seven (7) days.

The first weekly installment of compensation is due fourteen (14) days after the disability begins. Not later than fifteen (15) days from the date that the first installment is due, the employer/carrier must tender to the employee an Agreement of Compensation, along with compensation due.

However, if the employer/carrier denies liability, a written notice of denial must be mailed within twenty-nine (29) days after the employer's knowledge of the alleged injury. The employer may obtain an additional thirty (30) day period if it establishes that the delay is due to an inability to obtain the medical information necessary to make a determination as to liability.

The employee may elect to use any accrued compensatory time or PTO time to cover the (1/3) difference in compensation between the statutory rate of 2/3 the employees average weekly wage (AWW) and the employee's regular weekly pay.

Certain injuries are excluded from workers' compensation coverage, including but not limited to employee intoxication, self-inflicted injuries, failing to use safety appliances, committing a violation of work rules, failing to obey a reasonable written or printed safety rule, and knowingly failing to perform a statutory duty.

Neither the County nor the insurance carrier will be liable for the payment of worker's compensation benefits for off-duty injuries or injuries that occur during an employee's voluntary participation in any off duty recreational, social or athletic activity sponsored by the County.

While an employee is on workers' compensation leave, he/she shall not be engaged in outside employment.

Holiday pay will not be paid in addition to temporary total disability pay.

During workers' compensation leave, employees may be required to submit periodic medical certifications on their serious health condition.

Before returning to work, the employee shall provide medical certification from a health care provider verifying that he/she may safely return to work.

For eligible employees, workers' compensation leave is considered FMLA leave beginning with the first day of leave. All FMLA leave time used counts against the employee's twelve (12) week FMLA entitlement.

**Health Insurance: Employees must continue to contribute their portion of the County health insurance plan while they are on workers compensation leave. The employee's portion is normally withheld from their wages, but the payments from the workers compensation insurance will not go through the County Auditor's office so they employee must be sure to bring the payment to the Auditor as directed. If the employee does not pay the insurance premium as directed by the Auditor it may result in termination of employment by the County Executive.**

#### **4.9 BENEFITS CONTINUATION (COBRA)**

The Consolidated Omnibus Reconciliation Act of 1985 (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the employer's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the employer's group rates plus, an administration fee.

Coverage may be continued for eighteen months, and in some circumstances, up to three years. The Auditor's office will be able to provide more information on the COBRA options for affected employees and dependents.

The County provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the employer's health insurance plan. The notice contains important information about the employee's rights and obligations.

**4.10 PUBLIC EMPLOYEES' RETIREMENT FUND (PERF)**

All full-time salaried County employees (except Sheriff Merit Officers) are covered by PERF, a retirement program established and maintained by the State of Indiana. PERF pays benefits to cover workers or their dependents upon retirement, death and, in certain cases, serious illness or injury. The County contributes a percentage of employees' gross wages for deposit in an annuity savings account. The contributions and accumulated interest credits are refundable when an employee terminates employment prior to being eligible for benefits.

Information explaining the retirement plan is provided to each employee when they sign up for PERF, along with a copy of their enrollment form. Anytime the information contained on the form changes, it is very important that the employee contact the Auditor's office so that PERF can be informed of the changes.

PERF's Employer Financed Pension requires ten (10) years of service to become fully vested, and is paid by the County based on an employee's length of employment, average salary and age at retirement.

Questions concerning the program should be directed to the Auditor's office and/or the Public Employees' Retirement Fund of Indiana.

**4.11 SOCIAL SECURITY/INDIANA UNEMPLOYMENT INSURANCE**

The County matches employee withholding for FICA and pays the full cost of Indiana Unemployment Insurance.

**4.12 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY (HIPAA)**

Pulaski County is compliant with applicable requirements and standards of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and has established guidelines regarding the privacy of individually identifiable health information accordingly.

Pulaski County has designated the County Auditor as the County’s “privacy official” who is responsible for developing and implementing privacy policies and procedures. The County Auditor is the contact person who is responsible for receiving complaints regarding compliance.

All County HIPAA inquiries shall be directed to the County Auditor.

**4.13 HEALTH INSURANCE**

Pulaski County provides a medical program for employees in a full-time benefited position. The employee pays a portion of the cost as set by the Board of County Commissioners and County Council. Each employee shall receive an insurance handbook describing all benefits upon completion of their orientation interview. Group insurance benefits will continue while an employee is on disability leave; however, when in a non-pay status, employees will be responsible for the timely payment of those insurance premiums that are normally deducted from gross pay.

Specific details regarding eligibility and coverage are available in the Auditor’s office.

## **5. WORKING CONDITIONS**

**The policies contained in this chapter and throughout the Pulaski County Personnel Policies Handbook apply to all Pulaski County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

### **5.1 SAFETY**

Establishing and maintaining a safe work environment is the shared responsibility of the County and employees from all levels of the organization. The County will take all reasonable steps to ensure a safe environment and compliance with federal, state, and local safety regulations.

Employees are expected to obey safety rules and to exercise caution in all their work activities. Employees are asked to immediately report any unsafe conditions to their supervisor. Supervisors and employees at all levels of Pulaski County are expected to correct unsafe conditions as promptly as possible. All accidents shall be reported to the employee's elected official/department head **immediately** and the elected official/department head within twenty-four (24) hours, regardless of how insignificant any injury may appear. Such reports are necessary to comply with laws and initiate insurance and workers' compensation procedures.

In the case of an injury requiring medical attention, he/she should proceed directly to the nearest hospital or medical facility.

If a workplace injury requires long term medical attention, the injured employee will work with the supervisor to decide when to return to work, light duty job opportunities that may be available, and eligibility for continuing employment. In the case of permanent disability due to job injury, a final release will be arranged, if appropriate.

### **5.2 BLOODBORNE PATHOGENS**

County employees working in high risk jobs will be offered bloodborne pathogen training and a series of Hepatitis B vaccinations for their protection. The County will provide this service free of charge for those employees wishing to participate in this program.

The Occupational Safety and Health Administration (OSHA) have determined that certain employees in the workplace face a significant risk to bloodborne pathogens due to their job duties (i.e. Sheriff's Deputies, EMS, Jailers, Dispatchers, Custodians, Clerks, and Highway and Health Department employees). To ensure that County employees are aware of occupational exposure to bloodborne pathogens, an exposure control plan has been prepared to minimize or eliminate employee contact with human blood or other bodily fluid which may contain bloodborne pathogens such as Hepatitis B virus and HIV. This control plan is available for all County employees and is located in the County Health Department.

**5.3 LACTATION SUPPORT**

Pulaski County shall provide a reasonable paid break time for an employee to express breast milk for her nursing child for one (1) year after the child's birth each time such employee has need to express the milk.

Pulaski County shall provide a room or other location, other than a bathroom, in close proximity to the work area, where employees can express their breast milk in privacy, which is shielded from view and free from intrusion from coworkers and the public, during any period away from their assigned duties.

The County shall make reasonable efforts to provide a refrigerator or other cold storage space for storing breast milk; or allow employees to store their breast milk in their own portable storage device until the end of their workday.

Except in cases of willful misconduct, gross negligence, or bad faith, Pulaski County is not liable for any harm caused by or arising from either of the following that occur on the County's premises:

- A. The expressing of employees' breast milk; or
- B. The storage of expressed milk.

**5.35 REIMBURSED EXPENDITURES**

When a Department Head/Elected Official has forwarded the cost of equipment, machinery, which has already been authorized and approved for the County they shall submit a **Travel Authorization/Expense Report (Form N)** of the Personnel Policies Book and submit it to the Pulaski County Auditor with all original detailed receipts attached. The claim shall be submitted and the Department Head/Elected Official shall be reimbursed within thirty days from the claim being submitted and approved. Before a purchase is made, the department head/elected official shall obtain the County's sale tax exemption i.d. and, if possible, make the necessary arrangements for the purchase to be made tax exempt. This is to ensure the County is saving the sales tax on purchases that are exempt for the County by the Indiana Department of Revenue.

**5.4 USE OF TELEPHONES, COUNTY MAIL, AND FAX MACHINES**

Personal telephone calls should be limited in frequency and duration. Personal use of County telephones and fax machines for long-distance calls is not permitted, except for emergencies. For any emergency personal use, employees shall reimburse the County for all charges resulting from personal use of telephone, fax machine, or County owned cell phones.

To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

The mail system is reserved for business purposes only. The use of Pulaski County paid postage for personal correspondence is not permitted. Employees should refrain from sending or receiving personal mail at work.

## **5.5 USE OF CELLULAR/MOBILE PHONES AND PAGERS**

Cellular telephones are provided for official County business only and are made available to employees in positions where the associated benefits justify the additional operating costs. These employees would include those who travel, have job responsibilities that include being outside of the office or who are continuously on-call for extended periods. The employee who is issued a cellular phone will acknowledge the receipt and acceptance of the conditions for the individual assignment of a County-owned cellular phone. Any Internet usages or text messaging (where applicable) will not be allowed unless it is approved by the Pulaski County Commissioners. When the employee leaves his/her position or is no longer an authorized user, the County cellular equipment must be returned to the Auditor's office. If the phone is not returned, the County will charge the former employee for the cost of a new replacement phone and/or equipment.

The call detail (e.g., time, number called, date, duration) of all calls appearing on the County cellular telephone bill is *public information*. With this in mind, personal use of County-owned cellular telephones is prohibited, with the exception of essential personal calls made with minimal duration and frequency, which cannot be made at another time. Examples of these essential personal calls may include calls to arrange for the care of a child, alert a family member of an unexpected delay due to a change in your work schedule, weather related delay, to arrange for transportation or service in the event of car trouble or a true family emergency.

If an employee is using the County phone for personal use on a continuous basis, the County will seek reimbursement for charges related to the employee's personal use of the County phone. The County retains the right to revoke the cellular assignment and possible disciplinary action against the employee could result. The elected official/department head may audit the phone use to make sure proper use is being conducted.

### **5.5.1 Use of Cellular Phones and Electronic Devices While Driving**

The use of cellular phones and electronic devices while driving may present a hazard to the driver, other employees, and the general public. This policy is meant to ensure the safe operation of County vehicles and equipment, and the safe operation of private vehicles while an employee is on work time conducting County business. This policy applies to all uses of cellular phones and

communication devices, including but not limited to computers, text messaging, e-mail, electronic calendars, multi-media devices, and printers.

Employees shall adhere to all federal, state, and local rules and regulations regarding the use of cellular phones and electronic devices while driving. Accordingly, employees shall not use cellular phones if such conduct is prohibited by law, regulation, or other ordinance.

Employees, while driving a classified commercial vehicle, shall not send or read received text messages on personal or County-issued cellular phones.

Employees should not use hand held cellular phones for business purposes while driving, except for emergency personnel responding to emergency situations. Should an employee need to make or receive a business call while driving, he/she should locate a lawfully designated area to park and make or receive the call.

Employees may use hands-free cellular phones to make or receive business calls. Such calls should be kept short, and should the circumstances warrant (such as heavy traffic or inclement weather), the employee should locate a lawfully designated area to park to continue the call.

Employees, while operating commercial vehicles, as defined by the U.S. Department of Transportation, shall not engage in text messaging under Federal law.

## **5.6 USE OF INFORMATION TECHNOLOGIES**

The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. Additionally, having an e-mail address on this Internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the Internet do so at their own risk and Pulaski County Government is not responsible for material viewed or downloaded by Users from the Internet. To minimize these risks, your use of the Internet at Pulaski County Government is governed by the following policy:

### **5.6.1 Permitted Use of Internet and County Computer Network**

The computer network and the computer use is the property of Pulaski County Government ("County") and may only be used for legitimate business purposes. Users are provided access to the computer network to assist them in the performance of their jobs. Additionally, certain employees ("Users") may also be provided with access to the Internet through the computer network. All Users have a responsibility to use the County's computer resources and the Internet in a professional, lawful, and ethical manner. Abuse of the computer network or the

Internet may result in disciplinary action, which could also include the payment for a cleanup of a virus that a User had viewed or downloaded from an unauthorized file, including possible termination, and civil and/or criminal liability.

**5.6.2 Computer Network Use Limitations**

**5.6.2(A) Prohibited Uses**

The following activities are prohibited without prior written permission from the County:

- A. The County's computer network may not be used to disseminate, view or store commercial or personal advertisements, solicitations, promotions, destructive code (e.g., viruses, self-replicating programs, trojan horse programs, etc.), political material, religious material, pornographic text or images, or any other unauthorized materials.
- B. Employees may not use the County's Internet connection to download games or other entertainment software (including screen savers and wall paper files/programs), or to play games on the computer or over the Internet.
- C. Users may not use the computer network to display, store or send (by e-mail or any other any other form of electronic communication such as fax, bulletin boards, chat rooms, Usenet groups, instant messaging, etc.) material matter is fraudulent, harassing, embarrassing, political, religious, sexually explicit, profane, obscene, intimidating, defamatory or otherwise inappropriate or unlawful. Furthermore, anyone who believes they are the intentional recipient of such materials should notify the elected official/department head immediately, do not delete or otherwise remove such materials unless directed by the elected official/department head.

If you believe the receipt of such materials was inadvertent and you wish no further action taken, you may remove such material without contacting the managing partner.

- D. Users may not download or install any software (program, update, plug-in, etc) without prior permission from the elected official/department head. Any such files or software may be

used only in ways that are consistent with their licenses or copyrights.

- E. Users are strictly prohibited from sharing passwords.
- F. All requests for non-employee access to the County network should be submitted to the County Commissioners.
- G. Do not use the County's Computer or Internet for correspondence to operate a "Personal Business".
- H. Do not forge or attempt to forge email messages or faxes
- I. Do not send messages using another person's email or fax account.
- J. Do not copy a message or attachment belonging to another User without permission of the originator
- K. Do not disguise or attempt to disguise your identity when sending an e-mail or fax.
- L. The elected official/department head must approve all screen savers and wallpaper used on County Computers.

**5.6.2(B) Personal Uses**

All information, programs, software, and hardware accessible within Pulaski County Government's computing systems are for the exclusive use of employees conducting Pulaski County-related business.

**5.6.2(C) Illegal Copying**

Users may not illegally copy material protected under copyright law or make that material available to others for copying.

Users are responsible for complying with copyright law and applicable licenses that may apply to software, files, graphics, documents, messages, and other material you wish to download or copy. You may not agree to a license or download any material without first obtaining the express written permission of the County.

**5.6.2(D) Communication of Confidential Information**

Unless expressly authorized to do so, User is prohibited from sending, transmitting, or otherwise distributing proprietary information, data, trade secrets or other confidential information belonging to the County. Confidential information is not to be transmitted over the Internet without proper encryption/safeguards. Accidental disclosure of confidential client or County data must be reported immediately to the User's supervisor. Unauthorized dissemination of such material may result in severe disciplinary action as well as substantial civil and criminal penalties under state and federal Economic Espionage laws.

**5.6.2(E) Accessing the Internet**

To ensure security and avoid the spread of viruses, Users accessing the Internet through a computer attached to the County's network must do so through an approved Internet firewall or other security device. Bypassing the County's computer network security by accessing the Internet directly by modem or other means is strictly prohibited unless the computer you are using is not connected to the County's network.

**5.6.2(F) Frivolous Use**

Computer resources are not unlimited. Network bandwidth and storage capacity have finite limits, and all Users connected to the network have a responsibility to conserve these resources. As such, the User must not deliberately perform acts that waste computer resources or unfairly monopolize resources to the exclusion of others. These acts include, but are not limited to, sending mass mailings or chain letters, spending excessive amounts of time on the Internet, playing games, engaging in online chat groups, instant messaging, uploading or downloading large files, accessing streaming audio and/or video files, or otherwise creating unnecessary loads on network traffic associated with non-business-related uses of the Internet.

**5.6.2(G) Virus Detection**

Files obtained from sources outside the County, including disks brought from home, files downloaded from the Internet, newsgroups, bulletin boards, or other online services; files attached to e-mail, and files provided by citizens or vendors, may contain dangerous computer viruses that may damage the County's computer network. Users should never download files from the Internet, accept e-mail attachments from outsiders, or use disks from non-County sources,

without first scanning the material with County-approved virus checking software. If you suspect that a virus has been introduced into the County's network, notify the IT department immediately.

**5.6.2(H) No Expectation of Privacy**

Employees are given computers, voicemail, and Internet access to assist them in the performance of their jobs. Employees should have no expectation of privacy in anything they create, store, send or receive using the County's computer equipment including voicemail devices. The computer network is the property of the County and may be used only for County purposes.

**5.6.2(I) Waiver of Privacy Rights**

User expressly waives any right of privacy in anything they create, store, send or receive using the County's computer equipment, voicemail device or Internet access. User consents to allow County personnel access to and review of all materials created, stored, sent, or received by the User through any County network, voicemail device, or Internet connection.

**5.6.2(J) Monitoring of Computer and Internet Usage**

The County has the right to monitor and log any and all aspects of its Computer system including, but not limited to, monitoring Internet sites visited by Users, monitoring chat and newsgroups, monitoring files downloads, and all communications set and received by Users including voicemail.

**5.6.2(K) Blocking Sites with Inappropriate Content**

The County has the right to utilize software that makes it possible to identify and block access to Internet sites containing sexually explicit or other material deemed inappropriate in the workplace.

**5.6.3 Electronic Mail (E-mail)**

The County strives to maintain a workplace that is free of harassment and sensitive to the diversity of its employees. Therefore, the County prohibits the use of computers and the E-mail system in ways that are disruptive, offensive to others, or harmful to morale.

Computers, computer files, the e-mail system, and software are County property, intended for business use. Employees should not use password, access a file or retrieve any stored communication without authorization. Users should be aware

that e-mail messages cannot be considered private and may be monitored by the elected official/department head. Such messages also may be subject to disclosure to outside third parties, including the court system and law enforcement agencies, under certain circumstances. Employees should not send any email messages they would not want to have seen by persons other than the intended recipients. Employees are expected to demonstrate professional judgment at all times while using electronic mail.

For example, the display or transmission of sexually-explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, jokes, or anything that may be construed as harassment or showing disrespect to others.

E-mail may not be used to solicit others for commercial venture, religious or political causes, outside organizations or other non-County business matters.

To ensure compliance with this policy, computer and e-mail use may be monitored to ensure its legitimate business interest in the proper utilization of its property and to ensure that this policy is being followed.

#### **5.7 DRUG-FREE WORKPLACE**

Drug and alcohol use is highly detrimental to the safety and productivity of employees in the workplace. No employee may be under the influence of any illegal drug or alcohol while in the workplace, while on duty, or while operating a vehicle or equipment owned or leased by the County.

In accordance with The Drug-Free Workplace Act of 1988, and the State of Indiana Drug-Free Workplace Executive Order No. 90-5 of 1990, the County must maintain a drug-free workplace. Failure to comply with the law could jeopardize government funds the County receives.

The unlawful manufacture, possession, distribution, transfer, purchase, sale, use, or being under the influence of alcoholic beverages, while on the County's property, while attending business-related activities, while on duty, or while operating a vehicle or equipment leased or owned by the County is strictly prohibited, except for possession of non-open containers of alcohol locked inside employee's personal locked vehicle. The unlawful manufacture, possession, distribution, transfer, purchase, sale, use, or being under the influence of illegal drugs while on the County's property, while attending business-related activities, while on duty, or while operating a vehicle or equipment leased or owned by the County is strictly prohibited. Violations of this policy may lead to disciplinary action, including suspension without pay or discharge. When appropriate, the County may refer the employee to approved counseling or rehabilitation programs.

While on official County business, an employee must comply with this policy as a condition of employment.

Should an employee be convicted of a drug-related crime that occurred in the workplace, he/she must notify their elected official/department head within twenty-four (24) hours of the conviction and the department head/elected official shall immediately inform the Auditor. The County Commissioners must be informed of any drug-related arrests of any kind within twenty-four (24) hours. The County is required to notify appropriate government agencies within ten (10) days of the conviction.

Appropriate personnel action, including possible discipline and/or participation in a drug abuse assistance or rehabilitation program, may result after notice of the conviction is received.

Conviction of off-the-job use, sale, trafficking, distribution, purchase, transfer, theft, or possession of alcohol, illegal drugs, or unauthorized legal drugs may result in disciplinary action, as it could adversely affect an employee's job performance and jeopardize the safety of others.

Determinations associated with assisting employees who are at risk of health or performance deterioration will be made on a case-by-case basis.

Employees may use physician prescribed medications, provided that the use of such drugs does not adversely affect job performance or the safety of the employee or other individuals in the workplace.

Employees may keep prescription drugs and over-the-counter medications on County premises when ordered by a medical physician by prescription; or on an as-needed basis for over-the-counter medications.

Employees shall notify their elected official/department head of such drugs and prescriptions if they could adversely affect job performance or the safety of the employee or other individuals in the workplace.

The County recognizes that employees may wish to voluntarily seek professional assistance in overcoming drug or alcohol problems. To inform employees about important provisions of this policy, Pulaski County has established a drug-free awareness program. The program provides information on the dangers and effects of substance abuse in the workplace, resources available to employees, and consequences for violation of this policy. Please contact your elected official/department head for more information about the benefits potentially available under the employee medical benefit plans and any possible referral sources.

### **5.7.1 Drug Testing**

The County is committed to providing a safe, efficient, and productive work environment for all employees. In keeping with this commitment, employees and job applicants may be asked to provide body substance samples (e.g. blood, urine,

hair) to determine the illicit use of drugs, including but not limited to schedule one (1) and schedule two (2) substance. This policy does not replace any policy that may currently be in effect for the Sheriff, Highway, or EMS departments. The County will attempt to protect the confidentiality of all drug test results. All bodily substance samples will be sent to a pre-selected independent laboratory to ensure confidentiality. Refusal to submit to a drug test may result in disciplinary actions, up to and including termination.

**5.7.1(A) Pre-Employment Testing**

Pulaski County will not employ individuals known to use illegal drugs or misuse prescription drugs. All prospective new employees shall be subject to drug and alcohol testing. Offers of employment may be contingent on passing the pre-employment drug and alcohol screen. Applicants who refuse to complete the test, test positive, or refuse to complete related documentation will not be hired by the County. Applicants will be asked to list any legally prescribed drugs taken at the time of the test and will be asked to provide physician authorization for those drugs.

**5.7.1(B) Reasonable Suspicion**

An employee may be requested to submit to a drug or alcohol test when the elected official, department head, or supervisor has reasonable suspicion that the employee has used alcohol or drugs or is impaired from the use of alcohol or drugs during his/her employment with the County. In the event that an employee is requested to submit to a drug test, the elected official, department head, or supervisor shall complete the appropriate form setting forth the observations leading to the determination of reasonable suspicion including the following:

- A. Observation of drug or alcohol use;
- B. Observation of drugs, alcohol, or containers traditionally used for drugs or alcohol;
- C. Observations of behavior of the employee, including balance, speech, reactions, and other characteristics supporting reasonable suspicion of use of drugs or alcohol or impairment by drugs or alcohol;
- D. A pattern of abnormal or erratic behavior by the employee; or
- E. Information provided by reliable or credible sources of the above.

In the case of a positive test or if the employee refuses to submit to testing, the County reserves the right to exercise any disciplinary action deemed appropriate up to and including termination based on the severity of the situation and the totality of the circumstances surrounding the incident.

**5.7.1(C) Post-Accident**

This policy shall apply to all employees, including those employees that drive a personal or County-owned vehicle in the performance of their County position. Testing of this kind occurs when an employee is involved in an accident resulting in:

1. The death or injury of a County employee, oneself, or member of the general public;
2. Damage to public or private property and/or equipment if at least one of the vehicles is disabled to the extent that it must be towed from the accident scene or operating a vehicle or equipment owned by or leased by the County if the driver receives a citation for a moving violation; or
3. Damage to public or private property and/or equipment or injury to oneself or others resulting from a workplace accident that does not involve a vehicle.

The County reserves the right to order post-accident tests as it deems appropriate based on the totality of the circumstances surrounding the accident. Post-accident testing for circumstances other than listed above will be ordered on a case-by-case basis at the discretion of the elected official/department head and/or the County Commissioners or their designee. Post-accident tests may include screens for both drugs and alcohol.

Questions about this policy or its administration should be directed to the County Commissioners.

**5.7.2 Federal Motor Carrier Safety Regulations/Safety Sensitive Positions Drug & Alcohol Policy**

Pulaski County has instituted this policy to provide a healthy and safe work environment for its employees and to ensure the safety of the general public. The provisions of this policy are established to address the use and possession of alcohol, Schedule I Controlled Substances, physician-prescribed medications, and

over-the-counter medications by employees in positions that have been classified as safety sensitive.

It is also the policy of Pulaski County to comply with and abide by all laws and regulations that have been established by PART 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING of the Federal Motor Carrier Safety Regulations, U.S. Department of Transportation (DOT), and the Federal Highway Administration (FHWA).

In complying with these regulations, Pulaski County hereby institutes a comprehensive controlled substance and alcohol testing, training, and record keeping program for employees in positions that have been classified as “safety sensitive” according to federal regulations.

In accordance with DOT/FHWA regulations, included in this classification of safety sensitive positions are all positions which require an employee to operate a commercial motor vehicle and/or hold a Commercial Driver's License (CDL).

Information and training concerning the specific provisions of this policy will be provided to all employees and supervisors of employees holding safety sensitive positions.

Training concerning this policy will be provided to all employees and supervisors of employees holding safety sensitive positions. Employees shall be required to attend such training; and shall be disciplined for failure to do so, up to and including termination.

**Employees in certain job categories may be required to take drug tests in accordance with State and Federal laws.**

#### **5.8 TOBACCO**

In keeping with Pulaski County's intent to provide a safe and healthful work environment, and Indiana law the use of all forms of tobacco in all County buildings or within eight feet of the doorway to the buildings, and vehicles is prohibited. There are no exceptions to this policy.

This policy applies equally to all employees, citizens, and visitors. Signs are posted in County facilities.

#### **5.9 USE OF EQUIPMENT AND VEHICLES**

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using County property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Employees shall notify their immediate supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

Employees operating County vehicles shall maintain the ability to legally operate assigned vehicles. The assignment of all County owned or leased vehicles must be authorized by the Board of Commissioners of Pulaski County.

An employee's failure to notify his or her elected official/department head of a driver's license suspension or revocation is subject to disciplinary action, up to and including termination.

Employees who operate a County vehicle or operate a personal vehicle for County business, such as driving to a conference in Indianapolis, are required to keep a copy of their valid driver's license, and proof of insurance and insurance liability for personal vehicle, on file with the Auditor.

Each occupant of a County or personal vehicle operated for the purpose of County business must wear appropriate seat belts. Each employee is personally responsible for any fines incurred as a result of driving or parking violations. In addition, no employee is permitted, under any circumstances, to operate a County vehicle or personal vehicle for County business when any physical or mental impairment causes the employee to be unable to drive safely.

This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, medication, or intoxication.

Vehicles owned, leased or rented by the County may not be used for personal use and shall not be driven out of Pulaski County unless they are being used for official County business.

Employees having take home use of County vehicles shall be limited to such employees who are either designated as "on call" or hold public safety positions.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, including termination.

## **5.10 TAKE HOME VEHICLES**

The Internal Revenue Code (IRC) requires the taxable value for the use of County provided vehicles be reported as additional compensation to employees. The County and employee must timely report personal use as a wage. Such reports are processed by the Auditor's Office. Police vehicles are considered non-personal use vehicles. Police officers are required to use the vehicle for commuting and personal use is incidental to use for law-enforcement purposes. Personal use of County vehicles for travel outside Pulaski County is prohibited, other than commuting between the employee's home and work by the most direct route.

### **5.10.1 Commuting From Home to Worksite/Worksite to Home**

The use of County owned vehicles must be strictly confined to travel necessary to conduct business of the County or commuting from home to the work site or the work site to home with exception for designated positions in the County such as the Pulaski County Sheriff's Office. The Pulaski County Board of Commissioners must approve requests for commuting (home/worksite, worksite/home) for each vehicle owned or leased by the County.

Elected officials and /or department heads are responsible for accurately recording authorized personal use for each vehicle in their designated departments for any personal use, including commuting from home to worksite/worksite to home as it is considered a taxable fringe benefit by IRS regulations.

Accurate records of all travel, mileage, and expenses-must be recorded for each vehicle, in accordance with procedures approved by the State Board of Accounts. The record must be in enough detail to determine points of origin and each destination. The record must also show if the trip, or any part of the trip, was personal in nature. A personal mileage, other than de minimis, is considered a taxable fringe benefit.

Unauthorized personal use of a County vehicle shall be included as income on the employees annual wage information at the maximum per mile rate authorized by the Internal Revenue Service and shall also be subject to disciplinary action.

The Pulaski County Auditor must be provided documentation of any personal usage of County owned vehicles monthly. The Auditor will process the tax liability for personal use in commuting of a County vehicle, which will be included in the employee's annual wage information.

**5.11 PERSONAL USE OF COUNTY PROPERTY AND FACILITIES**

To minimize unnecessary expenses, prevent the loss of valuable work time, and prevent lowered morale of cooperative employees, personal use of County facilities, vehicles and equipment is prohibited, unless expressly authorized by the County Commissioners. This policy applies to all employees.

It restricts the personal use of organization facilities, including bulletin boards, vehicles and equipment, computers, and fax machines.

**5.12 APPEARANCE OF WORK AREAS**

The County expects the work areas of all employees to be well organized, clean, and attractive. These qualities promote health, productivity, safety, good morale, and customer respect. This policy applies to all employees.

**5.13 BUSINESS TRAVEL**

Pulaski County Commissioners are responsible for authorizing employee business travel and reimbursement of travel expenses, including overnight lodging, meal costs, and transportation. All such reimbursements are subject to approval and appropriate documentation being submitted to the elected official/department head. In all cases, the expense for which an employee seeks reimbursement must have been budgeted in departmental budgets or else specifically approved by the County Council. All mileage reimbursements must be supported by MapQuest or another approved mileage calculator. **Employees must provide itemized receipts to receive reimbursement.**

Overnight accommodations are not allowed for meetings within one-hundred (100) miles of Pulaski County, Indiana, unless authorized by the County Commissioners, excluding statutorily mandated expenses.

Pulaski County shall not pay for a person's meal more than once. This includes, but is not limited to, meals included in registration fees or by hotels in the room charge. If a person in travel status received a meal without charge, then the meal allowance must be reduced. Meal expenses are allowed for meals during normal duty hours for routine employee duties requiring travel.

Meal allowance and mileage rates are subject to change as approved and adopted by the County Council.

Employee pay for travel time shall be determined according to applicable provisions of the Fair Labor Standards Act (FLSA).

**5.13.1 State Called Meetings**

The County will reimburse County employees for a state called meeting specified by statute or the State Board of Accounts. Reimbursement for state called meetings will be for:

1. Reasonable hotel/motel accommodations;
2. Approved rate for mileage for using privately owned vehicle in lieu of public transportation; and
3. The County Council shall establish meal allowance rates for individuals attending a meeting.

**5.13.2 Other Meetings/Job-Related Training**

An employee on authorized official County business requiring overnight accommodations will be reimbursed for:

1. Reasonable hotel/motel accommodations, and necessary parking and storage fees (other than valet);
2. Bus, taxi, and airport transportation;
3. Air, rail, or bus tickets as lowest possible fare;
4. Approved State rate for mileage for using privately owned vehicle in lieu of public transportation; and
5. The County Council shall establish meal allowance rates for individuals attending a meeting.

An employee on authorized official County business attending a meeting not requiring overnight accommodations will be reimbursed for:

1. Bus, taxi, and airport transportation;
2. Air, rail, or bus tickets as lowest possible fare;
3. Approved State rate for mileage for using privately owned vehicle in lieu of public transportation;
4. Necessary parking and storage fees (other than valet);
5. The County Council shall establish meal allowance rates for individuals attending a meeting.

#### **5.14 RECYCLING**

Pulaski County supports environmental awareness by encouraging recycling and waste management in business practices and operating procedures, including a commitment to purchase, use, and dispose of products and materials in a manner that will best utilize natural resources and minimize any negative impact on the earth's environment.

Special recycling receptacles have been set up to promote the separation and collection of recyclable materials. The Pulaski County Recycling Center should review the list of recyclables and issue an updated list to all elected official/department heads.

The simple act of placing a piece of paper, can, or bottle in a recycle container is the first step in reducing demand on the earth's limited resources. Success of this program depends on active participation by all employees. Employees are encouraged to make a commitment to recycle and be part of this solution.

By recycling, Pulaski County is helping to solve trash disposal and control problems the world faces today. All County departments should follow the recycling list of recyclables by separating recyclables before the maintenance department collects and delivers to the Recycling Center.

#### **5.15 POLITICAL ACTIVITY**

County employees shall not participate, financially or otherwise, in any political campaign or party activity during his/her working hours. This policy includes any threats or coercion by elected officials/department heads or political party officials.

County owned equipment shall not be used to generate, copy, or reproduce campaign materials. County vehicles shall not be used to distribute campaign materials. County telephones or facsimile machines shall not be used for campaign purposes.

#### **5.16 SOCIAL MEDIA POLICY**

Social media can take many different forms, including internet forums, blogs, and micro-blogs, online profiles, wikis, podcasts, picture and video, instant messaging, music sharing, and voice over IP to name just a few. Examples of social media applications are LinkedIn, Twitter, Facebook, MySpace, YouTube, Wikipedia, Yelp, Flickr, Second Life, Yahoo groups, Wordpress, Zoominfo---the list is endless.

##### **5.16.1 Guidelines**

Ultimately employees are solely responsible for what they post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees, or otherwise adversely affects the public, and people who work on behalf of Pulaski County, or Pulaski County's legitimate business interest may result in disciplinary action up to and

including termination.

Discussion debate and sharing one's opinion occur in many forms and forums including online conversations. Social media is defined as media designed to be disseminated through social interaction, created using highly accessible and scalable publishing techniques.

Given the growing popularity of online media, Pulaski County has developed a series of guidelines to assist its employees when engaging in such forums and discussions. The guidelines are intended to assist employees both when participating personally as well as when acting on behalf of Pulaski County.

5.16.2 **Know and Follow County Policies and Work Rules**

Carefully read these policies in this personnel policies handbook, the County Equal Employment Opportunity Policy, Productive Work Environment Policy, Request For Information Policy, Use of Computers and E-Mail Policy, Internet Policy, Use of Cellular/Mobile Phone and Pagers Policy, Sexual Harassment Policy, Business Ethics and Conflict of Interest Policy, Solicitation and Distribution Policy, Political Activity Policy, Workplace Violence Policy, and Confidentiality Policy.

Ensure that your postings are consistent with these policies, inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

5.16.3 **Be Respectful**

Always be fair and courteous to fellow employees, County vendors, and the public on behalf of Pulaski County. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or the public rather than posting complaints to a social media outlet.

However, if you do post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, and threatening or intimidating, that disparage co-workers, County vendors, or the public, or that might constitute harassment or bullying. Examples of such conduct include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or County policy.

5.16.4 **Be Honest and Accurate**

Make sure you are honest and accurate when posting information and news, and if you make a mistake, correct it quickly. Be open about any previous posts you

have altered. Remember that 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 Pulaski County, fellow co-workers, County vendors, or the public.

### **5.16.5 Restrictions**

- a. Do not post confidential or propriety information about the County, co-workers, County vendors, or the public. Never violate federal law such as HIPAA (Health Insurance Portability and Accountability Act). Employees who share confidential information are subject to disciplinary action, up to, and including termination.
- b. Do not use the County of Pulaski logos or any other images or iconography on personal social media sites. Do not use the County's name to promote a product, cause, or political party or candidate.
- c. Do not discuss your job responsibilities for the County on the Internet. Do not state or imply that you speak for the County, for a County office or department, or for County officials. Be aware of your association with the County when using social networks, and do not identify yourself as a County employee.
- d. If you publish to a blog or some other form of social media, make it clear that whatever you say is your view or opinion by stating: "these are my personal views and opinions and not necessarily the views and opinions of your employer."
- e. Photographs posted on social media sites easily can be appropriated by others. Do not post pictures of County Department events, County employees, or citizens visiting County offices or departments.
- f. Do not post obscenities, slurs, or personal attacks that could slander or libel you or the County which could result in civil or criminal penalties.
- g. Do not infringe on copyrights or trademarks.

### **5.16.6 Respect Time and Property**

The County's computers and time on the job are reserved for work-related business. Employees may use personal cellular/mobile phones during meal breaks in locations that do not pose a disruption to others. Employees may use personal cellular/mobile phones during break periods, including meal breaks in locations that do not pose a disruption to others.

**5.16.7 Cell Phone/Electronic Device**

Employees using cellular/mobile phones or any other electronic device during office hours (other than clearly defined breaks) will be subject to appropriate disciplinary action up to and including termination.

**5.16.8 Think Twice Before Posting**

Privacy does not exist in the world of social media. Consider what could happen if a post becomes widely known. Search engines can turn up posts years after they are created and comments can be forwarded or copied. Exercise sound judgment and common sense, and if there is any doubt, DO NOT POST IT.

**5.16.9 Know That the Internet is Permanent**

Once information is published online, it is essentially part of a permanent record, even if that information is removed/deleted later, or an attempt is made to make it anonymous. If a complete thought, along with its context, cannot be squeezed into a character restricted space (such as Twitter), provide a link to an online space where the message can be expressed completely and accurately.

## **6. PERSONAL CONDUCT**

**The policies contained in this chapter and throughout the Pulaski County Personnel Policies Handbook apply to all Pulaski County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

### **6.1 EMPLOYEE CONDUCT AND WORK RULES**

Employees are expected to maintain high standards of personal appearance, conduct, cooperation, and efficiency in their work. All employees should attempt to correct any faults in their performance which are called to their attention and should also avoid any behavior and actions which conflict with County rules and regulations.

### **6.2 ATTENDANCE AND PUNCTUALITY**

To maintain a safe and productive work environment, the County expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the County. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, including termination of employment.

In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, he/she should notify their elected official/department head at least one (1) hour in advance of the anticipated tardiness or absence, or as soon as possible in the event of an emergency (such as being transported to a hospital for treatment). When providing notification, the employee is to give the reason and the estimated length of absence. Failure to notify the elected official/department head shall subject to disciplinary actions up to and including termination.

Excessive tardiness and absence shall be considered to be three (3) occurrences of unexcused absences in one year (1) period; or three (3) occurrences of tardiness in a six (6) month period; or any combination thereof.

An unexcused absence is defined as an absence for which the employee does not have the approval of the elected official/department head or designated supervisor.

Employees who are absent for two (2) consecutive workdays without notifying their elected official/department head shall be considered to have voluntarily resigned their position.

### **6.3 PERSONAL APPEARANCE**

Dress, grooming, and personal cleanliness standards contribute to the morale of employees and affect the business image the County presents to citizens and visitors. During business hours, employees are expected to present a clean and neat appearance

and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.

**6.3.1 Appropriate Office Attire**

Consult your elected official/department head if you have questions as to what constitutes appropriate attire. Inappropriate attire includes: Clothing that reveals too much cleavage, your back, your chest, your stomach or your underwear. Torn, dirty, or frayed clothing is also unacceptable.

**6.3.2 Uniform Policy**

The purchase of all County uniforms must be pre-approved by the Board of Commissioners of Pulaski County. The taxation or exclusion of taxation of uniforms allowances is established by the Internal Revenue Service.

**6.3.2(A)** Work Clothing and Uniforms considered as a taxable fringe benefit include:

Employees working in a position which requires specific clothing to identify the nature of their position when working in and with the general public will be considered for purchases of clothing or uniforms considered as a taxable fringe benefit (examples: field work for Surveyor and Health Inspectors and /or Probation Officers). These items for consideration include:

- a. Clothing or uniforms which are adaptable to general use as ordinary clothing; or
- b. Clothing or uniforms which may be worn outside the employee's course of employment (example: t-shirts, polo shirts and jeans).

Any uniform(s) approved by the Board of Commissioners which are considered as a taxable fringe benefit must be designated as such prior to any purchase and the employee(s) assigned these items must be notified in a written document with an acknowledgement form included, identifying the items as a taxable fringe benefit prior to disbursing the items to the employee.

The clothing allowance will be \$300.00 per year and disbursed at \$150.00 in January and July of each year.

Clothing or uniforms which are provided as a taxable fringe benefit become the property of the employee upon termination of

employment with Pulaski County. Exception: clothing or uniforms which contain a badge or public safety emblem of the Pulaski County Sheriff's Office, EMS or Community Corrections facility shall be returned immediately upon termination of employment and will remain the property of Pulaski County.

**6.3.2(B)** Work Clothing and Uniforms considered as a non-taxable fringe benefit include:

The use of County or public funds for the purchase of employee work clothing as a non-taxable benefit is strictly prohibited except for the following uniforms:

- a. Approved dress uniforms for the Pulaski County Sheriff's Department.
- b. Uniforms which are specifically required as a condition of employment; and uniform clothing that is not worn or adaptable to general usage as ordinary clothing such as assigned uniforms issued to maintenance workers employed by Pulaski County.
- c. Safety clothing specifically required for the safety of a group of employees, if expressly approved by the Board of Commissioners of Pulaski County.

All non-taxable clothing shall only be worn by the employees during, and in the course of, their employment. The Sheriff's Department uniforms shall only be worn during the course of the deputy's employment or during the performance of other outside law enforcement functions approved by the appropriate supervisor of the Pulaski County Sheriff's Department.

Clothing or uniforms which contain a badge or public safety emblem of the Pulaski County Sheriff's Office, EMS or Community Corrections facility shall be returned immediately upon termination of employment and will remain the property of Pulaski County.

Consult your elected official/department head if you have questions as to what constitutes appropriate attire.

## **6.4 SEXUAL HARASSMENT/HOSTILE WORK ENVIRONMENT**

Everyone who works for Pulaski County is entitled to a workplace free from sexual harassment and intimidation. The County is committed to providing a work environment that is free of any type of discrimination or unlawful harassment. The County prohibits any form of sexual harassment and will take corrective action against offenders, including discipline or termination.

This policy applies to all Pulaski County employees.

### **6.4.1 Definition of Sexual Harassment/Hostile Work Environment**

Any request for sexual favors and/or any other unwanted verbal or physical conduct of a sexual nature between employees in the workplace or job-related contacts with citizens or persons outside County employment, constitutes sexual harassment and is prohibited, such as:

1. Unwelcome sexual advances.
2. Physical or verbal conduct of a sexual nature or joking that is sex-oriented and considered unacceptable by another individual. Examples of conduct of a sexual nature include: flirtations, advances or propositions, verbal abuse of a sexual nature, leering, touching, pinching, assault, or coerced sexual acts, or suggestive, insulting; obscene comments or gestures; written, photo, cartoon, or electronic displays in the workplace of sexually suggestive objects or pictures. This includes commenting about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" that are clearly unwanted and considered offensive by others, or any other tasteless sexually-oriented comments or actions that offend others.
3. Submission which is expressed or implied as a condition of employment, promotion, or preferential treatment.
4. Printed or electronic display or transmission of sexually explicit images, messages or cartoons is not allowed. Other violations include, but are not limited to, ethnic slurs, racial comments, jokes, or anything that may be construed as harassment or showing disrespect for others.
5. Conduct with implication that has the purpose of or results in interfering with work performance or creating an intimidating, hostile, or offensive work environment is considered sexual harassment.

All behavior described above is unacceptable in the workplace itself and in other work-related settings such as business trips and business-related social events.

#### **6.4.2 Reporting a Complaint**

While the County encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his/her behavior is unwelcome, the County also recognizes that power and status disparities between an alleged harasser and a target may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, the following steps should be followed in reporting a sexual harassment complaint.

In order to take a corrective action, the County must be aware of sexual harassment or related retaliation. Therefore, anyone who believes that he/she has experienced or witnessed sexual harassment or related retaliation should promptly report such behavior to his/her supervisor.

Any employee who experiences or witnesses sexual harassment is strongly advised to obtain a **Sexual Harassment Complaint (Form O-1)** from the Auditor's office, or Form Center and submit it to the County Attorney **immediately**. The County Attorney will immediately advise the employee of the appropriate course of action. If unresolved, or in the event the harassment is alleged against the County Attorney, the employee is advised to return the sexual harassment complaint form to the President of the Pulaski County Commissioner. The best time to register a complaint is immediately after the act occurs.

Any supervisor who has witnessed or becomes aware of an alleged occurrence of sexual harassment or retaliation, or receives a complaint of sexual harassment involving a person within that supervisor's purview is required to take prompt corrective action and to report the incident to the County Attorney. Failure of a supervisor to immediately take corrective action or to report the incident to the County Commissioners shall constitute misconduct subject to disciplinary action, up to and including termination.

#### **6.4.3 Description of Misconduct**

An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint of sexual harassment.

Verbal reports of sexual harassment must be recorded in written form either by the complainant or the individual(s) designated to receive complaints, and be signed by the complainant. Individuals who believe they have been or currently are being harassed should maintain a record of objectionable conduct to effectively prepare and corroborate their allegations.

While the County encourages individuals to keep written notes in order to accurately record offensive conduct or behavior, it must be recognized that, in the event that a lawsuit develops from the reported incident, the confidentiality of the

complainant's written notes may not be recognized under Indiana law and the notes may have to be disclosed.

The County Auditor or Form Center has copies of the County sexual harassment complaint form. Employees are directed to obtain, complete, and submit this form to initiate a formal complaint.

#### **6.4.4 Time Frame for Reporting Complaints**

The County encourages a prompt reporting of complaints so that rapid response and appropriate action may be taken. However, due to the sensitivity of these problems and because of the emotional toll such misconduct may have on an individual, no limited time frame will be instituted for reporting sexual harassment complaints. Late reporting of complaints will not in and of itself preclude the County from taking remedial action.

#### **6.4.5 Protection against Retaliation**

The County will not in any way retaliate against individuals who report in good faith sexual harassment or against anyone who participates in a resulting investigation, nor permit any supervisor or employee to do so. Retaliation is a serious violation of this policy and should be reported **immediately**.

Any person found to have retaliated against another individual for the good faith reporting of sexual harassment will be subject to the same disciplinary action provided for sexual harassment offenders.

#### **6.4.6 Investigating the Complaint**

Any allegation of sexual harassment that is reported will be promptly investigated in as discreet a manner as possible to protect the privacy of persons involved. The County will use its best efforts to maintain confidentiality throughout the investigatory process to the extent practical and appropriate under the circumstances; however, confidentiality is not guaranteed. The alleged harasser will be notified of the nature of the complaint made against him/her.

Upon completing the investigation of a sexual harassment complaint, the County will communicate its decision over the outcome of the investigation to the complainant and the alleged harasser. If the County Commissioners determine that a violation of the County's sexual harassment/hostile work environment occurred, they will determine appropriate disciplinary action. The complainant will be informed if disciplinary action is taken.

In determining whether alleged conduct constitutes sexual harassment, the County will look at the investigative file as a whole and the totality of the circumstances,

such as the nature of the conduct and the context in which the alleged incidents occurred.

The determination of whether disciplinary action is to be taken will be made from the facts, on a case-by-case basis.

**6.4.7 Identification of Investigators**

Complaints will be investigated by the County Commissioners, County Attorney, and/or investigators selected by the County Commissioners. In addition, other individuals may be included in reviewing the investigation and outcome at the discretion of the County Commissioners.

**6.4.8 False Accusations**

Pulaski County also recognizes that careful consideration must be given to questions regarding whether a particular action or incident is purely personal or social without any discriminatory employment effect. False accusations of sexual harassment can devastate the lives and reputations of innocent women and men. Therefore, the County may discipline, up to and including termination of employment, those employees who after an investigation are found to have falsely accused others of sexual harassment, knowingly or in a malicious manner.

**6.4.9 Sanctions**

Individuals found to have engaged in misconduct constituting sexual harassment, creating a hostile work environment, or related retaliation will be severely disciplined, up to and including termination of employment.

Additional action may include: referral to counseling, withholding of a promotion, reassignment, demotion, temporary suspension without pay, or termination.

Although the County's ability to discipline a non-County employee harasser is limited, any County employee who has been subjected to sexual harassment by a non-County employee at the workplace or work-related setting should file a complaint so that action may be taken.

**6.4.10 Maintaining a Written Record of the Complaint**

The County will maintain a complete written record of each complaint and how it was investigated and resolved. Written records shall be maintained by the County Attorney. If disciplinary action was taken, a record shall be maintained in the offender's personnel file, located in the Auditor's office.

**6.4.11 Prevention**

Prevention is the best policy for the elimination of sexual harassment. Employees shall remain cognizant of sexual harassment to avoid contributing to conditions that would encourage such activity.

Sexual harassment and hostile work environment violations will result in disciplinary action, up to and including termination of employment.

**6.5 COMMISSION OF A FELONY OR UNLAWFUL ACT**

Pulaski County is committed to providing its citizens with qualified staff who possess good character and standards. This policy provides basic safeguards in maintaining a safe working environment for employees and citizens and in fulfilling this commitment.

Whenever an employee is cited for an infraction while on duty or arrested for any misdemeanor or felony while on duty, the employee shall report this matter, in writing, to the County Attorney within twenty-four (24) hours of the arrest or citation. Failure to report in accordance with this policy shall be considered a violation of the personnel policies subject to disciplinary actions up to and including termination.

If an employee is operating a County owned vehicle, citations for moving traffic violations which occur during an employee's off-duty or on-duty hours must be reported to the elected official/ department head in writing within five (5) calendar days of receiving the citation or the arrest, if employee drives a vehicle for the County.

Any employee that is arrested or charged for any misdemeanor or felony must report said arrest/charge within five (5) calendar days within occurrence to County Attorney.

Unauthorized time away from work shall be subject to the County's attendance and wage policies. Time spent under arrest or in jail is not considered a valid excuse for missing work.

An employee who is cited for an infraction or arrested for any misdemeanor or felony, whether the citation or arrest happened while the employee was on duty or not, may be suspended without pay pending an investigation and/or the disposition of any charges filed against the employee.

The investigation will be used to determine if the accused employee is in violation of the personnel policies and to determine if disciplinary action is warranted, up to and including termination.

The determination as to whether an employee shall be suspended will be based upon the nature and circumstances of the alleged offense and the impact the charges may have on the employee's ability to adequately perform their job duties and/or remain in compliance with the County's personnel policies.

It is the responsibility of any employee with pending criminal charges to provide the County Attorney written documentation such as a court record of the disposition of the charges within five (5) calendar days after receiving notification. Failure to do so will be considered a violation of this policy and may subject the employee to discipline, up to and including termination.

If the County Commissioners determine after the investigation that the employee's ability to adequately perform their job duties has not been affected the employee may be unsuspended and reimbursed.

If the employee is on a leave of absence pending investigation he/she shall be returned from suspension and if suspended without pay shall be reimbursed.

Factors to be used in determining appropriate discipline, which may range from no disciplinary action up to termination of employment, will include the employee's assigned duties and responsibilities, the nature of the offense, sentences imposed, other convictions/infractions, relevant provisions of Indiana statutes, licensing requirements, risk of recidivism, reasonable inferences about problems with self control, propensity for violence, honesty, and damage to the reputation of the employee, the employee's department, and/or Pulaski County government.

Any employee found guilty, admitting guilt, or pleading no contest or *nolo contendere* of/to a crime will be subject to immediate dismissal.

The outcome of the criminal proceedings will be one factor considered in the investigation by the County Commissioners but will not be determinative of the County Commissioners.

## **6.6 GIFTS OR GRATUITIES**

Employees are encouraged to maintain good relations with suppliers and others with whom the County may have business dealings. However, the practice of accepting gifts or gratuities is not only unnecessary and undesirable, but also contrary to the public interest.

Employees should not accept gifts or gratuities from firms, organizations, agents, or other individuals who may or do conduct business with the County in furnishing materials, goods, and services.

## **6.7 GHOST EMPLOYMENT**

Pulaski County is committed to providing efficient and lawful services to its citizens and to maintaining public trust. Therefore, "ghost employment" is a violation of County policy and of Indiana Code 35-44-2-4. Ghost employment is a Class D felony.

A public servant who knowingly or intentionally hires an employee for a governmental entity and fails to assign the employee any duties, or assigns duties not related to the operation of the governmental entity, is committing ghost employment.

Additionally, a public servant employed by a governmental entity knowing that he/she has not been assigned any duties to perform for the entity and accepts property (compensation) from the entity, or a public servant who knowingly or intentionally accepts property (compensation) from the entity for the performance of duties not related to the operation of the entity, commits ghost employment.

Examples of violations of this policy include, but are not limited to, performing work on public property that is not job related, authorizing or receiving payment for time not worked, and authorizing or receiving payment for leave time not authorized by County paid leave policies. Violations of this policy shall result in disciplinary action up to and including termination, in addition to potential prosecution under Indiana Code 35-44-2-4.

## **6.8 BUSINESS ETHICS/CONFLICT OF INTEREST**

The County recognizes and respects the right of individual employees to engage in private activities outside of the organization that do not in any way conflict with, or reflect poorly on, Pulaski County.

Indiana Code 35-44-1-3 states that a person who knowingly or intentionally obtains a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the governmental entity served by the public servant commits a Class D felony, unless a financial disclosure form is approved in advance and filed as required by law.

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which Pulaski County wishes the business to operate. The purpose of these guidelines are to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact the Pulaski County Commissioners for more information or questions about conflicts of interest.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of Pulaski County's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that he/she disclose to the Commissioners of Pulaski County as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties. State law requires that employees

file a **Conflict of Interest form** with the County Clerk and a copy to the Indiana State Board of Accounts.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which Pulaski County does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving Pulaski County.

County employees are prohibited from using his/her county position and/or time during working hours to assist in political campaigns or otherwise engage in political activities or display campaign material on county property at any time. Any employee paid partially or wholly from federal funds is not eligible to run for office in a partisan election.

#### **6.9 SOLICITATION/DISTRIBUTION**

This policy is designed to protect the interests of the citizens of Pulaski County by ensuring that only official County business is transacted in work areas during employees' work time.

There shall be no solicitation or distribution by employees or non-employees at any time during business hours. This section does not apply to vendors and/or charity organizations who have received the approval of the Board of County Commissioners. In addition, the posting of written solicitations on County bulletin boards is prohibited.

Employees violating this policy may be subject to disciplinary action, up to and including discharge.

#### **6.10 VISITORS IN THE WORKPLACE**

To provide for the safety and security of employees and the facilities at Pulaski County, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protect against theft, and ensures security of equipment. Safeguards employee welfare, and avoids potential distractions and disturbances.

Because of safety and security reasons, family and friends of employees are discouraged from visiting. In case of emergency, employees will be called to meet any visitors outside their work area.

Employees are responsible for the conduct and safety of their visitors. All non-employees are considered visitors or vendors, etc. All non-employees are to follow the Board of Commissioners approved Security of Premises of this Personnel Policies Handbook.

If an unauthorized individual is observed on Pulaski County's premises, employees should immediately notify their supervisor.

**6.11 SECURITY OF PREMISES**

Pulaski County wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the County prohibits the control, possession, transfer, sale, or use of such materials on its premises.

However, effective on July 1, 2010 Ind. Code 34-28-7 allows employees who may lawfully possess a firearm to bring firearms and ammunition onto County property as long as the firearm and ammunition are locked in a glove box or trunk or stored out of plain sight in the employee's personal locked vehicle. This exception does not apply to employees driving or riding in County-owned vehicles where firearms and ammunition are prohibited. Employees of a penal facility (Pulaski County Jail) or other County facilities listed in Ind. Code 34-28-7-2(a) (2) do not have these rights. Except for law enforcement officers, employees working at the Pulaski County Jail shall not bring firearms or ammunition onto County property including in their personal vehicles.

The County prohibits the possession of firearms, ammunition, and the possession of other weapons by persons other than County employees and the law enforcement officers on County property. The County requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees, but remain the sole property of the County. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the County at any time, either with or without prior notice.

**6.12 WORKPLACE VIOLENCE**

The safety and security of Pulaski County employees and customers is very important. It is the intent of the County to provide a workplace for all employees which is free of violence. Threats, threatening behavior, acts of violence, or any related conduct which disrupts another's work performance or the organization's ability to execute its mission will not be tolerated.

Workplace violence includes, but is not limited to, intimidation, threat, physical attack, or property damage. These terms are defined as follows:

- A. "Intimidation" includes, but is not limited to, stalking or engaging in actions intended to frighten, coerce, or induce duress.
- B. "Threat" is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the person communicating the threat has presented the ability to carry it out and without regard to whether expression is contingent, conditional, or future.

- C. "Physical attack" is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, throwing objects, firing a weapon, causing an explosion of hazardous materials, or discharge of hazardous substances.
- D. "Property damage" is intentional damage to property which includes property owned or leased by the County, employees, visitors, or vendors.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on County-owned or leased property may be removed from the premises.

Additionally, possession of illegal firearms, weapons, and other dangerous or hazardous devices or substances are strictly prohibited on County property without proper authorization as specified in *Section 6.11 Security of Premises of this Personnel Policy Handbook*.

Threats, threatening behavior, or acts of violence executed off County-owned or leased property but directed at County employees or members of the public while conducting official County business, is a violation of this policy. Off-site threats include, but are not limited to, threats made via the telephone, fax, electronic or conventional mail, or any other communication medium.

Violations of this policy will lead to disciplinary action that may include termination of employment, and may also result in arrest and prosecution. In addition, if the source of such inappropriate behavior is a member of the public, the response may also include barring the person(s) from County-owned or leased premises, termination of business relationships with the individual(s), arrest, and prosecution of the person(s) involved.

Employees are responsible for notifying their elected official/department head of any threats which they have witnessed, received, or have been told that another person has witnessed or received.

Employees should also report any behavior they have witnessed which they regard as threatening or violent when the behavior is job related or might be carried out on County-owned or leased property or in connection with County employment.

Any employee who receives a protective or restraining order which lists County-owned or leased premises as a protected area is required to provide their elected official/department head with a copy of such order.

If an emergency exists, contact the police department at 911 and notify your supervisor. If not an emergency, employees should inform their elected official/department head. If the elected official/department head is unavailable or if the nature of the complaint is such that the employee does not believe he/she can discuss it with the elected official/department head, the employee may bring concerns to the County Commissioners.

Employees who act in good faith by reporting real or implied violent behavior violations of this policy need not fear retaliation.

**6.13 CONFIDENTIALITY**

Employees are advised to consult with their elected official/department head before releasing information which is confidential or privileged by law. It is a violation of state law for a public servant to knowingly or intentionally disclose information classified as confidential.

**6.14 EMPLOYEE CONDUCT**

**Behavior of Employees.** In regulating the behavior of its employees, the County has classified offenses as first, second, and third level offenses based upon their seriousness. These classifications are provided only to illustrate the procedures that will generally be followed in respect to such conduct. Depending on the offense and only at the request of a Department Head or Elected Official the County Commissioners may expire written warnings for Group I offenses after a period of twenty-four (24) months and Group II offenses after a period of thirty-six (36) months. **All** written warnings will remain in the employee's administrative file by the Department Head Elected Official completing a **Notice of Disciplinary Action (Form P)**.

This classification system should not be construed to in any way limit the County's discretion in exercising discipline as it finds appropriate based on the severity of the misconduct or the totality of the circumstances.

The following conduct is prohibited and will subject the individual involved to disciplinary action, up to and including termination.

**This list of examples is merely illustrative of the kinds of conduct that will not be permitted. It is not intended to be all inclusive or to in any way limit rules, guidelines, and restrictions set out elsewhere in this handbook.**

**GROUP I OFFENSES**

Examples of, but not limited to, the following:

1. Tardiness or failure to report for duty within a reasonable time according to the attendance policy.
2. Reporting to work clothed or groomed in an unclean or inappropriate manner.
3. Neglect or carelessness in recording work time.
4. Failure to cooperate with other employees as required by job duties to accomplish any required by department.
5. Distracting the attention of others, unnecessarily shouting, demonstrating, or otherwise causing a disruption on the job.
6. Causing mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.
7. Unauthorized use of telephone, fax, or mail for personal use.
8. Unauthorized breaks.

9. Littering on County property or otherwise contributing to unsanitary conditions in general.
10. Disregard of department rules.
11. Unauthorized posting, removal, or alteration of notices or signs from bulletin boards.
12. Discourteous treatment of the public.
13. Abuse of electronic, internet, cell phone usage for personal, business, or socializing during work hours.

**GROUP I DISCIPLINE**

First Offense	Documented written warning
Second Offense	Two (2) working days suspension without pay
Third Offense	Termination of employment

**GROUP II OFFENSES**

Examples of, but not limited to, the following:

1. Unsatisfactory work or failure to maintain required standard of performance.
2. Leaving the job or work area during working hours without authorization.
3. Threatening, intimidating, coercing, or interfering with subordinates or other employees.
4. Obligating Pulaski County for any expense, service, or performance without authorization.
5. Sleeping during working hours.
6. Reporting for work or working while unfit for duty.
7. Excessive absenteeism according to the attendance policy. (See Section 6.2, pg. 76)
8. Unauthorized use of equipment, including employee's personal property on County property.
9. Willful failure to sign in or out when required.
10. Failure to report for overtime work after being scheduled to work according to overtime policy.
11. Failure to make required reports.
12. Unauthorized solicitation or distribution by employees at any time during business hours. (See Section 6.9, Pg. 86)
13. The making or publishing of false, vicious, or malicious statements concerning employees, supervisors, the County, or its operations. Making abusive or threatening remarks to supervisors, employees, or the public.
14. Giving false testimony during a complaint investigation or hearing.
15. Distributing or posting written or printed matter of any description on County premises unless authorized.
16. Violation of attendance policies. (See Section 6.2, Pg. 76)
17. Use of abusive or threatening language toward supervisors or other employees.
18. Failure to report accidents, injury, or equipment damage.

**GROUP II DISCIPLINE**

First Offense	Documented written warning
Second Offense	Four (4) working days suspension without pay
Third Offense	Termination of employment

**GROUP III OFFENSES**

Examples of, but not limited to, the following:

1. Being in possession of or drinking alcoholic beverages on the job.
2. Neglect, abuse or deliberate destruction in any manner of County property, tools, equipment, or the property of employees.
3. Punching, signing, or altering other employees' timecards, timesheets, or unauthorized altering of own timecard or sheet.
4. Falsifying testimony or reports when accidents are being investigated, falsifying or assisting in falsifying or destroying any County records, including work performance reports, or giving false information or withholding pertinent information called for in making application for employment.
5. Making false claims or misrepresentations in an attempt to obtain any County benefit.
6. Performing private work on County time or property.
7. Violation of the sexual harassment/hostile work environment policy.
8. Stealing or similar conduct, including destroying, damaging, or concealing any property of the County or of other employees.
9. The use of controlled substances (unless prescribed by a licensed physician) or the sale of controlled substances.
10. Fighting or attempting to injure other employees, supervisors, or persons.
11. Carrying or possession of firearms on County property at any time without proper authorization unless in compliance with a state law. (See Section 6.11, Pg. 86)
12. Knowingly exposing others to hazardous conditions, such as communicable diseases, which may endanger other employees or the public.
13. Misuse or removal of County records or information without prior authorization.
14. Instigating, leading, or participating in any illegal 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 County's work stations.
15. Dishonesty or any dishonest action. Some examples of what is meant by "dishonesty" or "dishonest action" are as follows: theft, pilfering, opening desks assigned to other employees without authorization, theft and pilfering through lunch boxes, tool kits, or other property of the County or other employees without authorization, inserting slugs in vending machines without paying the proper charge therein, making false statements to secure an excused absence or to justify an absence or tardiness, or making or causing inaccurate or false reports

concerning any absence from work. The foregoing are examples only and do not limit the terms "dishonesty" or "dishonest action."

16. Insubordination by refusing to perform assigned work or to comply with written or verbal instruction of supervisors, creating a hostile work environment for supervisors, employees, and/or the public.
17. Disclosure of confidential information.
18. Failure to disclose at the time of employment a past conviction, misdemeanor, and/or felony if reasonably related to the employee's duties or the public trust.
19. Violation of the Drug-Free Workplace policy and/or failure to submit to a blood test, urinalysis, or Breathalyzer examination.
20. Failure to maintain certifications required of the position, such as driver's license or CDL.
21. Failure to follow safety regulations.
22. Refusing to provide testimony in court during an accident investigation or during any type of public hearing unless said refusal is protected by law.
23. Failure to pay the employee's portion of health insurance premiums as requested by the Auditor while the employee is on FMLA, workers compensation, or any other qualified leave.

### **GROUP III DISCIPLINE**

First Offense	Any appropriate discipline, up to and including termination of employment.
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## **7. PROBLEM RESOLUTION**

**The policies contained in this chapter and throughout the Pulaski County Personnel Policies Handbook apply to all Pulaski County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

Employees and supervisors will benefit from a process that allows for the free discussion of matters of mutual concern and effectively addresses complaints on specific issues.

These procedures provide for open discussion and speedy resolution of issues of serious concern to any employee who thinks that Pulaski County's policies have been violated, or who believes that he/she has been treated unfairly. A complaint is an employee's expressed dissatisfaction with what that employee believes, rightly or wrongly, to be unfair treatment or a mistake in the administration of a rule, plan, or County policy. **This section does not apply to disciplinary actions taken by elected officials/department heads having the authority to take disciplinary actions.**

When a complaint arises, it should be heard and resolved at the lowest organizational level. The employee has the following steps available:

### **STEP 1: Elected Official/Department Head (Oral complaint)**

An employee with a complaint should first schedule a time to discuss the complaint with the elected official/department head. Every effort should be expended to resolve the issue satisfactorily at this meeting.

### **STEP 2: Elected Official/Department Head (Written complaint)**

If the complaint cannot be solved satisfactorily by the employee and elected official/department head through discussion, or if the decision is not satisfactory, the employee may submit the complaint in writing on **Problem Solution Form (Form Q)**. The employee may take or send the written complaint to the County Attorney. The County Attorney will provide a response to the complaint within five (5) business days.

### **STEP 3: County Commissioners (Written complaint)**

If the complaint cannot be solved satisfactorily by the employee and County Attorney through a written complaint, or if the decision is not satisfactory, the employee may request an executive session with the County Commissioners to review the matter.

The Pulaski County Commissioners review and consider the problem. The Commissioners will inform the employee of their decision in writing.

**The Pulaski County Commissioners decision is final and binding.**

## **SEVERABILITY**

The policies and procedures contained in this handbook are subject to all applicable federal and state laws and County of Pulaski, Indiana rules and regulations, and shall be interpreted wherever possible so as to comply fully with such laws, provisions, or any judicial interpretations. If an article or section of this handbook shall be held invalid by operation of law or tribunal of competent jurisdiction, or compliance with or enforcement of any article or section of this handbook shall be restrained by such tribunal, the remainder of this and any amendments thereto shall not be affected and shall remain in full force and effect. The County of Pulaski, Indiana, reserves the right to delete, modify, or amend the policies contained herein or allocate new policies as needed.

## **INDEMNIFICATION**

In the event that a department head, elected official, or any other County employee becomes a defendant, either in his/her representative capacity or individually in any litigation arising out of the administration of this policy, the County and/or its insurers shall defend the employee of that action and pay any judgment entered in the action provided by the County, so long as the elected official, department head or County employee has made a good faith effort to comply with the terms and conditions set out in this handbook.

## **ENABLING ORDINANCE**

This employee handbook shall be approved by both the Board of Commissioners of Pulaski County and the Pulaski County Council. The terms and conditions of this handbook shall be incorporated by reference in the Salary Ordinance approved annually by the Pulaski County Council and the terms and conditions set out herein shall be deemed a condition of compensation under that Ordinance.

## **AMENDMENTS**

This handbook may be amended from time to time in substantially the same form approved by the Board of Commissioners of Pulaski County and the Pulaski County Council. Any amendments shall be distributed to each department of the County and shall be conspicuously posted for at least ninety (90) days throughout the offices of the County after their passage.

**EMPLOYEE ACKNOWLEDGMENT FORM**

The Pulaski County Personnel Policies Handbook adopted by the County Commissioners on April 13, 2015, describes important information about employment with Pulaski County. I understand that I should consult the Commissioner’s Office regarding any questions not answered in the handbook.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Board of Commissioners and County Council have the ability to adopt any revisions to the policies in this handbook.

I acknowledge that this handbook is not a contract of employment. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any subsequent revisions.

\_\_\_\_\_  
**EMPLOYEE'S SIGNATURE**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**EMPLOYEE'S NAME (TYPED OR PRINTED)**