



## Delaware County Personnel Policies Handbook

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Document Owner(s)	Project/Organization Role
Human Resources	Research, develop and recommend policies
Delaware County Board of Commissioners	Approve policies
Elected Officials and Department Heads	Read, understand and uniformly and consistently enforce County policies.

### Employment Policies Handbook Version Control

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1	1/7/2008	Prepared by Waggoner, Irwin, Scheele, & Associates Muncie, IN
2	4/5/2010	Reorganized, minor changes to language throughout. Specific/significant changes are summarized in a document attached (Appendix 2).
2.1	11/15/2010	Changes made to Section 7.7 and 7.10 regarding firearms based on Ind. Code 34-28-7 passed 7/1/2010.
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		(Changing language to match hours of operation); Section 5.18 (changing language to match hours of operation); Section 6.1 (changing language to match hours of operation); Section 6.3 (Requiring employees use benefit time available concurrently with FMLA leave); Section 6.8 (updating language based on changes in coverage levels).
2.3	11/7/2011	Changes made to Section 6.15 (adding language related to modified duty/return to work program); Adding Section 8.8 (adding the already approved Electronic Communications Retention Policy to the handbook).
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2.5	12/16/2013	Changes made to Section 2.5 (Employment Applications. Change (45) to (60) day applications will be retained in active files for (sixty days), or for the duration of applicant lists when used.); Changes made to Section 6.2 (Employee Insurance, Provisions of and eligibility for employees insurance is established by County Commissioners' Ordinance. The rules and guidelines of this Ordinance shall govern the employee's insurance program until another Ordinance is passed.)

## TABLE OF CONTENTS

<b>1</b>	<b>INTRODUCTION.....</b>	<b>8</b>
1.1	Use and Revision of Personnel Policy Handbook .....	8
1.2	Definitions .....	8
1.3	Amendments.....	10
1.4	Continuous Operations Employees .....	10
1.5	Enabling Ordinances.....	10
1.6	Exceptions and Special Conditions .....	10
1.7	Indemnification .....	11
1.8	Severability .....	11
1.9	Management Rights .....	11
<b>2</b>	<b>EMPLOYMENT.....</b>	<b>13</b>
2.1	Americans with Disabilities Act (ADA).....	13
2.2	Applicant Testing.....	15
2.3	Conditional Offer of Employment .....	15
2.4	Employee Files.....	16
2.5	Employment Applications .....	17
2.6	Employment Classifications.....	178
2.7	Employment Status .....	18
2.8	Equal Employment Opportunity.....	18
2.9	Filling Job Vacancies .....	19
2.10	Ghost Employment.....	19
2.11	Health Insurance and Portability Accountability Act (HIPAA) .....	20
2.12	Human Resources Administration.....	20
2.13	Introductory Period .....	20

2.14	Job Descriptions .....	21
2.15	Meal Periods and Breaks .....	21
2.16	Medical Examinations .....	22
2.17	Orientation .....	22
2.18	Outside Employment/Conflict of Interest .....	23
2.19	Proof of U.S. Citizenship and/or Right to Work.....	23
2.20	Reductions in Force/Layoff and Recall .....	24
2.21	Rehire .....	24
2.22	Reference and Criminal Background Checks.....	25
2.23	Requests for Information .....	25
2.24	Separation of Employment.....	25
2.25	Anti-Nepotism Policy .....	28
<b>3</b>	<b>PERSONAL CONDUCT &amp; PERFORMANCE.....</b>	<b>31</b>
3.1	Attendance and Punctuality .....	31
3.2	Conflict of Interest.....	31
3.3	Commission of a Felony or Unlawful Act .....	32
3.4	Confidentiality .....	33
3.5	Ethics of Public Employment .....	33
3.6	Gambling .....	34
3.7	Gifts and Gratuities .....	34
3.8	Performance Evaluation .....	35
3.9	Personal Appearance .....	35
3.10	Productive Work Environment.....	35
<b>4</b>	<b>DISCIPLINARY ACTION &amp; PROBLEM RESOLUTION .....</b>	<b>36</b>
4.1	Employee Behavior and Disciplinary Action.....	36

4.2	Personnel Advisory Committee.....	38
4.3	Problem Resolution .....	39
<b>5</b>	<b>COMPENSATION ADMINISTRATION .....</b>	<b>41</b>
5.1	Compensation .....	41
5.2	Direct Deposit.....	41
5.3	Emergency Call-Out.....	41
5.4	Emergency Closing .....	41
5.5	Job Classification/Pay System Maintenance .....	42
5.6	Multiple Positions.....	42
5.7	Normal Work Week.....	43
5.8	Compensatory Time/Overtime Compensation .....	43
5.9	Pay Corrections .....	44
5.10	Pay Deductions/Garnishments.....	45
5.11	Pay Periods .....	45
5.12	Rounding .....	45
5.13	Timekeeping .....	45
5.14	Time Sheets .....	46
5.15	Training Time* .....	47
5.16	Travel Time .....	47
5.17	Wage Policy .....	48
5.18	Work Hours .....	48
5.19	Work Time Restricted.....	48
<b>6</b>	<b>BENEFITS.....</b>	<b>49</b>
6.1	Benefits Summary and Eligibility.....	49
6.2	Health Insurance .....	49

6.3	Family and Medical Leave and Military Family Leave .....	49
6.4	Funeral (Bereavement) Leave .....	60
6.5	Holidays and Holiday Pay .....	61
6.6	Jury Duty and Court Appearances.....	61
6.7	Longevity .....	62
6.8	Life Insurance .....	62
6.9	Military Leave of Absence .....	63
6.10	Personal Days .....	64
6.11	Public Employees Retirement Fund (PERF) .....	64
6.12	Short and Long-Term Disability (STD and LTD) .....	65
6.13	Sick Leave Pay.....	67
6.14	Vacation.....	68
6.15	Worker's Compensation Insurance .....	70
<b>7</b>	<b>HEALTH, SAFETY, &amp; SECURITY .....</b>	<b>73</b>
7.1	Safety Overview .....	73
7.2	Appearance of Work Areas .....	73
7.3	Blood Borne Pathogens.....	73
7.4	Drug-Free Workplace .....	73
7.5	Electronic Key Access and Distribution* .....	76
7.6	Harassment/Hostile Work Environment .....	77
7.7	Security of Premises .....	80
7.8	Smoking .....	81
7.9	Text Messaging While Driving .....	81
7.10	Workplace Violence.....	81
<b>8</b>	<b>EQUIPMENT &amp; FACILITIES .....</b>	<b>84</b>

8.1	Appearance of Work Areas .....	84
8.2	Personal Use of County Property and Facilities .....	84
8.3	Use of Cellular/Mobile Phones and Pagers .....	84
8.4	Use of County-Owned Vehicles and Equipment .....	85
8.5	Use of Information Technologies .....	87
8.6	Use of Internet and Email.....	89
8.7	Use of Telephones and County Mail .....	91
8.8	Electronic Communications Retention Policy .....	91
<b>9</b>	<b>OTHER POLICIES .....</b>	<b>95</b>
9.1	Business Travel .....	95
9.2	County Credit Cards.....	97
9.3	Political Activity .....	98
<b>10</b>	<b>APPENDICES.....</b>	<b>99</b>

# 1 INTRODUCTION

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

## 1.1 Use and Revision of Personnel Policy Handbook

This Delaware County Personnel Policy Handbook is designed to provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the policy. The Delaware County Personnel Policies Handbook describes many of your responsibilities as an employee and outlines the programs developed by Delaware 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. Delaware County is an “At-Will” employer which refers to the nature of the employment relationship which means that the employee may resign at any time and the employer 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. Delaware 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 Delaware 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.

## 1.2 Definitions

The following definitions apply throughout the text of the Personnel Policy Handbook. Any questions about the interpretation of these definitions should be directed to the Human Resources Department.

**“At Will”** refers to the nature of the employment relationship, which means that the employee may resign at any time and the County may discharge the employee at any time with or without cause.



**“Continuous County Employment”** refers to a term of employment with the County which has been uninterrupted and during which the employee has not ceased employment with the County for any period of time.

**“Continuous Operations Employees”** refer to individuals employed by a facility that operates twenty-four (24) hours a day, seven (7) days a week.

**“County”** or **“Delaware County”** shall be defined to mean the Delaware County Board of County Commissioners, the Delaware County Council, the elected officials of Delaware 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.

**“Date of Termination”** refers to the last date the employee actually worked for the County. Vacation or benefit leave may not be used towards determination of an employee’s date of termination.

**“Dependent”** refers to the employee’s spouse, child, step-child, or parent if the parent resides with the employee and requires the employee’s care.

**“Exempt”** employees are excluded from specific overtime provisions of Federal and State law. Exempt employees are not entitled to overtime compensation or compensatory time off.

**“Full-Time Employees”** are those who are not in a part-time or probationary status (introductory period) and who are regularly scheduled to work the County’s full-time schedule. They are eligible for the employer’s benefit package subject to the terms, conditions, and limitations of each benefit program. The County Council sets the full-time compensation rates annually for all positions.

**“Non-Exempt”** employees are entitled to overtime compensation/compensatory time off under specific provisions of Federal and State laws.

**“Part-Time Employees”** are those who are not assigned to a regular full-time position. While they do receive all legally mandated benefits (such as worker’s compensation and Social Security benefits), they are ineligible for the County’s other benefit programs. The County Council sets the part-time compensation rates annually for all positions.

**“Temporary Employees”** are those who are not assigned to a regular full-time position or part-time position and work for a specific period of time (such as seasonal work) or for the length of a defined project. While they do receive all legally mandated benefits (such as worker’s compensation and Social Security benefits), they are ineligible for the County’s other benefit programs. The County Council sets the compensation rates annually for all positions.

### **1.3 Amendments**

This Handbook may be amended from time to time by an Ordinance in substantially the same form approved by the Board of Commissioners of Delaware County. Any amendments shall be distributed to each department of the County and shall be available on the County intranet, distributed via email to all employees, and conspicuously posted for at least sixty (60) days throughout the offices of the County after their passage. However, employees are responsible for their own up-to-date knowledge about County policies, procedures, benefits, and working conditions.

### **1.4 Continuous Operations Employees**

Delaware County runs 24-hour, 365-day a year facilities. Due to the nature of the work and the need for continuation of services for 24-hours a day, the County recognizes that continuous operations employees at those facilities require some variation from the standard personnel policy.

Continuous operations employees deviate from the standard 7- or 8-hour work day to ensure the continuation of services is provided safely and efficiently. A department having continuous operations shall institute a consistent work schedule for said employees.

In some sections of this Handbook, continuous operations employees are referred to applicable collective bargaining agreements covering their department for guidelines on the specific topic. If no collective bargaining agreement is referenced or a deviation from stated policy defined, continuous operations employees shall follow this Personnel Policy Handbook.

### **1.5 Enabling Ordinances**

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

### **1.6 Exceptions and Special Conditions**

These policies apply to **ALL** Delaware County employees, except when in conflict with special employment conditions set forth by various statutes governing employment relationships and collective bargaining agreements.

## **1.7 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.

## **1.8 Severability**

The policies and procedures contained in this Handbook are subject to all applicable Federal and State laws and County of Delaware, 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 Delaware, Indiana, reserves the right to delete, modify, or amend the policies contained herein or allocate new policies as needed.

## **1.9 Management Rights**

Delaware 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. Such responsibility and authority shall include but not be limited to:

- The right to direct the work of its employees.
- The right to establish policy.
- The right to maintain the efficiency of public operations.
- The right to design and implement safety programs for employees.
- The right to design and implement job training for employees.
- The right to determine what services shall be rendered to the public.
- The right to determine job content and job descriptions.
- The right to determine and implement objectives and goals of the County.
- The right to establish, allocate, schedule, assign, modify, change, and discontinue County operations, work shifts, and working hours.
- The rights to establish, change, and discontinue work standards.
- 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.
- The right to change, modify, and alter the composition of the work force.
- The right to determine, establish, and implement policies for the selection, training, and promotion of employees in accordance with applicable law.

- The right to establish, implement, modify, and change procedures and policies for the safety, health, and protection of County property and employees.
- The right to adopt, modify, change, enforce, or discontinue any existing rules, regulations, procedures, and policies.
- The right to establish, select, modify, change, or discontinue equipment, materials, and the layout and arrangement of equipment.
- The right to determine the size and character of inventories and their disposal.
- The right to control the use of property, machinery, inventories, and equipment owned, leased, or borrowed by the County.
- 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.
- 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.

## 2 Employment

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

### 2.1 Americans with Disabilities Act (ADA)

It is the policy of Delaware County that qualified individuals with disabilities not be excluded from participating in or benefiting 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 this 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, then the person is not qualified for the position.

The County will reasonably accommodate persons with a disability. Such reasonable accommodation may include: making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules, modifying equipment, or other 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, which threat cannot be eliminated by reasonable accommodation, will not be hired. 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.

Disabled individuals cannot pose a direct threat to the safety of themselves or others. Generally, a “direct threat” means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

Benefits provided to disabled individuals who are qualified to perform the work 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 County ADA Coordinator (the

Human Resources Director) on how Delaware County might better meet the needs of individuals with disabilities pursuant to this policy.

Any individual who believes he/she has received treatment inconsistent with the policies set forth above or any other requirement of the Americans with Disabilities Act (ADA), can file a complaint within ninety (90) days of the date of the alleged discriminatory act or practice with the County ADA Coordinator (the Human Resources Director), Delaware County Offices, Muncie, Indiana, 47305.

### **Accessibility Policy**

In accordance with the requirements of Title II of the Americans with Disabilities Act of 1990, Delaware County will not discriminate against qualified individuals with disabilities on the basis of disability in the County's services, program or activities. The County will provide appropriate auxiliary aids and services required by the Americans with Disabilities Act. Persons who seek an accommodation or an auxiliary aid or service to participate in a County program, service, or activity should be directed to the County ADA Coordinator/Human Resources Director at (765) 741-3397. The County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy.

County employees should assist individuals in reaching the County ADA Coordinator and encourage them to contact the ADA Coordinator. Persons seeking accommodation of a disability should be informed that they should contact the County ADA Coordinator as far in advance of their need for accommodation as possible. If possible, they should contact the County ADA Coordinator no later than forty-eight hours prior to the scheduled time of any function or proceeding for which they seek accommodation. If a party is seeking accommodation in a court proceeding for which they are represented by counsel, it is the responsibility of the attorney to make such request on behalf of his/her client and/or witness.

The Delaware County Justice Center and County building both have an elevator for those persons who cannot climb stairs. Persons who have difficulty climbing stairs and need to or wish to attend proceedings in an inaccessible part of the Courthouse should be encouraged to contact the County ADA Coordinator/Human Resources Director at (765) 741-3397 so that, in accordance with the Americans with Disabilities Act, they can be accommodated.

If an individual with a mobility impairment chooses or is required to attend a proceeding (i.e., party, juror, attorney, witness, spectator, court personnel) that is scheduled to be held in an inaccessible location in one of the buildings referenced below, and if a request to relocate the proceeding is made to the ADA Coordinator at least forty-eight hours prior to the scheduled proceeding, the County ADA Coordinator will take at least the following steps to ensure that the proceeding will be relocated to an accessible location: a) check on and arrange for the reservation of space at the more accessible courtroom facilities within the Justice Center and Administration Building; b) contact the judge who was scheduled to preside over the proceeding to inform him or her of the request to relocate the proceeding to an accessible courtroom and of the availability of a more accessible courtroom; c) ascertain from the judge whether he or she is willing to relocate the proceeding to a more accessible courtroom; d) work with the judge's

staff to ensure that parties, jurors, and attorneys who must be present at the proceedings are promptly informed of the new location; and e) post written notice of the new location of the proceedings in conspicuous places near the previously scheduled site for the proceeding.

If an individual with a mobility impairment is required to attend a proceeding (i.e., party, juror, attorney, witness, essential court personnel) that is scheduled to be held in an inaccessible location in one of the buildings referenced below, and if a request to relocate the proceeding is not made to the ADA Coordinator at least forty-eight hours prior to the scheduled proceeding, the County ADA Coordinator will take the steps specified in the preceding paragraph in a good faith effort to relocate the proceeding. In the event that the proceeding is not relocated, the ADA Coordinator shall: a) contact the judge who was scheduled to preside over the proceeding to propose the postponement of the proceeding; b) ascertain from the judge whether he or she is able and willing to postpone the proceeding; c) work with the judge's staff to ensure that parties, jurors, and attorneys who must be present at the proceedings are promptly informed of the postponement and the revised schedule for the proceeding; and d) post timely written notice regarding the rescheduling of the proceedings in conspicuous places near previously scheduled site for the proceeding.

In the event that a proceeding of the type referenced in the preceding two paragraphs is not relocated to the more accessible courtroom, the ADA Coordinator will keep an accurate record reflecting the specifics of the request and its ultimate disposition, including the reason(s) the proceeding was not relocated and the individual(s) who made the decision not to relocate it. Court proceedings shall only be relocated to another courtroom facility. No court proceeding shall be held in a hallway.

If you have any questions regarding Delaware County's accommodation of persons with disabilities, contact the County ADA Coordinator/Human Resources Director at 765 741-3397.

## **2.2 Applicant Testing**

Applicant tests including, but 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 Human Resources Director must approve the use of any tests for prospective employees.

## **2.3 Conditional Offer of Employment**

Applicants may receive a conditional offer of employment conditioned on the successful completion of all established prerequisite requirements of the position, which may include passing medical, physical, and mental examinations or requirements, and reference and criminal background checks. Applicants who receive a conditional offer of employment are not employees of the County unless they receive an official letter of employment. Delaware County may withdraw the conditional offer of employment at any time for any reason, except as otherwise prohibited by law.

## 2.4 Employee Files

Employee files are the property of the County and access to the information they contain shall be restricted to the employee, the elected official or department head of the employee, the Human Resources Department, County Auditor, and other persons authorized by the County Attorney on a need-to-know basis. Copies of documents affecting compensation or benefits shall be provided to the Auditor's office.

Certain documents are deemed as exempt under the Indiana Public Records Law and shall not be distributed to unauthorized individuals.

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.

It is the responsibility of each employee to promptly notify the Human Resources Department of any changes in personal information. If there is a change in any of the following items, the appropriate form should be completed and submitted to Human Resources:

- Legal name
- Home or mailing address
- Contact phone number (home or cell)
- Emergency contact
- Number of dependents
- Marital status
- Change of beneficiary (life insurance and PERF)
- Driving record or status of driver's license
- Military or draft status
- W-4 exemptions and WH-4 tax forms

Coverage of benefits that employees and their family may receive under the County's benefits package could be negatively affected if the information in the employee file is incorrect.

### Access to Personnel Files

Access to confidential personnel files shall be limited to the employee, the elected official or department head of the employee, Human Resources Department, County Auditor, and other persons authorized by the County Attorney on a need-to-know basis. Employees who wish to review their file should contact a representative of the Human Resources Department.

The Human Resources Department shall not provide any information pursuant to a subpoena or court order sooner than ten (10) calendar days after the date of receipt of subpoena or court order. Within five (5) calendar days of the receipt of the subpoena, the County Attorney shall notify the affected employee(s) of receipt of the subpoena to permit the employee(s) to see any appropriate judicial relief from that subpoena.



Individuals requesting employment information pursuant to the Indiana Public Access Laws shall submit their request in writing. The Human Resources Department shall consult with the County Attorney on all requests and respond within seven (7) calendar days of the receipt of the request.

## **2.5 Employment Applications**

All applicants are required to complete a Delaware County Employment Application. Prospective employees may complete an application at any time; however placement of an employment application with the County does not mean that an applicant will be interviewed. Applications will be retained in active files for sixty (60) days, or for the duration of applicant recruitment lists when used.

This standardized job application form shall be submitted to and maintained by the Human Resources Department. The Human Resources Department shall provide elected officials and department head with copies of all submitted applications. The Human Resources Department will assist elected officials and department heads with selection assessment tools.

Applications for County employment shall request only information necessary for rational decision making. Only questions specifically related to occupational standards shall be asked. Equal consideration will be given all applicants based on qualifications listed for the job.

All applicants must complete the Delaware 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 of this information or data 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 all applicants based on qualifications listed for the job. Applications will be retained in active files for sixty (60) days, or for the duration of applicant recruitment lists when used.

Applications shall be returned to the Human Resources Department prior to hiring or being placed on the County payroll. All newly hired employees shall report to the Human Resources Department to submit documents necessary for compliance with local, state, and federal law, and for enrollment in any eligible benefit programs.

Delaware County Personnel Policy Handbook Effective 06/05/2012 Page 18 Version 2.3  
Delaware County at its option, may change, delete, suspend or discontinue parts or the policy in its entirety, at any time without prior notice. In the event of a policy change, employees will be notified. Any such action shall apply to existing as well as to future employees.

## **2.6 Classifications**

Employment categories are used to identify employment status and benefit eligibility. The categories do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at-will, at any time, is retained by both the employee and the County.

In keeping with wage and hour laws, each position is designated as either nonexempt or exempt. Nonexempt hourly employees are entitled to compensatory time or overtime pay under specific provisions of the wage and hour laws. Exempt employees are excluded, or exempt, from specific provisions of the wage and hour laws. Employees should contact Human Resources if they are unsure of their employment category.

## **2.7 Employment Status**

It is the intent of the County to clearly define employment status. Any changes in employment status shall be conveyed in writing. No change in employment status is to be construed or inferred without written notification. Employment beyond any initially stated period does not in any way imply a change in employment status. If a department hires an individual to stand-in for a full-time employee on a leave of absence, the elected official/department head shall contact the Human Resources department to confirm the individual's employment status and eligibility for benefits.

## **2.8 Equal Employment Opportunity**

Delaware County is an equal opportunity employer dedicated to prohibiting unlawful discrimination on the basis of race, color, gender, religion, age, national origin, marital status, veteran status, disability, sexual orientation, or other basis prohibited by law. This policy applies to all employees and applicants for employment and applies to all employment matters such as hiring, placement, reassignment, transfer, recruiting, compensation, benefits, training, termination and any other privilege, term or condition of employment.

Employees are expected to follow this policy and to avoid any type of unlawful discrimination in matters concerning the public, visitors, vendors and fellow employees. Employees who observe or experience any form of discrimination should report the incident to their elected official or department head, the County Commissioners, or Human Resources. Each allegation of discrimination shall be promptly investigated in accordance with applicable policies. Employees may raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

All position notices, postings, advertisements, and recruiting literature shall contain the phrase "An Equal Opportunity Employer."

## **2.9 Filling Job Vacancies**

Whenever vacancies occur or new positions are created, job information shall be publicly posted within County facilities for a minimum of ten (10) calendar days and until the position is filled. Information regarding vacancies and new positions shall be distributed by posting on Delaware County's internet site and on bulletin boards located in each County building. The County encourages internal promotion and transfer whenever possible.

Within sixty (60) days of posting, the elected official/department head shall make a decision on who to hire, or whether or not to fill the position at that time. If it is decided at a later date to fill the position, said position will be posted again for the time frame stated in this policy.

Newspaper, trade journal, and website advertising may be used in recruiting employees. Advertisements 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.

Authorization to recruit and hire to fill a vacancy in an existing or newly created position rests solely with the elected official and designated department heads.

Pre-employment interviews are used to gather information and screen applicants for County employment. Interviews shall be conducted by the administrative officer making the employment decision.

## **2.10 Ghost Employment**

Delaware 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 35-44-2-5. 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 35-44-2-5.

## **2.11 Health Insurance and Portability Accountability Act (HIPAA)**

Delaware 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.

Delaware County has designated the Human Resources Director as the County's "privacy official" who is responsible for developing and implementing privacy policies and procedures; and the Human Resources Director is the contact person who is responsible for receiving complaints regarding compliance.

All County HIPAA inquiries shall be directed to the Human Resources Director located in the County Building.

## **2.12 Human Resources Administration**

The task of handling employment records and related personnel administration functions is the responsibility of the Human Resources Department. Questions regarding employment, insurance, benefits, wages, professional development, performance and interpretation of policies and guidelines may be directed to the Director of Human Resources.

## **2.13 Introductory Period**

The introductory period is intended to give new 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 and rehired employees work on an introductory basis for the first ninety (90) calendar days after their date of hire, except when the ninety (90) days is in direct conflict with collective bargaining agreements or statutory requirements (such as merit officers of the Sheriff's Department whose introductory period is one [1] year). Any significant absence will automatically extend the introductory period by the length of the absence. If the County determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period.

During the introductory period, new employees are eligible for those benefits that are required by law, such as worker's compensation insurance and Social Security. They may also be eligible for other employer provided benefits, subject to the terms and conditions of each benefits

program. Employees should read the information for each specific benefit program for the details on eligibility requirements.

## 2.14 Job Descriptions

Delaware County positions, except those of elected officials, have been described in job descriptions. Job descriptions are maintained in the Human Resources Department. On a periodic basis, or when an employee's duties and responsibilities change, the elected official/department head should review the job description and work with Human Resources to update the job description. New job descriptions or any modifications to existing job descriptions shall be approved by the County Council.

Employees should see their supervisor or Human Resources if they have questions regarding their job description.

## 2.15 Meal Periods and Breaks

Federal and Indiana State law do not require employers to grant breaks or meal periods to adult employees. However, Delaware County recognizes that employees work better and enjoy their work more when they are rested and refreshed.

### General Provisions

The scheduling of meal periods and breaks is set by the elected official/department head of the department with the goal of providing the least possible disruption to County operations. It is the sole discretion of the elected official/department head to establish the daily work schedule of the department as well as the procedures for prioritizing break and meal period scheduling within the department.

The information provided in this policy is a general guideline of the meal periods and breaks provided by most departments. **Some departments, such as continuous operations departments, require different meal and/or break period time frames due to the services they provide. Employees in continuous operations departments should consult their elected official/department head for clarification on departmental procedures.**

Elected officials/departments heads are encouraged to establish procedures for meal periods and breaks and clearly communicate these procedures to their employees.

Employees covered by a collective bargaining agreement shall follow the guidelines as defined in said agreements with regard to meal periods and breaks. If no such guideline is defined, the employee shall defer to this policy.

### Meal Periods

Generally, unless otherwise defined by a continuous operations department, a lunch period of one (1) hour during work time is allowed. Employees shall arrange their lunch hour with their

supervisor. Meal periods away from work are not counted toward worked hours and are not compensable time.

If an employee is required to perform any work duties while on his or her meal period, the employee must be compensated for the time spent performing work duties. The time spent working during the meal period shall be counted toward the total hours worked.

### **Breaks**

Breaks during the work day may be taken in accordance with departmental and/or collective bargaining agreement procedures. Generally, breaks should not exceed fifteen (15) minutes. It is expected that the frequency and duration of these breaks be kept to a reasonable minimum. Breaks shall not be permitted at either the beginning or end of the work day to offset arrival and departure times. Break time is considered "time worked" and is compensable. Employees who voluntarily work through their break periods will not be permitted additional compensation.

## **2.16 Medical Examinations**

To help ensure that employees are able to perform their duties safely, medical examinations may be required of those positions responsible for public safety and health prior to hiring, or anytime during the course of employment with the County.

After a conditional offer of employment has been extended, applicants may be required to undergo a pre-employment medical examination by a health professional of the County's choice, at the County's expense. (Refer to forms "Conditional Offer of Employment" and "Medical Review.") Employees shall 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. Applicants shall be required to submit to a drug test prior to being hired by the County.

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 Human Resources Department. Access to this information will be limited to the employee, elected official/department head of the employee, designated employees responsible for processing insurance and worker's compensation claims, and others on a need-to-know basis.

## **2.17 Orientation**

Once employed by the County, elected official/department head shall conduct an informal orientation to familiarize the new employee with the County. This information should include, but is not limited to:

- a review of applicable departmental policies and procedures as they pertain to the position;

- a detailed review of the employee's job description, including a demonstration of equipment and procedures required of the specific position to which the employee will be assigned; and
- a review of standards of conduct, ethical requirements of public employment, and confidentiality requirements.

The Human Resources Department shall provide the new employee with a copy of the Delaware County Employee Policies Handbook as well as information regarding benefits for which the employee is eligible.

## **2.18 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 employed by outside employers when on FMLA.

If the County 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.

Outside employment will present a conflict of interest if it has an actual or potential adverse impact on the County. County employees are encouraged to file a conflict of interest statement with the County Clerk; with copies provided to the State Board of Accounts, Human Resources Department, and Auditor whenever an employee's outside business activities are directly or indirectly linked to the County in a business relationship such as vendor, supplier, contractor, or independent subcontractor.

## **2.19 Proof of U.S. Citizenship and/or Right to Work**

In accordance with the Immigration Reform and Control Act of 1986, all employees must complete and sign Federal Form I-9, Employment Eligibility Verification Form within three (3) days of starting work. All applicants hired must present documents of identity and eligibility to work in the U.S. A list of acceptable documents to prove eligibility to work in the U.S. is included on the I-9 form.

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. I-9 Forms are maintained by the Human Resources office.

## **2.20 Reductions in Force/Layoff and Recall**

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

- Lack of work;
- Lack of funds or projected lack of funds;
- Job abolishment; and/or
- 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 considerations of employee performance evaluations, employee qualifications, length of continuous service, and operational needs of the County.

A recall list shall be established for each classification affected by the layoff, listing each laid-off employee in the order of layoff. Employees who are laid off shall be responsible for keeping a current address on file with the employer. Failure to do so may result in the County's inability to notify the laid-off employee of his/her eligibility for reinstatement.

If positions within the department from which the employee was laid off become available, the department will recall employees from the recall list in the order of layoff. In order to be recalled, an employee must meet the minimum hiring qualifications established for the position. A laid-off employee will remain on the recall list for a period of one (1) year from the time of the layoff.

Each recalled employee shall be allowed ten (10) calendar days from the date of receipt of a certified letter explaining the recall to return to work. Any recalled employees needing more than the ten (10) 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.

Layoffs and the recall of employees covered under a collective bargaining agreement shall be conducted in accordance with the provisions of the collective bargaining agreement and Indiana State Code, where applicable.

## **2.21 Rehire**

Delaware County is pleased to consider applications for vacancies from former employees who left the County in good standing. An employment application must be submitted to Human Resources and the applicant must meet all minimum qualifications and requirements of the position.



Rehired employees have the same eligibility requirements as any other new employee for the purposes of benefits, seniority, and longevity.

An applicant or employee who is dismissed for violating County policy or who resigned in lieu of dismissal due to a policy violation is not eligible for rehire.

## **2.22 Reference and Criminal Background 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.

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 dates of employment, wage rates, and position(s) held. No employment data will be released without written authorization and a release signed by the individual who is the subject of the inquiry.

At the discretion of elected officials and department heads, applicants may be subject to criminal background and credit checks.

Requests by elected officials and department heads for reference, background, and/or credit checks on applicants should be directed to the Human Resources Department.

## **2.23 Requests for Information**

Occasionally, employees of the County are contacted by outsiders for information about current or former employees, or about the organization's policies, practices, or projects. All such requests must be referred to the Human Resources Department. Employees are advised to consult with their supervisor before releasing information that is confidential or privileged by law.

## **2.24 Separation of Employment**

Separation of employment within an organization can occur for several different reasons. Employment may end as a result of resignation, retirement, release (end of season or assignment), and reduction in force, or involuntary termination. When an employee separates from Delaware County, his or her elected official/department head must contact Human Resources as soon as a release date is known.

**The employee's termination date is the last date of actual work. This date will be used for the calculation of all applicable benefits. An employees' termination date shall not be extended with use of accrued vacation leave, sick leave, personal days and/or compensatory time for**

**the purposes of gaining additional vacation leave or continuation of County-paid insurance benefits.**

## **Types of Separation**

### **Resignation**

Resignation is a voluntary act initiated by the employee to end employment with Delaware County. The employee is encouraged to provide a minimum of two (2) weeks' notice prior to resignation. Resignations should be submitted, in writing, to the employee's supervisor. If an employee provides less notice than requested, the County may deem the employee ineligible for rehire, depending upon the circumstances regarding the notice given. The resignation date shall not fall on the day after a holiday.

Employees may rescind their resignation once tendered. However, it is the elected official/department head's sole discretion to accept or deny the employee's decision to rescind.

### **Retirement**

Employees who wish to retire are required to notify their elected official/department head and the Human Resources department in writing at least one (1) month before planned retirement date. Employees who meet the eligibility requirements for and would like to remain on the County health insurance plan shall contact Human Resources to complete the appropriate forms for this benefit continuation.

### **Job Abandonment**

Employees who fail to report to work or contact their supervisor for three (3) consecutive workdays shall be considered to have abandoned the job without notice effective at the end of their normal shift on the third day. The elected official/department head shall notify the Human Resources department at the expiration of the third workday and initiate the paperwork to terminate the employee. Employees who are separated due to job abandonment are ineligible to receive accrued benefits and are ineligible for rehire.

### **Termination**

Employees of Delaware County are employed on an at-will basis, and the County retains the right to terminate an employee at any time.

### **Reduction in Force/Layoff**

An employee may be laid off because of changes in duties, organizational changes, lack of funds or lack of work. Employees who are laid off may not appeal the layoff decision through the appeal process.

### **Release**

Release is the end of temporary or seasonal employment.

### **Return of Property**

Employees should return all property issued by the County at the time of separation. Some items to be returned include, but are not limited to:

- Electronic access key
- Office/desk/file cabinet/building key(s)
- Office equipment
- County-owned cell phone, pager or beeper
- County credit card
- Tools
- Office supplies
- Name badge

### **Exit Interview**

Upon termination of the employment relationship with an employee, exit interviews should be scheduled with the elected official/department head. Upon termination employees are directed to contact the Human Resources Department regarding compensation and benefits questions.

### **Final Paycheck**

Employees receive a final paycheck upon separation of employment. Any accrued but unused vacation leave and/or compensatory time are paid in the employee's last paycheck as described in applicable policies in this Handbook. Exiting employees receive their last paycheck at the next regular payday after their last day of work.

### **Termination of Benefits**

#### **Accrued Vacation Leave and Compensatory Time**

Earned but unused vacation leave will be paid in accordance with the County's policies as outlined in Section 6 of this handbook. Accrued vacation leave and/or compensatory time for eligible employees shall be paid in the last paycheck.

#### **Health Insurance**

Health insurance terminates the last day of the month of employment. Information for Consolidated Omnibus Budget Reconciliation (COBRA) continued health coverage will be provided. Employees will be required to pay their share of the health premiums through the end of the month.

#### **Other Benefits**

Short- and long-term disability insurance and group life insurance shall terminate on the day employee's termination date (last day of employment).

## 2.25 Anti-Nepotism Policy

### DEFINITIONS:

- A. "Direct line of supervision" shall mean: 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. The term shall not include the responsibilities of the executive body, legislative body or fiscal body of Delaware County, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of Delaware County.
- B. "Employed" shall mean: an individual who is employed by Delaware County on a full-time, part-time, temporary, intermittent, or hourly basis. The term shall not include an individual who holds only an elected office. The term shall include an individual who is a party to an employment contract with Delaware County.
- C. "Relative" shall mean any of the following: a spouse; a parent or stepparent; a child or stepchild; a brother, sister, stepbrother, or stepsister; a niece or nephew; an aunt or uncle; or a daughter-in-law or son-in-law.
- D. "Brother" and "Sister" shall include a brother or sister by the half blood.
- E. Furthermore, an adopted child of an individual shall be treated as a natural child of the individual.

### EXCLUSIONS:

- A. The Delaware County Anti-Nepotism Policy (the "Policy") shall not apply to individuals employed by the County as of July 1, 2012, unless the individual has a break in employment with the County AFTER July 1, 2012.
  - 1. A "break" in employment shall not include:
    - a. Time away from work while on paid or unpaid leave, vacation, sick, family medical leave, or worker's compensation; or
    - b. Termination of employment which is followed by immediate reemployment by the County, with no loss of payroll time.
- B. The Policy shall not apply to volunteer fire-fighters or precinct election officers, as defined in IC 3-5-2-40.1.
- C. Furthermore, the Policy does not end or affect an employment contract with a unit that (1) an individual is party to and (2) that is in effect on the date the individual's relative begins serving a term of an elected office of the unit.

### EMPLOYMENT PRACTICES

Units cannot employ relatives in such a way that puts one relative in the direct line of supervision of another relative.

- A. If an individual is employed by Delaware County on the date his or her relative begins serving a term of an elected office of the unit, and is not exempt from the application of this statute, the individual can remain employed in the same position or rank, even if it violates the prohibition against one relative being in the direct line of supervision of another. However, such an individual cannot 1) be promoted to a position, or 2) be promoted to a position that is not within the merit ranks, in the case of an individual who is a member of a merit police department or merit fire department, if the new position would violate the prohibition against one relative being in the direct line of supervision of another.
- B. A sheriff's spouse may be employed as prison matron.
- C. A person who has served as coroner, is currently ineligible to serve as coroner under Article 6, Section 2(b) of the Constitution of the State of Indiana, as coroner received certification under IC 36-2-14-22.3, or whose successor in the office of coroner is a relative of the individual may be hired in the position of deputy coroner and be in the coroner's direct line of supervision.

#### **CERTIFICATION REQUIREMENT**

Each year all elected officers of the County must certify in writing that he or she has not violated IC 36-1-20.2 or IC 36-1-21, pursuant to which the Policy is promulgated. Certifications must be submitted to the Delaware County Board of Commissioners no later than December 31 of each year.

#### **CONTRACTING REQUIREMENTS**

- A. Delaware County shall not enter into a contract or renew a contract for the procurement of goods and/or services, or a contract for public works with an individual who is a relative of an elected official or a business entity that is wholly or partially owned by a relative of an elected official unless:
  - 1. The elected official complies with the dictates of IC 35-44-1-3 if applicable, and files with Delaware County a full disclosure, which must:
    - a. be in writing;
    - b. describe the contract or purchase to be made by Delaware County;
    - c. describe the relationship that the elected official has to the individual or business entity with whom the County will be contracting;
    - d. be affirmed under penalty of perjury;
    - e. be submitted to the County Council, and be accepted by the County Council in a public meeting prior to final action on the contract;
    - f. be filed, not later than 15 days after final action on the contract or purchase, with:
      - i. the State Board of Accounts; and
      - ii. The clerk of the Delaware County Circuit Court.

2. Furthermore, the appropriate agency of Delaware County shall:
  - a. make a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered; or
  - b. make a certified statement of the reasons why the vendor or contractor was selected; and
3. The County satisfies any other requirements under IC 5-22 or IC 36-1-12.

- B. This provision DOES NOT affect the initial term of a contract in existence at the time the term of office of the elected official begins.

#### **COUNTY BOARD OF COMMISSIONERS STATEMENT OF ADOPTION**

The Delaware County personnel report submitted after December 31, 2012 must include a statement by the Delaware County Board of Commissioners that Delaware County has implemented an anti-nepotism policy in compliance with IC 36-1-20.2 and IC 36-1-21.

*\*Delaware County Commissioners Ordinance 2012-019*

### **3 Personal Conduct & Performance**

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

#### **3.1 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, up to and 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. 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 an employee to disciplinary actions up to and including termination.

Excessive lateness and absence shall be considered to be three (3) occurrences of unexcused absences in a six (6) month period; or three (3) occurrences of lateness in a three (3) month period; or any combination of thereof. An unexcused absence is defined as an absence for which the employee does not have any available accrued benefit time to charge the absence against, or where applicable, the employee does not have the approval of the department head or elected official. Employees who are absent for three (3) consecutive workdays without notifying their elected official/department head shall be considered to have voluntarily resigned their position.

#### **3.2 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, Delaware 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.

The County also recognizes its right and obligation to determine when an employee's activities present a conflict of interest with the organization. At such times the County must take whatever action is necessary to resolve the situation, including but not limited to, termination of

employment. This policy applies to all employees, as well as to former employees, where applicable.

Employees having financial interest in a company or substantial investments in a corporation that might benefit from their dealings with the County must file a conflict of interest statement with the County Clerk. If deemed by said official to be in the best interest of the County, those employees shall either divest themselves of such interest or investments or be ineligible for continued employment with the County.

### **3.3 Commission of a Felony or Unlawful Act**

Delaware 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 their elected official or department head 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. Citations for moving traffic violations or arrests for misdemeanors or felonies which occur during an employee's off-duty hours must be reported to the elected official or department head in writing within five (5) calendar days of receiving the citation or the arrest.

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 administrative 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 the whether an employee is suspended shall 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 to their elected official/department head 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 employee is on a leave of absence pending administrative investigation and/or the disposition of any charges, and the employee is not found to have been in violation of the personnel policies, he/she shall be returned from suspension.

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 Delaware County government.

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

### **3.4 Confidentiality**

Employees are advised to consult with their elected official/department head before releasing information that 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.

### **3.5 Ethics of Public Employment**

The purpose of this Section is to provide rules of ethical conduct for all employees so they may carry out their duties in a manner which is compatible with the best interests of the citizens and government of Delaware County.

The proper operation of Delaware County requires that actions of public officials and employees be impartial; that government decisions and policy be made in the proper channels of governmental structure; that public offices not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of ethics is established as follows for all officials and employees appointed and employed by the Delaware County Board of Commissioners.

Officials and employees shall adhere to the following conduct:

- All employees are expected to conduct themselves in accordance with this policy.
- Employees shall not use their County positions either directly or indirectly, for personal gain. He or she shall not engage in any business or transaction, nor shall have a financial or other interest, direct or indirect, which is in conflict with the proper discharge of his or her duties.
- Employees shall not, without proper legal authorization, disclose confidential information or documentation that is protected by law from public disclosure that concerns the property or affairs of the county, to which they have access through their

employment with the County; nor shall they use such information to advance the financial or other private interests of themselves or others.

- Employees shall not grant any consideration, treatment, advantage, favor, service or item in the discharge of their duties beyond that which it is the general practice to grant or make available to all citizens.
- Employee shall not represent private interests in any action or proceedings against the County in any matter in which the County is a party.
- Employees shall not engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of their official County duties or would tend to impair their independent judgment or action in the performance of their official County duties.
- Employees who apply for and/or receive any County services or otherwise involved with any County agency shall not receive special consideration or treatment.
- Employees shall not abuse, neglect, waste or misappropriate County property. All employees are responsible for the proper care of any tools, materials, equipment, or vehicles assigned for the performance of their jobs. No County tools, equipment, materials, or vehicles shall be used for any purpose other than authorized work-related activities.
- All employees must provide service to the County at all times while in attendance at work in a paid status. All employees shall give undivided attention to the duties of their jobs during working hours and are expected to maintain high standards of conduct, cooperation, and efficiency in their work.
- Employees shall request and take only the amount of leave and reimbursement which they are due and entitled pursuant to the policies contained in this Handbook.

### **3.6 Gambling**

Delaware County prohibits most forms of gambling in the workplace, including professional or organized gambling activities. Exceptions to the prohibition include office or department-sanctioned pools, raffles, friendly wagers or County-sponsored events supporting a cause.

Employees are required to seek approval prior to engaging in any gambling activities. Inquiries shall be directed to the employee's elected official/department head for approval. Failure to comply with this policy may result in disciplinary action, up to and including possible termination.

### **3.7 Gifts and 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.

### **3.8 Performance Evaluation**

The performance of all employees should be evaluated on an annual basis, using the form specified by Human Resources or other evaluation form approved by the elected official/department head. In addition, formal performance evaluations should be conducted on employees at the end of their probationary period, and especially if the probationary period was extended. This allows the elected official/department head and employee the opportunity to discuss job responsibilities, standards, and performance requirements to correct deficiencies, to reinforce employee strengths, and to delineate goals.

Additional formal performance reviews may 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. Elected officials/department heads and employee are strongly encouraged to discuss the employee's job performance and the elected official's or department head's goals on an informal, regular basis.

Performance evaluations shall be confidential and shall be made available only to the employee evaluated, their elected official/department head and the Human Resources Department, and to a prospective elected official/department head if a transfer or promotion is being considered.

Performance evaluation forms are maintained by the elected official/department head and the Human Resources Department.

### **3.9 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.

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

### **3.10 Productive Work Environment**

It is a policy of Delaware 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.

## **4 Disciplinary Action & Problem Resolution**

### **4.1 Employee Behavior and Disciplinary Action**

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. 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**

1. Tardiness or failure to report for duty within a reasonable time according to the attendance policy.
2. Reporting to work clothes 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.
5. Distracting the attention of others, unnecessarily shouting, demonstrating, or otherwise causing a disruption on the job.
6. Malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.
7. Unauthorized use of telephone, fax, email, or mail for personal use.
8. Unsatisfactory work or failure to maintain required standard of performance.
9. Unauthorized breaks.
10. Littering or otherwise contributing to unsanitary conditions.
11. Failure to report accidents, injury, or equipment damage.

#### **Group I Discipline**

First Offense	Documented verbal warning
Second Offense	Three (3) working days suspension without pay
Third Offense	Ten (10) working days suspension without pay
Fourth Offense	Termination of employment

#### **Group II Offenses**

1. Leaving the job or work area during working hours without authorization.
2. Threatening, intimidating, coercing, or interfering with subordinates or other employees.

3. Obliging Delaware County for any expense, service, or performance without authorization.
4. Sleeping during working hours.
5. Reporting for work or working while unfit for duty.
6. Excessive absenteeism according to the attendance policy.
7. Unauthorized use of County property or equipment.
8. Willful failure to sign in or out when required.
9. Failure to report for overtime work after being scheduled to work according to overtime policy.
10. Failure to make required reports.
11. Solicitation on County premises without authorization.
12. The making or publishing of false, vicious, or malicious statements concerning employees, supervisors, the County, or its operations. Making threatening remarks to supervisors or others.
13. Refusing to provide testimony in court during an accident investigation or during any type of public hearing.
14. Giving false testimony during a complaint investigation or hearing.
15. Unauthorized posting, removal, or alteration of notices or signs from bulletin boards.
16. Distributing or posting written or printed matter of any description on County premises unless authorized.
17. Unauthorized presence on County property.
18. Disregard of department rules.
19. Use of abusive or threatening language toward supervisors or other employees.
20. Discourteous treatment of the public.

### **Group II Discipline**

First Offense	Three (3) working days suspension without pay
Second Offense	Ten (10) working days suspension without pay
Third Offense	Termination of employment

### **Group III Offenses**

1. Being in possession of or drinking alcoholic beverages on the job.
2. Neglect in the performance of assigned duties or in the care, use or custody of any County property or equipment. Abuse or deliberate destruction in any manner of County property, tools, equipment, or the property of employees.
3. Punching, signing, or altering other employees time cards, time sheets, or unauthorized altering of own time card 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 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.
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 conditions.
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, making or causing to be made 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 the supervisors.
17. Disclosure of confidential information.
18. Failure to disclose at the time of employment the past conviction or a 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.
21. Refusing to provide testimony in court during an accident or any other job related investigation, or during any type of public hearing.
22. Failure to follow safety regulations.
23. Violation of attendance policies.

### **Group III Discipline**

First Offense	Any appropriate discipline, up to and including termination of employment.
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## **4.2 Personnel Advisory Committee**

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

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

The Delaware County Personnel Advisory Committee shall serve yearly and be comprised of four (4) members. The members of the Personnel Advisory Committee shall be one (1) County Commissioner (appointed by the County Commissioners), one (1) member of the County Council (appointed by the County Council), the County Auditor, and the Human Resources Director.

### **4.3 Problem Resolution**

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 Delaware 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.

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. The employee must schedule the discussion promptly after the facts giving rise to the complaint occur, but no later than ten (10) days after the occurrence unless there is good cause of the delay.

#### **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 within ten (10) days of the discussion. The employee may take or send the written complaint to the elected official/department head or the Human Resources department. Elected officials/department heads are encouraged to give a written response to the complaint within five (5) days. If the elected official/department head elects not to respond to the complaint, then the Human Resources department, after consulting with the elected official/department head, may issue a response.

### **STEP 3: Personnel Advisory Committee**

If the complaint cannot be solved satisfactorily it may be reviewed by the Personnel Advisory Committee upon request by the elected official/department head or employee. The committee's findings and recommendations are advisory, and shall be forwarded to the County Commissioners. The party requesting a Personnel Advisory Committee hearing shall submit a written request for hearing to the Human Resources Director within five (5) business days of receipt of the Step 2 written response referenced above.

The Human Resources Director shall arrange a Personnel Advisory Committee hearing within thirty (30) calendar days after receipt of the written request for a hearing. The Human Resources Director shall provide at least three (3) business days notice of the scheduled hearing to the elected official/department head and employee.

Upon completion of said hearing, the Personnel Advisory Committee will issue a signed determination letter of its findings. The determination letter shall be sent to the employee, the elected official/department head, and the Delaware County Board of Commissioners within ten (10) business days of the hearing. A copy of the determination letter will be put in the employee's personnel file.

### **STEP 4: County Commissioners**

In the event that a complaint involves an elected official, a written letter detailing the alleged employment violation can be directed to the County Commissioners for investigation. The Commissioners shall review any findings or recommendations submitted by the Personnel Advisory Committee. The Commissioners will take appropriate actions as deemed necessary.



## **5 COMPENSATION ADMINISTRATION**

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

### **5.1 Compensation**

Delaware County's compensation plan is based on the job classification system. The Delaware County Council adopts an annual salary ordinance establishing pay rates for all County positions, except as provided by law.

Elected officials shall be paid an annual salary as defined by the Delaware County Council in the Salary Ordinance annually and shall be paid according to the pay schedule as defined in the Salary Ordinance.

*\*Amended in version 2.2.*

### **5.2 Direct Deposit**

Direct deposit is the required mode of distributing payroll to ensure timely deposits in employees' bank accounts. Employees' net pay shall be deposited into checking and/or savings accounts. Hard copies of the employee's pay slip are available each payday. Direct Deposit forms are available on the intranet and in Human Resources. Please contact Payroll or Human Resources with questions regarding direct deposit or changes to employee bank accounts.

*\*Amended in version 2.2.*

### **5.3 Emergency Call-Out**

Continuous operations employees (e.g. law enforcement, emergency services, emergency communications) are required to report for duty as soon as possible when requested by their elected official/department head. The Fair Labor Standard Act and applicable collective bargaining agreements apply with regard to emergency call-out compensation.

### **5.4 Emergency Closing**

Periodic emergencies, such as severe weather or power failures, can disrupt County operations, sometimes requiring closing of a work facility. When such emergencies occur during non-working hours, local radio and/or television stations will be asked to broadcast notification of the closing.

When a Delaware County work facility is officially closed by the County Commissioners for emergency conditions before the beginning of the workday, the time off from scheduled work will be paid to all full-time employees affected by the facility closing not otherwise covered by a Collective Bargaining agreement.

If an employee is required to work at a closed facility and is not otherwise covered by a Collective Bargaining Agreement, the employee shall be compensated at a rate of one and one-half (1 ½) times their normal rate of pay for all such hours worked. Employees covered by a Collective Bargaining Agreement shall be paid as defined in said contract. Such work must have prior approval by the County Commissioners.

Any employee who reports to work and their work facility is later closed due to an emergency after his/her arrival shall be paid for a full work day without being penalized by use of vacation or personal days or making up this time within the pay period. Employees covered by a Collective Bargaining Agreement shall be paid in accordance with said contract for the hours of closure. However, if a full-time employee does not report to work on a day in which the facility is later closed, time missed will be charged as compensatory time, personal leave, vacation, or approved sick leave time (if applicable). If a part-time employee cannot report to work, time missed will be without pay.

*\*Amended by version 2.2.*

## **5.5 Job Classification/Pay System Maintenance**

Any change in job classification or pay rate must be approved by the Delaware County Council. The Delaware County Council oversees maintenance of the job classification and pay plan. When an elected official/department head wishes to create a new position not currently classified, reorganize jobs within a department, abolish a position, or revise job responsibilities, the required paperwork must be submitted to the Human Resources Director. The Human Resources Director shall submit the information to the Job Evaluation Committee as outlined in the Job Evaluation Committee's procedure document adopted by the Delaware County Council\*.

The Delaware County Council Job Evaluation Committee reviews such requests and makes recommendations to the Delaware County Council. The Delaware County Council takes final action on these requests.

*\*Delaware County Council Resolution 2010-002*

## **5.6 Multiple Positions**

Non-exempt employees working in more than one Delaware County position shall count the combined hours worked in more than one (1) position in determining overtime obligations under the Fair Labor Standards Act (FLSA).

Per FLSA regulations, if in a single workweek an employee works in two or more different positions for which different straight-time rates have been established, the regular rate for that week is the weighted average of such rates. That is, the earnings from all such rates are added together and this total is then divided by the total number of hours worked at all jobs. In addition, the FLSA allows, the computation of overtime pay based on one and one-half (1.5) times the hourly rate in effect when the overtime work is performed.

*\*US Dept. of Labor Wage and Hour Division Fact Sheet #23: Overtime Pay Requirements of the FLSA.*

## 5.7 Normal Work Week

The normal workweek begins on Thursday and ends on the following Wednesday, unless otherwise defined in applicable collective bargaining agreements.

## 5.8 Compensatory Time/Overtime Compensation

Each County position is designated as either **Non-Exempt** or **Exempt** by Federal and State law.

- Employees holding **non-exempt** positions are entitled to overtime pay or compensatory time off under the specific provisions of Federal and State laws.
- Employees holding **exempt** positions are excluded from specific provisions of Federal and State laws, and are not entitled to overtime compensation or compensatory time off.

### Calculation

Non-exempt employees who work more than 32 but not more than 40 hours in a week are not entitled to compensatory time (comp time) or overtime compensation (overtime) by the Fair Labor Standards Act. Delaware County, however, makes it a policy to provide non-FLSA comp time off to non-exempt employees who work between thirty-two (32) and forty (40) hours per week at the rate of one hour per hour worked.

Non-exempt employees working in excess of forty (40) hours in a work week shall receive overtime in the form of monetary reimbursement, or if overtime funds have not been appropriated the employee will receive FLSA comp time off, at a rate of one and one-half (1.5) hours per hour worked.

Certain positions are required to work on alternative work schedules (e.g., 28-day work weeks and 24 hour shifts), such as Sheriff's Department Merit Officers, Corrections Officers and EMS, shall be provided comp time/overtime as established by the FLSA and the provisions of their respective collective bargaining agreements. Further explanation of comp time/overtime may be found in the appropriate collective bargaining agreement or from Human Resources.

### **Earning Compensatory Time Off/Overtime Compensation**

Calculating compensatory time/overtime compensation is based on **actual hours worked**. Time off on compensatory leave, bereavement leave, sick leave, vacation leave, personal leave, or emergency closings will not be considered as hours worked for purposes of calculating compensatory time/overtime compensation. Time off on holidays will be considered as hours worked for purposes of calculating compensatory time.

For example, a non-exempt employee who uses benefit time during the normal work week but then works a day during the weekend will not earn compensatory time/overtime compensation for the weekend day worked. Instead, the employee will count the weekend day worked as a regular workday and will not record the benefit time taken during the week. The benefit time will be saved for the employee's later use.

### **Approval and Use of Compensatory Time/Overtime Compensation**

All comp time/overtime shall be approved in writing by the employee's supervisor at the time it is granted. A copy shall be maintained in the department of the employee with a copy provided to the Human Resources Department.

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

Scheduling the use of compensatory time off shall be at the discretion of the elected official/department head.

### **Accrual**

Employees shall not be allowed to accrue more than eighty (80) hours of compensatory time unless in exceptional circumstances, and with approval of employee's supervisor. An employee must have less than 80 hours of accrued compensatory time before that employee may use any sick leave, vacation leave, or personal leave.

*\*Amended by version 2.2.*

## **5.9 Pay Corrections**

Delaware County takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck, and that employees are paid properly 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 his/her elected official/department head with a copy of the notice sent to the Auditor's office.

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.

## **5.10 Pay Deductions/Garnishments**

Delaware County is required by law to make certain deductions from employee paychecks each pay period. Among these are federal, state, and local income taxes and the employee's contribution to Social Security. These deductions are itemized on the employee's pay statement. The amount of the deductions depends on the employee's earnings and on the information furnished by the employee on their federal and state forms regarding the number of dependents and exemptions claimed. The W-2 form employee receive each year indicates precisely how much the employee's earnings were deducted for these purposes.

Other deductions from the paycheck for voluntary programs and benefits require an employee's written authorization.

When the County is served a writ of garnishment requiring payment of a portion of the employee's compensation, the County must comply as outlined by the court.

Questions concerning paycheck deductions and/or methods of calculation should be directed to Payroll in the Auditor's Office.

## **5.11 Pay Periods**

All employees are paid bi-weekly on Wednesday. Each paycheck will include earnings for all work performed through the end of the current payroll period.

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

## **5.12 Rounding**

Time is to be recorded to the quarter hour, using the seven (7) minute rule (i.e. leeway of seven [7] minutes before and seven [7] minutes after scheduled start and stop times). All employee work commenced more than seven (7) minutes before the start time of the first 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 hour schedule.

## **5.13 Timekeeping**

Federal and state laws require the County to keep an accurate record of time worked in order to calculate employee pay and benefits.

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:

- Employee's full name, as used for social security purposes, and on the same record, the employee's identification symbol or number if such is used in place of name on any time, work, or payroll records;
- Address, including zip code;
- Birth date if younger than 19;
- Gender and occupation;
- Time of day of week when employee's workweek begins, hours worked each day, and total hours worked each workweek;
- Basis on which the employee's wages are paid;
- Regular hourly rate;
- Total daily or weekly straight-time earnings;
- Total overtime earnings for the workweek;
- All additions to or deductions from the employee's wages;
- Total wages paid each pay period;
- Date of payment and the pay period covered by the payment.

I.C. 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. Time worked is all the time actually spent on the job performing assigned duties.

Every employee is responsible for accurately recording the time worked on County forms or time keeping machines. Employees must accurately record the time they begin and end their work, the time they begin and end each meal period. Employees must also record the beginning and ending time 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.**

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

## 5.14 Time Sheets

Delaware County processes time sheets every two (2) weeks. By January 1 of each year, Payroll shall provide each employee with an annual schedule indicating pay period ending dates and pay dates for the rest of the calendar year.

FLSA exempt and non-exempt employees shall record their name on their time sheet as it appears on his/her social security card and their appropriate department or division name. All employees working on designated projects must indicate the project name and number on their timesheet next to the hours worked on that project. Any used accrued vacation time, sick leave, compensatory time, personal leave or any other approved leave must be listed where indicated.

Employees and their elected official/department head must sign time sheets and submit them according to the established schedule. Failure by an employee to submit a timesheet when required or submitting a falsified timesheet may result in disciplinary action, up to and including termination.

For detailed instructions on how and when to complete timesheets, employees should consult with their elected official/department heads.

## **5.15 Training Time\***

While time spent in attending training required by an employer is normally considered compensable hours of work, following are situations where time spent by employees of State and local government in required training is considered under the Fair Labor Standard Act (FLSA) to be noncompensable:

- Attendance outside of regular working hours at specialized or follow-up training, which is required by law for certification of public and private sector employees within a particular governmental jurisdiction (e.g., certification of public and private emergency rescue workers), does not constitute compensable hours of work for public employee.
- Attendance outside of regular working hours at specialized or follow-up training, which is required for certification of employees of a governmental jurisdiction by law of a higher level of government (e.g., where a State or county law imposes a training obligation on employees), does not constitute compensable hours of work.

*\*US Dept. of Labor, 29 CFR 553.226 Training Time.*

## **5.16 Travel Time**

### **Home to Work Travel**

Travel to and from home is not compensatory work time. This is inclusive of travel to a fixed location or to different job sites.

### **Out of Town Travel**

An employee who is sent out of town for one day will be paid for time spent in traveling.

### **Overnight Travel**

If an employee travels overnight on business and is gone for more than one day, the employee will be paid for time spent in traveling during his or her normal working hours, even if the travel time occurs during non-work days. Travel time as a passenger on an airplane, train, bus, boat, or automobile outside regular working hours is not considered work time. Thus, nighttime travel for employees who work during the day is not work time. However, any actual work performed by the employee while traveling is considered to be work time. If an employee drives a car, without being offered public conveyance, then the travel time is considered work time.

## 5.17 Wage Policy

Employees violating the sick leave, personal leave, and/or vacation policy of the County shall be penalized as follows:

- Unauthorized time away from work shall be subtracted from existing leave time in the following order: accrued compensatory time, personal leave days, vacation days.
- If employees paid on an hourly wage have no existing leave time as described above, unauthorized time from work shall be docked from his/her wages.
- For employees paid at a salary rate with no existing leave time as described above, the penalty shall be computed by the normal work hours in a year divided into the gross annual salary to determine the hourly rate of pay.
- The wages of an elected official cannot be docked, as set by law.

Additional disciplinary actions may be taken for violations of the sick leave, personal leave, and/or vacation policy, up to and including termination of employment.

## 5.18 Work Hours

**County Offices:** County offices generally operate on either an 8:00 a.m. to 5:00 p.m., Monday through Thursday schedule, or an 8:30 a.m. to 4:00 p.m. schedule, Monday through Friday (32.5 hours). Employees shall have a one (1) hour unpaid meal period each workday.

Each office in County office buildings should remain open each regular workday between posted hours with adequate personnel to serve the public.

**Other Offices/Departments:** Employees working under collective bargaining agreements shall have their workdays posted therein with a copy available in the Human Resources Department.

Work hours may be extended depending on the service needs of the public.

*\*Amended by version 2.2.*

## 5.19 Work Time Restricted

Non-exempt employees shall not commence any work activities on behalf of Delaware County before seven (7) minutes preceding the start of the work shift, or continue work activities more than seven (7) minutes after completion of the work shift, **unless specifically authorized by their elected official/department head.**



## 6 Benefits

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

### 6.1 Benefits Summary and Eligibility

Eligible employees of Delaware County are provided a wide range of benefits. Some programs, such as Social Security, Worker's Compensation, and unemployment insurance, cover all employees in the manner prescribed by law. The benefits programs described in this Handbook represent a major investment by Delaware County for its employees. The County periodically reviews its benefits programs and makes modifications when appropriate.

For purposes of the accrual of benefit time, one-day of benefit time for a thirty-two (32) hour-a-week employee equals eight (8) hours. One day of benefit time for a forty (40) hour-a-week employee equals eight (8) hours. Any adjustments in scheduled made by departments for whatever reason, which affect the length of an employee's workday, shall not affect the above-stated accrual rate.

The information in this section provides summaries of the benefits provided. Employees should not rely on these summaries as creating any legal rights. Any rights employees may have under those benefits controlled by Plan Documents are created solely by the written document, which the Plan Sponsor has adopted and which employees may examine upon request. Any differences between the summary and the respective Plan Document are decided in favor of the Plan Document.

Eligibility for additional benefits depends on a variety of factors, many of which are described elsewhere in the Personnel Policy Handbook. The Human Resources Department will identify the programs for which employees are eligible.

*\*Amended by version 2.2.*

### 6.2 Health Insurance

Provisions of and eligibility for employee Insurance is established by County Commissioners' Ordinance. The rules and guidelines of this Ordinance shall govern the employee Insurance program until another Ordinance is passed.

Delaware County is self-insured and contributes a significant amount toward the cost of employee benefits, most notably in the area of medical benefits. Employee contributions for the benefits they select are made by payroll deduction each pay period, either on a pre-tax or after-tax basis, as allowed by IRS regulations.

Coverage for eligible new employees shall be effective after sixty (60) days of full-time employment from the hire date. Health insurance premiums are deducted on the first pay period after eligibility. Delaware County Personnel Policy Handbook Effective 06/05/2012 Page 50 Version 2.3 Delaware County at its option, may change, delete, suspend or discontinue parts or the policy in its entirety, at any time without prior notice. In the event of a policy change, employees will be notified. Any such action shall apply to existing as well as to future employees.

Benefits may only be changed during an identified open enrollment period or due to a change in a qualifying event. A qualifying event includes the following:

- marriage or divorce
- birth or adoption of a child
- death of a spouse or child
- loss of a dependent's eligibility
- loss of a dependent's eligibility due to age or student status
- a change in an employee or their spouse's employment with affects benefits, or
- any other circumstance that may be recognized by the Internal Revenue Service (IRS) as a family status change.

Group insurance benefits will continue while an employee is on a disability leave or Family and Medical Leave Act leave; however, when in a non-pay status, such employees shall be responsible for the timely payment of those insurance premiums that are normally deducted from the employee's gross pay.

The County reserves the right to modify, change or terminate any of these benefits at any time. The terms and conditions specified in the Plan Document govern coverage. In addition, benefit costs, specific provisions, and selection of providers are subject to change. Detailed information regarding these benefits is available in Human Resources.

### **Termination of Insurance**

Insurance terminates when:

- the insurance policy terminates;
- the employee fails to make and agreed contribution to premium when due;
- the employee ceases to be eligible for coverage under the terms of the County's group insurance program;
- or the employee ceases to hold a full-time position.

In the event of separation of employment with the County or loss of eligibility to remain covered under the County's group health insurance program, the employee and any eligible dependents may have the right to continued coverage under the County's health insurance program for a limited period of time at the employee's or dependent's expense.

### **Benefits Continuation (COBRA)**

The federal Consolidated Omnibus Budget Reconciliation Act (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 County's group rates plus an administration fee.

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.

All COBRA inquiries should be directed to the Human Resources Director.

### **Retiree Insurance\***

Provisions of and eligibility for Retiree Insurance is established by County Commissioners' Ordinance. The rules and guidelines of this Ordinance shall govern the Retiree Insurance program until another Ordinance is passed.

Generally, eligibility for Retiree Insurance coverage shall be determined as follows: the employee's age plus years of service shall equal at least seventy (70) years, with a minimum of ten (10) of those years being continuous years of service with Delaware County immediately preceding the date of retirement. Certain eligibility restrictions apply; employees should refer to Ordinance for complete eligibility details.

Application for coverage as a retiree shall be made prior to termination of employment. Employees who are eligible for and wish to participate in the Retiree Insurance program should contact Human Resources.

## **6.3 Leave and Military Family Leave**

Delaware County will comply with the Family and Medical Leave Act implementing Regulations as revised effective January 16, 2009. The County posts the mandatory FMLA Notice and upon hire provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Leave Act in this Personnel Policy Handbook.

The function of this policy is to provide employees with a general description of their FMLA rights. In event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

If you have any questions, concerns, or disputes with this policy, you must contact the Human Resources Director.

### **General Provisions**

Under this policy, the County will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered servicemember with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

### **Eligibility**

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

1. The employee must have worked for the County for 12 months. The 12 months need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations (as protected under the Uniformed Services Employment and Reemployment Rights Act (USERRA)), or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
2. The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave shall not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.
3. The employee must work in a worksite where 50 or more employees are employed by the County within 75 miles of that office or worksite. The distance is to be calculated by using available transportation by the most direct route.

### **Type of Leave Covered**

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

1. The birth of a child and in order to care for that child.
2. The placement of a child for adoption or foster care and to care for the newly placed child.
3. To care for a spouse, child, or parent with a serious health condition (described below).
4. The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

***A serious health condition is defined as a condition that requires inpatient care at 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 covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 calendar days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employee with questions about what illnesses are covered under this FMLA policy or under the County's sick leave policy are encouraged to consult with the Human Resources Department.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the County may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

5. Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter, or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities, and 8) additional activities that arise out of the active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

**"Covered active duty"** means:

(a) 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

(b) 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 under a provision of law referred to in section 101(a)(13)(B) of

title 10, United States Code.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave shall be counted toward the employee's 12-week maximum of FMLA in a 12-month period.

6. Military caregiver leave (also known as covered servicemember leave) to care for an injured or ill service member or veteran.

An employee whose son, daughter, parent, or next of kin is a covered servicemember may take up to 26 weeks in a single 12-month period to care for that servicemember.

Next of kin is defined as the closest blood relative of the injured or recovering service member.

The term "covered servicemember" means:

(a) a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and

(b) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered servicemember, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on an active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

### **Amount of Leave**

An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. The County will measure the 12-month period 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 (as an example, use June 5, 2010 as the first date of leave); the next twelve (12) month period would begin the first time leave is taken after completion of the twelve (12) month period (ending on June 4, 2011).

Each time an employee takes leave, the County will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the County will measure the 12-month period forward from the date when the employee's previous FMLA leave began. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the County and each wishes to take leave for the birth of a child, adoption, or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the County and each wishes to take leave to care for a covered injured or ill servicemember, the husband and wife may only take a combined total of 26 weeks of leave.

### **Employee Status and Benefits during Leave**

While an employee is on leave, the County will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the County will require the employee to reimburse the County the amount it paid for the employee's health insurance premium during the leave period and any of the employee's portions that were not paid by the employee while on leave.

Under current company policy, the employee pays a portion of the health care premium. While on paid leave, the employer will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Human Resources Department by the first day of each month. If the payment is more than 30 calendar days late, the employee's health care coverage may be dropped for the duration of the leave. The employers will provide 15 calendar days' notification prior to the employee's loss of coverage.

If the employee has other optional deductions, the employer will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee must continue to make payment for said optional deductions by making payment to the Human Resources Department. If the employee does not continue these payments, the employer may discontinue coverage during the leave.

Accruals for benefit calculations, such as vacation, personal leave, or holiday benefits, will not be affected by taking FMLA leave.

### **Employee Status after Leave**

An employee who takes leave under this policy may be asked to provide a fitness for duty clearance from the health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits, and other



employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits, and working conditions.

### **Use of Paid and Unpaid Leave**

FMLA leave is unpaid leave. The employee is required to use any accrued paid leave (such as sick leave, accrued vacation leave, personal leave, or compensatory time) for any part of the 12-week period of FMLA leave. However, an employee may elect to reserve use of up to five (5) vacation days. Any holiday that occurs during FMLA leave will be paid. With approval of the employee's elected official/department head, the employee may use accrued benefit balance, up to five (5) vacation days, immediately after FMLA leave. Any accrued paid leave (such as sick leave, accrued vacation leave, personal leave) accumulated while on leave is exempt from the required benefit time usage while on FMLA leave.

### **Intermittent Leave or a Reduced Work Schedule**

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced-hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill servicemember over a 12-month period).

The company may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduces schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption, or foster care of a child, the County and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced-hour schedule. Leave for birth, adoption, or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the County before taking intermittent leave or working a reduced-hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

### **Certification for the Employee's Serious Health Condition**

The County will require sufficient certification for the employee's serious health condition (all applicable questions must be answered by the health care provider). The employee must respond to such a request within 15 calendar days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition.

The County may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The County will not use the employee's direct supervisor for this contact. Before the County makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the County will obtain the employee's permission for clarification of individually identifiable health information.

The County has the right to ask for a second opinion if it has reason to doubt the certification. The County will pay for the employee to get a certification from a second doctor, which the County will select. The County may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the County will require the opinion of the third doctor. The County and the employee will mutually select the third doctor, and the County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

#### **Certification for the Family Member's Serious Health Condition**

The County will require sufficient certification for the family member's serious health condition (all applicable questions must be answered by the health care provider). The employee must respond to such a request within 15 calendar days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition.

The County may directly contact the employee's family member's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The County will not use the employee's direct supervisor for this contact. Before the County makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the County will obtain the employee's family member's permission for clarification of individually identifiable health information.

The County has the right to ask for a second opinion if it has reason to doubt the certification. The County will pay for the employee's family member to get a certification from a second doctor, which the County will select. The County may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the County will require the opinion of the third doctor. The County and the employee will mutually select the third doctor, and the County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

#### **Certification of Qualifying Exigency for Military Family Leave**

The County will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 calendar days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

### **Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave**

The County will require certification for the serious injury or illness of the covered servicemember. The employee must respond to such a request within 15 calendar days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Servicemember.

### **Recertification**

The County may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 calendar days and only when circumstances have changed significantly, or if the employee receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the County may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The County may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

### **Procedure for Requesting FMLA Leave**

All employees requesting FMLA leave must submit a FMLA Leave Request Form directly to the Human Resources Department. Within five business days after the employee has provided this notice, the Human Resources will complete and provide the employee with the DOL Notice of Eligibility and Rights.

When the need for the leave is foreseeable, the employee must provide the employer with at least 30 calendar days' notice. When an employee becomes aware of a need for FMLA leave less than 30 calendar days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the County's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

### **Designation of FMLA Leave**

Within five (5) business days after the employee has submitted the appropriate certification form, the HR manager will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice.

### **Intent to Return to Work from FMLA Leave**

On a basis that does not discriminate against employees on FMLA leave, the County may require an employee on FMLA leave to report periodically on the employee's status and intent to return

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

#### **Outside Employment while on FMLA Leave**

While an employee is on FMLA for their own serious illness or injury, he or she shall not be engaged in outside employment; any exceptions shall be approved in advance of taking FMLA by the Delaware County Commissioners.

*\*Amended by version 2.4.*

## **6.4 Funeral (Bereavement) Leave**

In the unfortunate event of a death in an employee's immediate family, full-time employees are eligible for paid bereavement leave. Eligible employees are entitled to take up to three (3) days off with pay to attend a funeral, make arrangements, or take care of matters relating to the death of an immediate family member. These days must be taken consecutively within a reasonable time of the time of death and may not be split or postponed.

The employee must request bereavement days by notifying their elected official/department head as soon as possible. The elected official/department head is responsible to communicate the leave with Payroll to ensure accurate record keeping.

For the purposes of this policy, "immediate family" is defined as follows:

- Mother
- Father
- Brother
- Sister
- Child
- Spouse
- Grandparent
- Grandchild
- Mother-in-law
- Father-in-law
- Daughter-in-law
- Son-in-law
- Sister-in-law
- Brother-in-law
- Legal Guardian

One (1) additional day of bereavement leave may be granted to attend funeral services for a member of the immediate family conducted outside a one hundred and fifty (150)-mile radius of the City of Muncie. An additional two (2) days of funeral leave may be granted to attend funeral services conducted outside a five hundred (500)-mile radius of the City of Muncie.

Additional time off or time off in the event of the death of other family members or close friends, with prior approval, may be granted and charged against the employee's existing leave time in the following order: accrued compensatory time, personal leave days, and vacation days. If accrues leave time is not available, time off may be granted, without pay, subject to supervisor approval.

*\*Delaware County Commissioners Ordinance 2012-010*

## **6.5 Holidays and Holiday Pay**

Each year the schedule of holidays shall be determined by the Delaware County Board of Commissioners.

Full-time employees shall receive regular pay for holidays. Part-time or temporary employees shall be compensated only for hours actually worked, if any, on a holiday.

Except for employees on a prior approved vacation or on sick leave due to emergency hospitalization, employees shall work the day before and the day after a holiday in order to be eligible for holiday pay. If a holiday occurs while an employee is on an approved vacation, the holiday will not be charged against his or her vacation leave.

In years where there are no national, state, or local elections, employees will be required to work their regular schedule on the days that otherwise would have been reserved for the election.

### **Emergency/Law Enforcement Employees**

Employees who work in a department that maintains varied work schedules (e.g. law enforcement, emergency services, 24-hour operations, etc.), shall refer to applicable collective bargaining agreements for their department. Employees who do not fall within the scope of the collective bargaining agreement (non-union employees), shall defer to this Handbook for guidelines on Holidays and Holiday Pay.

*\*Amended by version 2.2.*

## **6.6 Jury Duty and Court Appearances**

Delaware County encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees must provide a copy of the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate the employee's absence.

If an employee is called for jury duty or subpoenaed to testify in a court of law during any portion of the employee's regular scheduled working day, the employee shall receive his/her regular salary or wage in full for such time in court. All compensation received for court service shall be turned over to the County Auditor in full.

The employee will be expected to report for work following jury duty, if a reasonable amount of time (two [2] hours or more) remains during his/her scheduled workday.

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

The County will not reimburse employees when appearing in court for criminal or civil cases when the case is being heard in connection with the employee's personal matters, such as traffic court, divorce proceedings, custody, appearing as directed with juvenile, etc. Such absences will be charged against accrued compensatory time, personal leave, or vacation as applicable.

Either the County or the employee may request an excuse from jury duty if, in the employer's judgment, the employee's absence would create serious operational difficulties.

The employer will continue to provide all regular benefits for the full term of jury duty and court appearances allowed under this policy.

## **6.7 Longevity**

The County Council has adopted a longevity pay schedule\* for eligible County employees. Longevity is paid at a date determined by the County Council.

Longevity pay shall be prorated for employees resigning or retiring from County employment. Employees who are terminated for disciplinary reasons shall not be entitled to any longevity pay.

*\*Delaware County Council Ordinance 2007-020*

## **6.8 Life Insurance**

The County furnished a \$20,000 term life insurance policy to full-time employees. This benefit coverage becomes effective after sixty (60) days of full-time employment from the hire date and the County pays the total premium cost. The terms and conditions specified in the Plan Document govern coverage.

An employee's beneficiary is the person who receives the life insurance benefit if the employee dies. Each employee may select one or more person(s) as beneficiaries. To name a beneficiary or to change a beneficiary, contact Human Resources, or a copy of the beneficiary form may be downloaded from the County's intranet and submitted to Human Resources.

*\*Amended by version 2.2.*

## **6.9 Military Leave of Absence**

Delaware 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 Reemployment Rights Act (USERRA) for 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.

### **Annual Training**

A military leave of absence will be granted to all full-time Delaware County employees to attend scheduled drills or training, or to respond to a call to active duty with the Armed Forces. 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; and are entitled to civilian (Delaware County) and military pay up to fifteen (15) days per year. Such military leave will not be charged against an employee's accrued benefit time off, 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-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.

### **Active Duty/Enlistment**

USERRA 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 a Delaware County position provided the employee is discharged from military status under honorable

conditions, and makes a request for reinstatement within thirty (30) days after release from active duty, or one (1) year after release from hospitalization due to military accident. The employee must also be qualified to perform the essential functions of the position for which he/she is being reinstated, and shall be required to provide medical release forms from the military.

Employees on such leave must notify Delaware County of the intent to return to employment in accordance with all applicable Federal and State laws.

### **Military Family Leave**

See "Family and Medical Leave and Military Family Leave" in this section.

## **6.10 Personal Days**

New employees hired prior to July 1 shall receive two (2) personal days at the time of hire. New employees hired July 1 or after shall receive one (1) personal day at the time of hire. After the first calendar year of employment, employees receive two (2) personal days on January 2 of each year.

Personal days may be used anytime during the calendar year in which they accrue. Personal days cannot be carried over to the next calendar year and, if not used, the days are lost and are not paid out at the end of the year.

Personal days may be granted in minimum units of one-half (1/2) day increments. Unused personal days may not be cashed in for monetary payment at any time nor compensated for upon termination or retirement.

### **Emergency/Law Enforcement Employees**

Employees who work in a department that maintains varied work schedules (e.g. law enforcement, emergency services, 24-hour operations, etc.), shall refer to applicable collective bargaining agreements for their department. Employees who do not fall within the scope of the collective bargaining agreement (non-union employees), but are required to work under the same work schedule specifications as union employees, shall defer to the personal leave guidelines as defined in the collective bargaining agreement.

## **6.11 Public Employees Retirement Fund (PERF)**

Most full-time employees are automatically enrolled in a retirement program known as the Public Employees Retirement Fund (PERF), a retirement program established and maintained by the State of Indiana. PERF mandates that each employee contribute 3% into their personal PERF annuity savings account. In addition, there is an employer portion, which is a percentage set by the State. This amount is based on each employee's salary.



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

Employees have several options with regard to how the employee's own money is invested in the fund. If employment is terminated before the employee is fully vested (10 years of service), the employee's contributions, plus interest, are refunded.

Questions concerning the program may be directed to Human Resources and/or the Public Employees' Retirement Fund of Indiana.

## **6.12 Short and Long-Term Disability (STD and LTD)**

### **Administration**

The application for benefits must be submitted by the employee, or some person acting on the employee's behalf, to the Human Resources Department and must include a request for benefits and a signed physician's statement evidencing the nature, extent, and probable duration of the disability.

The effective date of benefit payments shall not precede the date on which application is made by the employee, or some person acting on his or her behalf, to the Human Resources Department.

If employment is terminated and an employee remains on Short- or Long-Term Disability, disability benefits will continue. A terminated employee may elect to continue his or her group health, if any, through COBRA. A terminated employee may be considered for future positions which become available for which, in the County's opinion, he or she is qualified.

### **Elimination Period for Short Term Disability (STD)**

There is a thirty (30) consecutive calendar day elimination period before disability insurance benefits begin. The elimination period is the same for all illnesses and injuries. **It is important to note that some disabilities may not be covered on the disability insurance plan.**

Before monthly payments begin, the Disability Insurance Carrier must approve the disability. Approval is based on written information provided by the employee, the employee's physician, and the County. It is very important, therefore, that an employee notify the Human Resources Department as soon as possible, if he or she believes that the absence may turn into a disability. By doing that, the Human Resources Department can help the employee begin completing the paperwork so that, in the event the absence results in a disability, monthly payments will not be delayed. There are no negative consequences for completing the paperwork for a disability that does not happen.

### **Exclusions**

Neither Short- nor Long-Term Disability benefits are payable for a disability resulting from the following:

- War, declared or undeclared;
- Participation in a rebellion, insurrection, or riot;
- Intentionally self-inflicted injury;
- Commission, or attempt to commit a crime;
- An accident caused by intoxication due to alcohol or illicit drugs;
- Willful failure to follow designated safety procedures;
- Willful disregard of rules; or
- Willful failure to perform a stated duty.

### **Recurrence or Continued Treatment**

An employee who returns to work from a Short- or Long-Term Disability and returns to non-work status within fourteen (14) days will not begin a new benefit period or be subject to a new elimination period if the second disability is the same as the first. The entire period of absence will be considered as one (1) continuous period resulting from the same disability.

If the employee returns to work but periodically needs time off for ongoing medical treatment related to the disability, the sporadic absences for treatment may be compensated by using accrued leave.

### **Long-Term Disability Return to Work**

If an employee, having recovered from the Long-Term Disability, desires to return to work and the department, in which he or she was employed before the onset of the disability, has no vacant position in their classification, or a similar classification with the same basic qualifications and salary range, then the employee is to be laid off.

### **Maximum Benefit Period (Short- and Long-Term Disability Combined)**

Except as otherwise provided in this section, Long-Term Disability benefit payments are limited to a maximum duration of four (4) years. Benefits will only be provided as long as the employee is deemed disabled.

The maximum Short- and Long-Term Disability benefit period for a mental and/or nervous disability is limited to twenty-four (24) months.

The maximum benefit period for a disability occurring on or after attained age sixty-two (62) is limited as follows:

<b><u>Age at Disability</u></b>	<b><u>Benefit Duration</u></b>
62	3.5 years
63	3 years
64	2.5 years
65	2 years
66	1.75 years
67	1.5 years

68	1.25 years
69+	1 year

### 6.13 Sick Leave Pay

The County provides paid sick leave benefits to all full-time employees who have completed their ninety (90) day introductory period. Eligible employees earn one-half (1/2) sick days per month up to a maximum accumulation of six (6) days each calendar year. An employee may accrue sick leave from year to year, up to a maximum of thirty (30) working days. Sick leave earnings are added to an employee's sick leave balance after working at least one-half of a calendar month. An employee may accrue sick leave from year to year, up to a maximum of thirty (30) days.

Sick leave may be used for periods of temporary absence due to illness, injury, and the attendance of medical appointments for the employee, or the employee's family member.

An employee requesting sick leave shall inform his or her supervisor as soon as possible but no later than one (1) hour prior to the commencement of their scheduled work shift. An employee requesting sick leave for the purpose of medical examinations shall provide written notification to his or her supervisor as far in advance as possible, but not less than twenty-four (24) hours prior to the scheduled appointment. Failure to comply with these notice requirements may result in denial of sick leave for the period of absence.

Employees shall submit to such medical examinations, nursing visits, or other inquiries with the elected official/department head deems necessary. An employee may be required to produce a certificate signed by a licensed physician to justify the use of sick leave. The elected official/department head may deny a sick leave application if an investigation discloses facts inconsistent with the proper use of sick leave. If sick leave is disapproved, the employee shall be informed of the reasons and notified that the day of absence will be considered absence without leave.

If the employee fails or refuses to file a required physician's certificate or fails to comply with any other provisions of this section, he or she shall not be paid for sick leave. Disciplinary action may also result for any refusal or failure to file a required physician's certificate. An employee abusing the sick leave policy, or found falsifying sick leave records, shall be subject to disciplinary action or termination in accordance with policies outlined in this Handbook. Altering a physician's certificate or falsification of a written, signed statement shall be grounds for immediate termination.

Sick leave shall be charged in a minimum amounts of two (2) hours and is payable at the employee's regular rate of pay at the time of the sick leave. Accumulated sick leave may not be cashed in for monetary payment at any time nor compensated for upon termination or retirement.

### Emergency/Law Enforcement Employees

Employees who work in a department that maintains varied work schedules (e.g. law enforcement, emergency services, 24-hour operations, etc.), shall refer to applicable collective bargaining agreements for their department. Employees who do not fall within the scope of the collective bargaining agreement (non-union employees), but are required to work under the same work schedule specifications as union employees, shall defer to the sick leave guidelines as defined in the collective bargaining agreement.

## 6.14 Vacation

The purpose of paid annual vacation leave is to allow and encourage all employees to renew their physical and mental capabilities and to remain fully productive. Full-time employees are provided annual vacation leave during each year in order to achieve this purpose. Part-time employees are not eligible for paid vacation leave.

This vacation policy is for non-union County employees. Vacation leave is not earned while an employee is in a non-paid leave status (i.e. disciplinary suspensions, disability leave under short- or long-term disability provided by the County's insurance plan, or unpaid Family Medical Leave). The schedule for earning vacation days is as follows\*:

<u>Years of Service</u>	<u>Vacation Time Off</u>
During 1 <sup>st</sup> calendar year of employment	1 day per quarter**
2-4 calendar years	10 days
5-10 calendar years	15 days
11 or more calendar years	20 days

\*At the time of adoption of this personnel policy handbook, those Court employees who had earned five (5) weeks of vacation under the previous policy shall be "grandfathered" under that policy meaning they shall be allowed five (5) weeks vacation each year until they terminate employment with the County. This exception only applies to those employees who had earned five (5) weeks vacation under the previous policy, and does not apply to any employees who had not earned five (5) weeks vacation.

### **\*\*First Calendar Year of Employment**

Newly hired employees shall earn vacation days during their first calendar year of employment at the rate of one (1) vacation day for each quarter of the calendar year during which they are continuously employed. Following are examples of vacation time earned for employees hired in 2010. The **method** for calculating earned vacation time is applicable for persons hired in subsequent years.

#### **Hired in 1<sup>st</sup> Quarter**

An employee hired between January 1 – March 31, 2010 will receive:

- one (1) vacation day upon hiring for the first quarter (January – March);
- one (1) vacation day on April 1 for the second quarter (April – June);
- one (1) vacation day on July 1 for the third quarter (July – September); and
- one (1) vacation day on October 1 for the fourth quarter (October – December).

On January 2, 2011 such employee shall receive ten (10) vacation days. On January 2, 2015 such employee shall receive fifteen (15) vacation days. On January 2, 2021 such employee shall receive twenty (20) vacation days.

#### **Hired in 2<sup>nd</sup> Quarter**

An employee hired between April 1 – June 30, 2010 will receive:

- one (1) vacation day on April 1 for the second quarter (April – June);
- one (1) vacation day on July 1 for the third quarter (July – September); and
- one (1) vacation day on October 1 for the fourth quarter (October – December).

On January 2, 2011 such employee shall receive ten (10) vacation days. On January 2, 2015 such employee shall receive fifteen (15) vacation days. On January 2, 2021 such employee shall receive twenty (20) vacation days.

#### **Hired in 3<sup>rd</sup> Quarter**

An employee hired between July 1 – September 30, 2010 will receive:

- one (1) vacation day on July 1 for the third quarter (July – September); and
- one (1) vacation day on October 1 for the fourth quarter (October – December).

On January 2, 2011 such employee shall receive ten (10) vacation days. On January 2, 2015 such employee shall receive fifteen (15) vacation days. On January 2, 2021 such employee shall receive twenty (20) vacation days.

#### **Hired in 4<sup>th</sup> Quarter**

An employee hired between October 1 – December 31, 2010 will receive:

- one (1) vacation day on October 1 for the fourth quarter (October – December).

On January 2, 2011 such employee shall receive ten (10) vacation days. On January 2, 2015 such employee shall receive fifteen (15) vacation days. On January 2, 2021 such employee shall receive twenty (20) vacation days.

### **After First Calendar Year of Employment**

After the first calendar year in which hired, employees shall earn vacation days on January 2 of each calendar year according to the vacation schedule.

### **Terms and Conditions of Vacation Leave**

Vacation time shall be paid at the base rate at the time of which it is used. Vacation time shall be taken in minimum increments of one-half (  $\frac{1}{2}$  ) day.

In order to use vacation time, employees shall request advance approval from their elected official/department head. Vacations are scheduled in accordance with workload requirements of the individual department or office. For this reason, it is essential that vacation requests be made at least one (1) week in advance of the proposed starting date. **Elected officials/department heads have the authority to approve or deny vacation requests.**

Vacation leave shall be taken in calendar year earned and shall not be carried over from one calendar year to another, except in cases where vacation requests have been denied for work-related reasons and with the approval of the elected official/department head.

An employee is entitled to compensation, at his/her current pay rate, for any unused vacation leave at the time of voluntary separation or retirement. Employees who are terminated for disciplinary reasons shall not be entitled to pay for any unused vacation time.

Vacation time may not be taken in advance of being earned. Only continuous full-time employment shall be used in determining the amount of eligible earned vacation time for use.

### **Emergency/Law Enforcement Employees**

Employees who work in a department that maintains varied work schedules (e.g. law enforcement, emergency services, 24-hour operations, etc.), shall refer to applicable collective bargaining agreements for their department. Employees who do not fall within the scope of the collective bargaining agreement (non-union employees), but are required to work under the same work schedule specifications as union employees, shall defer to the vacation leave guidelines as defined in the collective bargaining agreement.

## **6.15 Worker's Compensation Insurance**

Delaware 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.

### **Reporting an Injury**

Any employee who sustains a work-related injury or illness must inform his or her supervisor immediately and the supervisor shall inform the Human Resources Department within twenty-four (24) hours. No matter how minor an on-the-job injury may appear, it is critical that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

Employees should contact their elected official/department head to obtain information on worker's compensation, approved medical providers for work-related injuries or illness, and forms regarding filing worker's compensation claims. Medical certifications are required. Once completed, all forms are to be filed directly with the Human Resources Department, not with the insurance carrier.

If the employee has a life threatening condition, he or she should proceed directly to the nearest hospital or medical facility.

### **Salary Continuation**

Subject to applicable legal requirements, worker's compensation insurance provides benefits after a short waiting period. Employee income received while on leave under this policy shall not exceed wages the employee would have normally received prior to the disability event.

Delaware County's worker's compensation insurance carrier shall pay 2/3 of the employee's current salary for approved leaves of absences due to an on-the-job injury. An employee, who is receiving worker's compensation benefits, may use their accrued benefit time to the extent necessary to cover the 1/3 portion of the employee's paycheck not covered by worker's compensation or to cover the employee's costs of insurance or other benefits normally deducted from the employee's paycheck.

As specified by Indiana worker's 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.

#### **Worker's Compensation Leave**

During worker's 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 form a health care provider verifying that he or she may safely return to work.

***For eligible employees, worker's compensation leave is considered as Family and Medical Leave Act (FMLA) leave beginning with the first day of leave. All FMLA leave time used counts against the employee's twelve (12) week FMLA entitlement.*** For more information on FMLA can be found in Section 6.3 of this Personnel Policy Handbook.

While on worker's compensation disability, regular employee benefits shall accrue. Holiday pay will not be paid in addition to worker's compensation pay. While an employee is on worker's compensation leave, he or she shall not be engaged in outside employment.

#### **Non-Covered Injuries or Illnesses**

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.

Certain injuries are excluded from worker's 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 or the insurance carrier will be liable for the payment of worker's compensation benefits or major illness/injury in-line-of-duty leave pay for off-duty injuries or illnesses that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored or not-sponsored by the County.

### **Return to Work/Modified Duty Policy**

It is the policy of Delaware County to take appropriate actions to bring employees back to work as soon as it is determined to be a medically sound decision. The program anticipates a job opportunity for employees while being rehabilitated to their normal jobs. The County believes it is important to aid an employee's rehabilitation by providing opportunities for returning to work at the earliest time possible. All job opportunity decisions, under this program, will be made in consultation with the appropriate medical authority.

The County will work to accommodate the employee's restrictions and provide work within these stated restrictions while they are in effect. Appropriate modified duty may not be available in the employee's regular job, department or regular work hours. The objective of the modified duty program is to match the restrictions with the most productive job available.

The County will not ask an employee to do any work outside of the medically prescribed restrictions. Employees on modified duty shall not attempt any work that exceeds their stated restrictions; doing so may result in disciplinary action.

When appropriate work is found for the employee within the medically prescribed restrictions, the employee is expected to cooperate with the transition back to work. This is the employee's responsibility under worker's compensation and failure to cooperate may jeopardize worker's compensation benefits.



## **7 HEALTH, SAFETY, & SECURITY**

### **7.1 Safety Overview**

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 shall immediately report any unsafe conditions to their supervisor. Supervisors and employees at all levels of Delaware 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 shall inform the Human Resources Department 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 worker's compensation procedures.

### **7.2 Appearance of Work Areas**

Delaware County expects employees to keep work areas, meal areas, and rest rooms neat and clean. The qualities promote health, productivity, safety, and good morale.

### **7.3 Blood Borne Pathogens**

County employees working in high-risk jobs will be offered blood borne 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 blood borne pathogens due to their job duties. To ensure that County employees are aware of occupational exposure to blood borne pathogens, an exposure control plan has been prepared to minimize or eliminate employee contact with human blood or other bodily fluid, which may contain blood borne pathogens such as Hepatitis B virus and HIV. This control plan is available for all County employees and is located in the Human Resources Department.

### **7.4 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 this 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 or illegal drugs while on the employer'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 and may lead to disciplinary action, including suspension without pay or termination. 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 elected official/department head shall immediately inform the Human Resources Department. 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.

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.

The County recognizes that employees may wish to voluntarily seek professional assistance in overcoming drug or alcohol problems. Please contact the Human Resources Department for more information about the benefits potentially available under the employee medical benefit plans and any possible referral sources.

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.

### **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 marijuana, cocaine, opiates, amphetamines, alcohol, barbiturates, and phencyclidine (PCP). The County reserves the right to conduct drug and alcohol testing without notice. The County will attempt to protect the confidentiality of all drug test results.

Random testing may occur at any time for safety sensitive positions. Safety sensitive positions include, but are not limited to, positions such as Paramedics, EMTs, 911 Communication Technicians, Sheriff's Deputies and non-merit officers, and Emergency Management personnel.

### **Pre-employment Testing**

Delaware County will not employ individuals known to use illegal drugs or misuse prescription drugs. All prospective employees shall be subject to drug and alcohol testing. Furthermore, prospective employees will be responsible for any costs and fees associated with requisite drug and alcohol testing. The payment of costs and fees will be due at the time of the testing. Offers of employment shall 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.

### **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:

1. Observation of drugs or alcohol use;
2. Observations of drugs, alcohol, or containers traditionally used for drugs or alcohol;
3. 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 and alcohol;
4. A pattern of normal or erratic behavior by the employee; or,
5. Information provided by reliable or credible sources of the above.

In the case of a positive test, 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.

### **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 or member of the general public; or
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.
3. Damage to public or private property and/or equipment or injury to self or others resulting from workplace accidents that do 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 tests may include screens for both drugs and alcohol.

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

Delaware 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 Delaware 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 Federal Highway Administration (FHWA).

In complying with these regulations, Delaware 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 guidelines. 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.

Information concerning the specific provisions of this policy is provided in Appendix 1: Federal Motor Carrier Safety Regulations/Safety Sensitive Positions Drug & Alcohol Policy. Training concerning this policy will be provided to all employees and supervisor of employees holding safety sensitive positions.

## **7.5 Electronic Key Access and Distribution\***

In order to provide as much protection as possible for the security of employees, as well as County facilities and property, electronic access keys to the County Building and the Justice Center shall be issued only to those employees whose responsibilities require them upon the request of the elected official or department head.

Electronic keys shall be issued and managed by the Human Resources Department. Elected officials or department heads shall approve the distribution to individuals in their office in writing.

It is the employee's responsibility to protect and maintain control of the electronic access key at all time. If the key is lost or stolen, it is the employee's responsibilities to report the loss to Human Resources as soon as it is discovered.

Per Ordinance 2009-040 Key FOB Entry for County Justice Center, any employee that loses their electronic access key will be charges a \$10.00 fee for its replacement. Additionally, it is the employee's responsibility to return the electronic access key to Human Resources within 48 hours of termination of employment. If the electronic access key is not returned within 48 hours, a \$10.00 fee will be deducted from the employee's final pay to cover the cost of the loss of the electronic access key.

*\*Originally approved by Delaware County Commissioners on 12/7/2009*

## 7.6 Harassment/Hostile Work Environment

It is the policy of the County to provide all employees and volunteers with a workplace that is safe, comfortable, and free of harassment. It is the County's policy to prohibit all forms of harassment at work, including harassment based on age, color, disability, ethnicity, gender, sexual orientation, national origin, race, religion, veteran status, or any other legally-protected classification.

**All elected officials, department heads, appointees, employees, and volunteers shall comply with the County's policy prohibiting harassment. It is a violation of this policy to use an individual's submission to or rejection of harassing conduct as the basis for any employment decision affecting the individual. Retaliation towards an employee who reports harassment is strictly prohibited.**

### Definition of Harassment/Hostile Work Environment

Harassment means any unwelcome or offensive conduct, whether written, verbal or physical, which is:

- directed at or to an employee because of the employee's age, color, disability, ethnicity, gender, sexual orientation, national origin, race, religion, or veteran status, or
- directed toward any person concerning an individual, or a class of individuals, because of the age, color, disability, ethnicity, gender, sexual orientation, national origin, race, religion, or veteran status of the individual or class of individuals. For example, racial or ethnic slurs or derogatory epithets are prohibited in the workplace, regardless of whether a member of the racial or ethnic group is present when the statement is made.

Harassment does not refer to occasional compliments or other statements of a socially acceptable nature. Harassment refers to behavior which is unwelcome and which is so offensive and/or persistent as to create, or have the potential of creating, an intimidating, hostile, or offensive working environment for any employee.

Sexual harassment may include the following:

- Offensive or unwelcome sexual flirtations, advances or propositions, communicated verbally, by touch or in writing;
- Obscene or sexually suggestive comments about a person's body or appearance;
- The use of "off color" language or "dirty jokes";
- Printed or electronic display or transmission of sexually explicit photographs, drawings, greeting cards, articles, books, magazines, messages, cartoons, or any other image;
- Electronic messaging, including but not limited to, emails, blogs, chat rooms, text messaging, etc.;
- Conduct with sexual implication that has the purpose or the effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment;
- Unwelcome or unnecessary touching of any part of another's body;
- Sexually degrading words to describe a person or a group of people;
- Slurs, threats, repeated commands or other offensive verbal or physical conduct relating to a person's sex or sexual orientation.

### **Reporting a Complaint**

Employees who believe they have been subjected to harassment shall promptly report the harassment to their elected official/department head or the Human Resources department and complete a *Harassment Complaint Form*. The best time to register a complaint is immediately after the act occurs. Employees shall submit the completed *Harassment Complaint Form* to their elected official/department head or the Human Resources department.

- If the department head is the subject of the harassment complaint the employee shall submit the completed form to the elected official responsible for that department head or the Human Resources department.
- If the elected official is the subject of the harassment complaint, the employee shall submit the completed form to the Human Resources department, the Delaware County Board of Commissioners, or the Delaware County Commissioners' Attorney.

The Delaware County Commissioners' Attorney and the Human Resources department must be provided a copy of each completed form. When feasible, the County will make a representative of each gender available to receive such complaints.

All employees who observe or otherwise learn of or have reason to suspect any conduct which may violate this policy shall promptly report such facts to their elected official/department head or the Human Resources department, and shall cooperate fully in any investigation or disciplinary action undertaken pursuant to this policy. Failure to comply with this section shall be grounds for appropriate disciplinary action, up to and including termination.

### **Investigating the Complaint**

The elected official/department head or the Human Resources department shall conduct a prompt and careful investigation. The investigation may include interviews with all persons having direct knowledge of the unwelcome behavior, including the person who made the complaint, the person accused of sexual or other harassment, and other potential witnesses.

At the conclusion of the investigation, the elected official/department head, the Human Resources department, or other investigator will review the findings with the person(s) who made the complaint. If the investigation reveals that the complaint is factual, appropriate corrective action will be taken to prevent the harassment from occurring again, up to and including termination of any employee believed to be guilty of harassment. In any case, particularly in situations where the facts uncovered during the investigation are inconclusive or unclear, the County will ensure that all parties are reacquainted with the policy prohibiting sexual or other harassment at work.

Delaware County will take reasonable steps to keep the complaint confidential and, to the extent possible, maintain the privacy of the persons involved. Delaware County, however, cannot guarantee confidentiality.

### **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 and work-related setting should file a complaint so that action may be taken.

### **Protection Against Retaliation**

The County will not in any way retaliate against individuals who report 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 harassment will be subject to the same disciplinary action provided for harassment offenders.

### **False Accusations**

Delaware 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 have devastating effects on the lives and reputations of innocent women and men; therefore the County may discipline, up to and including termination, those employees who are proved to have intentionally, maliciously, and wrongly accused others of sexual harassment.

### **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 in the Human Resources Department, and if disciplinary action was taken, a record shall be maintained in the offender's personnel file.

## **Prevention**

Delaware County takes this harassment policy very seriously and will make all reasonable efforts to educate its employees about this policy. Every new employee will be provided a copy of the policy when hired. If the policy is amended, copies of the amendments will be given to all employees.

Prevention is the best policy for the elimination of harassment. Employees shall remain cognizant of this harassment policy at all times and seek to avoid creating conditions that encourage such activity.

Sexual and other forms of harassment by any employee may result in personal legal and financial responsibility for the employee offender.

## **7.7 Security of Premises**

Delaware 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 July 1, 2010, Indiana Code 34-28-7 allows appropriately licensed employees to bring firearms and ammunition onto County property as long as the weapon 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 vehicles where firearms and ammunition are prohibited.

Employees of a penal facility (Delaware County Jail) and employees of a child caring institution or other County facilities listed in Ind. Code 34-28-7-2(a)(2) do not have these rights. Except for law enforcement officers authorized to carry firearms, employees working at these facilities shall not bring firearms or ammunition onto County property including in their personal vehicles.

Employees who intend to possess a firearm, ammunition, and the possession of other weapons in their personal vehicle while on County property shall complete a County Firearms Notification Form and submit a copy to the County Human Resources office before bringing the firearm, ammunition, or other weapon on County property.

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.

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.



## 7.8 Smoking

In keeping with Delaware County's intent to provide a safe and healthful work environment, smoking in all County buildings is prohibited; out-of-doors locations have been specifically designated as smoking areas. In situations where the preferences of smokers and nonsmokers are in direct conflict, the preferences of nonsmokers will prevail. Smoking is not allowed in County-owned vehicles.

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

## 7.9 Text Messaging While Driving

Text messaging causes drivers to take their eyes off the road and at least one hand off the steering wheel, endangering both themselves and others. Every day, Delaware County employees drive County-owned vehicles or privately-owned vehicles on official County business. Delaware County is committed to the safety of its employees and the community which it serves. Accordingly, County employees shall not engage in text messaging or emailing while driving a County-owned vehicle or a privately-owned vehicle while on County business.

### Exemptions

Certain employees, such as emergency services or law enforcement personnel may be exempt from this policy in situations in which they are engaged in protective service, law enforcement, or other emergency services responsibilities.

### Definitions\*

For the purposes of this policy, the following definitions apply:

- "Texting" or "Text Messaging" means reading from or entering data into any handheld or other electronic device including for the purpose of SMS texting, emailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication.
- "Driving" means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light, or stop sign, or otherwise. It does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.

*\*Text and definitions adopted from White House Executive Order on Federal Leadership on Reducing Text Messaging While Driving.*

## 7.10 Workplace Violence

The safety and security of Delaware 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:

- "Intimidation" includes, but is not limited to, stalking or engaging in actions intended to frighten, coerce, or induce duress.
- "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.
- "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.
- "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 from the premises of the County without proper authorization as stated in *Section 7.7 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 that 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 that 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 or 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.

## **8 EQUIPMENT & FACILITIES**

### **8.1 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.

### **8.2 Personal Use of County Property and Facilities**

To minimize unnecessary expenses, prevent the loss of valuable work time, and prevent lowered morale, personal use of County facilities, vehicles, and equipment is prohibited. This policy applies to all employees and restricts the personal use of organization facilities, including bulletin boards, vehicles, and equipment.

### **8.3 Use of Cellular/Mobile Phones and Pagers**

The use of personal cellular/mobile phones and/or pagers during work hours should be limited in frequency and duration. Employees may use personal cellular/mobile phones during meal breaks in locations that do not pose a disruption to others. Employees using personal or County-issued cellular/mobile phones or pagers excessively during work hours will be subject to appropriate disciplinary action.

Personal and County-issued cellular/mobile phones should be turned off during meetings and training courses, except in circumstances when it is absolutely necessary to take an urgent business phone call. In these circumstances, it is courteous to alert others in attendance to the fact that such a call is expected.

Employees shall reimburse the County for charges resulting from any personal use of County issued cell phones.

#### **Use of Cellular/Mobile Phones and Electronic Devices While Driving**

The use of cellular/mobile 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/mobile 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, or local rules and regulations regarding the use of cellular/mobile phones and electronic devices while driving. Accordingly, employees shall not use cellular/mobile phones if such conduct is prohibited by law, regulation, or other ordinance.

Employees should not use hand held cellular/mobile phones for business purposes while driving. 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/mobile 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.

## **8.4 Use of County-Owned Vehicles and Equipment**

### **General Rules & Regulations for the Use of County-Owned Vehicles and Equipment\***

- Personal use, except for required commuting to and from the work station, of County-owned vehicles and equipment is prohibited. This policy applies to all employees and elected officials.
- County-owned vehicles shall be driven by authorized employees only, or in case of repair testing, by a mechanic. Spouses, other family members, or other non-employees, are not authorized to drive County-owned vehicles.
- County-owned vehicles shall not be driven out of Delaware County unless they are being used for official County business. Exceptions shall be documented by the elected official or department head. Employees residing outside of Delaware County shall not be allowed to have a take home vehicle.
- Employees operating County-owned vehicles shall maintain the ability to legally operate assigned vehicles. Employees who operate County-owned vehicles or operate personal vehicles for County business are required to notify their elected official or department head in the event that their driver's license is suspended or revoked. An employee failure to notify his or her elected official or department head of a driver's license suspension or revocation is subject to disciplinary action, up to and including termination.
- An updated copy of the employee's driver's license and proof of insurance shall be kept on file in Human Resources at all times. It is the employee's responsibility to keep this up-to-date with Human Resources.
- Copies of the vehicle registration and a copy of the insurance card shall be kept in the vehicle at all times.

### **Taxable Fringe Benefit Costs of a County-Owned Vehicle**

If the County provides a vehicle which is used exclusively for business purposes there are no tax consequences. Business use does not include commuting. Records must be maintained to substantiate that all vehicle use was for business purposes.

### **County-Owned Vehicle Used for Both Business and Personal Use**

If a County-provided vehicle is used for both business and personal purposes, substantiated business use is not taxable to the employee. Personal use is taxable to the employee as wages.

### **What is Personal Use?**

The following are examples of taxable personal use of an employer-provided vehicle:

- Commuting between residence and work station.
- The employee goes into the office on the weekend. This is personal commuting, regardless of whether it is required by the employer.

### **Recordkeeping Requirements**

Records of business and personal mileage are to be maintained by the employee.

Records of personal commuting use are required and shall be submitted to the Auditor's Office (payroll) at the end of each quarter.

Employees shall provide documentation of personal use to the County at the end of each quarter. This documentation shall include the number of days the vehicle was used for personal commuting purposes.

If records are not provided by the employee, the value of *all* use of the automobile will be considered wages to the employee, and the employee can then take itemized deductions for any substantiated business use pursuant to applicable tax laws.

### **Benefit Calculation (Non-Elected Officials)**

The taxable benefit value to a non-elected official is determined by using the IRS's Commuting Rule. The value is determined by multiplying each day of personal commuting by \$3.00. If more than one employee commutes in the vehicle on a regular basis, this value applies to each employee. The quarterly amount shall be added to the employee's pay as a taxable fringe benefit and will be included in wages on the employee's Form W-2.

### **Benefit Calculation (Elected Officials)**

The taxable benefit value to elected officials is determined by using the IRS's General Valuation Rule. The General Valuation Rule computation is:

1. Compute personal use based on miles driven. (Example: 2,000 personal miles/10,000 total miles = 20% personal use)
2. Determine what employee would pay to lease the vehicle (FMV\*)
3. Multiply FMV by % of personal use

*Example:*

- Cost to lease car for 1 yr. plus value of fuel provided	\$ 4,000
- Multiply by 20% personal use	<u>x 20%</u>
- Total benefit value to include in wage of employee	\$800

\*FMV (fair market value) – the amount an employee would have to pay to a third party in an arms-length transaction.

### **Qualified Nonpersonal-Use Vehicles**

All of an employee's use of a qualified nonpersonal-use vehicle is a working condition benefit. A qualified nonpersonal-use vehicle is any vehicle the employee is not likely to use more than minimally for personal purposes because of its design. Qualified nonpersonal-use vehicles generally include vehicles such as clearly marked police and fire vehicles; unmarked vehicles used by law enforcement officers if the use is officially authorized; an ambulance used for its specific purpose; or a specially modified pickup truck meeting certain function requirements. More details on qualified nonpersonal-use vehicles can be found in IRS Publication 15-B, Employer's Tax Guide to Fringe Benefits.

### **Vehicle Maintenance and Reporting Requirements**

- 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 are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. An employee to whom a vehicle is assigned shall be fully responsible for the general maintenance and proper care of the vehicle.

### **County-Owned Vehicle Safety Guidelines**

- 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 temporally unable to operate a vehicle safely or legally because of illness, medication, or intoxication.
- 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, up to and including termination.
- Employees shall adhere to the County's policy on "Text Messaging or Emailing While Driving" as defined in this handbook in Section 7.9.

*\*Originally approved by County Commissioners on 1/19/2010. Information and language in this section is adopted from IRS Publication 15-B, Employer's Tax Guide to Fringe Benefits (for use 2010). This publication can be found on the IRS website ([www.irs.gov](http://www.irs.gov)).*

## **8.5 Use of Information Technologies**

Computers, computer files, networks, hardware, and software are Delaware County property intended for business use. To retain privileges of network access, each user of County

information technologies is expected to meet certain responsibilities and honor certain limitations. Additional responsibilities may be associated with specific networks.

Any network traffic exiting the County is subject not only to provisions of this policy, but also to the acceptable use policies of any network through which or into which it flows.

Employees should immediately report any violation of this policy to their elected official or department head and the Information Technologies Department. Questions concerning these policies should be directed to the employee's elected official/department head and/or the Information Technologies Department.

### **System Security**

Employees are responsible for the use of their accounts and security of their passwords. As such, an employee may not give anyone else access to his/her account, or use a County computer account assigned to another user. A user must not attempt to obtain a password for another employee's computer account. If an employee suspects someone knows his/her password, the employee should contact the Information Technologies Department immediately.

Employees shall not use the network resources of the County to gain or attempt to gain unauthorized access to remote computers, networks, or systems, nor shall they attempt to circumvent data protection schemes or exploit security loopholes.

Employees may not place on any County-owned computer system any type of information or software that gives unauthorized access to another computer account or system.

Violations of this policy are subject to disciplinary action, up to and including termination.

### **Software Licenses**

Delaware County purchases and licenses the use of various computer software for business purposes and does not own the copyright to software or its related documentation. Unless authorized by the software developer, the County does not have the right to reproduce such software for use on more than one computer.

Employees may only use software on multiple machines according to software license agreements. The County prohibits the illegal duplication of software and its related documentation. No licensed software may be installed on Delaware County computers that has not been authorized by the County and/or is not the property licensed to the County.

Employees should immediately report violations of this policy to their elected official or department head. County employees who make, acquire, or use unauthorized copies of computer software are violating federal copyright law and are subject to disciplinary action, up to and including termination.



### **Data Backup**

Users of personal computers are responsible for protecting their work by making regular backup copies of their work files and storing the copies in a safe location. They should set the frequency of backup based on their ability to recreate information added since the last backup.

### **Prohibited Uses of Information Technologies Resources**

Employees shall not deliberately perform acts which are wasteful of computing resources or which unfairly monopolize resources to the exclusion of others. Conduct that presents a risk to the operating integrity of the information technologies systems is strictly prohibited.

Employees shall not deliberately perform acts that will impair the operation of computing equipment, peripherals, other devices, or networks. This includes, but is not limited to, tampering with components of a local area network (LAN) or the high-speed backbone network, otherwise blocking communication lines, or interfering with the operational readiness of a computer.

Employees shall not install on any of the computer systems of the County, or give to another user, a program that could result in the eventual damage to a file or computer system and/or the reproduction of itself. This includes, but is not limited to, the classes of programs known as computer viruses, "Trojan horses," and worms.

Violations of this policy are subject to disciplinary action, up to and including termination.

## **8.6 Use of Internet and Email**

Employees may be provided access to the internet and e-mail to assist them in the performance of their duties and such access is intended for business use. Violations of this policy may result in disciplinary action, up to and including termination. Violations of federal or state laws resulting from the use of County information technologies will result in referral to the appropriate legal authorities. To ensure compliance with this policy, computer and e-mail use may be monitored.

Delaware County strives to maintain a workplace that is free of harassment and is sensitive to the diversity of its employees. Therefore, the County prohibits the use of information technologies such as computers, e-mail, and the internet, in ways that are disruptive, offensive to others, or harmful to morale. 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.

Employees should immediately report any violation of this policy to their elected official or department head. Questions concerning these policies should be directed to the employee's elected official/department head and/or the Information Technologies Department.

### **Internet Access**

Access to the internet is provided solely for business related purposes. Personal use of such equipment and software shall be limited in frequency and duration and shall not interfere with an employee's assigned duties.

The internet is a worldwide network of computers containing millions of pages of information and many diverse points of view. Because of its global nature, users of the internet may encounter material that is inappropriate, offensive, and in some instances, illegal. The County cannot control the availability of this information or completely restrict access to it.

Employees may only access the internet through an approved internet firewall. Accessing the internet directly, by modem or other connection device, is strictly prohibited unless such access is approved and installed by system managers designated by the County.

Delaware County will not be responsible for any damages, direct or indirect, arising out of the use of its internet resources. County employees who violate this policy are subject to disciplinary action, up to and including termination.

### **Downloading From the Internet**

All material downloaded from the internet or from computers or networks that do not belong to Delaware County **MUST** be scanned for viruses and other destructive programs before being placed onto the computer system. All employees will be expected to follow the instructions from their elected official/department head and/or the Information Technology Department for the proper scanning process. Any questions should be referred to the elected official or department head prior to being placed on the computer system or being used.

Employees are responsible for the material they review and download on the internet. Violations of this policy are subject to disciplinary action, up to and including termination.

### **Email**

Employees should exercise the same care in drafting email, communicating in chat groups, and posting items to news groups as they would for any other written communication. The Delaware County email system is subject to public records laws and certain emails to and from County employees may be deemed public records.

The email system may be monitored when the County deems it necessary to ensure its legitimate business interest in the proper utilization of its property and to ensure that this policy is being followed.

Violations of this policy are subject to disciplinary action, up to and including termination.

### **Prohibited Uses of the Internet**

Sending, receiving, displaying, printing, or otherwise disseminating material that is fraudulent, harassing, illegal, embarrassing, sexually explicit, obscene, intimidating, or defamatory is prohibited. **Employees encountering such material should report it to their elected official or**

**department head immediately.** Employees are responsible for the material they review and download on the internet.

Employees may not use County internet or e-mail resources for commercial or personal advertisements, solicitations, promotions, viruses, political material, or any other unauthorized personal use. County email resources may not be used to forward chain letters. Employees may not disseminate County property or confidential information via the internet.

Because of export restrictions, programs or files containing encryption technology are not to be placed on the internet or transmitted in any way outside the United States without prior written authorization from Delaware County. Employees must comply with all software licenses, copyrights, and all other state and federal laws governing intellectual property and online activity.

The County maintains the right to monitor any and all aspects of its computer system, including, but not limited to, monitoring sites employees visit on the internet, monitoring chat groups and news groups, reviewing material downloaded or uploaded by employees, and reviewing e-mail sent and received by employees. Employees do not retain any right to privacy in any documents, messages, or images they create, store, send, or receive on the computer or the internet under the Electronic Communications Privacy Act, and any other state or federal law regarding e-mail and internet use.

Violations of this policy are subject to disciplinary action, up to and including termination.

## **8.7 Use of Telephones and County Mail**

Personal telephone calls should be limited in frequency and duration. Personal use of the 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 long-distance charges.

To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner.

The mail system is reserved for business purposes only. Employees should refrain from sending or receiving personal mail at work.

## **8.8 Electronic Communications Retention Policy**

The purpose of this policy is to establish an electronic communications policy for all county offices that use the “.co.delaware.in.us” email account that create, use, and manage electronic communications as part of the transaction of county business.

### **Intent**

To establish guidelines that will promote the effective capture, management, and retention of emails and electronic communications.

### **Scope**

This policy applies to all county-provided electronic communications equipment for county business use.

### **Definitions**

**Email messages** are similar to other forms of communicated messages such as correspondence, memoranda, and letters. These include non-record (transitory) emails and public-record emails.

**Non-record or Transitory Electronic Communications** are considered to have no administrative, legal, fiscal, or archival requirements for their retention. Examples of such non-record electronic communications include the following:

1. Personal correspondence not relating to conducting county business such as lunch invitations, unsolicited advertisements, and spam;
2. Routine requests for information or publications which require no administrative action, policy decision, or special compilation or research, and copies of replies;
3. Originating office copies of letters of transmittal that do not add any information to that contained in the transmitted material;
4. Quasi-official notices including memoranda and other records that do not serve as the basis of official actions (i.e., holiday notices, meeting confirmations, etc.).
5. Non-email electronic communications including, but not limited to, instant messaging, texting, paging, voice recording, and other electronic communication technologies other than email.

**Public-record emails** include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by the County.

Examples of emails that may constitute a public record include the following: policies and directives, correspondence or memoranda relating to official business (excluding duplicates), agendas and minutes of meetings, any document that initiates, authorizes, or completes a business transaction, and final reports or recommendations.

### **Responsibility for Retention**

The sender of the email is responsible for ensuring proper retention of emails sent within the County. All other copies of internal email are duplicates and may be deleted. However, if a record email was sent by an outside agency, a member of the public or anyone outside the County, the recipient is responsible for retention. *Warning* – Email will not be the repository of electronic public records retention. Each department is responsible for complying with its retention schedule for its public records and for complying with that retention schedule.

### **Method of Retention**

Email records that have not met their retention should be saved by one of the following methods:

1. Print the email and store the hard copy in the appropriate file.
2. Move the email out of the email system and store it on a shared network drive.

Each department shall select the method of retention for that department.

### **Mail Attachments**

Attachments should be retained or disposed of according to the content of the attachment itself based on its appropriate retention, not the email which transmits the attachment.

## **Responsibility for Email Management**

### **Information Technology (IT) Department Email Management**

- **Maximum Mailbox Size**
  - Ensures that email account or mailbox will be limited to a maximum size of 200,000KB of data. This includes all folders and subfolders and containers that reside within a user's email account or mailbox. Examples include the inbox, sent items, deleted items, drafts, contacts, and calendar items.
  - If a mailbox exceeds the 200,000 KB of data size limit, the mailbox will not function to send or receive email until space is cleared.
  - Users will be notified when their mailbox reaches 90% of capacity.
- **Automatic Deletion of Emails**
  - Emails in the Delete Items container will be purged daily and not backed up. This is the default email system setting and may not be configured differently.
- **Archived Emails**
  - Data that remains within the mailbox (including the inbox, sent items, drafts, contacts, and calendar items) will be archived for a period of three years. Mailbox items will be archived every sixty days. After three years, these emails will be purged. Contacts and Calendar items will not be purged as part of this process; it will be up to the user to determine if those items need to be purged for space requirements.

### **User Email Management**

- **Maximum Mailbox Size**
  - Staying below the maximum mailbox size of 200,000KB (equivalent to 6,000 average text documents) is the responsibility of the mailbox user.
  - County business related attachments should either be printed or moved off of the email system to a shared network drive.
- **Automatic Deletion of Emails**
  - The default setting of the user email system is to delete all items within the Deleted Items container which is purged daily. Altering this setting is in violation of this policy.
- **Archived Emails**
  - To prevent the loss of email after the three year archival period, the user may:
    - Print the email and store the hard copy in the appropriate file.
    - Move the email out of the email system and store it on a shared network drive.

- Personal Storage Table (.pst) Files
  - The use or creation of .pst files is strictly prohibited and may not be configured on County equipment.

### **Litigation Proceedings**

Regardless of retention requirements, email and all other electronic correspondence pertaining to threatened or actual legal proceedings must be retained until the litigation is finally concluded. It is the responsibility of the department involved to notify the IT department in writing of the need for the hold on the destruction of electronic communications.

### **Responding to Public Records Request**

It is the responsibility of the department involved to immediately notify the IT department, in writing, of a public records request if the IT department's assistance is required to provide the public records.

### **Email Accounts When Employee Leaves Employment**

When an employee is no longer employed with a county department, it is the responsibility of that department to immediately notify the IT department. That user's mailbox will be maintained for sixty calendar days. Individual user mailboxes will be purged after sixty calendar days unless that former employee's department head requests an extension, in writing or the IT department is notified items in the email must be retained for a longer period of time based on retention schedules.

### **Amendments**

Delaware County reserves the right to amend or revise the contents of this policy as deemed suitable. Each employee will be provided with a notice of all amendments and revisions to this policy.

*\*Originally approved by Delaware County Commissioners on 3/7/2011*

## **9 OTHER POLICIES**

### **9.1 Business Travel**

This policy sets forth the maximum amount of reimbursement allowable for travel expenses and does not create any contractual obligation on the part of the County to reimburse any employee for any particular item of expense.

All employees seeking reimbursement must strive to incur the lowest possible travel expense and must exercise care to avoid impropriety or the appearance of impropriety. Public funds must never be used for personal gain. All employees must request and submit itemized receipts for every expense for which they are seeking reimbursement. Failure to submit an itemized receipt may result in the County denying reimbursement. See also Section 5.15 regarding Travel Time.

#### **General Policies**

- This policy applies to all claims for employee reimbursement from the County for business travel conducted on its behalf, which is not covered by a State-called meeting policy.
- No travel or subsistence allowance will be provided for trips for which the employee receives reimbursement for travel expenses from any other source.
- Only expenses which are reasonably necessary in order to conduct County business and which are incurred while in travel status shall be reimbursable. Where personal travel is combined with travel for County business, only reasonable expenses necessary for County business shall be reimbursable. An employee is in travel status during all of the time for which it is reasonably necessary to be away from Delaware County to conduct business. See also Section 5.15 regarding Travel Time. Where an employee combines business travel with personal travel, the employee will not be considered to be in travel status during that portion of the trip, which is not reasonably necessary for the business portion of the trip.
- Expenses for non-employees, who travel with the employee, will not be reimbursed.
- Expenses for personal items and personal services will not be reimbursed.
- Fees or honoraria paid to an employee during travel status shall become the property of the County and turned over to the Delaware County Treasurer.
- Prior approval of all travel must be obtained from the employee's department head.

#### **Verification of Expense**

- Itemized provider receipts or credit card receipts must be attached to all claims. If these are not available, the following may be substituted:
  - Transportation: Documentation from the provider or travel agent.
  - Lodging: Documentation from the provider or travel agent.
  - Other: Affidavit of missing receipt.

- If reimbursement is being claimed for conference or training expenses, a brochure, program, agenda, or other documentation which describes the event, must be attached to the claim.

### **Reimbursement of Meals**

- Meal expenses will not be reimbursed for business performed or events attended within a sixty (60) mile radius of the City of Muncie, except where included as part of a conference registration.
- An employee in travel status or attending a conference or training event will be reimbursed for meal expenses, not to exceed \$50.00 (including tax and tip) per twenty-four (24) hour period away from Delaware County.
- The purchase of alcoholic beverages will not be reimbursed.
- If meals are provided as part of a conference or training registration fee, no additional reimbursement will be paid for meals consumed off site except in the transit to and from the conference or training session.

### **Reimbursement for Lodging**

- Employees may claim lodging expense not exceeding the single room occupancy room charge, including taxes. The employee must obtain the lowest rate and inquire about government rates.
- Employees are encouraged to share lodging. In that instance, the employee who requests reimbursement for lodging shall note on the claim the name of the co-worker who shared the room.
- An employee may not claim reimbursement for lodging when lodging was provided by another person who is not in the business of providing lodging.
- Video rentals, pay television charges and other types of entertainment expenses are not reimbursable.
- Lodging expense is not reimbursable for any stay within sixty (60) miles of the City of Muncie.
- Employees may claim lodging expense for Saturdays, Sundays, or holidays in order to reduce the total cost of travel. The savings must be documented and approved in advance by the elected official/department head. Lodging may not be claimed if the employee is using vacation, holiday, personal leave, or compensatory time.

### **Reimbursement for Transportation**

- Air, rail or bus travel cost may be reimbursed. Whichever form of travel the employee chooses, the employee shall attempt to obtain the least expensive rate for that form of travel and shall make transportation arrangements accordingly. The employee shall consult the elected official/department head prior to booking transportation. Evidence must be included with the claim.
- If a County-owned vehicle is available to the employee, it should be used instead of a personal vehicle.
- An employee using a personal vehicle shall be reimbursed at the reimbursement rate set by the Delaware County Council. The rate may be obtained from the Delaware County Auditor's Office. The reimbursement rate is designed to cover all costs associated with the use of the employee's personal vehicle. Employees are encouraged



to share vehicle transportation when practical, with one person designated to receive the reimbursement. A mileage claim shall be submitted to the Delaware County Auditor.

- An employee may be reimbursed for the cost of parking and tolls. Evidence must be included with the claim.
- Automobile rental expense may be reimbursed when it is efficient, cost effective, and approved by the employee's elected official/department head. The least expensive practical vehicle should be rented.
- An employee who chooses to drive rather than fly, must get the travel approved in advance by the elected official/department head. An employee may be in travel status for a maximum of two (2) full driving days each way. Driving instead of flying will be approved only where the total costs of driving (including any reimbursed mileage, meal allowance and lodging en route) do not exceed the total costs of flying (including any reimbursed costs of getting to and from the airport, parking, meals not provided by the airline, and airfare based on the rate available fourteen (14) days before the departure date.
- The expense of local taxi, train or bus fare will be reimbursed when verified in accord with the Verification of Expense section within this policy.

#### **Conference and Training Expense**

- An employee will be reimbursed for registration fees, travel, meals and lodging associated with attendance at a conference or training session which is directly related to the employee's job assignment.
- The procedures and requirements for such reimbursement shall be the same as set forth in this section.

## **9.2 County Credit Cards**

The Delaware County Commissioners adopted Resolution 2007-006 to govern the use of County issued credit cards. The information contained here is a summary; any employee using or issued a County credit card should consult Resolution 2007-006 and the accompanying "Guidelines for Use of Credit Cards" in addition to signing the credit card use agreement on file with the County Commissioners. Employees shall comply with all requirements of the "Guidelines for Use of Credit Cards" and Resolution 2007-006.

County employees may be issued Delaware County credit cards for travel related expenses associated with attending conferences, workshops, and business meetings or other work related expenses incurred on behalf of the County. County credit cards are for business use only and may not be used for personal purchases. Other examples of specifically prohibited uses include the purchase of alcohol and/or movies and entertainment.

County issued credit cards are the property of Delaware County and employees are required to return credit cards to the Auditor upon termination. If a card is lost or stolen, the employee should report the missing card immediately to the Auditor. Violations of this policy are subject to disciplinary action up to and including termination.

### **9.3 Political Activity**

Employees shall not be required to participate, financially or otherwise, in any political campaign or party activity during their working hours. Delaware County equipment shall not be used to generate, copy, or reproduce campaign materials. Delaware County telephones, email, or facsimile machines shall not be used for campaign purposes.

Employees are prohibited from using their County position to assist in political campaigns and from using work hours to engage in political activity. Clothing, signs, buttons, etc. containing names of political officials or references to political campaigns shall not be worn or displayed on County property or during working hours.

Nothing in this policy prohibits County employees from participating in political activity in their individual capacity separate from their relationship to the County. In addition to the restrictions set forth above, any such political activity should be performed:

- outside of normal work hours;
- during an unpaid leave of absence taken with the County's approval; or
- within ordinary work hours, if the time is charged to vacation leave or compensatory time to which the employee is entitled.

## 10 APPENDICES

- Appendix 1: Federal Motor Carrier Safety Regulations/Safety Sensitive Positions Drug & Alcohol Policy