



# **EMPLOYEE HANDBOOK**

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## ***WELCOME!***

It is our privilege to welcome you to employment with the Town of McCordsville as we wish you every success with our organization. We believe that each employee contributes directly to the Town of McCordsville's growth and success, and that our employees and residents are our most important assets.

This handbook was developed to describe some of the expectations of our employees and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of the handbook as soon as possible, as it will answer many questions about employment at the Town of McCordsville.

We hope that your experience here will be lengthy, challenging, enjoyable, and rewarding.

Sincerely,

The Town of McCordsville Town Council

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# INTRODUCTION

## 040 Introductory Statements

For purposes of these work guidelines all employees shall be referred to as "employee(s)." The Town of McCordsville, Indiana will be referred to as "the town".

These work guidelines have been designed to acquaint employees with the town and provide them with information about working conditions, employee benefits, and some of the policies affecting their employment. Employees are responsible to read, understand, and comply with all provisions of the handbook. It describes many of their responsibilities as an employee and outlines the programs developed by the town to benefit employees. One of management's objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee handbook may anticipate every circumstance or question about policy. As the town continues to grow, the need may arise and the town reserves the right to revise, supplement, or rescind any policies or portion of the employee handbook from time to time as it deems appropriate, in its sole and absolute discretion. The only exception to any changes is our employment-at-will policy permitting employees or the town to end our employment-at-will relationship for any reason at any time. Employees will, of course, be notified of such changes to the handbook as they occur and employees will be expected to acknowledge in writing that they have received those changes. Nothing in this employee handbook shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

## 060 Resident Relations

Residents are among our town's most valuable assets. Every employee represents the town to our residents and the public. The way employees do their jobs presents an image of the entire town. Residents judge all of the employees by how they are treated with each employee contact. Therefore, one of the first business priorities for all employees is to assist any resident or potential resident. Employees should not engage in arguments, debates, or lengthy discussions with residents regarding the town's policies, procedures, or services. Nothing is more important than being courteous, friendly, helpful, and prompt in the attention employees give to residents. Any employee who receives a complaint from a resident should refer the individual to either the Town Manager's Office, or Clerk-Treasurer's Office depending upon the specific nature of the complaint.

Personal contact with the public, manners on the telephone, and the communications sent to residents are a reflection not only of each employee, but also of the professionalism of the town. Positive resident relations not only enhance the public's perception or image of the town, but also pay off in greater resident loyalty.

Police Department employees may refer to Policy #1009 – Personnel complaints in the McCordsville Police Department Policy Manual for additional information.

## **EMPLOYMENT**

### **101 Nature of Employment**

Employment with the town is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, the town may terminate the employment-at-will relationship at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law.

Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the town and any of its employees. The provisions of the handbook have been developed at the discretion of management and, except for its policy of employment-at-will, may be amended or cancelled at any time, at the town's sole discretion. These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the Town Council.

#### **Clerk-Treasurer's Office**

In applying this handbook uniformly, employees of the Clerk-Treasurer's Office should substitute "Clerk-Treasurer" where this handbook uses the term Town Manager, except where such authority is granted exclusively to the Town Manager by ordinance or statute.

#### **All Civilian Departments**

In applying this handbook uniformly, employees who do not work in the Clerk-Treasurer's Office, or the Police or Fire Departments, are to report to and use the chain of command within their own department first and then request information from the appropriate Department Head, as appropriate.

#### **Town Manager**

In applying this handbook uniformly, the Town Manager reports directly to the Town Council President.

#### **Police Department**

When the policies that are contained in the McCordsville Police Department Policy Manual differ from what is written in this employee handbook, those policies and procedures will prevail.

### **102 Employee Relations**

The town believes that the working conditions, wages, and benefits it offers to its employees are competitive with those offered by other government employers in this area. If employees have concerns about working conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their Department Head, the Clerk-Treasurer, or the Town Manager.

Experience has shown that when employees deal openly and directly with their Department Head, the Clerk-Treasurer, and the Town Manager, the work environment can be excellent, communications can be clear, and attitudes can be positive. The town believes that it amply demonstrates its commitment to employees by responding effectively to employee concerns.

The Town Council will make determinations as to changes or alterations in salary, leave, or other special circumstances.

## 103 Equal Employment Opportunity

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the town will be based on merit, qualifications, and abilities. The town does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex (pregnancy, gender identity, and sexual orientation), national origin, age (40 and over), disability, genetic information as referenced in the Genetic Information Nondiscrimination Act (GINA), military service veteran status, or any other characteristic protected by federal, state and local laws.

The town will provide reasonable accommodations for qualified individuals with known disabilities or for a sincerely held religious belief, as required by law, unless doing so would result in an undue hardship for the town. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Employees are encouraged to contact their Department Head, Clerk-Treasurer, or the Town Manager with questions or concerns regarding any type of discrimination in the workplace. Employees may raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination may be subject to disciplinary action, up to and including termination of employment.

## 104 Business Ethics and Conduct

The successful business operation and reputation of the town is built upon the principles of fair dealing and ethical conduct of all employees. The town's reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

The continued success of the town is dependent upon residents' trust and the town is dedicated to preserving that trust. Employees owe a duty to the town and its residents to act in a way that will merit the continued trust and confidence of the public.

The town will comply with all applicable laws and regulations and expects its employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

In general, the use of good judgment, based on high ethical principles, will guide employees with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action the matter should be discussed openly with a Department Head, the Clerk-Treasurer, or the Town Manager for advice and consultation.

Compliance with this policy of business ethics and conduct is the responsibility of every town employee. Disregarding or failing to comply with this standard of business ethics and conduct may lead to disciplinary action, up to and including termination of employment.

Police Department employees may refer to Policy #319 – Standards of Conduct in the McCordsville Police Department Policy Manual for additional information.

## 105 Nepotism in the Workplace

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work,

personal conflicts from outside the work environment may be carried over into day-to-day working relationships. Accordingly, the town follows Indiana Code 36-1-20.2 with regards to nepotism.

For purposes of this policy, a relative is defined as a spouse, parent or stepparent, child or step-child (including an adopted child or step-child), a brother, sister, stepbrother, stepsister (including a brother or sister by half-blood), a niece or nephew, aunt or uncle, daughter-in-law or son-in-law.

“Employed” means an individual who is employed by the town on a full-time, part-time, or temporary basis. The term does not include an individual who holds an elected office. The term includes an individual who is a party to an employment contract with the town. The performance of the duties of a precinct election officer (as defined in IC 3-5-2-40.1) that are imposed by IC Title 3 is not considered employment by the town.

“Direct line of supervision” is defined as an elected officer or employee who is in a position to affect the terms and conditions of another employee’s employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. The term does not include the responsibilities of the executive, legislative body, or fiscal body of the town, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the town.

Individuals who are relatives may not be employed by the town in a position that results in one relative being in the direct line of supervision of the other relative. This applies to an individual who is employed by the town on the date that the employee’s relative begins serving a term of an elected office of the town and is not exempt from the application under exemptions of the policy. This policy does not end or affect an employment contract with the town that: an individual is party to and is in effect on the date the employee’s relative begins serving a term of an elected official, e.g., the Clerk-Treasurer, or a member of the Town Council.

Employees who are employed by the town on 7/1/12, are not subject to this policy unless they have had a break in employment with the town. The following are not considered a break in employment: the employee is absent from the workplace while on paid or unpaid leave, including any paid time off, medical leave, or workers’ compensation and the employee’s employment with the town is terminated followed by immediate reemployment by the town, without loss of payroll time.

Employees seeking additional information about this policy may contact their Department Head, the Clerk-Treasurer, or the Town Manager.

## 106 Employee Medical Examinations and DOT Exams

To help ensure that employees are able to perform their duties safely, medical examinations may be required in certain job categories. After an offer has been made to an applicant entering a designated job category, a medical examination may be performed at the town’s expense by a health professional of the town’s choice. The offer of employment and assignment to duties is contingent upon the satisfactory completion of the exam and a satisfactory or negative drug test.

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



### **Department of Transportation (DOT) Exams**

Department of Transportation (DOT) medical examinations may be required for any employee who may be driving town-owned vehicles. Such examinations will be scheduled at reasonable times and intervals and performed at the town's expense.

Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially in accordance with the Health Insurance Portability and Accountability Act (HIPAA). Refer to Policy #214 – Medical Information Privacy for additional information.

Police Department employees may refer to Policy #1015 – Fitness for Duty in the McCordsville Police Department Policy Manual for additional information.

## **107 Immigration Law Compliance**

The town is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed a Form I-9 with the town within the past three-years, or if their previous Form I-9 is no longer retained or valid. In addition, the town utilizes E-Verify, an Internet-based system that compares information from an employee's Employment Eligibility Verification Form I-9, to data from U.S. Department of Homeland Security and the Social Security Administration records to confirm employment eligibility.

The Form I-9 may be completed by the employee prior to their first day of work, but federal law requires that this form be completed no more than three-days after the employee starts their employment. Failure to complete this form will cause the employee not to be established as an employee with the town and they will not be able to be paid through the town's payroll system until the form is properly completed.

Employees seeking additional information about this policy may contact their Department Head, the Clerk-Treasurer, or the Town Manager. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

## **108 Conflicts of Interest**

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the town wishes the business to operate. The purpose of these guidelines is to provide general direction so that employees may seek further clarification on issues related to the subject of acceptable standards of operation.

Transactions with outside firms must be conducted within a framework established and controlled by the Town Council. Business dealings with outside firms should not result in unusual gains for those firms. Unusual gain refers to bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit the employer, the employee, or both. Promotional plans that may be interpreted to involve unusual gain require specific approval from the Town Council.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a dependent as a result of the town's business

dealings. For purposes of this policy, a relative is defined as a spouse, parent or stepparent, child or stepchild (including an adopted child or stepchild), a brother, sister, stepbrother, stepsister (including a brother or sister by half-blood), a niece or nephew, aunt or uncle, daughter-in-law or son-in-law. "Elected official" refers to the Clerk-Treasurer, a member of the Town Council, or any other elected official.

The town may enter into a contract or renew a contract for the procurement of goods and 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. The town may also enter into a contract or renew a contract with an individual or business entity if all of the following are satisfied: the elected official files with the town a full disclosure, which must be in writing, describe the contract or purchase to be made, describe the relationship that the elected official has to the individual or business entity that contracts or purchases, be affirmed under penalty of perjury, be submitted to the Town Council and be accepted by the Town Council in a public meeting prior to final action on the contract or purchase and be filed, not later than 15-days after final action on the contract or purchase with the State Board of Accounts and the Clerk of the Circuit Court in the county where the town takes final action on the contract or purchase. The appropriate agency of the town must make a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered or make a certified statement of the reasons why the vendor or contractor was selected. In addition, the town must satisfy all other requirements under IC 5-22 or IC 36-1-12. The elected official complies with the disclosure provision of IC 35-44.1-1-4, if applicable. This does not affect the initial term of a contract in existence at the time the term of office of the elected official of the town begins.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to the Clerk-Treasurer, or the Town Manager as soon as possible the existence of any actual or potential conflict of interest so that safeguards may be established to protect all parties.

While this policy is comprehensive, it is not all-inclusive. Employees who are in violation of any portion of this policy may be subject to disciplinary action, up to and including termination of employment. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

Employees seeking additional information about this policy may contact the Clerk-Treasurer, or the Town Manager.

Police Department employees may refer to Policy #1024 – Conflicts of Interest in the McCordsville Police Department Policy Manual for additional information

## 110 Outside Employment

Employees may hold outside jobs as long as they meet the performance standards of their job with the town. All employees will be judged by the same performance standards and will be subject to the town's scheduling demands, regardless of any existing outside work requirements. Employees must notify their Department Head, the Clerk-Treasurer, or the Town Manager when holding an outside job.

If the town determines that an employee's outside work interferes with performance or the ability to meet the business requirements of the town as they are modified from time to time, the employee may be asked to terminate the outside employment if they wish to remain as an employee with the town.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside the town for materials produced or services rendered while performing their jobs. Refer to Policy #108 – Conflicts of Interest for additional information.

Police Department employees may refer to Policy #1020 – Outside Employment and Outside Overtime in the McCordsville Police Department Policy Manual for additional information.

## 112 Non-Disclosure

The protection of confidential information is vital to the interests and the success of the town. IC 5-14-3-4 states what is considered to be public record and the town will comply with all guidelines. Such confidential information includes information acquired in the course of one's work, and may include:

- Computer processes
- Computer programs and codes
- Facilities security information
- Marketing strategies and related information
- Pending projects and proposals
- Resident and local business preferences, lists and related information
- Security operations and related information
- Technological data
- Vendor/supplier lists and related information

Employees who are exposed to confidential information may be required to sign a non-disclosure agreement as a condition of employment. Employees who improperly use or disclose trade secrets or confidential business information may be subject to disciplinary action, up to and including termination of employment and legal action, even if they do not actually benefit from the disclosed information.

## 114 Disability Accommodations

The town is committed to complying fully with the Americans with Disabilities Act and its Amendments Act (ADAAA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis in accordance with both federal and state laws.

Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position.

Reasonable accommodation is available to all disabled employees, where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, benefits, and training.

### **Pregnant Workers Fairness Act (PWFA)**

The PWFA prohibits employment practices that discriminate against making reasonable accommodations for qualified employees affected by pregnancy, childbirth, or related medical conditions. A qualified employee under the Act is an employee or applicant who, with or without reasonable accommodation, is

able to perform the essential functions of the job, as long as the inability to perform the essential functions is temporary due to pregnancy, childbirth, or a related medical condition. The PWFA declares that it is an unlawful employment practice to:

- Fail to make reasonable accommodations to known limitations of qualified employee unless the accommodation would impose an undue hardship on the organization's operation;
- Require a qualified employee affected by such condition to accept an accommodation other than any reasonable accommodation arrived at through an interactive process;
- Deny employment opportunities based on the need of the organization to make such reasonable accommodations to a qualified employee;
- Require such employees to take paid or unpaid leave if another reasonable accommodation may be provided;
- Take adverse action in terms, conditions, or privileges of employment against a qualified employee requesting or using such reasonable accommodations; or
- Retaliate against individuals engaging in protected activity under the Act.

The town is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability. The town will follow any state or local law that provides individuals with disabilities greater protection than the ADAAA.

This policy is neither exhaustive nor exclusive. The town is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADAAA and all other applicable federal, state and local laws.

Employees seeking additional information about this policy may contact their Department Head, the Clerk-Treasurer, or the Town Manager. Employees may raise questions or complaints about the ADAAA compliance without fear of reprisal.

## 115 Lactation Accommodations

The town supports breastfeeding employees by accommodating the employee who wishes to express milk during their workday when separated from their newborn child. As part of the PUMP Act any employee who is breastfeeding will be provided unlimited breaks to express milk for their newborn for up to one-year from the date of the birth of the child. Employees must be completely relieved from duty or be paid for the break time (in the same manner that other nonexempt employees are paid for normal break periods). Also, a reasonable place to express milk, other than a restroom, will be provided for the employee. The employee and their Department Head will agree on the times for these breaks. In addition, the town will provide an area for the milk to be stored.

Employees may contact the Clerk-Treasurer's Office for additional information regarding lactation accommodations.

## 116 Job Posting

In the event that the Town Council determines that a job vacancy exists, jobs may be posted in the local newspaper, on the town's website, on the town's social media platforms, and various internet job boards, as necessary. Department Heads are responsible for posting for jobs and reviewing applications. The Clerk-Treasurer is responsible for interviewing and hiring for the Clerk-Treasurer's Office.

All applications will be kept in the Clerk-Treasurer's Office for a period of three-years from the date of application. The Town Council has the sole authority to approve all Department Head recommendations for the hiring of either external candidates or internal employees to fill vacant jobs within the town.

Employees seeking additional information about the job posting policy may contact their Department Head, the Clerk-Treasurer, or the Town Manager.

Police Department employees may refer to Policy #1000 – Recruitment and Selection in the McCordsville Police Department Policy Manual for additional information.

## **EMPLOYMENT STATUS & RECORDS**

### **201 Employment Categories**

It is the intent of the town to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment-at-will relationship at any time is retained by both the employee and the town.

Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. NONEXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws. Exempt employees are paid on a salary basis that does not vary from week to week based upon the quality or quantity of work performed. In other words, exempt employees are paid "to get the job done." Thus, an exempt employee's pay will not be reduced in any fashion for partial day absences, except when permitted by law, such as unpaid intermittent FMLA leave. Any deductions from an exempt employee's salary will be in compliance with acceptable parameters for such deductions.

For example, the following types of deductions are permissible with regard to exempt employees' pay:

- No work is performed in a workweek;
- Absences of one or more full days for personal reasons other than sickness or disability if all earned and applicable paid time off has been exhausted;
- Fees received by the employee for jury or witness duty or military leave may be applied to offset the pay otherwise due to the employee for the week;
- Penalties imposed by infractions of safety rules of major significance;
- Unpaid disciplinary suspensions of one or more full days in accordance with the town's disciplinary policy;
- Deductions for the first and last week of employment, when only part of the week is worked by the employee; and
- Deductions for unpaid leave taken in accordance with an approved absence under the Family and Medical Leave Act.

### **Complaint Procedure**

Employees who believe their pay has been improperly reduced should immediately contact the Clerk-Treasurer's Office.

The town will investigate the employee's concern and determine whether an inadvertent improper deduction has been made. If the deduction was in fact improper, the town will reimburse the employee on the next regularly scheduled pay date. The town complies with all applicable laws concerning the

payment of wages and will correct any inadvertent improper deduction should it occur and monitor the situation to ensure no further issues arise.

An employee's EXEMPT or NONEXEMPT classification may be changed only upon written notification by the Town Council with an amendment to the current salary ordinance.

In addition to the above categories, each employee will belong to one other employment category:

**REGULAR FULL-TIME** employees are those who are not in a temporary or introductory status and who are regularly scheduled to work a full-time schedule of 40-hours per week. Generally, they are eligible for the town's benefit package, subject to the terms, conditions, and limitations of each benefit program.

**REGULAR PART-TIME** employees are those who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than 40-hours per week. Regular part-time employees may be eligible for some benefits sponsored by the town, subject to the terms, conditions, and limitations of each benefit program.

**PROBATIONARY** employees are those Police Department employees whose performance is being evaluated to determine whether further employment is appropriate. Refer to Policy #205 – Introductory Period for additional information.

Police Department employees may refer to Policy #1000 – Recruitment Selection in the McCordsville Police Department Policy Manual for additional information.

**TEMPORARY or SEASONAL** employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. While temporary employees receive all legally mandated benefits such as workers' compensation insurance and Social Security, they are ineligible for all of the town's other benefit programs.

## 202 Access to Personnel Files

The town maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, reference responses, attendance records, resume, records of training, documentation of performance evaluations and salary increases, and other employment-related records. Employee medical records will be maintained in accordance with the Americans with Disabilities Act and its Amendments Act (ADAAA), and any other legal requirements.

Personnel files are the property of the town and access to the information they contain is restricted. Generally, only management employees of the town who have a legitimate reason to review information in a file are allowed to do so.

Employees who wish to review their own file may contact the Clerk-Treasurer's Office. With reasonable advance notice, employees may review their own personnel file in the Clerk-Treasurer's Office and in the presence of an individual appointed by the town to maintain the files.

Police Department employees may refer to Policy #1012 – Personnel Records in the McCordsville Police Department Policy Manual for additional information.

## 203 Employment Reference Checks

The Clerk-Treasurer's Office will respond to those reference check inquiries that are submitted via telephone and 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 a written authorization and release signed by the employee who is the subject of the inquiry.

## 204 Personnel Data Changes

It is the responsibility of each employee to promptly notify the town of any changes in personal data. Personal mailing addresses, telephone numbers, individuals to be contacted in the event of emergency, educational accomplishments, driver's license status and proof of insurance (where applicable), and other such status reports should be accurate and current at all times. If any personal data has changed, employees should notify the Clerk-Treasurer's Office. Any unreported changes in personal status may impact an employee's eligibility under some of the town's benefits.

## 205 Probationary Period

New employees in the Police Department will have a one-year (365-day) probationary period from the initial date of their employment. The town uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the town may end the employment-at-will relationship at any time during the probationary period, with or without cause or advance notice. Upon satisfactory completion of the probationary period, employees enter the "regular" employment classification and will be entitled to the rights and protections, if any, afforded to a Police Officer pursuant to the Indiana Code 36-8-4-12.

During the probationary period, new employees in the Police Department are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security. They may also be eligible for other town provided benefits, subject to the terms and conditions of each benefit program. Employees should read each Summary Plan Description (SPD) for each specific benefit program for additional information on eligibility requirements.

Police Department employees may refer to Policy #1000 – Recruitment Selection in the McCordsville Police Department Policy Manual for additional information.

## 208 Falsification of Employment Applications

The town 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 exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

## 209 Performance Evaluations

Department Heads and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. A formal written performance evaluation may be conducted annually by July 31 of each year. At the discretion of a Department Head additional formal performance evaluations may be conducted to provide both the Department Head and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful

approaches for meeting goals. The Metropolitan Police Board is responsible for completing the performance evaluation for the Police Chief and the Town Council President is responsible for completing the performance evaluation for the Town Manager.

Completed evaluation forms for civilian employees must be submitted to the Town Manager's office by October 1st of each year. Employee performance evaluation forms will be kept in the employee's personnel file located in the Clerk-Treasurer's Office.

Police Department employees may refer to Policy #1001 – Performance Evaluations and Policy 1026 – Performance History Audits in the McCordsville Police Department Policy Manual for additional information.

## 210 Job Descriptions

The town makes every effort to create and maintain accurate job descriptions for all positions within the organization. Each description may include: a job information section, a job summary section (giving a general overview of the job's purpose), an essential duties and responsibilities section, a supervisory responsibilities section, a qualifications section (including education and/or experience and any certification required), a physical demands section, and a work environment section.

The town maintains job descriptions to aid in identifying the requirements of each position, establishing hiring criteria, orienting new employees to their jobs, setting standards for employee performance evaluations, and establishing a basis for making reasonable accommodations for individuals with disabilities.

Department Heads prepare job descriptions when new positions are created for respective departments. Existing job descriptions are also reviewed and revised in order to ensure that they are up-to-date. Job descriptions may also be rewritten periodically to reflect any changes in the position's duties and responsibilities. All employees will be expected to help ensure that their job descriptions are accurate and current, reflecting the work being done. Employees should remember that job descriptions do not necessarily cover every task or duty that might be assigned, and that additional responsibilities may be assigned as necessary.

Employees may contact their Department Head, the Clerk-Treasurer, or the Town Manager for additional information regarding job descriptions.

## 214 Medical Information Privacy

This Medical Information Privacy policy describes how health information about employees may be used and disclosed by the town and how employees may obtain access to this information. The town is committed to maintaining and protecting the confidentiality of employees' personal information in compliance with the Health Insurance Portability and Accountability Act (HIPAA). The Clerk-Treasurer is the designated Privacy Officer for all employee medical information.

This policy of privacy practices applies to the medical plans of the town that are covered by privacy regulations, e.g., medical, dental, and vision plans (collectively referred to as the Benefit Plans). The Benefit Plans are required by federal and state law to protect the privacy of employees' individually identifiable health information and other personal information and to provide employees with notice about their policies, safeguards, and practices. When the Benefit Plans use or disclose employees' protected health information, the Benefit Plans are bound by the terms of this policy, or a revised policy, if applicable.



The Benefit Plans will not use employees' protected health information or disclose it to others without the employees' authorization, except for the following purposes:

**Treatment** - The Benefit Plans may disclose an employee's protected health information, or an employee's covered dependents' protected health information, to a health care provider or administrator for its provision, coordination, or management of the employees' health care and related services. For example, prior to providing a health service to an employee, the employee's doctor may ask for information concerning whether and when the service was previously provided to the employee. The Benefit Plans may use and disclose an employee's protected health information for treatment activities of a health care provider.

**Payment** - The Benefit Plans may use and disclose an employee's protected health information to facilitate payment of premiums for an employee's coverage, and to determine and fulfill their responsibility to provide an employee's medical, dental, and vision benefits. For example, an employee's protected health information may be used to make coverage determinations, administer claims, and coordinate benefits with other coverage employees may have. The Benefit Plans may also disclose an employee's protected health information to a health plan or administrator to determine an employee's eligibility for coverage, or for the health care provider to obtain payment for health care services provided to the employee.

**Health Care Operations** - The Benefit Plans may use and disclose an employee's protected health information for their health care operations, or the health care operations of a third-party administrator of the Benefit Plans. For example, the Benefit Plans may use protected health information to conduct quality assessment and improvement activities. Other health care operations may include providing appointment reminders or sending an employee's information about treatment alternatives or other health-related benefits and services. The Benefit Plans also may disclose an employee's protected health information to another health plan or provider that has a relationship with an employee, to conduct quality assessment and improvement activities (for example, to perform case management).

**Disclosure to Employer or Operating Company** - The Benefit Plans may disclose an employee's protected health information to the town, or to a company acting on the behalf of the town, to monitor, audit, and otherwise administer the employee health benefit plans in which employees participate. The town and its operating companies are not permitted to use protected health information for any purpose other than administration of an employee's medical, dental, and vision benefits. The Benefit Plans will not disclose protected health information to the town for the purposes of employment-related actions or decisions, or in connection with any other benefit or employee benefit plan. The Benefit Plans will identify employees who are authorized to receive and use protected health information.

**Disclosure to Health Care Vendors and Accreditation Organizations** - The Benefit Plans may disclose an employee's protected health information to companies with whom they contract, if they need it to perform requested services. For example, the Benefit Plans may provide protected health information to vendors who provide important information and guidance to plan members with chronic conditions such as diabetes and asthma. Protected health information may be disclosed to accreditation organizations such as the National Committee for Quality Assurance (NCQA) for quality measurement purposes. When the Benefit Plans enter into these arrangements, they will obtain a written agreement to protect an employee's protected health information.

**Public Health Activities** - The Benefit Plans may disclose an employee's protected health information for the following public health activities and purposes: 1) to report health information to public health authorities that are authorized by law to receive such information for the purpose of controlling disease, injury, or disability; 2) to report child abuse or neglect to a government authority that is authorized by law

to receive such reports; 3) to report information about a product or activity that is regulated by the U.S. Food and Drug Administration (FDA) to a person responsible for the quality, safety, or effectiveness of the product or activity; and, 4) to alert a person who may have been exposed to a communicable disease, if the Benefit Plans are authorized by law to give this notice.

**Health Oversight Activities** - The Benefit Plans may disclose an employee's protected health information to a government agency that is legally responsible for oversight of the health care system or for ensuring compliance with the rules of government benefit programs, such as Medicare or Medicaid, or other regulatory programs that need health information to determine compliance.

**For Research** - The Benefit Plans may disclose an employee's protected health information for medical research purposes, subject to strict legal restrictions.

**To Comply with the Law** - The Benefit Plans may use and disclose an employee's protected health information to comply with the law.

**Judicial and Administrative Proceedings** - The Benefit Plans may disclose an employee's protected health information in a judicial or administrative proceeding or in response to a legal order.

**Law Enforcement Officials** - The Benefit Plans may disclose an employee's protected health information to the police or other law enforcement officials, as required by law or in compliance with a court order or other process authorized by law.

**Health or Safety** - The Benefit Plans may disclose an employee's protected health information to prevent or lessen a serious and imminent threat to the employee's health or safety or the health and safety of the general public.

**Government Functions** - The Benefit Plans may disclose an employee's protected health information to various departments of the government such as the U.S. Military, or the U.S. Department of State.

**Workers' Compensation** - The Benefit Plans may disclose an employee's protected health information when necessary to comply with workers' compensation laws.

**Other** - The Benefit Plans may disclose an employee's protected health information when necessary to file claims with re-insurers or stop-loss carriers, or to obtain coverage with re-insurers or stop-loss carriers. The Benefit Plans may also disclose an employee's protected health information to subrogation vendors to recoup payments made by the Benefit Plans that were reimbursed by other insurance arrangements.

**Uses and Disclosures with an Employee's Written Authorization** - The Benefit Plans will not use or disclose an employee's protected health information for any purpose other than the purposes described in this policy without the employee's written authorization. For example, the Benefit Plans will not supply protected health information to another company for its marketing purposes or to a potential employer with whom an employee is seeking employment without the employee's signed authorization. Employees may revoke an authorization that has previously been given by sending a written request to the Clerk-Treasurer, but not with respect to any actions the Benefit Plans have already taken.

Employees may request restrictions on the use and disclosure of the employee's protected health information for the treatment, payment, and health care operations purposes explained in this policy. While the Benefit Plans will consider all requests for restrictions carefully, the Benefit Plans are not required to agree to a requested restriction.

Employees may ask to receive communications of their protected health information from the Benefit Plans by alternative means of communication or at alternative locations. While the Benefit Plans will consider reasonable requests carefully, they are not required to agree to all requests.

Employees may ask to inspect or to obtain a copy of their protected health information that is included in certain records the Benefit Plans maintain. Under limited circumstances, the Benefit Plans may deny employees access to a portion of their records. If employees request copies, the Benefit Plans may charge employees copying and mailing costs.

Employees have the right to ask the Benefit Plans to amend protected health information that is contained in the Benefit Plans records. If the Benefit Plans determine that the record is inaccurate, and the law permits the Benefit Plans to amend it, the Benefit Plans will correct it. If the employee's doctor or another person created the information that the employee wants to change, the employees should ask that person to amend the information.

Upon written request, employees may obtain an accounting of disclosures the Benefit Plans have made of their protected health information. The accounting that the Benefit Plans provide will not include disclosures made before April 14, 2003, disclosures made for treatment, payment or health care operations, disclosures made earlier than six-years before the date of the request, and certain other disclosures that are exempted by law. If employees request an accounting more than once during any 12-month period, the Benefit Plans may charge those employees a reasonable fee for each accounting statement after the first one.

Employees may contact the Clerk-Treasurer to obtain a paper copy of this policy, even if the employees previously agreed to receive notices electronically. Employees must also contact the Clerk-Treasurer, if they wish to make any of the requests listed above.

If employees want additional information about privacy rights, do not understand their privacy rights, are concerned that the Benefit Plans have violated their privacy rights, or disagree with a decision that the Benefit Plans made about access to protected health information, they may contact the Clerk-Treasurer. Employees may also file written complaints with the Secretary of the U.S. Department of Health and Human Services. The town will not take any action against employees if they file a complaint.

The town may change the terms of this policy at any time. If the town changes this policy, the town may make the new policy terms effective for all protected health information that the Benefit Plans maintain, including any information the Benefit Plans created or received before the town issued the new policy. If the town makes any changes to the Medical Information Privacy policy, notice of the changes will be provided to employees.

## 216 Social Security Number Policy

To protect employees' personal information, the town prohibits the use of employees' Social Security numbers for identification purposes, except as allowed by law. The town will not:

- Publicly post or publicly display in any manner an employee's Social Security number. "Publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.
- Print an employee's Social Security number on any card required for the employee to access products or services provided by the town.
- Require employees to transmit their Social Security number over the Internet, unless the connection is secure or the Social Security number is encrypted.

- Require employees to use their Social Security number to access an Internet website, unless a password or unique personal identification number or another authentication device is also required to access the Internet website.
- Print an employee's Social Security number on any materials that are mailed to the employee, unless law requires the Social Security number to be on the document to be mailed.

However, Social Security numbers may be included in applications and forms sent by mail, including documents sent as part of an application or enrollment process; or to establish, amend, or terminate an account, contract, or policy; or to confirm the accuracy of the Social Security number.

In instances where the town previously used an employee's Social Security number in a manner inconsistent with this policy, it will continue using that employee's Social Security number in that manner, if all of the following conditions are met:

- The use of the Social Security number is continuous. If the use is stopped for any reason, the conditions listed above will apply.
- Employees are provided an annual disclosure that informs the employee that they have the right to stop the use of their Social Security number in a manner prohibited by those conditions listed above.

A written request by employees to stop the use of their Social Security number in a prohibited manner will be implemented within 30-days of the receipt of the request. There will be no fee or charge for implementing the request. The town will not deny services to employees because the employee makes a written request to stop the use of their Social Security number. The town will continue to collect, use, or release Social Security numbers as required by federal or state law, and may use Social Security numbers for internal verification or administrative purposes.

Employees seeking additional information about this policy or who feel that their Social Security number has been used inappropriately may contact the Clerk-Treasurer's Office.

## **EMPLOYEE BENEFIT PROGRAMS**

### **301 Employee Benefits**

Benefits eligibility is dependent upon a variety of factors, including employee classification. The Clerk-Treasurer may identify the programs for which employees are eligible. Details of many of these programs may be found elsewhere in the employee handbook.

The following benefit programs may be available to eligible employees:

- Benefits Continuation (COBRA)
- Bereavement Leave
- Employee Assistance Program (EAP)
- Family and Medical Leave Act (FMLA)
- Gym access
- Holidays
- Health Clinic
- Health Insurance
- Hoosier START 457(b) Deferred Compensation Plan
- Indiana Public Retirement System (INPRS)
- Indiana Public Retirement System (INPRS) 1977 Fund

- Jury Duty
- Licensing/Certification/Membership Dues
- Life and AD&D Insurance
- Long-Term Disability Insurance
- Military Leave
- Personal Leave
- Short-Term Disability Insurance
- Time Off to Vote
- Witness Duty
- Workers' Compensation Insurance

Most benefit programs require contributions from employees and some are fully paid by the town.

### 302 Paid Time Off (PTO) Benefits

Paid time off (PTO) benefits with pay are available to eligible employees to provide opportunities for rest, relaxation, illness, and personal pursuits. Eligible employees may also utilize PTO benefits to cover for any missed time due to an emergency closing. Refer to Policy #510 – Emergency Closings/Inclement Weather for additional information.

Employees in the following employment classification(s) are eligible to earn and use PTO benefits as described in this policy:

- Regular full-time employees

The amount of paid PTO benefits an eligible regular full-time employee receives each year increases with the length of their employment as shown in the following schedule:

<b>Length of Continuous Employment</b>	<b>Number of Hours/Number of Weeks</b>
Date of Hire to the First-Year Anniversary	Employee will accrue 13.33 hours per full-month of continuous employment
First-Year Anniversary through the Fifth-Year Anniversary	160-Hours/Four-Weeks
Sixth-Year Anniversary through the Tenth-Year Anniversary	200-Hours/Five-Weeks
11th-Year Anniversary through the 15th-Year Anniversary	240-Hours/Six-Weeks
16th-Year Anniversary through the 20th-Year Anniversary	280-Hours/Seven-Weeks
21st-Year Anniversary and Beyond	320-Hours/Eight-Weeks

New hires will be eligible to utilize their accrued PTO after 90-days of employment. To take PTO benefits, employees should request approval from their Department Head, at least one-week in advance of the proposed PTO starting date. Requests will be reviewed based on a number of factors, including business needs and staffing requirements. Employees who have an emergent need to be absent or tardy must notify their Department Head at least one-hour in advance of the start of their shift and in accordance with Policy #704 – Attendance and Punctuality. A department's practices and policies will prevail in the determination of PTO benefit requests. Department Heads have the authority to approve or deny all PTO benefit requests.

PTO benefits may be taken in increments of one-hour. PTO benefits may not be taken in advance of having earned the time. An employee may carry over up to 80-hours of unused PTO to the next anniversary year. Upon termination of employment, PTO benefits will be pro-rated and paid out for each month of employment worked during the current anniversary year. In addition, all carry over benefits from the previous year will be paid out. PTO benefits may not be used to extend an employee's termination date.

PTO benefits are earned for all continuous service in an active pay status. PTO benefits are not earned while an employee is in an unpaid status.

PTO benefits are paid at the employee's current pay rate at the time of the paid time off and will not be included in the calculation of overtime.

Police Department employees may refer to Policy #1030 – Paid Absences in the McCordsville Police Department Policy Manual for additional information.

### 303 Sick Leave Bank

The Town of McCordsville moved from the traditional sick leave benefits policies on 1/1/2024, to a paid time off (PTO) policy. Employees will continue to accrue sick leave benefits under the previous sick leave benefits policy through their 2024 anniversary date. At that time all sick leave benefits will be transferred into the sick leave bank under the terms of this policy. All available time will be able to be used for the period of three-years. If time is not used by 12/31/2026, employees will forfeit the accrued time. Accrued, but unused sick leave bank benefits will not be paid out upon termination of employment, nor may they be used to extend a termination date.

Employees who have an emergent need to be absent due to an illness must notify their Department Head at least one-hour in advance of the start of their shift and in accordance with Policy #704 – Attendance and Punctuality. Employees should also request the use of their accrued sick leave bank time for the absence from their Department Head and the Department Head will communicate the use of such time to the Clerk-Treasurer's Office for payroll purposes. A department's practices and policies will prevail in the determination of sick leave bank benefit requests. Department Heads have the authority to approve or deny all sick leave bank benefit requests.

Sick leave bank benefits are paid at the employee's current pay rate at the time of the paid time off and will not be included in the calculation of overtime.

Police Department employees may refer to Policy #1030 – Paid Absences in the McCordsville Police Department Policy Manual for additional information.

### 305 Holidays

The town may grant 14 paid holidays to all eligible employees:

- New Year's Day (January 1)
- Martin Luther King Jr. Day (third Monday in January)
- President's Day (third Monday in February)
- Good Friday (Friday preceding Easter Sunday)
- Primary Election Day
- Memorial Day (last Monday in May)
- Independence Day (July 4)

- Labor Day (first Monday in September)
- General Election Day
- Veterans Day (November 11)
- Thanksgiving Day (fourth Thursday in November)
- Day After Thanksgiving (fourth Friday in November)
- Christmas Eve Day (December 24)
- Christmas Day (December 25)

Primary Election Day and General Election Day will only be observed in election years when there is an organized election within the Town of McCordsville. If there is no organized election within the Town of McCordsville, the dates will not be designated as a paid holiday, the holiday will be rescinded, and the town will remain open. In years when there are no organized elections, two additional holidays will be added in place of both election days at the discretion of the Town Council.

Employee classification(s) who are eligible for paid holidays include:

- Regular full-time employees
- Regular part-time employees equal to the number of hours normally worked

When a holiday falls on a Saturday the town will observe the holiday on the preceding Friday. When a holiday falls on a Sunday the town will observe the holiday on the following Monday.

Full-time nonexempt employees who work on an observed holiday will receive holiday pay and be subject to the town's "on call" and "call in" policy. Refer to Policy 508 "On Call" and "Call In" Employees. In addition, holiday pay will be included in the calculation of overtime.

If an observed holiday falls during an eligible employee's paid time off, e.g., paid time off (PTO), holiday pay will be provided instead of the paid time off that would otherwise have applied. Employees must be in a paid status the day immediately preceding and immediately following an observed holiday to be paid for the holiday. An employee scheduled to return from an unpaid leave on the day after a holiday will not be paid for the holiday.

Holidays are paid at the employee's current pay rate at the time of the holiday and will be included in the calculation of overtime.

### **Police Department Employees**

In lieu of receiving holiday pay on the actual date of the observed holiday, Police Officers will receive the number of days provided to civilian employees as holiday bank hours. Police Officers must use their holiday bank hours within the year earned.

The holiday schedule may be determined and amended on an annual basis by the Town Council.

## **306 Workers' Compensation Insurance**

The town provides a comprehensive workers' 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 federal and state legal requirements, workers' compensation insurance may provide benefits after a short waiting period or, if the employee is hospitalized, immediately.

An employee who sustains work-related injuries or illnesses must inform their Department Head, the Clerk-Treasurer, or the Town Manager immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. At the time the injury occurs, the need to see a doctor will be determined. Within 72-hours of the incident report being submitted, an accident or injury form must be completed by the involved employee, or if necessary, by their Department Head, the Clerk-Treasurer, or the Town Manager. A person assigned by the Department Head, the Clerk-Treasurer, or the Town Manager may help the employee in the completion of the appropriate forms. The town may select the physician and/or facility seeing all workplace injuries and in accordance with state laws. Reports of injury are necessary to comply with federal and state laws and initiate workers' compensation benefits. Failure to notify a Department Head, the Clerk-Treasurer, or the Town Manager about a work-related injury or illness immediately may result in an employee losing workers' compensation benefits with regards to that particular injury or illness. In addition, disciplinary action, up to and including termination of employment may be initiated when failing to report an injury.

Any employee injured on the job, who must leave the worksite, may be subject to a drug and alcohol test. Refusal to submit or positive results may result in disciplinary action, up to and including termination of employment. Refer to Policy #702 – Drugs and Alcohol Use/Testing for additional information.

The town maintains a return-to-work program. Following an appointment with a physician, the physician will communicate with the Department Head, the Clerk-Treasurer, or the Town Manager any restrictions the employee may have as a result of the injury or illness. The Department Head, the Clerk-Treasurer, or the Town Manager will determine what accommodations may be made to assign the employee to restricted work duty. If no work is available at the town, to satisfy the restrictions, the Department Head, the Clerk-Treasurer, or the Town Manager will maintain close communications between the employee and physician to ensure proper and timely treatment for the injury or illness. The town may return the employee to work as soon as they are either released with restrictions that may be accommodated by the town, or fully released, whichever comes first.

The employee must be accompanied by a physician's release upon return to work. An employee who is on workers' compensation leave and does not return to work immediately following release from the health care provider will be considered to have voluntarily terminated employment as of the date of the release.

Health insurance coverage and other insurance benefits will continue on the same basis as coverage would have been provided had the employee been continuously employed during the period of a workers' compensation leave as long as the employee pays their regular portion of the premium on a timely basis. Employees must arrange with the Clerk-Treasurer's Office to pay their portion of all payroll-related deductions. While on a workers' compensation leave, an employee's benefits will continue to be earned. Employee income received while on a workers' compensation leave may not exceed wages the employee would have normally received prior to the leave.

An employee who is self-employed or accepts other employment or works for any other employer during a workers' compensation leave must report such work immediately to their Department Head, the Clerk-Treasurer, or the Town Manager. An employee who works in one of the above capacities at any time during their workers' compensation leave, performing work of a like or similar character or exertion as that which the employee performed for the town may be considered to have voluntarily terminated their employment as the date such work began.

The town will follow all other federal and state employment-related policies that run concurrent with workers' compensation guidelines, such as FMLA, ADAAA, etc.



Employees seeking additional information about this workers' compensation policy may contact their Department Head, the Clerk-Treasurer, or the Town Manager.

Police Department employees may refer to Policy #1021 – Work-Related Illness and Injury Reporting and Policy #1030.3.5 – On-Duty Illness or On-Duty Injury in the McCordsville Police Department Policy Manual for additional information.

### 308 Time Off to Vote

The town encourages employees to fulfill their civic responsibilities by participating in elections. The town recognizes primary and general election days as official holidays. Employees who may be required to work on the official holiday should find time to vote either before or after their working hours.

Employees seeking additional information about this policy may contact their Department Head, the Clerk-Treasurer, or the Town Manager.

### 309 Bereavement Leave

Employees who wish to take time off due to the death of an immediate family member should notify their Department Head, the Clerk-Treasurer, or the Town Manager. Bereavement leave may be provided to eligible employees in the following classifications:

- Regular full-time employees

Department Heads, the Clerk-Treasurer, or the Town Manager may grant up to 80-hours of paid bereavement leave in the event of the death of the employee's spouse, child, or stepchild.

Department Heads, the Clerk-Treasurer, or the Town Manager may grant up to 24-hours of paid bereavement leave in the event of the death of a member of the employee's immediate family. Immediate family is defined as: blood, marital or step relative including father, mother, grandparents, brother, sister, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepbrother, stepsister, half-brother, half-sister, or any ward of an employee living within the same household.

Employees may be asked to provide the actual obituary or prayer card from the funeral home as proof of attendance. If more time is required than granted above, the employee may utilize paid time off (PTO), compensatory time, or an unpaid personal leave, with the approval of the Department Head, the Clerk-Treasurer, or the Town Manager.

Bereavement leave is paid at the employee's current pay rate at the time of the absence and does not include overtime, and any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

Police Department employees may refer to Policy #1030 – Paid Absences in the McCordsville Police Department Policy Manual for additional information.

### 310 Benefits Continuation (COBRA)

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue their medical, dental, and vision insurance coverage under the town's insurance plans 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.

The town provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the town's insurance plans. The notice contains important information about the employee's rights and obligations, as well as the cost of benefits under COBRA.

Employees may contact the Clerk-Treasurer's Office for additional information regarding COBRA.

### 311 Jury Duty

The town encourages employees to fulfill their civic responsibilities by serving jury duty when required. Eligible employee classifications that qualify for paid jury duty are:

- Regular full-time employees
- Regular part-time employees

Jury duty pay will be calculated based on the employee's current pay rate times the number of hours the employee would have otherwise worked on the day of the absence less the compensation the employee receives for jury duty from the court. The employee must submit the money that they received for jury duty, less mileage, to the Clerk-Treasurer's Office in order to be paid for jury duty. The employee must present proof of service and the amount of payment (receipt) received from the Clerk of the Court to the Clerk-Treasurer's Office for consideration of payment.

Employees must show the jury duty summons to their Department Head, or the Clerk-Treasurer as soon as possible, so that they may make arrangements to accommodate the absence. Employees are expected to report for work whenever the court schedule permits. The employee will be expected to report for work following jury duty, if one-hour or more remains during their scheduled workday.

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

### 312 Witness Duty

The town encourages employees to appear in court for witness duty when subpoenaed to do so. If employees have been subpoenaed or otherwise requested to testify as witnesses by the town, they will receive paid time for the entire period of witness duty. Employees who are called to testify in court by the town will be paid their current rate of pay for the time expended.

Employees will be granted time off to appear as a witness when requested by a party in a court of law when subpoenaed to do so other than by the town. Employees may use any available paid time off (PTO) to receive compensation for the period of the absence, however, are not required to do so.

The subpoena should be shown to a Department Head, the Clerk-Treasurer, or the Town Manager immediately after it is received, so that operating requirements may be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

### 314 Genetic Information Nondiscrimination Act (GINA)

The town follows all federal and state laws with regards to the Genetic Information Nondiscrimination Act (GINA). The town may not use genetic information or genetic testing in furtherance of a workplace wellness program unless certain requirements are met. The town is not prohibited from requesting or requiring genetic information for genetic monitoring of the biological effects of toxic substances in the workplace if certain requirements are met. The town will treat genetic testing information consistent with the requirements of all other federal and state laws.

Employees seeking additional information about GINA may contact the Clerk-Treasurer's Office.

### 315 Health Insurance

The town's health insurance plan provides employees access to medical, dental, and vision insurance benefits. Employees in the following employment classifications may be eligible to participate in the health insurance plan:

- Regular full-time employees who work at least 30-hours per week

Eligible employees may participate in the health insurance plan subject to all terms and conditions of the agreement between the town and the insurance carrier. Details of the health insurance plan are described in the Summary of Benefits and Coverage (SBC). An SBC and information on the cost of coverage will be provided in advance of enrollment to eligible employees.

Employees seeking additional information about health insurance may contact the Clerk-Treasurer's Office.

### 316 Employee Assistance Program (EAP)

The town offers an Employee Assistance Program (EAP) to all employees and their family members, free of charge to assist employees with personal problems and/or work-related problems that may impact their job performance, physical health, or mental and emotional well-being.

If the employee chooses to keep their request confidential, they may contact the Employee Assistance Program (EAP) provider directly. Employees may find the contact information for the Employee Assistance Program (EAP) within their medical insurance materials.

Employees seeking additional information about this policy may contact the Clerk-Treasurer's Office.

### 317 Life and AD&D Insurance

Life and AD&D insurance offers an employee and their family important financial protection. The town provides a life and AD&D insurance plan for eligible employees. Employees in the following employment classifications are eligible to participate in the life and AD&D insurance plan:

- Regular full-time employees who work at least 30-hours per week

Eligible employees may participate in the life and AD&D insurance plan subject to all terms and conditions of the agreement between the town and the insurance carriers. Details of the life and AD&D

insurance plan including benefit amounts are described in the Summary Plan Description (SPD) provided to eligible employees.

Employees seeking additional information about life and AD&D insurance may contact the Clerk-Treasurer's Office.

### 318 Short-Term Disability Insurance

Short-term disability insurance offers an employee and their family important financial protection. The town provides a short-term disability insurance plan for eligible employees.

Employees in the following employment classifications are eligible to participate in the short-term disability insurance plan:

- Regular full-time employees

Eligible employees may participate in the short-term disability insurance plan subject to the terms and conditions of the agreement between the town and the insurance carrier. All paid time off benefits will stop accruing during the time that the employee is out on short-term disability leave. It is the responsibility of the employee to make arrangements with the Clerk-Treasurer to pay their portion of the payroll-related deductions during the period of absence. Details of the short-term disability insurance plan including benefit amounts are described in the Summary Plan Description (SPD) provided to eligible employees.

Employees seeking additional information about short-term disability benefits may contact the Clerk-Treasurer's Office.

### 319 Long-Term Disability Insurance

Long-term disability insurance offers employees and their family important financial protection. The town provides a long-term disability policy for eligible employees. Employees in the following employment classifications are eligible to participate in the long-term disability insurance plan:

- Regular full-time employees

Eligible employees may participate in the long-term disability insurance plan subject to all terms and conditions of the agreement between the town and the insurance carrier. All paid time off benefits will stop accruing during the time that the employee is out on long-term disability leave. It is the responsibility of the employee to make arrangements with the Clerk-Treasurer to pay their portion of the payroll-related deductions during the period of absence. Details of the long-term disability insurance plan including benefit amounts are described in the Summary Plan Description (SPD) provided to eligible employees.

Employees seeking additional information about long-term disability benefits may contact the Clerk-Treasurer's Office.

### 320 Indiana Public Retirement System (INPRS)

Elected officials and full-time employees may be covered by the Indiana Public Retirement System (INPRS). The benefits, costs, and administration are determined by current INPRS directives.

Employees seeking additional information about INPRS may contact the Clerk-Treasurer's Office.

### 321 Indiana Public Retirement System (INPRS) 1977 Fund

Eligible employees of the Police Departments who work in covered jobs will be covered by the Indiana Public Retirement System (INPRS) Police Officers' and Firefighters' Fund (1977 Fund). The benefits, costs, and administration are determined by current INPRS 1977 Fund directives.

Employees may contact the Clerk-Treasurer's Office for additional information regarding the 1977 Fund.

### 322 Hoosier START 457(b) Deferred Compensation Plan

The town has established a 457(b) deferred compensation plan to provide employees the potential for future financial security for retirement. The 457(b) deferred compensation plan allows employees to elect how much salary they want to contribute and how they want to direct the investment of their plan account, so that they are able to tailor their own retirement package to meet their individual needs. Complete details of the 457(b) deferred compensation plan are described in the Summary Plan Description (SPD) provided to eligible employees.

Employees seeking additional information about the 457(b) deferred compensation plan may contact the Clerk-Treasurer's Office.

### 323 Licensing/Certification/Membership Dues

The town may reimburse employees or directly pay for a specific job-related license or certification requirement applicable to each job classification. The Town Council is responsible for approving such expenditures in advance and the type of licensure and/or certification required is left to their sole discretion and requirements as included in the job description. Invoices for licenses, certifications, or membership dues may be submitted to the Clerk-Treasurer for payment. For a list of approved licenses, certifications, membership dues, and allowable expenses refer to the town's salary ordinance each year.

Employees seeking additional information about licensing/certification/membership dues may contact the Clerk-Treasurer's Office.

### 324 Health Clinic

The Town of McCordsville offers the services of a free health clinic for employees and their dependents who are enrolled in the employee group medical insurance plan. The health clinic may provide services to include the screening, treatment, and prevention of illnesses and injuries, as well as behavioral and mental health services.

Employees who have an interest in utilizing the health clinic may obtain information with regards to hours of operation and how to schedule an appointment from the Clerk-Treasurer's Office.

### 325 Gym Access

The Town of McCordsville offers employees free access to the gym located in the Police Department. Gym access is provided to employees and elected officials only, and is available between the hours of 5:00 a.m. to 10:00 p.m. 7 days a week. Gym use is not considered a work activity and is to be done outside of work hours and at the user's own risk. Police Officers may have additional access per internal Police Department policy.

Any employee or elected official desiring access must fill out a waiver and receive a key fob for access from the Chief or their designee prior to use. Access may be restricted occasionally due to Police training activities. Misuse of the facility or equipment may result in the revocation of privileges.

## **TIMEKEEPING/PAYROLL**

### **401 Timekeeping**

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

All employees must accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period in the timekeeping application. They should also record the beginning and ending time of any split shift, departure from work for personal reasons, holiday hours, or the use of paid time off (PTO), bereavement leave hours, or any other type of approved leave in the timekeeping application. Overtime work must always be approved before it is performed. Refer to Policy #507 – Overtime/Compensatory Time/Flex-Time for additional information.

It is the employees' responsibility to review their time records to certify the accuracy of all time recorded. Employees must submit their timecards via the timekeeping application no later than the Monday prior to the scheduled payday. The employee's Department Head will review the timecard in the timekeeping application before approving it for payroll processing. In addition, if corrections or modifications are made to the timecard, both the employee and the Department Head must verify the accuracy of the changes prior to submitting the revised timecard.

Altering, falsifying, tampering with timecards in the timekeeping application may result in disciplinary action, up to and including termination of employment.

### **403 Paydays**

The town pays employees on a biweekly basis (26-pays per year). The payroll week is from Saturday through Friday. Each paycheck will include earnings for all work performed through the end of the payroll period. Employees must have pay directly deposited into their bank accounts and must provide advance written authorization to the town for a direct deposit. Employees will receive an itemized statement of wages when the town makes direct deposits.

Employees seeking additional information about paydays may contact the Clerk-Treasurer's Office.

Police Department employees may refer to Policy #1018 – Payroll Records in the McCordsville Police Department Policy Manual for additional information.

### **405 Employment Terminations**

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

- Resignation - voluntary employment termination initiated by an employee.
- Discharge - involuntary employment termination initiated by the organization.

- Layoff - involuntary employment termination initiated by the organization for non-disciplinary reasons.
- Retirement - voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the organization.

The town may schedule exit interviews at the time of the employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, and repayment of outstanding debts to the town. Suggestions, complaints, and questions may also be voiced. All earned, vested benefits that are due and payable at termination will be paid according to each policy.

Since employment with the town is based on mutual consent, both the employee and the town have the right to terminate the employment-at-will relationship, with or without cause. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

## 409 Administrative Pay Corrections

The town takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of their Department Head who will contact the Clerk-Treasurer so that corrections may be made as quickly as possible, or on the next regularly scheduled pay date.

## 410 Pay Deductions and Setoffs

The law requires that the town make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. The town may deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." The town matches the amount of Social Security taxes paid by each employee. Some Police Department employees do not pay into the Social Security "wage base" in accordance with federal laws.

The town offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs. The town may not make any deductions from an employee's paycheck outside of those that are either required by law or authorized in writing by the employee.

Pay setoffs are pay deductions taken by the town, usually to help pay off a debt or obligation to the town, or others.

Employees seeking additional information about this policy or who have questions concerning why deductions were made from their paycheck or how they were calculated may contact the Clerk-Treasurer's Office.

## WORK CONDITIONS & HOURS

### 501 Safety

All employees must wear the appropriate personal protective equipment (PPE) required to perform their job safely or while in certain designated areas of the work environment. Employees who are unsure what

PPE they are required to wear at any given time should refer to their Department Head, the Clerk-Treasurer, or the Town Manager.

If an accident results in an injury, no matter how minor the injury may be, employees are required to report the incident to their Department Head, the Clerk-Treasurer, or the Town Manager. At the time the injury occurs, the need to see a doctor will be determined. All workplace injuries will be seen by a physician selected by the town. Reports of injury are necessary to comply with the laws and initiate workers' compensation benefits. Failure to notify a Department Head, the Clerk-Treasurer, or the Town Manager about a work-related injury or illness immediately may result in an employee losing workers' compensation benefits with regards to that particular injury or illness. Refer to Policy #306 – Workers' Compensation Insurance for additional information.

Any employee injured on the job, may be subject to a drug and alcohol test. Refusal to submit or positive results may result in disciplinary action, up to and including termination of employment. Refer to Policy #702 – Drugs and Alcohol Use/Testing for additional information.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with a Department Head, the Clerk-Treasurer, or the Town Manager. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports may be made without fear of reprisal.

Each employee is expected to obey safety rules and to exercise caution in all work-related activities. Employees must immediately report any unsafe condition to their Department Head, the Clerk-Treasurer, or the Town Manager. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report, or remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

## **502 Work Schedules**

### **Hours of Work**

The standard workweek is from 12:01 a.m. on Saturday to 12:00 a.m. on Friday. The Town Manager shall establish the hours of work, which shall be determined after consultation with each Department Head and Supervisor, the needs of the town services, and will take into account the reasonable needs of the public who may be required to do business with various departments.

Police Department employees should follow the Police Department Standard Operating Procedures (SOPs) for additional information on work schedules.

The town has established the following work schedules:

### **Five-Day Work Schedule**

A work schedule consisting of 40-hours with eight-hours being the normal and usual working day.

### **Four-Day Alternate Workweek**

A work schedule consisting of forty-hours with ten-hours being the normal and usual workday. A four-day workweek must be pre-approved by the Town Manager.

Scheduled hours mean the scheduled or unscheduled periods governing the time when an employee is at work. Scheduled periods refer to work shifts or special details, while unscheduled periods refer to hours spent handling emergency situations or time spent after a shift to complete necessary work.



Hours of work generally include all the time during which:

- The employee is on duty.
- The employee is at a prescribed workplace.
- All other time during which an employee has been permitted to work for the town.
- Time spent at authorized training and time spent traveling during normal working hours on any day of the week.
- Time spent traveling to authorized training in lieu of the normal home to work travel.

Police Department employees may refer to Policy #1016 – Meal Periods and Breaks in the McCordsville Police Department Policy Manual for additional information.

## 504 Use of Phone and Mail Systems

Personal use of the telephone for long-distance and toll calls is not permitted. Employees should practice discretion when making local personal calls and may be required to reimburse the town for any charges resulting from their personal use of the telephone or fax machine.

The use of the town-paid postage for personal correspondence is not permitted.

To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Employees should confirm information received from the caller and hang up only after the caller has done so. All employees are responsible for answering the town's telephones, as needed.

## 505 Non-Smoking

In keeping with Indiana state law, Hancock County laws, and the town's intent to provide a safe and healthful work environment, smoking, vaping, e-cigarettes, chewing tobacco, pipes, cigars, snuff, and other tobacco products used are not permitted in town-owned vehicles, and in all buildings owned or leased by the town. In situations where the preferences of smokers and nonsmokers are in direct conflict, the preferences of nonsmokers will prevail.

This policy applies equally to all employees, residents, and visitors.

Police Department employees may refer to Policy #1008 – Smoking and Tobacco Use in the McCordsville Police Department Policy Manual for additional information.

## 507 Overtime/Flex-Time

When operating requirements or other needs cannot be met during regular working hours, employees may be given the opportunity for overtime work assignments. All overtime work must receive prior authorization from a Department Head, the Clerk-Treasurer, or the Town Manager. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

All full-time civilian employees may be scheduled to work 40-hours per workweek, or eight-hour shifts, based upon 2,080 hours per calendar year. All part-time and temporary employees may be scheduled to work less than 40-hours per workweek, or less than eight-hour shifts. In accordance with the Fair Labor Standards Act (FLSA), the town must compensate a nonexempt employee for all hours worked in excess of 40 in a workweek. Time worked over 40-hours per week will be paid at time and one half. Time off for paid time off (PTO) benefits, bereavement leave, time off to vote, or other leave time will not be

considered as hours worked for the purpose of calculating overtime. Time off for holidays will be considered as hours worked for the purpose of calculating overtime.

### **Flex-Time**

Flex-time is time used for time in the same workweek. When a Department Head, or Supervisor has approved an employee to work in excess of their regular daily work schedule, the Department Head, or Supervisor, may grant time off to the employee for the excess time worked in the same workweek.

### **Police Department Employees**

Full-time Police Officers of the Police Department who are engaged in law enforcement activities will be compensated in accordance with the Section 7(k) partial overtime pay exemption of the Fair Labor Standards Act (FLSA). In conjunction with the use of Section 7(k), the town further adopts the use of a 14-day “work period” for the purposes of determining compensation for overtime hours worked. Full-time Police Officers will be paid straight time compensation for up to 84-hours of regular employment during each “work period.” Overtime pay will be accrued for all time worked in excess of 84-hours during a “work period.” Overtime earned during a “work period” will be paid in the first regularly scheduled paycheck issued subsequent to the “work period” in which the extra compensation was earned.

Police Department employees may refer to Policy #1019 – Overtime Compensation in the McCordsville Police Department Policy Manual for additional information.

## **508 “On Call” and “Call In” Employees**

An employee who is “on call” is required to be available to respond to the workplace within 30-minutes of being “called in”. The definition of “on call” is being designated to be available to answer calls for their respective department during nonscheduled hours. Department Heads are responsible for communicating the “on call” schedule to employees on a monthly basis and employees are responsible for making sure that they are available when scheduled.

Employees who are “on call” and who are “called in” to work will be paid their straight time rate for up to two-hours of time, whether they are working for the full two-hours or not. Hours worked in excess of the two-hours will be paid at the employees’ normal rate of pay. All hours worked while “called in” will be included in the calculation of overtime, as appropriate.

## **509 Use of Equipment, Machines, Tools and Vehicles**

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

Employees should immediately notify a Department Head, the Clerk-Treasurer, or the Town Manager if any equipment, machines, tools, or vehicles appear to be damaged, defective, or need repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Department Heads, the Clerk-Treasurer, or the Town Manager may answer any questions about an employee's responsibility for maintenance and care of equipment, machines, tools, and vehicles used on the job.

### **Take Home Vehicles**

Department Heads, or the Town Manager may assign a town-owned or leased vehicle to any employee who may be in need of a town-owned vehicle on a 24-hour basis. Written mileage logs may be required for employees with a take home vehicle to document vehicle use. Employees operating a town-owned or

leased vehicle will also be required to complete and sign a vehicle agreement with the Town of McCordsville.

Employees operating town-owned or leased vehicles must maintain the ability to legally operate assigned vehicles. Employees who operate town-owned or leased vehicles are required to notify their Department Head, or the Town Manager in the event that their driver's license is suspended or revoked. Employees who fail to notify their Department Head, or the Town Manager of a driver's license suspension or revocation may be subject to disciplinary action, up to and including termination of employment.

Each occupant of a town-owned, leased, or personal vehicle operated for the purpose of town-related 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 town-owned, leased, or personal vehicle for town-related business when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, medication, or intoxication.

Employees must notify their Department Head, the Clerk-Treasurer, or the Town Manager in the event of an accident in either a town-owned or leased vehicle or when using a personal vehicle for town business. This includes accidents that do not result in personal injury or damage to equipment. By knowing about accidents, the town may investigate the case and determine if corrective action is required to prevent recurrence. If an employee has an accident involving a town-owned or leased vehicle that causes an injury requiring medical attention or property damage, the employee may be subject to an alcohol and drug test. Refer to Policy #306 – Workers' Compensation Insurance, Policy #501 – Safety, and Policy #702 – Drugs and Alcohol Use/Testing for additional information.

Police Department employees may refer to Policy #700 – Department-Owned and Personal Property and Policy #703 – Vehicle Use in the McCordsville Police Department Policy Manual for additional information.

## 510 Emergency Closings/Inclement Weather

At times, emergencies such as severe weather, fires, power failures, or earthquakes, may disrupt the town's operations. In extreme cases, these circumstances may require the closing of a work facility.

This policy does not pertain to emergency and other essential employees. Employees will be notified at the time of their initial employment whether they are an essential or non-essential employee; however, said status may change from time to time as determined by the Town Manager.

Upon activation by the Town Manager of the inclement weather policy, in any weather condition that the Town Manager deems hazardous or otherwise unfit or unsafe for travel, nonessential employees have the option to take time off work without prior authorization from a Department Head, or the Clerk-Treasurer.

When the Town Manager deems that all offices are closed, employees will be paid in full for the time of the closings. Employees in essential operations may be asked to work on a day when operations are officially closed. In these circumstances, employees who work will receive additional paid time off (PTO) equal to the number of hours the Town Hall is closed in addition to their regular pay.

## 511 Telecommuting

Telecommuting allows employees to work at home, on the road, or in a satellite location for all or part of their workweek. The town considers telecommuting to be a viable, flexible work option when both the employee and the job are suited to such an arrangement. Telecommuting may be appropriate for some employees and jobs, but not for others. Telecommuting is not an entitlement, it is not a town-wide benefit, and it in no way changes the terms and conditions of employment with the Town of McCordsville.

Telecommuting may be allowed during emergency situations and with the approval of the Clerk-Treasurer, or the Town Manager.

Telecommuting may be informal, such as working from home for a short-term project, on the road during business travel, or during declared emergencies. Either an employee or a Department Head may suggest telecommuting as a possible work arrangement.

Any telecommuting arrangement made will be on a limited basis and may be discontinued at any time by the Department Head, the Clerk-Treasurer, or the Town Manager.

Before entering into any telecommuting agreement, the employee and Department Head, the Clerk-Treasurer, or the Town Manager, will evaluate the suitability of such an arrangement, reviewing the following areas:

### **Employee Suitability**

The employee and the Department Head, the Clerk-Treasurer, or the Town Manager will assess the needs and work habits of the employee, compared to traits customarily recognized as appropriate for successful telecommuters.

### **Job Responsibilities**

The employee and the Department Head, the Clerk-Treasurer, or the Town Manager will discuss the job responsibilities and determine if the job is appropriate for a telecommuting arrangement.

### **Equipment Needs, Workspace Design Considerations and Scheduling Issues**

The employee and the Department Head, the Clerk-Treasurer, or the Town Manager will review the physical workspace needs and the appropriate location for the telework.

### **Tax and Other Legal Implications**

The employee must determine any tax or legal implications under the Internal Revenue Service (IRS) guidelines, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

If the employee and a Department Head, the Clerk-Treasurer, or the Town Manager agree, a telecommuting agreement will be prepared and signed by all parties.

Evaluation of a telecommuting employee's performance will include regular interaction by phone and e-mail between the employee and the Department Head, the Clerk-Treasurer, or the Town Manager, and weekly face-to-face meetings or video conferencing meetings to discuss work progress and problems.

An appropriate level of communication between the telecommuting employee and their Department Head, the Clerk-Treasurer, or the Town Manager will be agreed to as part of the discussion process. The telecommuting employee will communicate at a level consistent with employees working at the office or in a manner and frequency that is appropriate for the job and the individuals involved.

## **Equipment**

On a case-by-case basis, the Clerk-Treasurer, or the Town Manager will determine, with information supplied by the employee and the Department Head, the appropriate equipment needs (including hardware, software, and other office equipment) for each telecommuting arrangement. Equipment supplied by the organization will be maintained by the organization. Equipment supplied by the employee, if deemed appropriate by the organization, will be maintained by the employee. The town accepts no responsibility for damage or repairs to employee-owned equipment. The Clerk-Treasurer, or the Town Manager reserves the right to make determinations as to appropriate equipment, subject to change at any time. Equipment supplied by the town is to be used for town-related use only. The telecommuting employee must sign an inventory of all town-owned property received and agree to take appropriate action to protect the items from damage or theft.

Employees will establish an appropriate work environment within their home for work purposes.

## **Security**

Consistent with the town's expectations of information security for employees working at the town offices, telecommuting employees will be expected to ensure the protection of proprietary town and resident information accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment.

## **Ad Hoc Arrangements**

Temporary telecommuting arrangements may be approved for circumstances such as health-related outbreaks, inclement weather, special projects or town-related travel. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance. Other informal, short-term arrangements may be made for employees on family or medical leave to the extent practical for the employee and the town and with the consent of the employee's health care provider, as appropriate.

## **512 Business Travel Expenses**

The town may reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by a Department Head, the Clerk-Treasurer, or the Town Manager. Employees whose travel plans have been approved are responsible for making their own travel arrangements.

When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives may be reimbursed by the town, or the employee may utilize a town-owned credit card, if available and approved by a Department Head. Employees are expected to limit expenses to reasonable amounts. Expenses that generally will be reimbursed include the following:

- Mileage costs for use of personal cars, only when less expensive transportation is not available and payable at the state mileage rate as set by the Internal Revenue Service (IRS).
- Airfare or train fare for travel in coach or economy class or the lowest available fare.
- Cost of standard accommodations in low to mid-priced hotels, or similar lodgings.
- Car rental fees, only for compact or mid-sized cars, if appropriate.
- Fares for shuttle or airport bus service, where available; costs of public transportation for other ground travel.
- Taxi, Uber, Lyft, or other national ridesharing fares only when there is no less expensive alternative.

- Meals not to exceed \$75 per day (including a 20% gratuity). Ideally, \$15 for breakfast, \$20 for lunch, and \$25 for dinner, or any combo thereof. Alcoholic beverages will not be reimbursed.
- Tips not exceeding 20% of the total cost of a meal, or 20% of a ride sharing fare.
- Charges for telephone calls, fax, and similar services required for work-related purposes.
- Charges for laundry and valet services, only on trips of five or more days. (Personal entertainment and personal care items are not reimbursed.)

Employees who are involved in an accident while traveling on town-related business must promptly report the incident to a Department Head, the Clerk-Treasurer, or the Town Manager. Vehicles leased or rented by the town may not be used for personal use without prior approval.

With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved. Additional expenses arising from such non-business travel are the responsibility of the employee.

When travel is completed, employees should submit completed travel expense reports, including itemized receipts or other proper documentation approved by their Department Head, of the actual expenses incurred to the Clerk-Treasurer. Employees should contact their Department Head, the Clerk-Treasurer, or the Town Manager for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues.

Abuse of this business travel expense policy, including falsifying expense reports to reflect costs not incurred by the employee, may be grounds for disciplinary action, up to and including termination of employment.

## 514 Visitors in the Workplace

To provide for the safety and security of employees and the facilities at the town, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.

Employees are responsible for the conduct and safety of their visitors. Visitors of employees are defined as persons at a town-owned facility for social reasons, or any purpose other than directly job-related.

If an unauthorized individual is observed on the town's premises, employees should immediately notify their Department Head, the Clerk-Treasurer, or the Town Manager, or, if necessary, direct the individual off of the property.

## 515 Social Media

Social media are defined as media designed to be disseminated through social interaction, created using highly accessible and scalable publishing techniques. Generally, these guidelines set forth in this social media policy should be applied to any online medium where information may reflect back on the image of the town, employees, agents, or residents. Examples include but are not limited to: blogs, LinkedIn, Twitter, Facebook, Instagram, Snapchat, YouTube, Wikipedia or other wikis, etc. Any comments that the town employees may leave on others' blogs, or Facebook pages, edits to wikis, responses to tweets,

postings on message boards/forums, opinions on online polls or any product/services the town employees may author are included in this policy.

All social media accounts, blogs, Web pages and related content carrying the town brand identity are and will be owned and licensed by the town, as appropriate. Personal accounts, blogs, Web pages and related content that do not carry the town's brand identity may be owned, licensed and operated by any employee. If the town is referenced in any media as approved by the Town Manager, or their assigned designee, all social media guidelines must apply or employees may be subject to disciplinary action, up to and including termination of employment.

All employees should consider and follow these guidelines when posting on social media sites:

- Do not post or link any materials that are threatening, intimidating, coercing, or otherwise interfering with the performance of coworkers, or residents.
- Do not disclose information acquired in the course of one's work.
- When reposting or referencing a post on one of the town's online sites, provide a link to the original post or story.
- When relevant, employees should identify their affiliation with the town and their area of concentration. This adds credibility to the employee and the town.
- Do respect the laws regarding copyrights, trademarks, rights of publicity and other third-party rights. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information that they use and accurately cite copyrighted works that they identify in the town's online communications. Do not infringe on town logos, brand names, taglines, slogans, or other trademarks.
- If a negative post or comment is found online about the town or an employee, try not to counter with another negative post. Remedy the situation through a positive action.
- Employees who publish content to any website outside of the town's official online presence (this may include town websites as well as the town's presence on third-party sites) and it has something to do with subjects associated with the town, employees should consider a disclaimer such as this: "The postings are my own and do not necessarily represent the town's positions, strategies, or opinions."

As stated in Policy #517 – Internet Usage, all equipment, services, and technology provided to access the Internet remain at all times the property of the town. As such, the town reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems. In addition, employees should understand that all information transmitted via the Internet is not considered to be confidential in nature and employees should not expect privacy of any information transmitted. Employees are also required to provide the town with all passwords used to access the Internet via town-owned equipment, services and technology, as requested by management.

While this policy is comprehensive, it is not all-inclusive. Employees who are in violation of any portion of this policy may be subject to disciplinary action, up to and including termination of employment. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

Employers may make inquiries regarding personal online accounts in certain instances, such as ensuring compliance with state and federal laws and investigating an allegation based on specific information that alleges a violation of law.

Employees seeking additional information about this policy may contact their Department Head, the Clerk-Treasurer, or the Town Manager.

Police Department employees may refer to Policy #321 – Department Use of Social Media and 1027 – Speech, Expression and Social Networking in the McCordsville Police Department Policy Manual for additional information.

## 516 Computer and Email Usage

Computers, computer files, the email system, and software furnished to employees are the town's property and intended for business use. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer, Internet activity, and email usage may be monitored.

The town strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the town prohibits the use of computers and the email system in ways that are discriminatory, disruptive, obscene, threatening, harassing, intimidating, 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, off-color jokes, or anything that may be construed as harassment or showing disrespect for employees, residents, or visitors.
- Copying, pirating or downloading software and electronic files without permission.
- Participating in the viewing or exchange of pornography or obscene materials.
- Attempting to break into the computer system of another organization or employee.
- Refusing to cooperate with a security investigation.
- Disclosing information acquired in the course of one's work.
- Sending or posting messages that disparage another organization's products or services while engaged in performing their work tasks from a town-owned computer or mobile device.

The town purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, neither the town nor any employee has the right to reproduce such software for use on more than one computer. Employees may only use software on local area networks or on multiple machines according to the software license agreement. The town prohibits the illegal duplication of software and its related documentation or the installation of such software on town-owned equipment.

Employees should notify their Department Head, the Clerk-Treasurer, or the Town Manager upon learning of violations of this policy. Employees who violate this policy may be subject to disciplinary action, up to and including termination of employment. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

Police Department employees may refer to Policy #320 – Information Technology Use in the McCordsville Police Department Policy Manual for additional information.

## 517 Internet Usage

Internet access to global electronic information resources on the World Wide Web is provided by the town to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage. While Internet usage is



intended for job-related activities, incidental and occasional brief personal use is permitted within reasonable limits.

All Internet data that is composed, transmitted, or received via the town's computer communications systems is considered to be part of the official records of the town and, as such, is subject to disclosure to law enforcement or other third-parties. Consequently, employees should always ensure that the business information contained in Internet email messages and other transmissions is accurate, appropriate, ethical, and lawful.

The equipment, services, and technology provided to access the Internet remain at all times the property of the town. As such, the town reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems. Data that is composed, transmitted, accessed, or received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, color, religion, sex (pregnancy, gender identity, and sexual orientation), national origin, age (40 and over), disability, genetic information as referenced in the Genetic Information Nondiscrimination Act (GINA), military service veteran status, or any other characteristic protected by federal, state and local laws.

The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not obtained authorization for its use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights. Internet users should take the necessary anti-virus precautions before downloading or copying any file from the Internet. All downloaded files are to be checked for viruses; all compressed files are to be checked before and after decompression.

Abuse of the Internet access provided by the town in violation of law or the town policies may result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy. The following behaviors are examples of previously stated or additional actions and activities that are prohibited and may result in disciplinary action:

- Stealing, using, or disclosing someone else's code or password without authorization.
- Disclosing information acquired in the course of one's work.
- Violating copyright laws.
- Failing to observe licensing agreements.
- Engaging in unauthorized transactions that may incur a cost to the town or initiate unwanted Internet services and transmissions.
- Jeopardizing the security of the town's electronic communications systems.

While this policy is comprehensive, it is not all-inclusive. Employees who are in violation of any portion of this policy may be subject to disciplinary action, up to and including termination of employment. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

Police Department employees may refer to Policy #320 – Information Technology and Use in the McCordsville Police Department Policy Manual for additional information.

## 518 Workplace Monitoring

Workplace monitoring may be conducted by the town to ensure quality control, employee safety, security, and resident satisfaction. Improved job performance enhances our residents' image of the town as well as their satisfaction with our service.

Computers furnished to employees are the property of the town. As such, computer usage and files may be monitored or accessed. Employees tampering with a computer to bypass monitoring systems may be subject to disciplinary action, up to and including termination of employment. Refer to Policy #516 – Computer and Email Usage for additional information.

The town may conduct video surveillance of non-private workplace areas. Video monitoring is used to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage or prevent acts of harassment and workplace violence.

Because the town is sensitive to the legitimate privacy rights of employees, every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

## 519 Speaking to the Media

The town strives to anticipate and manage crisis situations in order to reduce disruption to our employees and to have met and to maintain our presence as a highly reputable municipality. To best serve these objectives, the town will respond to the news media in a timely and professional manner only through the designated spokespersons.

Employees seeking additional information about speaking to the media may contact their Department Head, the Clerk-Treasurer, or the Town Manager.

Police Department employees may refer to Policy #323 – Media Relations in the McCordsville Police Department Policy Manual for additional information.

## 522 Workplace Violence Prevention

The town is committed to preventing workplace violence and to maintaining a safe work environment. The town has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during working hours or on its premises.

All employees should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from being brought into the facilities operated by the town without proper authorization.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to a Department Head, the Clerk-Treasurer, or the Town Manager. This includes threats by employees, as well as threats by residents, vendors, solicitors, or other members of the public. When reporting a threat of violence, employees should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a Department Head, the Clerk-Treasurer, or the Town Manager. Employees should not place themselves in harm's way.

Employees who see or hear a commotion or disturbance near their workstation should not try to intercede or see what is happening.

The town will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the town may suspend employees, either with or without pay, pending an investigation.

The town encourages employees to bring their disputes or differences with other employees to the attention of their Department Head, the Clerk-Treasurer, or the Town Manager before the situation escalates into potential violence. The town is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action, up to and including termination of employment. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

## 526 Mobile Device Usage

The town may provide a mobile device for employees where the urgency of communication requires the use of such a device as a business tool. The mobile devices are provided to assist employees in communicating with management and other employees, their residents, vendors, and others with whom they may conduct business.

Employees may have access to a mobile device while in automobiles and should remember that their primary responsibility is driving safely and obeying the rules of the road. Employees are prohibited from using mobile devices to conduct town-related business or personal matters while driving and should safely pull off the road and come to a complete stop before talking, emailing, texting, or engaging in data usage activities on the mobile device, unless utilizing a hands-free device.

Employees are to refrain from talking on their personal mobile devices, texting, emailing, or accessing data during working hours and should conduct their personal business before their shift, during their lunch period or after hours. Conduct that is in violation of these guidelines may be subject to prompt disciplinary action, up to and including termination of employment.

Police Department employees may refer to Policy #701 – Personal Communication Devices in the McCordsville Police Department Policy Manual for additional information.

## LEAVES OF ABSENCE

### 601 Family and Medical Leave Act (FMLA)

Under the Federal Family and Medical Leave Act of 1993, as amended (FMLA), an employee may be eligible for a period of job-protected unpaid leave if they meet the criteria set forth in the FMLA.

#### **General Eligibility**

To qualify for FMLA leave *an employee*:

- must be an employee of the town,
- must have worked at the town for at least 12-months,

- must have worked at least 1,250 hours (paid time off does not count towards the 1,250 hours) during the past 12-month period before the leave is to begin, and
- ***must work at a worksite at which the town employs at least 50 employees within a 75-mile radius.***

### **Types and Duration of FMLA Leave**

- **Basic FMLA Leave and Active-Duty Leave**  
An employee may be eligible for up to 12-weeks of unpaid leave in a rolling 12-month period for the following reasons:
  - the birth of a child and to care for such child or placement for adoption or foster care of a child;
  - to care for an immediate family member (spouse, child under 18-years old or 18 and over that is incapable of self-care, or parent) with a serious health condition;
  - because of a serious health condition which renders an employee unable to work; or
  - “Active-Duty Leave,” defined as leave due to any qualifying exigency arising out of the fact that an employee’s spouse, son (of any age), daughter (of any age) or parent is a “covered military member”. “Covered military member” means a member of the Armed Forces or a member of the Reserves (including the National Guard or Reserves) who is on “covered active-duty,” or has been notified of an impending call or order to covered active-duty. For members of the Armed Forces, “covered active-duty” means duty during deployment of the member with the Armed Forces to a foreign country. For members of the Reserves, “covered active-duty” means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active-duty in a contingency operation.
- **Military Caregiver Leave**  
An employee also may take military caregiver leave to care for a spouse, son (of any age), daughter (of any age), and parent or next of kin (i.e., closest living relative) who is a “covered service member.” A “covered service member” is (i) a current service member of the Armed Forces or Reserves, including the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or (ii) a veteran of the Armed Forces (including the National Guard and Reserves) who is discharged (other than dishonorably discharged) within the five-year period before the eligible employee takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. For a current service member, “serious injury or illness” means an injury or illness incurred or aggravated by the covered service member in the line of duty on active-duty that may cause the service member to be medically unfit to perform the duties of their office, grade, rank, or rating. For a veteran, “serious injury or illness” means an injury or illness that rendered the veteran medically unfit to perform their military duties, or an injury or illness that qualifies the veteran for certain benefits from the Department of Veterans Affairs or substantially impairs the veteran's ability to work, regardless of whether the injury or illness manifested before or after the individual became a veteran.  
Eligible employees are entitled to a total of 26-weeks of unpaid military caregiver leave during a single 12-month period. This single 12-month period begins on the first day an eligible employee takes military caregiver leave and ends 12-months after that date.  
The leave entitlement described in this paragraph applies on a per-covered service member, per-injury basis. However, no more than 26-weeks of leave may be taken within a single 12-month period by any covered employee. Even in circumstances where an employee takes other leave covered by the federal FMLA under the bullets in the basic FMLA Leave and Active-Duty Leave section above, the combined leave shall not exceed 26-weeks during that 12-month period.

## Definitions

- A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:
  - (a) in-patient care (i.e., an overnight stay) in a hospital or other medical care facility (including any period of incapacitation or any subsequent treatment in connection with such in-patient care);
  - (b) a period of incapacitation of more than three consecutive full calendar days, and any subsequent treatment or period of incapacitation relating to the same condition that also involves (i) treatment two or more times by a health care provider or under the supervision of a health care provider within 30-days of the start of the incapacitation, or (ii) treatment by a health care provider on at least one occasion within seven-days of the start of the incapacitation which results in a regimen of continuing treatment under the supervision of a health care provider;
  - (c) any period of incapacitation due to pregnancy, or for prenatal care;
  - (d) any period of incapacitation due to a chronic serious health condition requiring periodic visits of at least twice a year for treatment by a health care provider;
  - (e) a period of incapacitation which is permanent or long-term due to a condition for which treatment may not be effective, during which the employee (or family member) must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider; or
  - (f) any period of absence to receive multiple treatments by a health care provider or under the supervision of a health care provider, either for restorative surgery after an accident or other injury, or for a condition that will likely result in a period of incapacitation of more than three consecutive calendar days in the absence of medical intervention or treatment.
- A "qualifying exigency" refers to the following circumstances:
  - (a) Short-notice deployment: to address issues arising when the notification of a call or order to active-duty is seven-days or less;
  - (b) Military events and related activities: to attend official military events or family assistance programs or briefings;
  - (c) Childcare and school activities: for qualifying childcare and school-related reasons for a child, legal ward or stepchild of a covered military member;
  - (d) Care of the military member's parent: for certain activities related to the care of a covered military member's parent who is incapable of self-care, such as arranging for alternative care, providing care on a non-routine, urgent, immediate need basis, admitting or transferring a parent to a new care facility, and attending certain meetings with staff at a care facility, such as meetings with hospice, or social service providers;
  - (e) Financial and legal arrangements: to make or update financial or legal affairs to address the absence of a covered military member;
  - (f) Counseling: to attend counseling provided by someone other than a health care provider for oneself, for the covered military member, or child, legal ward, or stepchild of the covered military member;
  - (g) Rest and recuperation: to spend up to 15-days for each period in which a covered military member is on a short-term rest leave during a period of deployment;
  - (h) Post-deployment activities: to attend official ceremonies or programs sponsored by the military for up to 90-days after a covered military member's active-duty terminates or to address issues arising from the death of a covered military member while on active-duty;
  - (i) Additional activities for other events where the town and the employee agree on the time and duration of the leave.

### **When Spouses Work Together**

A husband and wife, when both are eligible for FMLA and both work at the town, are eligible for either a combined 12-weeks of unpaid leave for the birth or placement of a child, or to care for a parent who has a serious health condition. A husband and wife will be eligible for a combined 26-weeks of unpaid military caregiver leave as discussed above. If the husband or wife taking military caregiver leave also takes leave for the birth or placement of a child, or to care for a parent who has a serious health condition, that leave also may count toward the 26-weeks of combined military caregiver leave during a single 12-month period.

### **Notice of Need for FMLA Leave**

If the leave is foreseeable (birth or placement, planned medical care, leave due to active-duty of an immediate family member), the employee must provide at least 30-day's advance notice. If circumstances prevent providing the 30-day's advance notice, then the employee should provide as much notice as possible. If an employee fails to give the required notice for foreseeable leave with no reasonable excuse, the employee may be denied the taking of the leave until the employee provides adequate notice of need for the leave. Employees should make every reasonable effort to schedule medical treatments so as not to disrupt the ongoing operations of the department.

### **Intermittent FMLA Leave**

Intermittent leave also may be available depending upon an employees' serious health condition, or an employee's immediate family member's serious health condition. Intermittent or reduced schedule leave for the birth or placement of a child for adoption or foster care may be taken only with approval from the Clerk-Treasurer in writing. Military caregiver leave may be taken intermittently or on a reduced leave schedule when medically necessary. Intermittent or reduced leave may not exceed the total hours an employee would have worked during their regular 12-week schedule. If intermittent or reduced leave is approved, the town may require the employee to schedule the leave so as not to unduly disrupt its operations, or the employee may be placed in an alternate position which better accommodates the intermittent leave schedule.

Employees taking intermittent leave must follow the town's standard call-in procedures absent unusual circumstances.

### **Documentation Supporting FMLA Leave**

An employee's reason for the leave must be covered under FMLA and they must provide a completed FMLA Certification of Health Care Provider Form supporting the need for the leave. A request for reasonable documentation of family relationship verifying the legitimacy of a FMLA leave may also be required.

The employee will have 15-days in which to return a completed certification form following receipt of the form from the town. If the employee fails to provide timely certification after being required to do so, they may be denied the taking of the leave under the FMLA. If the certification form is incomplete or insufficient, an employee will be given written notification of the information needed and will have seven-days after receiving such written notice to provide the necessary information.

If there is reason to doubt the validity of the medical certification, a second opinion, at the expense of the town, related to the health condition may be required. If the original certification and the second opinion differ, a third opinion, at the expense of the town, may be required. The opinion of the third health care provider, which the town and the employee jointly select, will be the final and binding decision.

A request for Active-Duty Leave must be supported by the Certification of Qualifying Exigency for Military Family Leave form as well as appropriate documentation, including the covered military member's active-duty orders. A request for military caregiver leave must be supported by the

Certification for Serious Injury or Illness of Covered Service member form as well as any necessary supporting documentation.

### **Recertification**

Under certain circumstances as provided by law, including, but not limited to situations in which the need or nature of the approved leave changes, the town may, in its sole discretion, require recertification of an employee's serious health condition.

### **Return to Work**

If an employee's position is eliminated during their FMLA leave time, e.g., layoff, departmental restructuring, etc. the employee will not be entitled to return to their former or an equivalent position. Employees whose FMLA leave was for their own personal medical condition must, prior to reinstatement, submit a medical certification to the Clerk-Treasurer as to their ability to return to work, subject to a second medical opinion as deemed necessary by the town, or a third medical opinion as provided in the FMLA. Employees who do not return to work immediately following release from the health care provider as fully restored to perform all the essential functions of their position, will be considered to have voluntarily terminated employment as of the date of the release. Employment will be terminated if an employee is not able to return to work at the end of the FMLA.

### **Substitution of Paid Leave**

Employees must substitute all earned paid time off (PTO), and/or any other form of available paid time off for unpaid FMLA leave. FMLA and any paid time off, run concurrently. The entire 12-week FMLA is not in addition to the paid leave, however, is any remaining portion after the paid leave time is subtracted. If an employee requires leave in excess of the weeks for which they are eligible, they will not be assured a position with the town upon their return.

### **Benefits during FMLA Leave**

During the approved FMLA leave, the employee's coverage under the town's benefits will continue, but if the employee goes without pay, they must pay their share of any payroll-related deductions, if applicable. It is the employees' responsibility to make arrangements with the Clerk-Treasurer to pay their portion of the payroll-related deductions during the unpaid period of absence. All other benefits will be suspended during the leave.

## **603 Personal Leave**

The town may provide a leave of absence without pay to eligible employees who wish to take time off from work duties to fulfill personal obligations or for medical needs. Employees in the following employment classification(s) may be eligible to request personal leave as described in this policy:

- Regular full-time employees

As soon as eligible employees become aware of the need for a personal leave of absence, but not less than five working days prior to the leave, they should request a leave from their Department Head, the Clerk-Treasurer, or the Town Manager who will seek approval from the Town Council. Requests for personal leave will be evaluated based on a number of factors including anticipated workload requirements and staffing considerations during the proposed period of absence. Final decisions on who receives a personal leave and the amount of time granted will be made at the sole discretion of the Town Council.

Personal leave may be granted for a period of up to 30 calendar days every one-year. If this initial period of absence proves insufficient, consideration may be given to a written request for a single extension of no more than 30 calendar days. Employees must first utilize all available paid time off e.g., paid time off

(PTO) and compensatory time, as part of the approved period of leave prior to utilizing any approved unpaid time off.

Employees will not continue to earn paid time off (PTO) or holiday pay during the time of the unpaid personal leave. Health insurance benefits will continue in the same manner as prior to the onset of the personal leave, subject to the terms, conditions, and limitations of the applicable plans. It is the responsibility of the employee to make arrangements with the Clerk-Treasurer to pay their portion of the payroll-related deductions during the unpaid period of absence.

When a personal leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, the town cannot guarantee reinstatement in all cases. If an employee fails to report to work promptly at the expiration of the approved leave period, the town will assume the employee has voluntarily terminated their employment with the town.

## 605 Military Leave

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. Uniformed Services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

Employees will continue to receive full pay while on leave for 15-day training assignments and shorter absences. Pay will be equal to the number of hours that an employee would have worked in the 15-day period. The portion of any military leaves of absence in excess of 15-days will be unpaid. However, employees may use any available paid time off (PTO) or compensatory time for the absence. Military leave will not be used in the calculation of overtime.

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible.

Benefits to include paid time off (PTO), holidays, and bereavement leave, will be suspended during the leave, after the first 30-days, and will resume upon the employee's return to active employment.

Employees on military leave for up to 30-days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

Employees seeking additional information about military leave may contact the Clerk-Treasurer's Office.



## EMPLOYEE CONDUCT & DISCIPLINARY ACTION

### 701 Employee Conduct and Work Rules

To ensure orderly operations and provide the best possible work environment, the town expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or possession of town-owned or resident-owned property.
- Falsification of timekeeping records or any other town-related document.
- Soliciting or accepting gratuities from residents or visitors.
- Working under the influence of alcohol or illegal drugs.
- Manufacturing, distributing, dispensing, possessing, purchasing, selling, using, transferring, or being under the influence of alcohol or illegal drugs in the workplace, while on duty, or while operating town-owned vehicles or equipment.
- Fighting or threatening violence in the workplace.
- Being insubordinate, threatening, intimidating, disrespectful, or assaulting a coworker, resident, or vendor.
- Unauthorized use of town-owned equipment, machines, tools, or vehicles, etc. or the unauthorized transportation of passengers in a town-owned vehicle.
- Negligence or improper conduct leading to damage of town-owned or resident-owned property.
- Excessive documented tardiness or absenteeism.
- Violation of safety or health rules.
- Smoking, e-cigarettes, chewing tobacco, and other tobacco use are not permitted in town-owned vehicles.
- Gambling on any town-owned or resident-owned premises.
- Sexual or other unlawful or unwelcome harassment or discrimination.
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace.
- Unauthorized use of telephones, mail system, or other town-owned equipment.
- Unauthorized disclosure of business "secrets" or confidential information acquired in the course of one's work.
- Entering or leaving the town's facilities without permission.
- Violation of any personnel policy.
- Unsatisfactory performance or conduct.
- Fraudulently obtaining workers' compensation benefits.
- Creating or contributing to unsanitary or unsafe conditions or poor housekeeping.

Employment with the town is at the mutual consent of the town and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

Police Department employees may refer to Policy #319 – Standards of Conduct in the McCordsville Police Department Policy Manual for additional information.

## 702 Drugs and Alcohol Use/Testing

It is the town's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs.

While conducting business on behalf of the town, no employee may manufacture, distribute, dispense, possess, purchase, sell, use, or be under the influence of alcohol or illegal drugs or in possession of drug paraphernalia. In addition, the unauthorized use or possession of prescription drugs or over-the-counter drugs, or CBD oils is prohibited. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks.

To help insure a safe and healthful working environment the town may conduct drug and alcohol testing under any one of the following circumstances:

- Reasonable suspicion of current employees
- Post-accident of current employees
- Random testing in accordance with DOT guidelines
- Return-to-duty for current employees

Employees may be asked to provide body substance samples, such as urine, blood, hair and/or saliva, to determine the illicit use of drugs and/or alcohol. The legal use of prescribed drugs, over-the-counter drugs, and CBD oils are permitted on the job only if they do not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that do not endanger other individuals in the workplace.

Employees who are taking prescription drugs, over-the-counter drugs, or who are using CBD oils at the time of the testing will be required to inform the testing facility of those legally prescribed drugs, over-the-counter drugs, or CBD oils that they are currently utilizing. This information will be considered confidential under the guidelines of the Health Insurance Portability and Accountability Act (HIPAA). Refer to Policy #214 – Medical Information Privacy for additional information.

Employees who are not able to provide sufficient body substance samples will be evaluated by a physician selected by the town. If the physician cannot find a legitimate medical explanation for the inability to provide a body substance sample, it will be considered a refusal to test. In that circumstance the employee has violated one of the prohibitions of the policy.

Both drug and alcohol testing may be performed on an employee following any accident involving a fatality or any accident in which the driver receives a citation under any state or local law for a moving traffic violation arising from an accident. An accident is defined as an incident involving a town-owned or leased vehicle in which there is a fatality, an injury treated away from the scene, or where the vehicle is towed from the scene. When a post-accident drug or alcohol test is required, it should be performed as soon as possible following the accident. If no alcohol testing may be made within eight-hours, attempts to collect a breath or blood sample will cease and if no urine specimen may be obtained within 32-hours, attempts to make such a collection will cease. As with any accident or injury, employees are required to contact their Department Head, the Clerk-Treasurer, or the Town Manager immediately. Refer to Policy #306 – Workers' Compensation Insurance, Policy #501 – Safety, and Policy #508 – Use of Equipment, Machines, Tools and Vehicles for additional information.

All DOT alcohol and drug testing performed on employees will be in accordance with required DOT procedures. These include the use of special testing forms, trained personnel, and special processes and

handling to ensure the integrity and accuracy of the testing process. Information related to testing will be treated as confidential, except as required to comply with DOT requirements, safeguard the safety of employees and the public, or as otherwise legally required.

Return-to-duty testing may be required for employees who want to return to work after being off of work due to a leave of absence, suspension, or other long-term reason. Testing in this circumstance will be determined at the discretion of the Department Head, the Clerk-Treasurer, or the Town Manager. However, refusal to participate will be considered as the employee violating one of the prohibitions of the policy.

Violations of this policy and/or substitution, adulteration or refusal to submit to drug and/or alcohol testing may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program for current employees. Such violations may also have legal consequences and the town may cooperate with all law enforcement officials.

When a positive test is received by the town the following guidelines may apply:

- First offense means that the employee may be subject to disciplinary action, up to and including termination of employment.
  - If the employee receives either a verbal or written documented form of progressive discipline or is suspended after a positive test result, they must submit to another test and have a negative result within six-weeks from the date they tested positive for drugs and/or alcohol. The town will decide when the test will be administered. Before the employee returns to work, after the testing, they will be required to sign a reinstatement agreement that states under what conditions the employee will be reinstated and that random drug testing may be conducted on that employee for up to one-year. Any subsequent positive results will result in an immediate involuntary termination of employment.
  - If the employee believes that the drug and/or alcohol test has produced a false positive, the employee may at their own expense submit for another drug test. If the retest produces a negative result, the employee may be reinstated if the town is satisfied that the retest conforms to the scientifically accepted methods and procedures for collection.

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify their Department Head, the Clerk-Treasurer, or the Town Manager of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five-days of the conviction.

While this policy is comprehensive, it is not all inclusive and employees will be required to follow those regulations surrounding substance abuse, as appropriate. Employees with questions on this policy or issues related to drugs or alcohol use/testing may raise their concerns with their Department Head, the Clerk-Treasurer, or the Town Manager without fear of reprisal.

Police Department employees may refer to Policy #1006 – Drug and Alcohol-Free Workplace in the McCordsville Police Department Policy Manual for additional information.

## 703 Sexual and Other Unlawful Harassment

The town is committed to developing a work environment free of unlawful harassment and discrimination. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the

town expects that all relationships among persons in the organization will be business-like and free of bias, prejudice, and harassment.

### **Equal Employment Opportunity**

It is the policy of the town to ensure equal employment opportunity without harassment or discrimination on the basis of race, color, religion, sex (pregnancy, gender identity, and sexual orientation), national origin, age (40 and over), disability, genetic information as referenced in the Genetic Information Nondiscrimination Act (GINA), military service veteran status, or any other characteristic protected by federal, state and local laws.

### **Definitions of Harassment**

I. Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purpose of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; improper use of email or voice mail; verbal abuse of a sexual nature; comments about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the work place of sexually suggestive objects or pictures including screen savers or improper emails or attachments; and other physical, verbal or visual conduct of a sexual nature.

II. Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that derogates or shows hostility or aversion toward an individual on the basis of race, color, religion, sex (pregnancy, gender identity, and sexual orientation), national origin, age (40 and over), disability, genetic information as referenced in the Genetic Information Nondiscrimination Act (GINA), military service veteran status, or any other characteristic protected by law or that of their relatives, friends, or associates, and that: (1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating or hostile acts; derogatory jokes; and written or graphic material that derogates or shows hostility or aversion toward an individual or group or that is placed on walls or elsewhere on the employer's premises or circulated in the workplace.

Individuals found to be performing such harassing conduct may be subject to disciplinary action, up to and including termination of employment.

### **Individuals and Conduct Covered**

These policies apply to all employees, whether related to conduct engaged in by fellow employees or someone not directly connected to the town (e.g., an outside vendor, consultant, or resident).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.

### **Retaliation Is Prohibited**

The town encourages reporting of all perceived incidents of harassment or discrimination. It is the policy of the town to investigate such reports. The town prohibits retaliation against any individual who reports harassment or discrimination or participates in an investigation of such reports.

### **Reporting an Incident of Harassment, Discrimination, or Retaliation**

The town encourages reporting of all perceived incidents of harassment, discrimination, or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victims of harassing conduct should discuss their concerns with their Department Head, the Clerk-Treasurer, or the Town Manager.

In addition, the town encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that their behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. The town recognizes, however, that an individual may prefer to pursue the matter through informal or formal complaint procedures.

### **Complaint Procedures**

If for any reason an individual does not wish to address the offender directly, or if addressing the offender does not successfully end the offensive conduct, the individual should notify their Department Head, the Clerk-Treasurer, or the Town Manager. In addition, there may be instances in which an individual seeks only to discuss matters with one of the town's designated representatives, and such discussion is encouraged.

An individual reporting harassment, discrimination or retaliation should be aware however, that the town may find it necessary to take action to address such conduct beyond an informal discussion. This decision will be discussed with the individual.

As noted above, individuals who believe they have been the victims of conduct prohibited by this policy statement or believe they have witnessed such conduct should discuss their concerns with their Department Head, the Clerk-Treasurer, or the Town Manager.

The town encourages the prompt reporting of complaints or concerns so that rapid and corrective action may be taken before relationships become irreparably damaged. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct, or may have other relevant knowledge.

Retaliation against an individual for reporting harassment or discrimination, or for participation in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action, up to and including termination of employment. Acts of retaliation should be reported immediately and will be investigated and corrective action taken promptly. Corrective action may include, retraining, referral to counseling and/or disciplinary action up to and including termination of employment, withholding of a promotion or pay

increase, reassignment, or temporary suspension without pay as deemed appropriate under the circumstances.

If a party to a complaint does not agree with its resolution, that party may appeal to the Town Council.

### **Confidentiality**

The town will make all reasonable efforts to maintain the confidentiality of all parties involved in a harassment investigation. Confidentiality, however, cannot be guaranteed. For example, some details or identities may need to be revealed in order to fully investigate the harassment complaint.

### **False Claims of Sexual Harassment, Discrimination, and/or Retaliation**

In order to cover all possibilities of misconduct, the town reserves the right to discipline employees who have falsely accused another of sexual harassment, discrimination, and/or retaliation. This does not mean that a complaint will be considered "false" solely because it cannot be corroborated.

### **Conclusion**

The town has developed this policy to ensure that all its employees may work in an environment free from harassment, discrimination and retaliation. The town will make every reasonable effort to ensure that all necessary persons are familiar with these policies and aware that any complaint in violation of such policies will be investigated and resolved appropriately.

Finally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion in order to avoid allegations of harassment. The law and the policies of the town prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and prerequisites of employment. The prohibitions against harassment, discrimination and retaliation are intended to complement and further those policies, not to form the basis of an exception to them. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

Employees seeking additional information about harassment, discrimination, and/or retaliation in the workplace may contact their Department Head, the Clerk-Treasurer, or the Town Manager.

Police Department employees may refer to Policy #314 – Discriminatory Harassment and Policy 1004 – Anti-Retaliation in the McCordsville Police Department Policy Manual for additional information.

## **704 Attendance and Punctuality**

To maintain a safe and productive work environment, the town expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on the business operations of the town.

Employees are expected to report to work as scheduled, on time and prepared to start work. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their Department Head at least one-hour prior to the start of their shift, or as soon as possible in advance of the anticipated tardiness or absence. Excessive tardiness and absenteeism are defined as three occurrences of unexcused absences in a six-month period; or three occurrences of tardiness in a three-month period; or any combination thereof.

An unexcused absence is defined as an absence for which the employee does not have any available paid time off to cover the missed time, or where applicable, the employee does not have the approval of the Department Head, the Clerk-Treasurer, or the Town Manager. Employees who are absent for one or more consecutive workdays without notifying their Department Head, the Clerk-Treasurer, or the Town Manager will be considered to have voluntarily resigned their employment with the town.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

Police Department employees may refer to Policy #319 – Standards of Conduct in the McCordsville Police Department Policy Manual for additional information.

## 705 Personal Appearance

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the town presents to residents and visitors. During working hours or when representing the town, employees are expected to present a clean, neat, and tasteful appearance. Employees should dress and groom themselves according to the requirements of their position and accepted social standards. This is particularly true if their job involves dealing with residents or visitors in person.

Department Heads, the Clerk-Treasurer and the Town Manager are responsible for establishing a reasonable dress code appropriate to the jobs performed. If a Department Head, the Clerk-Treasurer, or the Town Manager feels that an employee's personal appearance is inappropriate, the employee may be asked to leave the workplace until they are properly dressed or groomed. Under such circumstances, nonexempt employees may not be compensated for the time away from work. Employees should consult their Department Head, the Clerk-Treasurer, or the Town Manager if they have questions as to what constitutes appropriate appearance. When necessary, reasonable accommodation may be made for a person with a disability or for a sincerely held religious belief, as required by law. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

Police Department employees may refer to Policy #1022 – Personal Appearance Standards and Policy #1023 – Uniforms and Civilian Attire in the McCordsville Police Department Policy Manual for additional information.

## 706 Return of Property

Employees are responsible for all town property to include:

- Credit Cards
- Guns/Ammunition
- Keys or Key Fobs
- Personal Protective Equipment (PPE)
- Security Codes/Passwords
- Tools and Equipment
- Uniforms
- Written manuals and information

Employees must return all town-owned property immediately upon request, or upon termination of employment. Where permitted by applicable laws, the town may withhold from the employee's check or

final paycheck the cost of any items that are not returned when required if the employee has signed a written agreement with the town allowing them to do so. The town may also take all action deemed appropriate to recover or protect its property.

## 708 Resignation

Resignation is a voluntary act initiated by the employee to terminate employment with the town. Although advance notice is not required, the town requests at least two-weeks' written notice from all employees. Employees who plan to retire are urged to provide the town with a minimum of two-months' notice. This will allow ample time for the processing of the appropriate pension forms and to ensure that any retirement benefits to which an employee may be entitled commence in a timely manner. Prior to an employee's departure, an exit interview may be scheduled to discuss the reasons for resignation and the effect of the resignation on benefits. If an employee does not provide advance notice as requested, the employee may be considered ineligible for rehire. Refer to Policy #405 – Employment Terminations for additional information.

## 709 Ghost Employment

The town is committed to providing efficient and lawful services to its citizens and to maintaining public trust. Therefore, "ghost employment" is a violation of town policy and of Indiana Code 35-44.1-1-3. Ghost employment is a Level 6 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 they have 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 the town's paid leave policies. Violations of this policy shall result in disciplinary action, up to and including termination of employment, in addition to potential prosecution under Indiana Code 35-44.1-1-3.

Employees seeking additional information about ghost employment may contact their Department Head, the Clerk-Treasurer, or the Town Manager.

## 710 Security Inspections

The town wishes to discourage theft or unauthorized possession of the property of employees, the town, visitors, and residents. To facilitate enforcement of this policy, the town or its representative may inspect not only desks and lockers, but also persons entering and/or leaving the premises and any packages or other belongings. Any employee who wishes to avoid inspection of any articles or materials should not bring such items onto the town's premises.

The town wishes to maintain a work environment that is free of illegal drugs, alcohol, unauthorized firearms, explosives, or other improper materials. To this end, the town prohibits the manufacturing,



distribution, dispensing, possession, transfer, sale, or use of such materials in its facilities. The town requires the cooperation of all employees in administering this policy. Refer to Policy #702 – Drugs and Alcohol Use/Testing for additional information.

Computers, desks, lockers, and other storage devices may be provided for the convenience of employees, but remains the sole property of the town. Accordingly, they, as well as any articles found within them, may be inspected by any agent or representative of the town at any time, either with or without prior notice. This includes purses, briefcases, personal devices and motor vehicles located on the town's property, based on reasonable cause, as well as all town-owned property used by employees, whether secured or unsecured by a lock or locking device provided by the employee, based on reasonable suspicion. An employee's personal items may be held so that law enforcement officials may conduct the search.

Employees seeking additional information about security inspections may contact their Department Head, the Clerk-Treasurer, or the Town Manager.

## 711 Facilities Security

It is the responsibility of all employees to make sure the facilities and work areas are secure. Any employee entrusted with facility keys, door cards, and security codes will make certain the facility is secure when that employee is the last to leave. This includes, but is not limited to, turning off appropriate lights, and closing and locking all doors and windows.

Employees should contact their Department Head, the Clerk-Treasurer, or the Town Manager to report any potential security risks or concerns.

## 712 Solicitation

In an effort to ensure a productive and harmonious work environment, persons not employed by the town may not solicit or distribute literature in the workplace at any time for any purpose.

The town recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time. Working time does not include lunch periods, work breaks, or any other periods in which employees are not engaged in performing their work-related tasks.

In addition, the posting of written solicitations on town bulletin boards is prohibited. Bulletin boards are reserved for official organization communications on such items as:

- Employee announcements
- Internal memoranda
- Job openings
- Town-related announcements
- Workers' compensation insurance information

If an employee has a message of interest to the workplace, they may submit it to the Clerk-Treasurer for approval. All approved messages will be posted by an employee specifically designated by the Clerk-Treasurer. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

## 716 Progressive Discipline

The purpose of this policy is to state the town's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels.

The town's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

Although employment with the town is based on mutual consent and both the employee and the town have the right to terminate the employment-at-will relationship, with or without cause or advance notice, the town may use progressive discipline at its discretion.

Disciplinary action may call for any of four steps -- verbal warning, written warning, suspension with or without pay when further investigation is warranted, or termination of employment -- depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed. Copies of all progressive disciplinary action reports and/or coaching/counseling notes must be placed in the employee's personnel file in the Clerk-Treasurer's Office.

Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed:

- A first offense may call for a written verbal warning;
- A next offense may be followed by a written warning;
- A third offense may lead to a suspension when further investigation is warranted; and
- A fourth offense may then lead to termination of employment.

The town recognizes that there are certain types of employee problems that are serious enough to justify either a suspension when further investigation is warranted, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.

While it is impossible to list every type of behavior that may be deemed a serious offense, Policy #701 - Employee Conduct and Work Rules includes examples of problems that may result in immediate termination of employment. However, the problems listed are not all necessarily serious offenses, but may be examples of unsatisfactory conduct that will trigger progressive discipline. By using progressive discipline, the town hopes that most employee problems may be corrected at an early stage, benefiting both the employee and the town.

## 718 Problem Resolution

It is the policy of the town to ensure that employees' who have questions, issues, and complaints arising from misunderstandings and the application of policies, procedures, and work rules be promptly heard, answered and action taken to resolve or clarify each situation.

Any employee who has a question, issue, or complaint with the town should follow these steps:

- Employees should talk with the individual with whom they have an issue to try and come to a resolution of the problem or situation.
- If talking with the employee does not satisfy the problem or situation, or if the employee alternately chooses to initially submit a problem for resolution, then the employee should contact

their Department Head, the Clerk-Treasurer, or the Town Manager to discuss the problem or situation, as soon as possible.

- If the problem or situation is not satisfactorily resolved or the problem or situation is with the employee's Department Head, the Clerk-Treasurer, or the Town Manager, the employee may request a meeting with the Town Council President to discuss the issue or complaint.

Employees seeking additional information about the problem resolution policy may contact their Department Head, the Clerk-Treasurer, or the Town Manager.

Police Department employees may refer to Policy #314 – Grievances in the McCordsville Police Department Policy Manual for additional information.

## **MISCELLANEOUS**

### **802 Political Activity**

Employees of the town are encouraged to support governments in the political system. However, there are limits on employee political activity. Town employees may join civic, partisan, or political organizations, may attend political meetings and advocate the principles or policies of civic or political organizations in accordance with the Constitution and federal and state laws.

Although any solicitation, refer to Policy #712 – Solicitation by employees of the town during working hours is strictly prohibited, employees must make every effort to avoid the appearance of impropriety when engaging in political activities on their own time. Employees must note that they are engaging in political activity on their own time and not on behalf of the town. Employees must also refrain from discussing municipal business during political discussions. No employee should be required to contribute money or anything of value to any candidate for nomination, or election to any office, campaign or political committee or be required to take part in any political campaign. In addition, receiving gifts, remuneration of any type or monetary reward in exchange for political activities while conducting or that conflict with municipal business is prohibited. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

Employees seeking additional information about political activity may contact the Clerk-Treasurer's Office.

### **803 Whistleblower Policy**

In its continuing effort to build upon its strong corporate governance standards, the town has established procedures for its employees to convey complaints or to identify concerns (a "Complaint") regarding violations of legal and regulatory requirements to which the town is bound. Such complaints may be related to financial reporting and disclosure requirements, preparation of financial statements, accounting practices, internal accounting controls, financial audit matters, matters concerning fraud against the town, or inappropriate use of the town's resources (collectively, "Disclosure Matters").

The town also respects its employees' legal right to report actual or suspected unlawful activity directly to government agencies, to the Clerk-Treasurer, the Town Manager, or to the Town Council. It is the town's responsibility to ensure that employees feel comfortable reporting actual or suspected unlawful activity to government agencies, to the Clerk-Treasurer, the Town Manager, or to the Town Council.

### **Filing a Complaint**

Any employee should submit a good faith Complaint regarding questionable treatment or alleged violations with respect to the Disclosure Matters that an employee cannot foresee resolving through the town's problem resolution process. Employees should follow the procedures described below to submit a Complaint:

- A Complaint may be submitted in writing, confidentially and anonymously, through internal or regular mail or may be delivered in person to the Clerk-Treasurer, the Town Manager, or a member of the Town Council. If an employee desires to discuss the matter in person with the Clerk-Treasurer, the Town Manager, or a member of the Town Council, they may call the Clerk-Treasurer, the Town Manager, or a member of the Town Council member instead of submitting the Complaint in writing.
- If the Complaint involves the Clerk-Treasurer, the Town Manager, or a member of the Town Council, the employee should contact another member of the Town Council, the Clerk-Treasurer, or the Town Manager by phone or U.S. Mail. Submissions may be made anonymously.
- Complaints should be factual and contain as much specific information as possible setting forth all of the information that the employee knows, in order to allow the representative to make a proper assessment. Any envelope containing a Complaint should be marked "*confidential and private.*"

### **Handling Complaints**

Upon receipt of a Complaint, the Clerk-Treasurer, the Town Manager, a member of the Town Council, or their designee, will conduct an initial screening of the Complaint to assess its nature, legitimacy, and significance. To the extent possible, all Complaints will be handled in a confidential manner. All submissions, inquiries, and discussions will be documented by the Clerk-Treasurer, the Town Manager, a member of the Town Council, or their designee. The Town Council President will report at least annually to all members of the Town Council on any Complaints raised under this policy and the investigation and/or resolution of the same.

Upon conclusion of the initial screening, the Clerk-Treasurer, the Town Manager, or member of the Town Council member will decide whether to proceed with further investigation, or close the file. Any Complaint involving (a) the existence of material inaccuracies in the town's financial reports, or (b) a defalcation, fraud, or other intentional misconduct with respect to its cash and/or other financial assets, accounting, auditing, reporting, or internal controls, will be reported promptly to the Clerk-Treasurer, or the State Board of Accounts, following the initial screening and any corrective action will be taken, as appropriate.

All submissions, inquiries, discussions and documentation will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation. Documentation related to the investigation will be maintained in confidential files. Access to the confidential files will be restricted to the Clerk-Treasurer, and the Town Council members, and their designated representatives. This is important in order to avoid damaging the reputations of persons suspected, but subsequently found innocent of wrongful misconduct and to protect the town from potential civil liability. All such confidential files will be maintained for at least seventy-five years following the final disposition of the matter.

All other Complaints not relating to the accounting, auditing, or reporting of, or the internal controls practices and procedures relating to the town's funds will be handled pursuant to the current policies and procedures applicable to such matters.

Any employee found to have violated any item within this policy may be subject to disciplinary action, up to and including termination of employment, and legal action even if the individual does not directly benefit from the intended action.

Any employee who makes a Complaint under this policy by means of allegations that prove not to be substantiated and which also prove to have been made maliciously, recklessly, or with foreknowledge that the allegations were false will be subject to disciplinary action, up to and including termination of employment.

### **No Retaliation**

The town will not retaliate or discriminate against any employee who lawfully provides information to federal or state authorities, or to the town regarding any conduct that the employee reasonably believes constitutes unlawful activity or who participates in, or otherwise assists with an administrative proceeding, judicial proceeding, or investigation by government agencies, the Clerk-Treasurer, the Town Manager, the Town Council President, or members of the Town Council (collectively, the “Proceedings”).

Specifically, the town will not discharge, demote, suspend, threaten, harass, or in any other manner discriminate against any employee in the terms and conditions of their employment because the employee participated in the proceedings. The town also respects its employees’ legal rights to refuse to engage in unlawful activities and will not take any type of disciplinary action against employees who refuse to engage in unlawful activities.

Employees seeking additional information regarding the guidelines of the whistleblower policy may contact the Clerk-Treasurer, the Town Manager, or a member of the Town Council.

Police Department employees may refer to Policy #1002 – Anti-Retaliation and Whistleblower in the McCordsville Police Department Policy Manual for additional information

## **EMPLOYEE HANDBOOK ACKNOWLEDGEMENT FORM**

**ISSUE DATE:** 05/01/2023

**REVISED DATE:** 12/04/2024

The employee handbook describes important information about the town and I understand that I should consult a Department Head, the Clerk-Treasurer, or the Town Manager regarding any questions not answered in the handbook. I have entered into my employment relationship with the town voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the town may terminate the employment-at-will relationship, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur, except to the town's policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Town Council has the ability to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

EMPLOYEE'S NAME (printed): \_\_\_\_\_

EMPLOYEE'S SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_