|  |
| --- |
| Town of McCordsville |
| Employee Handbook |
| Effective Date: 3/14/17 |

### McCordsville town seal-5TOWN OF McCORDSVILLE

#### Employee Handbook

|  |  |  |
| --- | --- | --- |
| Section |  | Page |
|  | **SECTION I: INTRODUCTION** |  |
| 1-01 | Intent and Purpose | 4 |
| 1-02 | Principle Based Policies | 5 |
| 1-03 | Equal Employment Opportunity | 5 |
| 1-04 | Coverage | 5 |
| 1-05 | Roles and Responsibilities | 6 |
| 1-06 | Persons With Disabilities | 6 |
| 1-07 | Immigration Law Compliance | 7 |
| 1-08 | HIPAA Compliance | 7 |
| 1-09 | Employee Acknowledgement Form | 8 |
|  |  |  |
|  | **SECTION II: EMPLOYMENT** |  |
| 2-01 | Introductory Period | 9 |
| 2-02 | Employment Categories | 9 |
| 2-03 | Outside Employment | 10 |
| 2-04 | Nepotism | 10 |
| 2-05 | Personal Information Changes | 11 |
| 2-06 | Personnel Files | 11 |
|  |  |  |
|  | **SECTION III: EMPLOYEE BENEFITS** |  |
| 3-01 | Holidays | 13 |
| 3-02 | Vacation | 13 |
| 3-03 | Civic Leave | 14 |
| 3-04 | Military Leave | 15 |
| 3-05 | Medical/Sick Leave | 18 |
| 3-06 | Civilian Employee Sick Time Donations | 19 |
| 3-07 | Absenteeism And Abuse of Medical Leave Policy | 20 |
| 3-08 | Maternity Leave | 21 |
| 3-09 | Family Medical Leave | 21 |
| 3-10 | Death In The Immediate Family | 28 |
| 3-11 | Retirement Benefit | 29 |
| 3-12 | Other Employee Benefits | 29 |
| 3-13 | Workers Compensation | 29 |
| 3-14 | Inclement Weather | 30 |
|  |  |  |
|  | **SECTION IV: TIMEKEEPING AND PAYROLL** |  |
| 4-01 | Hours Of Work | 31 |
| 4-02 | Overtime and Compensatory Time | 31 |
| 4-03 | Flexible Scheduling | 32 |
| 4-04 | Rest And Meal Periods | 32 |
| 4-05 | Timekeeping | 32 |
| 4-06 | Paydays | 33 |
| 4-07 | Pay Corrections | 33 |
| 4-08 | Pay Deductions | 33 |
| 4-09 | Business Travel | 33 |
| 4-10 | Credit Cards | 33 |
| 4-11 | Expenses To Obtain and Maintain A Commercial Driver’s License | 34 |
| 4-12 | Mileage Expense | 34 |
| 4-13 | Use Of Take Home Vehicle | 34 |
|  |  |  |
|  | **SECTION V: GENERAL PROVISIONS** |  |
| 5-01 | Code Of Conduct | 35 |
| 5-02 | Conflict Of Interest | 35 |
| 5-03 | Business Activities And Solicitation | 36 |
| 5-04 | Drug Free Workplace Policy | 36 |
| 5-05 | Anti-Harassment | 36 |
| 5.06 | Workplace Violence | 38 |
| 5.07 | Whistleblower Policy | 39 |
| 5-08 | E Mail And Internet Code of Conduct | 40 |
| 5-09 | Use Of Telephone And Mail | 41 |
| 5-10 | Social Media Policy | 42 |
| 5-11 | Use Of Town Property | 43 |
| 5-12 | Visitors in the Workplace | 43 |
| 5-13 | Valid Operator Or Chauffeur’s License And Insurability | 44 |
| 5-14 | Attendance | 44 |
| 5-15 | Gifts And Gratuities | 44 |
| 5-16 | Personal Appearance | 45 |
| 5-17 | Political Activity | 45 |
| 5-18 | Appearance Of Work Areas | 45 |
| 5-19 | Uniforms | 45 |
| 5-20 | On The Job Safety | 46 |
| 5-21 | Job Fitness Evaluations | 46 |
| 5-22 | Vehicle Crash Review Process | 46 |
| 5-23 | Post Vehicle Crash/Controlled Substance And Alcohol Testing | 47 |
| 5-24 | Aids In The Workplace | 48 |
|  |  |  |
|  | **SECTION VI: PERFORMANCE EVALUATIONS AND DISCIPLINARY ACTIONS** |  |
| 6-01 | Policy And Purpose | 50 |
| 6-02 | Procedure For Employee Performance Evaluation | 50 |
| 6-03 | Disciplinary Action | 51 |
| 6-04 | Authority For Disciplinary Action | 51 |
| 6-05 | Reasons For Disciplinary Action | 51 |
| 6-06 | Types Of Action | 52 |
| 6-07 | Grievance Procedure | 53 |
| 6-08 | Disagreements | 53 |
| 6-09 | Appeal Of Supervisor’s Decision Or Action | 54 |
| 6-10 | Appeal Of Town Manager’s Decision Action | 54 |
| 6-11 | Additional Appeals | 54 |
|  |  |  |
|  | **SECTION VII: BLOODBORNE PATHOGENS** |  |
| 7-01 | Blood borne Pathogens (Exposure Control Plan)  | 55 |
|  |  |  |
|  | **SECTION VIII: SEPARATION OF EMPLOYMENT** |  |
| 8-01 | Employment Termination | 63 |
| 8-02 | Return Of Property | 63 |
| 8-03 | Pay Upon Termination | 63 |
| 8-04 | Compensatory Time Off Agreement | 65 |

###### SECTION I: INTRODUCTION

**1-01 INTENT AND PURPOSE**

It shall be the purpose of the Town’s personnel rules and regulation to establish the policies and procedures that encourages and motivates employees as well as comply with laws and regulations. The policies and procedures have, as their purpose, the promotion of efficiency and economy of government, promotion of the morale and wellbeing of employees, and promotion of equal employment opportunity for all candidates for employment and for all Town employees.

The Town of McCordsville’s Employee Handbook (“Handbook”) is designed to provide employee’s, in summary form, personnel policies and procedures, an overview of your responsibilities and benefit information affecting employment. The Handbook supersedes any prior Handbooks or written policies of the Town of McCordsville (“Town”) that are inconsistent with the information contained in this Handbook.

No Handbook can anticipate every circumstance or question about policies and procedures. Therefore, the Town reserves the right to interpret, revise, supplement, or rescind any policy, procedure or portion of the Handbook as it deems appropriate, in its sole and absolute discretion at any time without advanced notice.

It is not the intent or purpose of this Employee Handbook to supersede or overrule any State or Federal rules and regulations or the Police Department SOP’s governing the operation of the department. To the extent any conflict may exist between the policies outlined in this Employee Handbook and State or Federal law, or the Police Department SOP’s, the State or Federal law or Police Department SOP’s shall supersede any such contrary policy espoused herein.

Nothing contained in the Employee Handbook is intended to, in any sense, constitute a contract of employment or an expectation of continued employment. The Town is an “at-will” employer, for all non-police officer employees, which means the employee may resign at any time or the employer may discharge an employee at any time with or without cause or notice. The Town’s employer-employee relationship remains at-will for all non-police officer employees notwithstanding any provision in the Employee Handbook.

The Town, as a public employer, retains the sole and exclusive responsibility and authority to manage and direct its workforce on behalf of the public, and to conduct the operations and activities of the Town to the full extent authorized by law. No representative of the Town has the authority to enter into any agreement contrary to our employment-at-will relationship except with the express written permission from the Town Council or as allowed by State Statute. Thus, any oral or written statements to the contrary should not be relied upon by any prospective or existing employees.

If an employee has any questions regarding his/her employment, policies or procedures whether or not it is addressed in this Handbook, he or she should contact his/her supervisor or the *Town Manager*.

**1-02 PRINCIPLE BASED POLICIES**

These rules and regulations are based on principles that provide a guide that will:

A. Acknowledge that our employees are our greatest resource;

B. Encourage each employee to render excellent performance in his/her service to the Town and its goals;

C. Cultivate a professional working environment of mutual trust, honesty and respect;

D. Encourage employees to undertake responsibility;

E. Provides standards for excellent performance and the incentive to reach that goal;

F. Provide fair treatment of applicant and employees in all respects of personnel administration without regard to political affiliation, race, color, national origin, sex, age, religious creed, physical or mental handicap, Vietnam-era veteran status or disabled veteran status and with proper regard for the privacy and constitutional rights as citizens; and

G. Allow employees to express their ideas and are free to exercise their rights as citizens.

**1-03 EQUAL EMPLOYMENT OPPORTUNITY**

The Town is an equal opportunity employer and affirms its policy and commitment to provide equal employment opportunity to any person in recruitment, appointment, training, promotion, retention, discipline or any other aspects of employment and personnel administration because of political or religious opinions or affiliations, race, national origin, sex, age, physical disability, genetic disposition, or other non-discriminatory factors.

The Town will ensure that hiring and promotion decisions are in accord with principles of equal employment opportunity by imposing only valid and nondiscriminatory requirements for hiring and promotion opportunities.

Discrimination on any basis is strictly prohibited except when such constitutes a bona fide occupational qualification.

**1-04 COVERAGE**

The provisions of this Employee Handbook apply to all positions and employees of the Town, except elected officials and members of boards, commission, and committees, except employees of the Town serving in such capacities. As set forth in 1-01, the provisions of this Employee Handbook also apply to the Police Department personnel to the extent they do not conflict with State or Federal law or the provisions of the Police Department SOP. These policies serve as a guide in administering the Town’s personnel policies in keeping with its basic incentive-based principles.

The Clerk/Treasurer, although an Official of the Town, shall, for the purpose of this policy, also be considered a department supervisor. Town departments may modify certain policies, subject to the approval of the Town Council.

**1-05 ROLES AND RESPONSIBILITIES**

The Town Council shall adopt and amend, as needed, the personnel rules and regulations.

The Town Manager shall:

1. Be responsible for administration and maintenance of the personnel rules and regulations;

2. Appoint and remove all employees except those appointed by the duly elected Clerk/Treasurer, sworn or civilian police employee, subject to the provisions of the personnel rules and regulations; and

3. Perform other duties and exercise other powers in personnel administration as may be prescribed by law or the personnel rules and regulations.

 It shall be the responsibility of all employees to thoroughly acquaint themselves with the provisions of the personnel rules and regulations. Employees are expected to conduct themselves, at all times, in a way as to effectively and efficiently carry out their responsibilities to the Town and to the public. Employees are encouraged to submit suggestions for changes and improvements in personnel policies and procedures to improve the personnel system.

In addition to the specific responsibilities listed in their job descriptions, all Department Supervisors are responsible for ensuring that they and their subordinates perform all work in a safe, legally permissible and satisfactory manner; all working hours, overtime, leave time, absenteeism and tardiness is reported accurately; take all appropriate action to address conflicts between subordinate employees; assure the proper use of Town-owned vehicles and other equipment; and inform the *Town Manager* and Town Council liaison to their department of any serious departmental problems and violations of law or Town ordinances, rules and procedures. These and other responsibilities of Department Supervisors do not relieve their subordinate employees of their responsibilities as set forth in this Handbook.

Employees will strive to obtain all skills and knowledge necessary to perform their job and effectively represent the Town. Indifference, insubordination, and improper conduct will be grounds for disciplinary action.

**1-06 PERSONS WITH DISABILITIES**

It is the policy of the Town of McCordsville to employ, advance and otherwise treat qualified individuals without regard to their disability in all employment practices. The Town will attempt to accommodate disabled employees and job applicants to enable them to perform the essential functions of their jobs in a safe and efficient manner.

The Town of McCordsville will afford reasonable accommodation to qualified applicants and employees with a known disability, provided that the accommodation does not cause undue hardship to the Town of McCordsville, or, irrespective of the accommodation, that such individuals do not pose a direct threat to the health and safety of themselves or others. Applicants may inform the Town Manager or the Clerk/Treasurer and employees may inform their Department Head of the disability and may suggest, on a confidential basis, how the Town of McCordsville may reasonably accommodate them.

**1-07 IMMIGRATION LAW COMPLIANCE**

The Town of McCordsville 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 an I-9 with the County within the past three years, or if their previous I-9 is no longer retained or valid.

Further, under the provisions of SEA 590-2011, the Town of McCordsville is required to participated in the E-Verify program. Employees with questions or seeking more information on immigration law issues are encouraged to contact the Town Manager. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

**1-08 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY (HIPAA) POLICY**

The Town of McCordsville is not a covered entity as defined by HIPAA; however, we do maintain health care and related plans that are subject to HIPAA requirements. Thus, the Town has made a decision that HIPAA privacy and security provisions will apply to protected health information (PHI) maintained by the Town.

HIPAA regulations will be followed in administrative activities undertaken by assigned personnel when they involve PHI in any of the following circumstances: health information privacy, health information security and health information electronic transmission.

The Town of McCordsville will consider any breaches in the privacy and confidentiality of handling of PHI to be serious, and disciplinary action will be taken in accordance with our code of conduct.

The Town of McCordsville has designated the Clerk Treasurer as the HIPAA compliance officer (HCO), and questions regarding policy provisions should be addressed to the HCO. This policy is supplemented by new operating procedures issued by the HCO and will be effective immediately.

Town records that are governed by this policy will be maintained for a period of no less than six years, and when the maximum retention period has passed, the records will be subject to the Town’s policy for completed record destruction.

**1-09 EMPLOYEE HANDBOOK ACKNOWLEDGEMENT FORM**

#  TOWN OF MCCORDSVILLE

**Employee Handbook**

**Acknowledgement Form**

I acknowledge that I have received a copy of the Town of McCordsville’s Employee Handbook (“Handbook”) and understand that it is my responsibility to read the policies and procedures contained in the Handbook and understand its contents. I understand that any questions regarding the policies and procedures should be directed to my immediate supervisor and/or Clerk Treasurer’s Office.

I understand that the Handbook supersedes any and all handbooks, policies and procedures in effect, which are inconsistent with the policies and procedures contained in this Handbook. I also understand that Departments may have policies, procedures and practices that more clearly define the policies and procedures contained in the Handbook.

I understand and acknowledge that the Town of McCordsville (“Town”) uses the Handbook as a guide to provide information regarding my employment.

I understand and acknowledge that the Town retains complete discretion to apply, change and interpret any provisions, policy, practice and procedure pertaining to the Handbook. I understand that changes may occur at any time without advance notice.

I understand the Handbook is not and is not intended to create an implicit or explicit employment contract and in no way alters the employment-at-will relationship. No one with the Town can alter the employment-at-will status other than the Town Council. Furthermore, I acknowledge that this Handbook is neither a contract of employment nor a legal document.

I have entered into the employment relationship with the Town voluntarily and acknowledge that there is no specified length of employment. Accordingly, either an employee or the Town may terminate the employment relationship at any time, with or without cause or notice.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Employee’s Signature Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Employee’s Name (*Please Print*)

**SECTION II: EMPLOYMENT**

**2-01 INTRODUCTORY PERIOD**

All employees hired to positions exceeding six (6) months shall be subject to satisfactory completion of an *Introductory Period*. The *Introductory Period* shall be regarded as an integral part of the selection process and shall be utilized for closely observing the employee’s work and/or for securing the most effective adjustment of a new employee whose performance or conduct is not satisfactory.

The *Introductory Period* for a new civilian employee shall be ninety (90) days in duration, but can be extended up to an additional ninety (90) days at the *Town Manager’s* and/or immediate supervisors discretion.

An employee's supervisor will discuss benefits that he/she is eligible to receive while serving his/her *Introductory Period*.

**2-02 EMPLOYMENT CATEGORIES**

It is the intent of the Town of McCordsville to clarify the definitions of employment classifications so that employees clearly understand their individual employment status and benefit eligibility. Any changes in employment classification shall be conveyed to the employee in writing. No change in employment classification is to be construed or inferred without written notification from the *Town Manager* for civilian employees.

Each employee is designated as either “*SALARY NON-EXEMPT*” or as “*SALARY EXEMPT*” from federal and state wage and hour laws.

A. *Salary non-exempt* – an employee who is entitled to overtime/compensation time under the specific provisions of both federal and state laws.

B. *Salary exempt* – an employee who is excluded from specific provisions of

federal and state wage and hour laws.

In addition to the classification of *salary non-exempt* and *salary exempt*, each employee shall also be classified in one of the following categories, based upon the conditions under which he/she is employed:

C. *Part-time employee* – any employee who is regularly scheduled to work less than forty (40) hours per week. Part time employees who are regularly scheduled to work a minimum of thirty (30) hours per week shall be entitled to insurance benefits. Part time employees who are regularly scheduled to work less than thirty (30) hours shall not be entitled to insurance benefits. All part time employees are eligible for holiday pay for the hours they are normally scheduled to work on that day.

D. *Regular full time employee* – any employee who has satisfactorily completed his/her *Introductory Period*, is performing duties that require forty (40) hours of work per week with the Town, and is not otherwise classified as a *part-time*, or *temporary employee*. For the purpose of this section, a *regular full time employee* may often be referred to as *full-time employee*.

E. *Temporary employee* – any employee hired for a specific job of limited duration. *Temporary employee*s shall not be entitled to insurance and other fringe benefits afforded *regular full time employees* of the Town, such as vacation leave, sick leave, holiday pay, etc.

“F. *Essential Employees -* At the time of hire, employees will be advised if they are in a position that has been designated as "Essential" by the Town Manager or Elected Official. These positions are those deemed necessary to maintain critical operations of the Town in emergency situations such as severe weather, power failures or other situations where it is necessary to close certain offices of the Town yet maintain essential services to the Town. (refer to Inclement Weather page 22).”

G. *Town Manager* - is the Town Council appointed authority that is responsible for the administration and operation of the departments of the Town except for the Police Department and the Clerk/Treasurer’s office.

**2-03 OUTSIDE EMPLOYMENT**

*Regular full time employees* are not encouraged, but not prohibited from engaging in other employment during their off-duty hours. However, an employee’s employment with the Town is considered his/her primary employment and no employee may engage in outside employment which in any manner interferes with proper and effective job performance, results in conflict of interest, or which may offend the conscience of the community. Outside employment must not interfere with the employee’s assigned duties or work hours and will not be permitted during any leave periods, including FMLA protected leave. All employees will be judged by the same performance standards and will be subject to Town scheduling demands, regardless of any existing outside work requirements.

**2-04 NEPOTISM**

Employees who are relatives of an Elected Official or Department Head may not be employed by the Town in a position that results in one (1) relative being in the direct line of supervision of the other relative (IC 36-1-20.2).

Direct line of supervision means an Elected Official or Department Head who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. The term 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.

Employed means an individual who is employed by the Town on a full-time, part-time, temporary, intermittent, or hourly basis. The term does not include an individual who holds only an elected office. The term includes an employee who is a party to an employment contract with the Town.

Relative means any of the following: (1) A spouse, (2) A parent or stepparent, (3) A child or stepchild, (4) A brother, sister, half-brother, half-sister, stepbrother, or stepsister, (5) A niece or nephew, (6) An aunt or uncle, (7) A daughter-in-law or son-in-law. An adopted child is considered the same as natural child of the individual.

This policy does not apply to employees in their current position as of June 30, 2012 unless the employee has a break in employment.

If an employee is absent from workplace while on paid or unpaid leave, including vacation, sick or family medical leave, or worker’s compensation or employment with the Town is terminated followed by immediate reemployment by the Town, without loss of payroll time then they are not considered to have a break in employment.

**2-05 PERSONAL INFORMATION CHANGES**

***It is the responsibility of each employee to promptly notify his/her supervisor of any changes in personnel data*.**  Personal mailings addresses, telephone numbers, number and name of dependents, individuals to be contacted in the event of emergency, educational accomplishments, and other such status reports should be accurate and current at all times.

Supervisors shall update all changes in employee personal information with the Clerk/Treasurer.

**2-06 PERSONNEL FILES**

The Town of McCordsville will maintain a file on each employee in the Clerk/Treasurer’s office. An employee's personnel file begins with the employee’s completed employment application form. From time to time various information will be added to the personnel file regarding an individual's employment status with the Town. Personnel files are the property of the Town of McCordsville and will be treated the same as any other confidential Town of McCordsville information.

The following provisions apply with respect to the Town of McCordsville's standards for establishing, maintaining and handling employee personnel files;

1. All official records concerning an employee will be kept up to date insofar as possible, and all employees shall promptly report all pertinent personal information and data changes to the Clerk/Treasurer’s office. All information in the employee personnel files is considered confidential. This information will only be available to the Town Manager, the Clerk/Treasurer, the employee, and the employee’s direct supervisor or Department Head.
2. Employees will be permitted to review their personnel files as permitted by applicable laws in the presence of their supervisor, Clerk/Treasurer, or the Town Manager. Employees may submit their request in writing to the Clerk/Treasurer
3. Information regarding the medical condition or history of an employee will be maintained in accordance with applicable federal and state laws and will be maintained in a separate file under the supervision of the Clerk/Treasurer
4. The personnel file of a terminated employee will be maintained in accordance with applicable state and federal laws.

**SECTION III: EMPLOYEE BENEFITS**

**3-01 HOLIDAYS**

The Town Council, upon recommendation of the Town Manager, has designated 12 days as official holidays for Town employees. Holiday pay will be based on the employee’s base pay rate, as of the date of the holiday times the number of hours the employee would otherwise have worked on that day.

Office staff that are either working on a legal holiday or have the legal holiday off as a regular day off may either receive holiday pay for their regular hours worked for that day or may take another regularly scheduled work day off as the holiday within thirty (30) days of the holiday worked, provided the work day is taken before November 25.

Office staff that either work on Thanksgiving or the day after Thanksgiving or have Thanksgiving as a regular day off may either receive holiday pay for their regular hours worked for that day or may take another day regularly scheduled workday off as the holiday, provided that the workday is taken before December 12.

Unless otherwise designated, a recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

If a recognized holiday falls during an eligible employee’s paid absence (e.g., vacation, and sick leave); the employee will be eligible for holiday pay. If the Town Council has identified the general election during a municipal election cycle as a holiday and there is not an organized election due to candidates running unopposed, the office will remain open and the holiday will be rescinded.

*Salaried non-exempt employees* of the Public Works Department shall not be entitled to paid holidays as set forth in the aforementioned language. In lieu of paid holidays, *salaried non-exempt employees* of the Public Works Department shall be entitled to Personal Days under the provisions of Ordinance # 011006. Public Works Department employees’ personal days may be taken only at times approved by either the supervisor and/or the *Town Manager*.

**3-02 VACATION**

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Regular Full Time employees are eligible to earn and use vacation time as described in this policy.

New employees shall earn one day, (8) hours, of vacation for each two (2) full months worked within the 12 months from the date of hire up to a maximum of 40 hours.

Once employees enter an eligible employment classification, they begin to earn paid vacation time based on their length of service and the schedule below. However, before vacation time can be used, the Introductory Period of 90 calendar days must be completed.

An employee who is terminated during his or her Introductory Period will not be entitled to pay for accrued vacation. An employee whose Introductory Period is extended will be entitled to vacation unless terminated during the extended Introductory Period.

Any Regular Part Time or Temporary employee hired as Regular Full Time who has accumulated 3 months or more of employment in said calendar year, (not necessarily consecutive days), may have the Introductory Period waived by the Department Head or Office Holder into which that individual enters as a regular employee.

Vacation benefits are credited at the beginning of the calendar year based on the employee’s length of service for the upcoming calendar year. However, if an employee terminates employment or is terminated, vacation hours for that year would be pro-rated back to the date of termination. Effective January 1, 2017, the vacation benefit is as follows:

VACATION EARNING SCHEDULE

Length of service Vacation hours each year

 1st year and 2nd year 40 hours

 3rd year through 5th year 80 hours

 6th year through 10th year 120 hours

11th year and subsequent years 160 hours

15th year through subsequent years 200 hours

Paid vacation time can be used in any increment approved by the supervisor. To take vacation of one (1) day or more, employees must request advance approval from their Department Head. Requests will be reviewed based on a number of factors, including departmental needs and staffing requirements.

An employee may carry over unused vacation to the next calendar year, but in no case can an employee have credit for more than 240 hours of vacation.

**3-03 CIVIC LEAVE**

An employee required to serve as a juror, to attend court, or a coroner’s inquest as a witness shall be excused from work for the days on which he/she serves and shall receive the difference between his/her regular rate of pay and the sum he/she receives for that service. The employee will present proof of service (subpoena) and the amount of payment received from the clerk of the court or coroner.

Employees are expected to report for work whenever the court schedule permits. If an employee is released from jury duty by the court any time prior to noon, he/she shall report to work as soon as possible but no more than two (2) hours after being released by the court.

**3-04 MILITARY LEAVE**

**SHORT TERM**

The Town provides compensation for two weeks during annual reserve and National Guard military training for regular full-time employees who have completed the orientation period. Regular part-time and temporary employees do not qualify for military leave compensation.

The amount of the military leave compensation paid is the difference between military pay and regular pay based on a 40-hour workweek. Time spent on military leave will not be counted as vacation time used.

Military reservist employees and those volunteering for or called to active military duty are entitled to reemployment with the Town upon their return from duty in full compliance with all applicable federal and state laws. In addition, besides the military leave benefits discussed above, employees who request a military leave of absence may elect to use any accrued vacation pay in lieu of unpaid leave, and may elect to continue health care benefits to the extent permitted by law, during their leave of absence.

**LONG TERM**

An employee who leaves a position (other than a temporary position) with the Town for voluntary or involuntary service in the Armed Forces of the United States, the Army, the National Guard, the Air National Guard or any other uniformed service under competent authority or any other category of persons designated by the President in time of war or emergency (Military Service), including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty and fitness examinations is entitled to a military leave of absence upon request and shall be accorded certain benefits and re-employment rights, subject to the conditions hereinafter prescribed, consistent with the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and the Military Selective Service Act, as amended.

**A. Notification.** Unless precluded by military necessity, employees must provide advance written notice of their request for a military leave of absence to their supervisor or department head. This request shall be promptly forwarded to the Town’s Human Resources Director for consideration and approval.

**B. Requests for Reemployment.** Employees are eligible for reemployment upon honorable release or discharge from Military Service if:

 1. the employee has complied with the above notification requirements;

 2. the cumulative length of the absences for Military Service has not exceeded five years (subject to certain exceptions noted below);

 3. the employee reports to work or submits an application for reemployment in accordance with the applicable procedures set forth below;

 4. the employee is qualified for an available position and the Town’s circumstances have not changed so as to make such reemployment impossible or unreasonable; and

 5. reemployment of that employee would not impose an undue hardship on the Town.

The limit on an employee’s cumulative Military Service shall not include any service beyond five years during which he or she was:

 1. required to complete an initial period of obligated service;

 2. unable to obtain a timely release through no fault of their own;

 3. required to fulfill an additional and certified training requirement; or

 4. ordered to active duty.

**C. Guidelines for Seeking Reemployment.** An employee applying for reemployment shall provide, upon request, necessary documentation to establish his or her eligibility for reemployment. An employee will not be held responsible for providing documentation that does not exist or is not readily available. However, employees may be terminated after reemployment if documentation becomes available that establishes the employee’s non-eligibility for reemployment.

Any employee who fails to timely request reemployment shall be treated as any other employee who fails to return from a leave of absence.

An employee who qualifies for reemployment, and subject to the above conditions, shall be reemployed as follows:

 1. For employees absent less than 91 days, they shall be reemployed in the position in which they would have held if their continuous employment had not been interrupted by such Military Service. If the employee is unqualified for this position despite reasonable attempts to train him or her, the employee shall then be reemployed in the position held immediately prior to his or her absence.

 2. For employees absent more than 90 days, they shall be reemployed in the position in which they would have held if their continuous employment had not been interrupted by such Military Service or a position of like seniority, status and pay. If the employee is unqualified for this position despite reasonable attempts to train him or her, the employee shall be reemployed in the position he or she held immediately prior to his or her military leave of absence or a position of like seniority, status and pay to his or her original position.

 3. For employees who become disabled or aggravate a disability during such Military Service and, as a consequence, are unqualified to be reemployeed in the above manner despite reasonable efforts at accommodation, they shall be reemployed in a position which is equivalent in seniority, status and pay for which they are qualified or can become qualified with reasonable efforts. If unavailable, they shall be reemployed in a position which is the nearest approximation to such position consistent with the circumstances of the individual’s case.

 4. For employees who are not qualified for the above position, they shall be reemployed in a position of lesser status and pay that the employee is qualified to perform with full seniority.

 5. If two or more employees are eligible for reemployment to the same position, the employee who left first shall have priority. All other employees shall be reemployed in any other position that provides similar status and pay with full seniority or, if disabled, to a position of similar status and pay consistent with the individual’s case.

 6. Subject to the ability to become qualified for the position, employees are entitled to any promotions, advancements or changes in status that would have occurred automatically had they not been absent in Military Service. Employees are entitled to promotions based on discretion, and not automatically based solely on seniority, only if that employee would have been awarded the promotion had he or she not been absent.

**D. Seniority and Other Benefits Upon Reemployment.** Employees eligible for reemployment are entitled to the seniority and other rights and benefits determined by seniority as if their continuous employment had not been interrupted by Military Service and shall be entitled to other rights and benefits not determined by seniority as any other employee on furlough or leave. To the extent required of other employees on furlough or leave, employees seeking reemployment are required to pay their share of any funded benefit contingent on employee contributions.

**E. Health Benefits.** Employees who request a military leave of absence may elect to continue health coverage for:

 1. 18 months commencing on the employee’s leave of absence; or

 2. the day after the employee fails to return or apply for reemployment, whichever is less.

The employee shall not be required to pay more than 102% of the full premium except that employees on leave for Military Service for less than 30 days shall not be required to pay any more than the normal employee share (if any).

If coverage is terminated during an employee’s military leave of absence and the employee is reemployed, no exclusions or waiting period will be imposed when the coverage is reinstated unless such illness or injuries were incurred in or aggravated during the performance of the employee’s Military Service.

**F. Pension Benefits.** Upon reemployment, employees returning from a military leave of absence shall be treated as having no break in service and each period served in Military Service shall be deemed to constitute service with the Town. An employee is entitled to accrued benefits contingent upon employee contributions or elective deferrals only to the extent the employee makes payment to the plan with respect to such contribution or deferral as specified in the Town’s plan.

**G. Termination of Employment.** Employees reemployed after Military Service who had been employed by the Town for more than 180 days prior thereto shall not be discharged without cause for a period of one year. Employees reemployed after Military Service who had been employed by the Town for more than 30 days but less than 181 days shall not be discharged without cause for a period of 180 days.

**H. Non-Discrimination.** The Town will not discriminate against any employee on the basis of his or her membership, application for membership, performance of service, application for service or performance of any other obligation in the military.

**I. Termination of Benefits.** Notwithstanding the foregoing, an employee’s entitlement to reemployment and other benefits outlined herein immediately terminates if the employee receives a dishonorable or bad conduct discharge, if the employee is separated from Military Service under anything other than honorable conditions, or under any other condition provided by law.

**J. Miscellaneous.** An employee who is temporarily excused from work in response to an “Order to Report for Armed Forces Physical Examination” at a local examining station will be allowed the normal rate of pay (salary or wages) for the hours absent and is to report for work as soon as possible after completion of the examination.

**3-05 MEDICAL/SICK LEAVE**

Medical/sick leave is defined as absence from work with pay by any employee as a result of physical or mental disability that incapacitates the employee to a degree that performance of job assignment is impaired.

A. If illness or injury prevents an employee from reporting for work, he/she must contact their immediate supervisor concerning his/her absence prior to the time he/she is to begin the workday.

B. When on medical/sick leave, employees must be at home, at a medical facility or be able to explain their whereabouts at all times. Failure to provide formal documentation as to one of the four requirements will result in disciplinary action up to and including termination. No employees on medical/sick leave will be permitted to perform any off-duty employment.

C. *Regular full time employees* will accrue one (1) day of sick leave for every month of service, for a maximum of twenty-four (24) days. Should an employee miss three (3) consecutive workdays, said employee shall present either the *Town Manager* or the head of the department involved, a documented doctor’s explanation as to the reason why the employee missed three (3) consecutive workdays or more and that the employee is released to return to work without restrictions.

D. As an incentive for employees to stay healthy and use their sick leave to maintain both his/her mental and/or physical health, each *regular full time* *employee* shall be entitled to the opportunity to trade unused sick leave for personal time in the following manner. Twice a year, the first being January 1 and the second being July 1, employees may trade six (6) sick leave days for two (2) personal days. The rate of trade is three (3) sick leave days for one (1) personal day. Employees may make this trade only after reaching the twenty-four (24) day maximum sick day cap.

E. Requests for trades of time will be taken by the supervisor in writing no later than the 15th day of December for the January 1 trade and the 15th day of June for the July 1 trade. If the request is consistent with time accrued, the employee will be notified during the first full pay period in January or July whether or not his/her sick leave was transferred to personal time.

**3-06 CIVILIAN EMPLOYEE SICK LEAVE DONATIONS**

The Town of McCordsville provides its employees with a generous amount of paid time off. All employees are expected to manage their time off wisely, so it is available when needed. Under very limited circumstances, an employee's paid time off may be supplemented by voluntary donations of accrued sick leave, vacation or personal time from co-workers. Employees will be allowed to donate accrued sick time as outlined below.

* Participation in the sick leave bank is strictly voluntary.
* The receiving employee must be experiencing a grave, immediate and life-threatening illness (to be determined by the Town Manager and Clerk Treasurer).
* The receiving employee cannot accept any more time than is required to satisfy the short ­term disability elimination period (eight calendar days), and may only accept time for scheduled work days during that period.
* The minimum number of sick, vacation or personal leave days an employee may contribute is one (1) day. The contributing employee must retain a minimum of eight (8) days of leave in his/her personal account.
* To draw from the bank, an employee must be a full time regular employee for at least six (6) months.
* Any employee considered for sick bank benefits must submit to the Town Manager appropriate medical documentation as to the nature and extent of illness, the anticipated date of return to work, and must have exhausted all sick days and vacation days.
* An employee may only draw these benefits once in an annual twelve (12) month period.
* In the event that an Employee is physically unable to make a request to the Sick Leave Bank for use of sick leave days, a family member or designee may file the request.
* If the recipient of the approved sick leave bank time returns to work before the received sick leave bank time has been used, the sick leave time must be returned to the sick leave bank.
* Any employee who wishes to donate sick leave time must sign a Sick Leave Bank Donation Form, as provided by the Clerk Treasurer indicating the number of sick, vacation or personal days to be transferred to the sick leave bank. Each leave day donated by the employee will be converted into sick leave days and placed in the sick leave bank.
* The Town will have the option of denying benefits to any employee who has a pattern of abusing the sick leave bank.
* In the event an employee is denied sick leave time from the sick leave bank, the employee may appeal the decision to the Town Council. The Town Council must provide a report that includes the decisions made on each appeal presented.
* A formal written letter of appeal must be submitted to the Town Manager.
* A formal response to such appeal must be issued within fifteen (15) working days of receipt. Such formal response is final and binding.

**3-07 ABSENTEEISM AND ABUSE OF MEDICAL LEAVE POLICY**

The following shall be grounds for disciplinary action up to and including termination:

A. Use of medical/sick leave for reasons other than illness or injury, except as expressly permitted in this section.

B. A pattern of medical/sick leave abuse. This includes recurring use of sick days on Fridays or Mondays, days before or after holidays, or days before or after scheduled time off such as vacations, birthdays, personal business days, or compensatory days off. This also includes repeated use of medical leave days at times which the employee reasonably should know to be important to the department because of workload, deadlines, or other causes rendering absences particularly troublesome to the department. Any combination of the above may constitute a pattern of abuse of medical leave.

**3-08 MATERNITY LEAVE**

The Town of McCordsville will not discriminate against any employee who requests an excused absence for medical disabilities associated with a pregnancy. Such leave requests will be made and evaluated in accordance with the medical leave policy provisions outlined in this handbook and in accordance with all applicable federal and state laws.

**3-09 FAMILY MEDICAL LEAVE**

The Town complies with all applicable federal and state labor and employment laws, including the federal Family and Medical Leave Act of 1993 (FMLA). Under the FMLA, eligible employees are entitled to certain rights, and have certain obligations, with respect to unpaid leave for certain family and medical reasons.

**FMLA Leave Eligibility**

An eligible employee under the FMLA is an employee who has been employed by the Town for at least 12 months, who has worked at least 1,250 hours in the past 12 months, and who works at a facility in which at least 50 employees are employed by the Town, either at that facility or within 75 miles of that facility.

The 12 months that an employee must have been employed by the Town to be eligible fo FMLA leave need not be consecutive. Except in certain limited circumstances relating to military leave, any period of employment with the Town prior to a break in service of seven years or more will not be counted in computing the 12 months’ service requirement.

**Reasons for FMLA Leave**

An eligible employee may take FMLA leave for one of five different reasons. Specifically, an eligible employee may take FMLA leave of:

 1. up to 12 weeks per Leave Year to care for a newborn child or a child newly placed in the employee’s custody through adoption or foster care for a period of up to one year after such birth or placement;

 2. up to 12 weeks per Leave Year to care for the employee’s spouse, child or parent who has a Serious Health Condition;

 3. up to 12 weeks per Leave Year because of the employee’s own Serious Health Condition, if that condition renders the employee unable to perform his or her job functions;

 4. up to 12 weeks per Leave Year because of a Qualifying Exigency arising from the fact that the employee’s spouse, son, daughter or parent is on Covered Active Duty; or

 5. up to 26 weeks within a Single 12-Month Period to care for a Covered Service member who is the employee’s spouse, daughter, son, parent or next of kin who is:

 a. a member of the armed forces (including National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy; is in outpatient status; or is on the temporary disability retired list for a Serious Injury or Illness suffered in the line of duty; or

 b. a veteran who is undergoing medical treatment, recuperation or therapy for a Serious Injury or Illness suffered in the line of duty and who was a member of the armed forces (including National Guard or Reserves) at any time during the five years preceding the date of treatment, recuperation or therapy.

Any leave taken by an eligible employee for one or more of these reasons will be counted against that employee’s annual FMLA leave entitlement. An employee may not combine forms of leave to exceed the maximum entitlement under the law. In other words, an employee is only eligible for a total of 12 or 26 weeks of FMLA leave a year, as applicable, depending on the reason for the leave.

**Limits on Spousal Leave**

Spouses who both work for the Town will be limited to a combined total of 12 weeks of FMLA leave per Leave Year for the birth, adoption, or foster placement of a child, or to care for a parent with a Serious Health Condition. Spouses who both work for the Town will likewise be limited to a combined total of 26 weeks of FMLA leave during the Single 12-Month Period to care for a Covered Service member.

**DEFINITIONS**

**Covered Active Duty**

For current active duty members of the armed forces, “covered active duty” means duty during deployment to a foreign country.

For members of a reserve component of the Armed Forces, “covered active duty” means:

 1. duty during service in a foreign country as part of any operation designated by the Secretary of Defense as one in which members of the Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force;

 2. an operation that results in a call to duty of certain members of the Armed Forces from retirement, the reserves, the National Guard, or state militias; or

 3. any other operation which is the result of a national emergency declared by the President or Congress.

**Covered Service member**

Means:

 1. a current member of the Armed Forces (including National Guard or Reserves) who has suffered a Serious Injury or Illness incurred in the line of duty for which he or she is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is on the Temporary Disability Retired List; or

 2. a veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces (including National Guard or Reserves) at any time during the five years preceding the date of treatment, recuperation, or therapy.

**Leave Year**

For the purposes of this policy (with the exception of leave to care for a Covered Service member), the leave year within which an eligible employee may take his or her 12 or 26 weeks of FMLA protected leave means a rolling 12-month period measured forward from the date the employee first takes leave for any of the reasons set forth previously.

**Next of Kin**

Means the nearest blood relative of the injured Covered Service member as defined by applicable law and regulation.

**Qualifying Exigency**

Qualifying Exigencies include the following related to the Covered Active Duty of a Covered Service member:

 1. Issues arising from the short-notice (i.e., seven days or fewer) deployment of the employee’s spouse, daughter, son, parent, or Next of Kin in the military (“Service member”) for a period of seven days from the date of notification;

 2. Military events and related activities;

 3. Certain childcare and related activities;

 4. Making and updating financial and/or legal arrangements;

 5. Attending counseling for the Covered Service member or the child of the Covered Service member;

 6. Taking up to 15 days of leave to spend time with a Covered Service member who is on short-term temporary ret and recuperation leave during deployment;

 7. Care of a Covered Service member’s parent (including directly caring for the parent, arranging for care of the parent by another, admitting or transferring the parent to a care facility, or attending meetings with care providers for a parent at a care facility) who is incapable of performing self-care in three or more daily living activities (e.g., grooming, hygiene, bathing, dressing, or eating) or instrumental activities of daily living (e.g., cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using a telephone, or using a post office, etc.);

 8. Attending certain post-deployment activities; or

 9. Any other event that the Town and the employee agree is a Qualifying Exigency and agree as to both the timing and duration of the leave.

**Serious Health Condition**

Means an illness, injury, impairment, or physical or mental condition that involves either:

 1. inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or

 2. continuing treatment by a health care provider, which includes:

 a. a period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:

 i. treatment two or more times by or under the supervision of a health care provider (i.e., in-person visits, the first within seven days and the second within 30 days of the first day of incapacity unless extenuating circumstances exist for the latter); or

 ii. one treatment by a health care provider (i.e., an in-person visit within seven days of the first day of incapacity) with a continuing regimen of treatment under the supervision of a healthcare provider.

 b. any period of incapacity related to pregnancy or for prenatal care;

 c. any period of incapacity or treatment for a chronic Serious Health Condition that:

 i. continues over an extended period of time;

 ii. requires periodic visits (at least twice a year) to a health care provider; and

 iii. may involve occasional episodes of incapacity rather than a continuing period of incapacity.

 d. any period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. (Only supervision by a health care provider is required, rather than active treatment); or

 e. any absences to receive multiple treatments (and recovery from such treatment) for restorative surgery or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days if not treated.

**Serious Illness or Injury**

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

For veterans of the Armed Forces (including National Guard or Reserves) who were members of the Armed Forces (including National Guard or Reserves) at any time in the five years immediately preceding the treatment or therapy, an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces).

**Single 12-month Period**

The Single 12-Month Period pertaining to leave to care for a Covered Service member begins the first day the employee takes FMLA leave to care for the Covered Service member and ends 12 months after that, regardless of the Leave Year used by the Town for other types of FMLA leave.

**Veteran**

Means a person who served in the active military, naval or air service, and who was discharged or released there from under conditions other than dishonorable.

**Requesting FMLA Leave**

The Town will provide the necessary forms for employees to request FMLA leave. Employees must give the Town at least 30 days’ notice of their intent to leave under the FMLA if the leave is foreseeable. If the leave is not foreseeable, employees must make a good faith effort to provide notice as soon as practicable and must generally comply with the Town’s customary call-in requirements. Any employee who fails to give the requisite notice may be delayed in receiving authorization for leave.

Employees must provide information sufficient to enable the Town to determine whether the leave may be FMLA-qualifying and the anticipated timing and duration of the leave. The Town may require information showing that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. If the leave is for a condition for which the Town has previously approved FMLA leave, the employee must specifically reference that qualifying reason for the leave or the need for FMLA leave.

**Notification of Designation**

Absent extenuating circumstances, the Town will notify employees whether their leave has been approved as FMLA-qualifying no later than five business days after receiving sufficient information to make this designation. If known at the time of the designation, the Town will notify the employee of the amount of leave that will be counted against the employee’s FMLA entitlement. If this information is not known at the time of the designation, the Town will provide such information, upon the employee’s request, once every 30 days if leave is taken within that time period. If an employee is not eligible for FMLA leave, the Town will advise the employee why that is the case.

**Compensation for FMLA Leave**

Employees will be required to first use unused sick days, unused personal days and one half of their vacation time before taking unpaid family leave. Such paid leave will be counted toward the employee’s 12 or 26 weeks of FMLA leave granted per leave year.

**Intermittent or Reduced Hours Leave**

In the case of leave taken:

 1. to care for a seriously ill spouse, child, or parent;

 2. due to the employee’s own Serious Health Condition;

 3. due to a Qualifying Exigency; or

 4. to care for a Covered Service member.

An employee may take leave intermittently (i.e., periodically) or on a reduced hours schedule (i.e., reduced number of working hours per day or per week) only when such leave is medically necessary and certified as such. Otherwise, such leave is not permitted except at the sole discretion of the Town. An employee who takes leave intermittently or on a reduced leave schedule may be temporarily transferred to another position for which the employee is qualified to better accommodate that leave.

**Job and Benefits Security**

An eligible employee who takes leave under the FMLA and who returns to work before his or her annual FMLA entitlement has expired will be restored to the position he or she held when the leave commenced, or to an otherwise equivalent position with respect to pay, benefits, and other terms and conditions of employment, unless the employee would no longer have been employed in such a position had the employee not taken such leave. Additionally, any unused employment benefits that had accrued to an eligible employee prior to the commencement of leave will be restored upon return from FMLA leave.

**Continuation of Group Health Plan Coverage**

During FMLA the Town will maintain the employee’s health coverage under the group plan. Upon return from FMLA leave, employee will be restored to their original or equivalent position with equivalent pay, benefits and other terms of employment. If the employee is not receiving a check, the employee must pay the employee’s portion of all benefits to the Clerk/Treasurer in advance on or before the first day of each month.

The Clerk/Treasurer's Office will notify eligible employees concerning the amount of each premium payment.

Failure to pay such premiums during leave may result in the loss of health coverage. An eligible employee who fails to return to work after the expiration of the FMLA leave period for reasons that are not beyond his or her control will be expected to reimburse the Town for health care premiums paid by the Town during the leave period.

**Certification of the Need for Leave**

In cases of leave to be taken to care for a family member with a Serious Health Condition, a Covered Service member who has suffered a Serious Injury or Illness in the line of military duty, or due to the employee’s own Serious Health Condition, an eligible employee must provide the Town with a completed and signed health care provider certification indicating that the employee requires FMLA leave. The Town will provide the appropriate forms for such certification.

In cases of leave due to a Qualifying Exigency arising out of the active duty or call to active duty of a Covered Service member, the Town requires that an employee’s request for leave be supported by appropriate documentation as required by applicable law and regulation.

In all cases, the forms certifying and supporting the need for FMLA leave must be returned within 15 calendar days after the employee gives notice of intent to take FMLA leave unless not practicable. Failure to return this certification in a timely manner may result in delays in securing authorization for leave and the Town may deny FMLA coverage until the required certification is provided. Failure to return the certification at all will preclude the employee from taking leave.

The Town also may require, at its own expense, a second and third health care provider opinion (except with respect to leave to care for a Covered Service member) if there is a question as to the validity of the certification provided by the employee for leave relating to a Serious Health Condition.

An eligible employee also may be asked to furnish the Town with subsequent health care provider certifications on a reasonable basis during the employee’s leave period except if the employee is on leave to care for a Covered Service member. An eligible employee’s failure to furnish subsequent certifications may result in termination of the employee’s right to leave.

The Town may seek recertification of the need for leave as permitted by statute and regulation.

**Genetic Information Non-Discrimination Act (GINA)**

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

When an employee is applying for FMLA leave for the care of a family member with a serious health condition, it is obviously necessary to provide some medical information regarding the sick family member to support the need for leave. However, any family medical history information is only required to the extent necessary to make the FMLA medical certification complete and sufficient under the FMLA and should not otherwise be provided.

**Return to Work**

An employee returning to work from an FMLA leave of absence must be able to perform the essential functions of his or her job, with or without reasonable accommodation. If a reasonable accommodation is required, the employee must notify Human Resources. An eligible employee on FMLA leave must submit to the Town a medical release (i.e., fitness for duty certification) indicating that the employee is able to return to work and perform the essential functions of the employee’s position. The Town will furnish the employee with a list of essential functions to facilitate this process. Failure to submit a medical release will preclude the employee from being restored to his or her employment with the Town.

**Non-Discrimination/Non-Retaliation Policy Statement**

The Town will not:

 1. interfere with, restrain, or deny the exercise of any right provided under the FMLA;

 2. discharge or discriminate against any person for opposing any practice made unlawful by the FMLA; or

 3. discharge or discriminate against any person for his or her involvement in any proceeding under or relating to the FMLA.

**3-10 DEATH IN THE IMMEDIATE FAMILY**

If an employee wishes to take time off due to the death of an immediate family member, the employee should notify his or her Department Head immediately. Employees will be eligible for time off with as follows:

A. *Spouse or child.* The *Town Manager* and/or Supervisor may grant up to a maximum of eighty (80) hours of administrative leave in the event of the death of an employee’s spouse or an employee’s child.

B. Immediate family

1. The *Town Manager* and/or Supervisor may grant up to three (3) workdays administrative leave in the event of death of a member of an employee’s immediate family.

2. Immediate family is defined as blood, marital or step relative including father, mother, grandparents, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister or any ward of an employee living within the same household.

C. Additional time

1. If more time is required than granted in subsections (A) and (B) above, the additional time may be charged to vacation, compensatory time or leave without pay with the approval of the *Town Manager*.

2. The *Town Manger* may limit the leave to less than that specified in (A) or (B) herein or refuse to grant the leave if the employee does not intend to attend the last rites of the deceased relative and/or cannot demonstrate reasonable need for the amount of time requested.

**3-11 RETIREMENT BENEFIT**

All *regular full-time employees* of the Town are eligible to participate in the Indiana Public Employee’s Retirement Fund (PERF), which is a defined benefit pension plan. Employees have a mandatory contribution of 3%. For more information on PERF and the associated benefits go to <http://www.in.gov/inprs/publicemployees.htm>.

**3-12 OTHER EMPLOYEE BENEFITS**

Employee Benefits, including health and life insurance are provided to all *regular full-time employees.* Funding by the Town shall be determined as a part of the budget process. A summary of these benefits including the waiting period for coverage shall be available for review in the Clerk/Treasurer’s office.

**3-13 WORKERS COMPENSATION**

Employees medically disabled on the job will receive pay, pursuant to state law governing Worker's Compensation, provided that a physician acceptable to the Town certifies that the employee is unable to work. The employee may elect to use their leave bank to receive pay during this period. Employees who are injured or become ill on the job shall report the injury or illness immediately or at the start of the next business day to their Supervisor and/or immediate supervisor.

A. The employee should, at the earliest convenient time, file a report of the incident with the Supervisor and/or immediate supervisor. The report must include all relevant information about the incident.

B. The Supervisor and/or immediate supervisor is responsible for assuring the employee receives proper care as well as for ensuring completion of the incident report.

C. Within seventy-two (72) hours, a Workers Compensation Insurance Form must be completed by the involved employee or, if necessary, by the Supervisor and/or immediate supervisor. A person assigned by the Supervisor and/or immediate supervisor will help the employee in the completion of the appropriate medical insurance and/or workers compensation forms as necessary.

**3-14 INCLEMENT WEATHER**

While it is the policy of the Town that operations must be maintained, it is furthermore the policy of the Town of McCordsville to allow non-essential personnel time off from their work in order to allow them to drive to and from work safely during inclement weather emergencies such as accumulated snow, ice, tornados or earthquakes. This policy is only in effect once activated by the Town Manager and continues during such designated specific time periods or day(s) until officially deactivated.

The policy does not pertain to emergency and other essential employees. Employees will be told 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 and upon communication of said change by the Town Manager to said employee.

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,

non-essential personnel have the option to take time off work without prior authorization from

supervisory personnel or department beads, subject to the following:

1. The Town Manager declares the Inclement Weather Policy in effect for the specific time period or day(s). Such declaration will be communicated to town employees by telephone, email or other appropriate means of communication.
2. If the employee is a full-time employee, he or she may take the time as paid time off by using sick, vacation, comp or personal days.

 C. If the employee is a part-time employee, any missed time will be unpaid.

1. It is the Department Head's discretion to allow the employee to make up the time missed, provided that time missed is made up within the same pay period and is documented.
2. The employee shall communicate to the Town Manager within a reasonable time whether said employee wishes to exercise their option to take time off work due to the inclement weather once the Town Manager declares the Inclement Weather Policy to be in effect and only for the time period so specified.

 .

If, after consultation with the Town Council President, it is declared that the Town Hall should be officially closed prior to the start of or during the work day, non­essential employees will be paid their hourly wage for the corresponding work hours that the Town Hall is closed. Essential employees who are required to work will be given additional Paid Time Off equal to the hours that the Town Hall is closed to use at their discretion.

**SECTION IV: TIMEKEEPING AND PAYROLL**

**4-01 HOURS OF WORK**

The *Town Manager* shall establish the hours of work, which shall be determined after consultation with supervisors, the needs of the town services, and which shall take into account the reasonable needs of the public who may be required to do business with various departments.

**Standard Work Week:** The standard workweek for all employees will be from 12:01 am Monday to12:00 midnight Sunday.

**Five (5) day work schedule.** A work schedule consisting of forty (40) hours with eight (8) hours being the normal and usual working day.

**Four (4) day alternate workweek.**  A work schedule consisting of forty (40) hours with ten (10) hours being the normal and usual working day. A four (4) day workweek must be pre-approved by the *Town Manager*.

Salaried-Exempt Employees are exempt from the forty (40)-hour workweek.

**4-02 OVERTIME AND COMPENSATORY TIME**

Under the Fair Labor Standards Act (FLSA), a public employer must compensate a salary non-exempt employee by either pay or compensatory time for hours worked in excess of forty (40) actual hours worked by the employee per workweek. Employees will be required to sign a Compensatory Time Agreement before hire, as a condition of employment. Time worked over 40 hours per week will be paid at time and one half.

Only hours actually worked will count towards hours worked for purposes of calculating overtime. Time off for Jury Duty, Witness Duty, Holidays, Vacation time or other leave time will not be considered as hours worked. .

Overtime work, whether it is on the premises or remotely, must always be approved before it is performed and an unencumbered balance must exist in the budget for that department for overtime purposes. Employees who work overtime without receiving prior authorization from the supervisor may be subject to disciplinary action, up to and including possible termination of employment.

Scheduled hours means the scheduled or unscheduled periods governing the time when an employee is at work. Scheduled periods refers to work shifts or special details, while unscheduled periods refers 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:

1. The employee is on duty;

 2. The employee is at a prescribed work place;

3. All other time during which an employee has been permitted to work for the employer; and

4. Time spent at authorized training and time spent traveling during normal working hours on any day of the week.

5. Time spent traveling to authorized training in lieu of the normal home to work travel.

In compliance with the standards set forth within the FLSA, the Town of McCordsville does not require employees to take their accrued compensatory time off as soon as possible. The Town will however pay out all unused compensatory time off at the end of the year. Employees with more than 20 hours of compensatory time off may make a request to the Clerk/Treasurer to receive payment on 2 separate paychecks. Resolution Numbers: 120500 and 101403

**4-03 FLEXIBLE SCHEDULING**

When a supervisor has approved an employee to work in excess of their regular daily work schedule, the supervisor may grant time off to the employee for the excess time worked. The time granted must be during the same work week.

Resolution Number: 101403B

**4-04 REST AND MEAL PERIODS**

Each workday, nonexempt employees are provided with two rest periods of 15 minutes in length. To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their workstations beyond the allotted rest period time.

All employees are provided with one meal period of one hour in length each workday. Department Heads will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal period and will not be compensated for that time.

Employees in the same department may not schedule rest and meal period at the same time unless authorized by the Department Head.

**4-05 TIMEKEEPING**

Accurate recording time worked is the responsibility of every employee. Federal and state laws require the Town of McCordsville 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 work each day. Employees must also record the hours of any departure or absence from work for personal reasons.

Altering, falsifying, tampering with time records, or recording time on another employee’s time record may result in disciplinary action, up to and including termination of employment.

It is the employee’s responsibility to sign his or her time sheet to certify the accuracy of all time recorded. The Department Head will review and then sign the time record before submitting it for payroll processing.

In addition, if corrections or modifications are made to the time record, both the employee and the Department Head must verify the accuracy of the changes by initialing the time record.

**4-06 PAYDAYS**

All employees are paid semi-monthly on the 15th of the month and on the last day of the month. Each paycheck will include earnings for all work performed through the end of the previous payroll period. All employees are paid through direct deposit.

**4-07 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 the Clerk/Treasurer so that corrections can be made.

**4-08 PAY DEDUCTIONS**

The law requires that the Town of McCordsville make certain deductions from every employee’s compensation. Among these are applicable federal, state, and local income taxes.

The Town must also 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.

Other taxes, such as property taxes, may be deducted from employee compensation. Under Indiana Code 6-1.1-22-14, the Town's payroll list must be given to the County Treasurer bi-annually. The County Treasurer then certifies any delinquent property taxes owed by a Town employee. The code further instructs the Clerk/Treasurer's Office to make periodic deductions from money due the employee and direct payment to the County Treasurer's Office.

**4-09 BUSINESS TRAVEL**

The Town is responsible for authorizing employee business travel and reimbursement of travel expenses including overnight lodging and per day meal allowances as set forth by Town ordinance. All employees must obtain authorization from their direct supervisor before business travel. The employee must submit all itemized receipts for reimbursement of expenses to the Town Council.

Whenever practical, travel will be accomplished in a Town vehicle or via common carrier reimbursed at prevailing rates authorized by the Town Council. Employee pay for travel time shall be determined according to applicable provisions of the Town Ordinance. {McCordsville Municipal Ordinance Number: 010808 and all ordinances amendatory or supplemental thereto.}

**4-10 CREDIT CARDS**

Credit cards, which are issued by the Town, are only for business related purchases by Town employees**.** Original receipts must be attached to all credit card invoices submitted as a claim for reimbursement. Absolutely no personal use shall be made of Town credit cards. Intentional personal use will result in immediate dismissal of the employee.

**4-11 EXPENSES TO OBTAIN AND MAINTAIN A COMMERCIAL DRIVER’S LICENSE**

The McCordsville Town Council will pay the expenses incurred by employees who are required to maintain a commercial driver’s license as required in their job description.

**4-12 MILEAGE EXPENSES**

In the event an employee or official of the Town is required to use his/her personal vehicle for Town business, the employee or official shall be reimbursed for mileage at a rate approved by ordinance.

**4-13 USE OF TAKE-HOME VEHICLES**

The Town Manager or the Department Head may assign Town vehicles to any employee who may be needed on a twenty-four (24) hour a day basis. Written mileage logs may be required for employees with a take home vehicle to document vehicle use.

**SECTION V: GENERAL PROVISIONS**

**5-01 CODE OF CONDUCT**

Employees of the Town’s government are employed to provide service to the citizens of McCordsville and to the public in general and are expected to conduct themselves in a manner that will reflect positively on the government, public officials, fellow employees and themselves. Employees must avoid any action, which might result in or create the impression of using public office for private gain, giving preferential treatment to any person, organization, or not using impartiality in conducting public business.Employees are expected to refrain from inappropriate conversations about supervisors, other staff members or members of the public.

**5-02 CONFLICT OF INTEREST**

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. Conflicts of interest are defined by Indiana law which may, under some circumstances, prohibit a transaction or require written disclosure and approval before a contract or transaction is entered.

A Town employee is considered to have resigned their position with the Town if the employee assumes the elected executive office of the Town or becomes an elected member of the Town’s legislative or fiscal body after January 1, 2013.

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: (1) an individual who is a relative of an elected official or; (2) a business entity that is wholly or partially owned by a relative of an elected official only if the elected official files a full disclosure which must:

* + - be in writing
		- describes the contract or purchase
		- describes the relationship of the official to the business
		- affirmed under penalty of perjury
		- submitted to the legislative body prior to final action
		- filed (within 15 days of final action) with the State Board of Accounts (SBoA) and the Clerk/Treasurer.

Each elected official shall, by December 31 of each year, certify in writing subject to the penalties of perjury, on forms provided by the Town that the official is in compliance with the provisions of this policy.

No employee shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor or service that:

A. Would cause a reasonably prudent person to be influenced in the discharge of official duties; or

B. Is based upon any understanding that the action or judgment by the employee would be influenced thereby.

C. No employee, his/her spouse, or minor child shall, at any time, accept any compensation, payment or thing of value, when the employee knows or with the exercise of reasonable care should know, that it was given to influence the action in which the employee was expected to participate in his/her official capacity.

D. No employee shall corruptly use or attempt to use his/her official position, any property or resource which may be within his/her trust, or perform his/her official duties to secure privilege, benefit or exemption for himself/herself or others.

E. No employee shall disclose or use information not available to members of the general public and gained by reason of his/her official position for the benefit or personal gain of the employee or any other person or business entity.

**5-03 BUSINESS ACTIVITIES AND SOLICITATION**

No employee shall engage in any business other than his/her regular duties during working hours.

**5-04 DRUG FREE WORK PLACE PLOICY**

For the safety of the employee and those people that the employee may come in contact with, the Town has adopted a “Drug Free Workplace” policy. The Town will require drug-screening tests prior to hiring. The Town may require an employee to submit to a drug, when the employee is involved in an accident while operating any machinery owned or leased by the Town or when the Department Head has reasonable cause to believe that the employee is under the influence of any drug or alcohol.

Violations include, but are not limited to: possessing illegal drugs, narcotics, or alcoholic beverages at work; being under the influence of those substances while working; using them while working; or dispensing, distributing, or illegally manufacturing or selling them on the Town’s premises and work sites. Employees, their possessions, and the Town’s issued equipment and containers under their control are subject to search while on the Town’s premises, work sites, or while conducting the Town’s business.

Employees who are subject to the Drug-Free Workplace Act and are convicted of any criminal drug violation occurring in the workplace must report the conviction to his/her supervisor within five (5) days, and the supervisor is then to take the appropriate action, as required by law. {Ordinance Number: 050906}

**5-05 ANTI-HARRASSMENT**

The Town of McCordsville is committed to maintaining a work environment that is free of discrimination and conduct that can be considered harassing, coercive or disruptive. In keeping with this commitment, the Town will not tolerate such conduct by anyone, including any supervisor, co-worker, vendor or citizens of the Town.

The Town respects the rights and dignity of each employee. Harassment based on race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law will not be sanctioned nor tolerated. Violations of this policy are cause for disciplinary action, up to and including termination. All employees should, therefore, be aware of the following:

A. Sexual harassment is strictly prohibited. Sexual harassment has been defined by government regulation as “unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature…when submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment;…when submission to, or rejection of….such conduct is used as the basis for employment decisions affecting such individual or…such conduct has the purpose or effect of unreasonably interfering with the individual’s work performance or creating an intimidating, hostile, or offensive work environment.”

B. Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual or his/her relatives, friends, or associates because of race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, citizenship, or any other characteristic protected by law, and that: (a) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (b) has the purpose or effect of unreasonably interfering with an individual’s work performance; or (c) otherwise adversely affects an individual’s employment.

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

All McCordsville's employees are responsible for helping to assure that any harassment is avoided. If you feel you have experienced, witnessed harassment, or have knowledge of such, you are to immediately notify the *Town Manager,* Supervisor and/or Town Council. The Town of McCordsville forbids retaliation against anyone who has reported harassment.

Anyone encountering a violation of this policy that would prefer to discuss the circumstances in private is invited to discuss the situation with the *Town Manager* and/or President of the Town Council.

A prompt and thorough investigation of the alleged incident will be conducted to the extent possible, and appropriate corrective action will be taken if warranted. Any complaints of harassment will be treated as confidential to the extent this allows adequate investigation and appropriated corrective action.

All complaints under this policy will be handled as discretely as possible. However, due to the fact that employers are required by law to thoroughly investigate all complaints of harassment, anonymity and secrecy cannot be guaranteed to any party or witness in the course of an investigation. The law requires, and Town does reserve the right to investigate complaints as appropriate and to inform individuals who have a legitimate right to know.

**5-06 WORKPLACE VIOLENCE**

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

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

A. "Intimidation" includes, but is not limited to, stalking or engaging in actions intended to frighten, coerce, or induce duress.

B. "Threat" is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the person communicating the threat has presented the ability to carry it out and without regard to whether expression is contingent, conditional, or future.

C. "Physical attack" is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, throwing objects, firing a weapon, causing an explosion of hazardous materials, or discharge of hazardous substances.

D. "Property damage" is intentional damage to property which includes property owned or leased by the Town, employees, visitors, or vendors.

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

Threats, threatening behavior, or acts of violence executed off Town-owned or leased property but directed at Town employees or members of the public while conducting official Town business, is a violation of this policy.

Off-site threats include threats made via the telephone, fax or electronic or conventional mail, or any other communication medium.

Violations of this policy will lead to disciplinary action that may include termination of

employment, and may also result in arrest and prosecution. In addition, if the source

of such inappropriate behavior is a member of the public, the response may also include

barring the person(s) from Town-owned or leased premises, termination of business relationships with the individual(s), arrest, and prosecution of the person(s) involved.

Employees are responsible for notifying their Department Head or Elected Official of any

threats which they have witnessed, received, or have been told that another person has witnessed

or received. Employees should also report any behavior they have witnessed which they regard as

threatening or violent when the behavior is job related or might be carried out on Town-owned

or leased property or in connection with Town employment.

Any employee who receives a protective or restraining order which lists Town-owned

or leased premises as a protected area is required to provide their Department Head or

Elected Official with a copy of such order.

If an emergency exists, contact the police department at 911, and notify your Department

Head or Elected Official.

If not an emergency, employees should inform their elected official/department head.

If the elected official or department head is unavailable or if the nature of the complaint

is such that the employee does not believe he/she can discuss it with the Department

Head or Elected Official elected official/department head, the employee may bring

concerns to a member of the Town Council.

Employees who act in good faith by reporting real or implied violent behavior violations

of this policy need not fear retaliation.

**5-07 WHISTLEBLOWER POLICY**

A whistleblower as defined by this policy is an employee of the Town of McCordsville who reports an activity that he/she considers to be illegal or dishonest to one or more of the parties specified in this policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures. The Town Council is charged with these responsibilities.

Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee should submit those concerns in writing to the Town Manager or any member of the McCordsville Town Council.

The employee should exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to disciplinary action up to and including termination of employment.

Whistleblower protections are provided in two important areas -- confidentiality and no retaliatory actions. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense.

The Town of McCordsville will not retaliate against a whistleblower. This includes protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm.

Any whistleblower who believes he/she is being retaliated against should submit their concerns in writing to the Town Manager immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities will be promptly submitted to the Town Manager who will be responsible for investigating and coordinating corrective action.

**5-08 E MAIL AND INTERNET CODE OF CONDUCT**

Access to the internet has been provided to public employees for the benefit of the Town of McCordsville and its residents. It allows employees to connect to information resources around the state, the country and the world. Every employee has a responsibility to maintain and enhance the Town’s public image and to use the internet in a productive manner. To ensure that all employees are responsible, productive internet users and are protecting the Town’s public image, the following guidelines have been established for using the internet.

Acceptable Uses of the Internet:

Employees accessing the internet are representing the Town. All communications should be for professional reasons. Employees are responsible for seeing that the internet is used in an effective, ethical and lawful manner. Databases may be accessed for information as needed.

Unacceptable Uses of the Internet:

The internet should not be used for personal gain or advancement of personal views. Solicitation of non-Town business or any use of the internet for personal gain is strictly prohibited. Use of the internet must not disrupt the operation of the Town’s network or the networks of other users. It must not interfere with employee productivity.

E Mail Communications:

All employees are responsible for the content of all text, audio or images that they place or send over the internet. Fraudulent, harassing or obscene messages are prohibited. All messages communicated on the internet should have the sender’s name attached. No messages will be transmitted under an assumed name. Users may not attempt to obscure the origin of any message. Information published on the internet should not violate or infringe upon the rights of others. No abusive, profane or offensive language may be transmitted through the system. Employees who wish to express personal opinions on the internet are encouraged to obtain their own user names on other internet systems.

Notwithstanding the Town’s right to read and retrieve any electronic main messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are sent to them. Any exception to this policy must receive prior approval from the system administrators or supervisor. Employees should not attempt to gain access to another employee’s messages without the latter’s permission. All computer passwords and login names must be submitted to the system administrators. No codes may be used that are unknown to the system administrators.

User files may be subject to search under court order if such files are suspected of containing information that could be used as evidence in a court of law. In addition, system administrators may access user files as required to protect the integrity of computer systems. For example, system administrators may access or examine files or accounts that are suspected of unauthorized use or misuse, or that have been corrupted or damaged.

Software:

To prevent computer viruses from being transmitted through the system, there will be no unauthorized downloading of any software. This includes Instant Messaging software. All software downloads will be done through the system administrators or someone authorized to do so by the system administrators.

Copyright Issues:

Copyrighted materials belonging to entities may not be transmitted by Town employees on the internet. One copy of the copyrighted material may be downloaded for your own use in research. Users are not permitted to copy, transfer, rename, and /or delete information or programs belonging to other users unless given permission to do so by the owner. Failure to observe copyright or license agreements may result in disciplinary action or legal action by the copyright owner.

Security:

All messages created sent or retrieved over the internet are the property of the Town of McCordsville. The Town reserves the right to access and monitor all messages and files on the computer system as deemed necessary and appropriate. The confidentiality of any message should not be assumed. Even when a message is erased it is possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. All communications, including text and images, can be disclosed to law enforcement or other third parties without prior consent of the sender or receiver.

Harassment:

Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about an individual’s or group’s race, religion, national origin, physical attributes or sexual preferences may be transmitted.

Violations:

Violations of any guidelines listed above will be presented to the Town Manager or Department Head. It may result in disciplinary action up to and including termination. If necessary, the Town will advise appropriate legal officials of any illegal violations.

**5-09 USE OF TELEPHONE AND MAIL**

Certain employees of the Town have been provided mobile phones for the sole purpose of conducting Town business. Usage of these mobile phones shall therefore be restricted to Town business and shall not involve use for personal business.

A. Employees with mobile phones are not allowed to use said phones earlier than one-half (1/2) hour before work begins or one-half (1/2) hour after work ends except in case of emergency.

B. Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone for business use are expected to refrain from using their phone while driving. Safety must come before all other concerns. Employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call in unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options if available, refrain from discussion of complicated or emotional discussions and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area.

C. Employees who are charge with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions. This includes both talking on a cellular phone or texting from the phone.

D. Departments that have twenty-four (24) hour shifts or employees with on call status will have no restrictions on phone usage as long as said usage applies to Town business.

E. If the Town believes there is personal mobile phone use by the employee, the phone may be removed and the employee will be responsible for paying the bill for such personal use and/or disciplined appropriately.

F. Personal Cellular Phones – While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of other Town of McCordsville phones. Excessive personal calls or text messaging during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. A reasonable standard that the Town of McCordsville encourages is to limit personal calls during work time. Employees are therefore asked to make personal calls on non-work time where possible and to ensure that friends and family members are aware of the Town’s policy. Flexibility will be provided in circumstances demanding immediate attention.

G. The Town of McCordsville will not be liable for the loss of personal cellular phones brought into the workplace.

H. Violations of this policy will be subject to discipline up to and including termination.

Personal telephone calls should be restricted to an emergency basis only. Personal uses of telephones or fax machines for long-distance and toll call is not permitted, except for emergencies. Employees shall reimburse the Town for any personal long-distance/toll calls. The use of Town-paid postage equipment for personal correspondence is not permitted.

**5-10 SOCIAL MEDIA POLICY**

“Social Media” is the term commonly given to websites and online tools that allow users to interact with each other in some way – by sharing information, opinions, knowledge and interests. As the name implies, social media involves the building of communities or networks, encouraging participation and engagement.

The Town Manager will identify staff authorized to post messages and updates on behalf of the Town on its social media sites. All authorized staff will coordinate to ensure accuracy and consistency in message delivery.

Unless authorized, avoid social media at work. The Town of McCordsville neither encourages nor discourages employees’ personal participation (off duty and using personal/non-Town equipment) in social media including personal websites, wikis, blogs and online communities. The Town offers these guidelines and expectations so if employees choose to participate they can do so appropriately and effectively.

1. While social networking, blogs, wikis and other forms of online discourse are individual interactions, please remember that to our citizens, employees are always a representative of the Town of McCordsville.

2. Know the legal risks of participating in social media. An individual can be held personally, legally and financially responsible for the things he/she says and does. If an employee posting reflects negatively on the Town it can become a personnel issue.

3. If personally posting about the Town of McCordsville or any issue involving the Town, an employees has a responsibility to identify himself/herself by name and, when relevant, role with the Town of McCordsville. Employees should include a disclaimer that makes it clear that postings are your own and don’t necessarily represent the Town of McCordsville’s positions, strategies or opinions. The disclaimer should be something like “the views expressed are mine alone and do not necessarily reflect the views of the Town of McCordsville”.

4. There is only one official website for the Town. Direct people to [www.mccordsville.org](http://www.mccordsville.org) for information about Town services, projects, programs and the like.

**5-11 USE OF TOWN PROPERTY**

Employees are prohibited from using or allowing the use of Town property of any kind for other than official duties.

Employeesare responsible for all property, materials, or written information issued to them or in their possession or control. All property must be returned by employees on or before the last day of work. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will agree to reimburse the town or authorize a payroll deduction from his/her last paycheck for the loss. Otherwise, the employee will be considered to have left employment on unsatisfactory terms and may be subject to legal action for recovery of the loss.

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. The Town may also take all action deemed appropriate to recover or protect its property.

(Refer to Return of Property, Section 8-03)

**5-12 VISITORS IN THE WORKPLACE**

To provide for the safety and security of employees and the facilities of 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.

Authorized visitors will receive directions or be escorted to their destination. Employees are responsible for the conduct and safety of their visitors.

It is inappropriate for minor children and other minor relatives of employees to be in the workplace during working hours unless authorized by the employee’s supervisor or the Town Manager. This policy is intended to minimize potential liability to the Town, risk of harm to children and decreased employee productivity due to distractions and disruptions.

If an unauthorized individual is observed on the Town’s premises, employees should immediately notify their Department Head, or, if necessary, direct the individual to the office of the Town Manager.

**5-13 VALID OPERATOR OR CHAUFFEUR’S LICENSE AND INSURABILITY**

All employees or prospective employees of the Town shall, as a condition of employment, hold or be able to obtain, a valid Indiana operator’s license, as their job duties may require. All employees or prospective employees of the Town shall, as a condition of employment, be insurable by the Town’s auto liability insurance carrier. (Refer to Persons With Disabilities, page 6)

**5-14 ATTENDANCE**

Supervisors shall be responsible for the attendance of all persons in their departments in accordance with the provisions of these rules and regulations.

Attendance reports and time cards shall be submitted to the Clerk/Treasurer'soffice for each pay period. The Clerk/Treasurer shall maintain complete records for all employees.

Employees who realize that they will be unavoidably late or absent from work must notify the supervisor or immediate superior at the earliest possible moment. Persistent lateness or absenteeism will be grounds for disciplinary action.

Failure to appear at work without notification and without a reasonable explanation will be considered as absent without leave and subject to disciplinary action.

**5-15 GIFTS AND GRATUITIES**

No employee shall solicit or accept any gift, gratuity, favor, entertainment, loan or any other item of monetary value from any organization, business, firm, or individual whose interests may be affected by the employee’s performance or nonperformance of official duties other than that set forth in this policy. This restriction is not to prohibit employees from obtaining loans from regular lending institutions.

Acceptance of nominal gifts in keeping with special occasions, such as marriage, retirement, illness, or holidays is permitted. Additionally, food and refreshments in the ordinary course of business meetings, unsolicited advertising or promotional material, such as pens, note pads, calendars, and the like, or social courtesies that promote good public relations is also permitted.

Supervisors must avoid placing themselves in a position, which could interfere with, or create the impression of interfering with, the objective evaluation and direction of their subordinates. No supervisor shall accept gifts from subordinates other than those of nominal value for special occasions, and no supervisor shall borrow money or demand favors from subordinates.

**5-16 PERSONAL APPEARANCE**

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image we present to our citizens and visitors. During business hours, employees are expected to present a clean, neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire.

Under such circumstances, employees will not be compensated for the time away from work. Employees should consult their supervisor if they have questions concerning appropriate attire.

**5-17 POLITICAL ACTIVITY**

All employees are entitled to exercise their rights as citizens, to express their opinions on all political subjects and candidates, to vote as they choose, to hold membership in and support a political party, to maintain political neutrality, and to attend political meetings.

Employees covered under these personnel rules and regulations shall not:

1. Participate in the management, affairs or political campaign of any

 candidate for political office during working hours;

2. Solicit any assessments, contributions or service for any political party during working hours;

3. Use official authority or influence for the purpose of interfering with or affecting the results of an election or nomination for office; and

4. With the exception of voting, an employee may not perform any election or political campaign related function or act if said employee is wearing his/her uniform of the Town.

**5-18 APPEARANCE OF WORK AREAS**

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

**5-19 UNIFORMS**

Employees in certain departments of the Town may be furnished with a uniform and the uniform must be worn at all times during the employee’s normal workday. Employees required to wear uniforms shall keep, maintain and wear said uniform as specified by the supervisor and approved by the Town Council as a result of the annual budget process. Uniforms are not to be worn off duty except when expressly authorized by the employee's supervisor. (Refer to Persons With Disabilities, page 6)

**5-20 ON THE JOB SAFTEY**

All employees must report in writing to their Supervisor and/or immediate supervisor any working conditions, which he/she believes to be potentially unsafe or harmful. Failure of the Supervisor and/or immediate supervisor to address the situation or convey the matter to the *Town Manager* after two (2) reports could result in disciplinary action.

**5-21 JOB FITNESS EVALUATIONS**

Before an employee returns from a serious injury or illness, when an employee exhibits erratic behavior, or an expression of a problem, a fitness evaluation of the employee will be required. Job fitness evaluations are performed to ensure the employee's capabilities to perform his/her job. Permission from the *Town Manager* to have a job fitness evaluation performed must be obtained by the supervisor and must also be discussed with the employee prior to the evaluation.

Refusal to take the evaluation and/or lack of cooperation during the evaluation will be grounds for disciplinary action, up to and including termination. Job fitness evaluations include medical and psychological examinations, lab testing, drug testing, and any other appropriate evaluations.

**5-22 VEHICLE CRASH REVIEW PROCESS**

The vehicle crash report and review process seeks to make a fair, uniform system for reporting and evaluating vehicular crashes. The system determines whether or not vehicle crashes were preventable, as well as, whom or what was responsible for a preventable vehicle crash.

A. A Vehicle Crash Review Board will be established consisting of the employee’s supervisor, a member of the Police Department, and the Public Safety Committee. The Accident Review Board will review the reports, question the involved employee, investigate and, if possible, answer the questions of preventability and responsibility.

B. The reporting of a vehicle crash shall occur immediately after the incident. Failure of the employee to do so shall be considered cause for disciplinary action.

In addition to reporting the incident immediately, the employee must:

1. Not remove the vehicle unless ordered to do so by a law enforcement officer or Supervisor if present.

2. Check for injuries to people on the scene.

3. Obtain all appropriate information from participants and witnesses.

4. Limit discussion of the vehicle crash to law enforcement personnel, the Town’s insurance carrier or its designee, the Vehicle Crash Review Board, and appropriate employees of the Town on a need-to-know basis.

5. As soon as possible, the involved employees shall file a written **incident report** on the vehicle crash. Should the employee be either incapable or deceased, the employee’s immediate supervisor shall submit the incident report. An Indiana State Police Crash Form must be filled out and submitted with the employee’s incident report. Members of the Police Department operating vehicles that are involved in crashes involving other vehicles, causing injuries, or fatalities shall request an outside agency (i.e. Indiana State Police and/or Hancock County Sheriff’s Department, etc.) to assume responsibility for investigating the vehicle and filing the appropriate Indiana State Police Vehicle Crash Form.

The Vehicle Crash Review Board is to conduct its investigation of the vehicle crash as soon as possible after the incident.

1. The Vehicle Crash Review Board will have access to all reports, photographs (if any), witness statements and other such materials from a vehicle crash.

2. The Vehicle Crash Review Board will weigh the evidence pertaining to a vehicle crash and determine whether the vehicle crash could, by a preponderance of the evidence, have been prevented by the employee. If the vehicle crash is deemed preventable, the Vehicle Crash Review Board shall judge the incident and recommend the accompanying disciplinary action. (A decision about the preventability of the accident must be based on a thorough application of the idea of due regard.)

3. The Vehicle Crash Review Board will recommend any appropriate disciplinary action to the *Town Manager or Town Marshall*. No further action in the case will occur if the vehicle crash is judged to be unavoidable. All findings and recommendations of the Vehicle Crash Review Board will be put in writing. The employee in question will be notified of the Board’s decision within five (5) days of the Board’s meeting and shall have access to the Board’s written findings and recommendations.

4. If the employee is dissatisfied with the findings and recommendations of the Vehicle Crash Review Board, he/she may make one appeal to the Town Council. The decision of the Town Council will be final.

5. All findings, recommendations and imposed disciplinary action are to be permanently inserted in the employee’s personnel file.

**5-23 POST VEHICLE CRASH/CONTROLLED SUBSTANCE AND ALCOHOL TESTING**

Testing of this kind may occur when a Town employee is involved in a vehicle crash resulting in:

the death of oneself, a Town employee or member of the general public;

injury to oneself, a Town employee or member of the general public requiring medical treatment either at the scene or away from the scene of the accident;

the issuance of a citation for a moving violation; or

the damage of either public or private property.

The Town reserves the right to order post-vehicle crash tests after any vehicle crash. Post- vehicle crash testing for circumstances other than listed above will be ordered on a case-to-case basis at the discretion of the Department Supervisor and/or *Town Manager.* Post-vehicle crash tests may include screens for both controlled substances and alcohol.

**5-24 AIDS IN THE WORKPLACE**

*Equal treatment; continuance of work:* Employees with Acquired Immune Deficiency Syndrome (AIDS) or the Human Immunodeficiency Virus (HIV) will be treated as any other employee. They will be encouraged to continue to work as long as they are able to maintain acceptable performance and so long as the best available medical evidence indicates that their continued employment does not present a health or safety threat to themselves, other employees, or clients.

A. Background:

1. Public health service guidelines issued by the Center for Disease Control state that the kind of non-sexual, person-to-person contact that generally occurs among workers, clients or consumers in the workplace does not pose a risk for transmission of HIV. Employees have no medically established basis for not wanting to work with fellow employees or agency clients who have been or are suspected of being infected with HIV.

2. To ease unnecessary concerns, employees will be provided with appropriate information on HIV infection/AIDS and how the virus is transmitted.

B. Confidentiality:

Any medical documentation submitted to the Town by an employee or applicant becomes a record covered by the Privacy Act and must be treated confidentially. Officials, who need to know the information for an appropriate management purpose, must maintain the confidentiality of that information.

C. Leave:

Accommodation of employees’ AIDS related illnesses will be considered in the same manner as other employees whose medical conditions warrant consideration. Employees with AIDS may be granted sick leave, earned vacation or leave without pay when they are incapable of performing their duties or when they have medical appointments.

D. Insurance:

Employees infected with HIV can continue any coverage in the same manner as other employees.

E Job Changes*:*

Supervisors and other personnel considering job restructuring, detail, re-assignments or other changes in position for employees whose health is affected by HIV-related illnesses or AIDS must do so as they would for other employees whose medical conditions affect job performance. General personnel policies, such as those governing qualifications and internal placement, must be observed and confidentiality must be maintained

F. Employee conduct:

According to medical research, there is no known risk for transmission of HIV through normal workplace contacts. The Town will provide information and counseling to address fears that fellow employees may have regarding working with HIV-infected employees. However, where an employee's unwarranted threat or refusal to work with an HIV infected employee impedes or disrupts the departments work, appropriate disciplinary action against the disruptive employee(s) will be taken.

Any employee or supervisor who has concerns or questions about this policy regarding employees with HIV infection/AIDS should contact their supervisor.

**SECTION VI: PERFORMANCE EVALUATIONS AND DISCIPLINARY ACTIONS**

**6-01 POLICY AND PURPOSE**

Employee performance evaluation and direction are the continuing day-to-day responsibility of the supervisors, as follows:

A. Assess fairly and accurately an employee’s strengths, weakness, and potential growth;

B. Identify, encourage and guide the employee’s development of his/her special skills and work interests;

C. Ensure the granting of incentive increases based on progress, productivity, attendance, willingness to learn and accept additional responsibility;

D. Assure consideration for complex work and promotion based on incentive, fitness and satisfactory completion of specialization schools.

E. Provide a method of improving operational programs through employee input; and

F. Identify training needs.

**6-02 PROCEDURE FOR EMPLOYEE PERFORMANCE EVALUATION**

By July 31st of each year, supervisors will complete performance evaluations for all employees assigned to him/her on the prescribed evaluation form specific to the employee’s job description. The evaluating supervisor shall consider any changes that may have occurred in the job or other factors, which might affect job performance, noting strengths and capabilities worthy of special mention and areas where improvement is needed.

The supervisor and employee are to meet and discuss the evaluation. If the employee disagrees with the evaluation, he/she may state the reasons why on the evaluation form or on a separate sheet of paper which must then be attached to the evaluation form. The employee must sign the evaluation form after discussions with the supervisor for the purpose of acknowledging that the evaluating supervisor did review the evaluation with the employee. The employee’s signature is neither an admission nor confirmation that the employee agrees with the evaluation.

Completed evaluation forms for civilian employees must be submitted by their supervisor to the *Town Manager’s* office by August 1st of each year. The employee performance evaluation form will be kept in the employee’s personnel file located in the Clerk/Treasurer’s Office.

Statutory reference:

For provisions concerning hiring and discharging employees and establishing a system of merit and qualifications, see I.C. 36-1-4-14 and all ordinances amendatory or supplemental thereto.

**6-03 DISCIPLINARY ACTION**

Supervisors are responsible for the proper and efficient operation of their department and for enforcing all policies and regulations. It is the responsibility of all employees to observe the policies and regulations necessary for the proper operation of the department in which he/she is employed.

Disciplinary action may be imposed upon an employee for conduct or actions which interfere with or prevent the effective and efficient performance of a department’s responsibilities. The purpose of disciplinary action shall be to effect correction of employee conduct rather than to be solely punitive.

The type and severity of disciplinary action shall be related to the gravity of the offense, and/or the employee’s record of prior disciplinary actions.

**6-04 AUTHORITY FOR DISCIPLINARY ACTION**

The *Town Manager* is authorized to apply such disciplinary measures as may be appropriate and necessary.

Statutory reference:

For provisions concerning the ability of the Town Manager to suspend, discharge, remove or transfer employees, see I.C.36-5-5-8 and all ordinances amendatory or supplemental thereto.

**6-05 REASONS FOR DISCIPLINARY ACTION**

Any of the following violations may be sufficient grounds for disciplinary action ranging from oral reprimand to dismissal, depending on the seriousness of the offense and other circumstances related to the situation. These offenses are illustrative and not all inclusive.

A. Willful neglect in the performance of the duties of the position to which the employee is assigned.

B. Disregard for violations of Town Ordinances or Town and/or departmental policies and regulations, including safety rules.

C. Willful misuse, misappropriation, negligence or destruction of Town property or conversion of Town property for personal uses or gain.

D. Tardiness or absence from duty without prior approval from the supervisor.

E. Violation of any official order, refusal to carry out lawful directions given by his/her supervisor or other acts of insubordination.

F. The use of alcoholic beverages, narcotics, drugs or other controlled substances either while on duty, use that causes interference with job performance, or efficiency to Town service.

G. Criminal, dishonest, acts that reflect negatively on the Town or other conduct which interferes with job performance or has an effect on the efficiency of Town service.

H. Violation of statutory or federal regulations regarding the use, disclosure of confidential information, or its use for private gain.

I. Incompetent or unsatisfactory performance of duties.

J. Conviction of a crime, including but not limited to charges such as DUI, DWI, public intoxication and/or reckless driving.

K. Knowingly giving false statements to supervisors or other officials.

L. Any conduct, on or off duty, that reflects unfavorably on the Town as an employer.

M. Membership in any organization, which advocates the overthrow of the U.S. Government by force or violence.

N. Discovery of a false statement in an application or in any other document used to obtain employment which had not been previously discovered.

O. Acceptance of gratuities.

P. Refusal to be examined by a designated physician when so directed by proper authority.

Q. The loss of, inability to obtain, or restrictions upon Indiana operator or chauffeur’s license which prohibits or limits the employee’s ability to operate a Town motor vehicle or otherwise interferes with an employee’s job performance.

R. Lack of, or loss of, insurability with the Town’s liability insurance carrier.

S. Failure to wear and maintain the designated uniform provided by the Town.

T. Impugning the integrity of supervisors, other staff members or the public.

U. Any other conduct or action of a serious nature that disciplinary action is considered warranted.

**6-06 TYPES OF ACTION**

Disciplinary action should be taken to the extent necessary to correct the problem involved. Disciplinary action may be progressive beginning with the least severe action in order to be effective.

Types of disciplinary action from the least severe to the most severe are:

1. Oral reprimand;

2. Written reprimand;

3. Suspension (with or without pay); or

4. Dismissal.

C. Because of the Town's employment at-will relationship, the employee -employer relationship may be terminated at any time for any reason.

D. Suspension pending an investigation may be utilized by the supervisor or *Town Manager* when it is deemed in the best interest of the Town. Such situations include but are not limited to volatile situations.

Depending on the severity of the problem and the number of occurrences, there may be circumstances when one or more steps are bypassed.

**6-07 GRIEVANCE PROCEDURE**

A grievance is a written expression by an employee who believes that he/she has been treated unfairly or unjustly. A grievance may refer to practices or working conditions.

A. The grievance procedure begins with one-on-one discussions between the parties involved. The supervisor should help to resolve the conflict in question. Open communication will eliminate most disagreements. The grievance procedure will usually not have to go beyond one-on-one discussions.

B. Should the complaint remain unresolved, a written grievance explaining the problem in depth will be sent by the employee to an Advisory Group. The Advisory Group shall consist of the supervisor (or his/her immediate supervisor) and at least one (1) other supervisor from another department.

C. Within thirty (30) days of the filing of the grievance, the Advisory Group will meet informally, with the employee in attendance, and examine all relevant facts. More than one (1) meeting may be necessary. A final recommendation will be the result of the meetings.

D. The supervisor may take appropriate action based on the recommendations of the Advisory Group. His/her decisions must be based on the best interests of the Town, department and the employee. Both the recommendations and the final action must be put in writing and filed in the employee’s personnel file.

**6-08 DISAGREEMENTS**

Differences in opinion between Town employees about any policies or practices must be settled with tact and courtesy. If a final decision is required, the supervisor or immediate superior will make the determination.

**6-09 APPEAL OF SUPERVISOR’S DECISION OR ACTION**

An employee may appeal the action or decision of his/her supervisor by

submitting a written request to the *Town Manager’s* office stating:

1. The action being appealed; and

2. The rule for which the action is based.

3. The request must be received by the *Town Manager* within five (5) working days after the action or decision.

4. The *Town Manager* shall set a hearing date that will be held within fifteen (15) days of the written request to review the supervisor’s decision or action.

5. The *Town Manger* will confirm or change the action or decision of the supervisor within fifteen (15) days of the hearing and will notify the employee in writing of the decision within that fifteen (15) day period.

**6-10 APPEAL OF TOWN MANAGER’S DECISION OR ACTION**

An employee can appeal any action taken by the *Town Manager*, pursuant to the previous grievance step, by submitting a written request to the Town Council. The request must state:

1. The action being appealed; and

2. The rule for which the action is based.

3. The written request must be received within five (5) working days after the action is taken.

4. The Town Council will set a special hearing with the Town Council within thirty (30) days of the written request to review the *Town Manager’s* action or decision.

5.. Written notice of the date and time of the hearing will be given to the employee at least ten (10) days prior to the hearing date.

**6-11 ADDITIONAL APPEALS**

Further appeals shall be filed through the Superior Court of Hancock County, according to the laws of the State.

**SECTION VII: BLOODBORNE PATHOGENS**

**7-01 BLOODBORNE PATHOGENS [Civilian Exposure Control Plan ('Plan")]**

The Town of McCordsville is committed to protecting the safety and health of all its employees and complying with OSHA regulations. Employees **who are not** **sworn police employees** and are occupationally exposed to bloodborne pathogens, however, require special identification and protection under this OSHA standard. Even though the employees of the Town of McCordsville’s risk of exposure are small, this policy establishes procedures to assist in identifying such employees/positions and standards for compliance.

Employees that routinely perform tasks that may involve exposure to blood or infectious materials are clearly within the scope of this policy.

Within the scope of the standards, are employees that are "reasonably anticipated to come in contact with blood or infectious materials". They must be identified as "occupationally exposed" if an exposure determination finds that occupational exposure is likely.

**I. DEFINITIONS:**

 The following are some of the OSHA definitions that apply:

***A. Blood*** - human blood, human blood components, and products made from human blood.

***B. Bloodborne pathogen*** - pathogenic organisms that are present in human blood and can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

***C. Contaminated*** - the presence or the reasonably anticipated presence of blood or other potentially infectious materials on an item or surface.

***D. Contaminated sharps*** - any contaminated object that can penetrate the skin, such as broken glass, etc.

***E. Controls*** - controls such as containerization or mechanical handling that isolate or remove the bloodborne pathogens hazard from the workplace.

***F. Exposure incident*** - a specific eye, mouth, other mucous membrane, no intact skin, or parenteral (i.e. puncture wound) contact with blood or other potentially infectious materials.

***G. Occupational exposure*** - reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other infectious materials.

 ***H. Other potentially infectious materials -***

1. Any body fluid.

2. HIV or HBV cultures and blood, organs, and other tissues from experimental animals infected with HIV or HBV.

***I. Regulated waste*** - contaminated sharp, liquid or semi-liquid blood or other potentially infectious materials, contaminated items that would release liquids or semi-liquids if compressed, items caked with dried blood, or other potentially infectious materials that may release them during handling, and pathological or microbiological wastes containing blood or other potentially infectious materials.

**II. RESPONSIBILITIES:**

 ***A. Town Council:***

The Town of McCordsville has established an Exposure Control Plan that sets standards for compliance and over sight.

 ***B. Town Manager:***

The *Town Manager* is responsible for monitoring and evaluating compliance with the established policy.

 ***C. Supervisors:***

Facility managers are responsible elements of the plan, post exposure evaluation and follow-up, training and record keeping, assisting in monitoring the plan identifying positions/employees who are occupationally exposed and implementing methods of compliance established by the Plan.

 ***D. Employees:***

Employees are responsible for complying with the Plan including, but not limited to, reporting potential exposure situations, reporting incidents of exposure immediately and wearing protective clothing and equipment provided, etc.

**III. EXPOSURE CONTROL PLAN:**

 ***A. Administrative Requirements:***

 **1. Written Plan**

The Town of McCordsville has established an Exposure Control Plan. Each department is different in their operations and, therefore, may more specifically define this Plan.

 **2. Plan Review**

Review of the Exposure Control Plan will be conducted by the *Town Manager* and Supervisors on an annual basis. However, situations may arise when review is needed more frequently such as:

* whenever new or modified tasks and procedures are implemented,
* whenever an employee's job is revised,
* whenever the Town establishes a new position
* whenever there are changes in the law, equipment, working techniques, etc.

***B. Exposure Determination:***

**Lists of Employees Potentially Exposed:**

The list below includes all employees in job classifications covered by the standard, and no further analysis is necessary.

 Public Works Commissioner

 Maintenance Staff

 Public Works Staff

**IV. METHODS OF COMPLIANCE:**

A. Universal precautions will be observed in order to prevent exposure. All body fluid shall be considered as potentially infectious material regardless of the source.

B. Engineering controls and work practices such as personal protective equipment/clothing, hand washing facilities and kits, and eye-washing solution will reduce an employee's exposure by either eliminating or isolating the hazard.

 1. Hand washing:

Facilities for hand washing are available for employees who incur exposure to hazardous waste and/or other potentially infectious materials. If such facilities are not readily available, the Town will provide antiseptic cleaner and a clean cloth/paper towel or towelettes. As soon as a hand washing facility is readily available, the employee is to immediately wash his/her hands with soap and water.

After removing any personal protective equipment/clothing, the employee is to immediately wash his/her hands first with soap and water, and then wash any potentially contaminated skin area thoroughly with soap and water. Flush mucous membranes with water immediately or as soon as feasible following contact/exposure of those body areas.

 2.Personal Protective Equipment/Clothing:

Personal protective equipment/clothing (PPE) is provided on the basis of an employee's job duties. The Town recognizes that it is an employee's last line of defense against bloodborne pathogens. Because of this, the Town will provide, at no cost to the employee, the PPE that may be needed to protect an employee against such exposure. The Town will determine the appropriate PPE to be used based on the anticipated exposure and the degree of exposure. It is the employee's responsibility to make sure they used the appropriate PPE whenever there is potential for exposure.

**V. VACCINATION PROGRAM:**

All employees who have been identified as having exposure to infectious materials will be offered the Hepatitis B vaccine at no cost to the employee. The vaccine will be offered within ten (10) days of their initial assignment performing work that involves potential exposure. If the employee wishes to receive the vaccine, the Town will pay the cost if the employee completes the series. Employees who decline the Hepatitis B vaccine must sign a Declaration Form which will be placed in their personnel file. If the newly hired employee has previously had the vaccine, the Town will offer the employee the opportunity to have an antibody testing which will indicate if the employee has sufficient immunity. The Town will pay the cost of the testing. Employees who initially decline the vaccine but later wish to have the vaccine may then have the vaccine by notifying their supervisor. The Town will pay the cost, if the employee completes the series.

**VI. REPORTING/INVESTIGATION OF AN INCIDENT:**

In the event that an actual or potential exposure incident occurs, an investigation must be conducted. The employee must immediately report the incident to their immediate supervisor. The immediate supervisor is responsible for completing, in detail, the Exposure Incident Report before the end of the day in which the exposure occurred. The Exposure Incident Report becomes a part of the exposed employee's medical record and is kept completely confidential.

The Exposure Incident Report shall document the incident and include at least the following elements:

 A. Name of exposed employee.

 B. Name of source individual.

 C. Date and time of the incident.

 D. Duty being performed by the employee at the time of exposure.

E. Details of exposure (including amount and type of body fluid, severity and risk of exposure, the extent and duration of the exposure, etc.).

 F. Use of protective equipment (i.e. in use, failed to protect, not in use, etc.)

 G. Any other employees involved who may have been exposed.

H. Determine whether changes can be instituted to prevent such occurrences in the future.

**VII. POST EXPOSURE MEDICAL EVALUATION AND FOLLOW UP:**

Whenever an employee suffers an "exposure incident", which means a specific eye, mouth, other mucous membrane, non-intact skin or parenteral (under or through the skin) contact with blood or other potentially infectious substances in connection with the performance of the employee's duties, the employee shall wash with soap and water or antiseptic cleanser, or flush mucous membranes with water as soon as possible. Immediately thereafter, the employee shall notify his/her supervisor of the exposure incident.

The supervisor shall ensure that the employee has washed or that other appropriate decontamination procedures have been followed, and shall ensure that an exposure incident report is made, which shall take precedence over all other matters except for decontamination.

Upon completing the exposure incident report, the supervisor shall immediately make available to the employee, at the Town's expense, the Hepatitis B vaccine, if the employee has not received the shot already, and a confidential medical evaluation and follow up which may be performed by a physician designated by the Town. The medical evaluation and follow up will include at least the following elements:

A. Documentation of the route of exposure and the circumstances under which the exposure incident occurred;

B. Identification of the source individual, unless identification is not feasible or is prohibited by law;

C. The source individual's blood shall be tested as soon as feasible after consent is obtained to determine HBV and HIV infectivity. If consent is not obtained, it must be established that legally required consent cannot be obtained. If the source individual's consent is not required by law, his blood shall be tested and the results documented. If the source individual is already known to be infected with HBV or HIV, testing need not be repeated.

D. Results of the source individual's testing shall be made available to the exposed employee and the employee shall be informed that the employee may not disclose the identity and infectious state of the source individual without that individual's permission, pursuant to I.C. 16-1-9.5-7.

E. The exposed employee's blood will be collected and tested as soon as feasible after consent is obtained. If the employee consents to baseline collection, but does not give consent for HIV testing, the blood sample will be preserved for at least ninety (90) days. If the employee elects within that time to have the sample tested, testing shall be done as soon as possible.

F. Post-exposure treatment shall be provided when medically indicated as recommended by the U.S. Public Health Service, as well as counseling and evaluation of reported illnesses.

The Town will provide the following information to the healthcare provider evaluating the employee following exposure:

 A. A copy of 29 CFR 1910.1030 regarding Bloodborne Pathogens;

B. A description of the exposed employee's duties as they relate to the exposure incident;

C. Documentation of the route of exposure and circumstances under which exposure occurred;

 D. Results of the source individual's blood testing, if available; and

E. All medical records relevant to the appropriate treatment of the employee, including vaccination status, which are required to be maintained by the Town.

Within fifteen (15) days after completion of the evaluation, the Town shall obtain and provide the employee with a copy of the evaluating healthcare professional's written opinion, which shall be limited to the following elements:

A. Whether Hepatitis B vaccination is indicated, and whether the employee has received it;

B. That the employee has been informed of the results of the evaluation; and

C. That the employee has been told about any medical conditions resulting from exposure to blood or other potentially infectious materials which require further treatment or evaluation.

All other findings or diagnoses are to remain confidential and are not to be included in the written report.

**VIII. INFORMATION AND TRAINING:**

 ***A. Employee Training:***

 All employees who have been identified as having potential occupational exposure are required to attend mandatory training as follows:

1. New employees will receive training prior to performing any assignments that involved potential exposure.

 2. Current employees will be trained on an annual basis.

3. Additional training will be provided whenever new or modified tasks or procedures alter the risk of occupational exposure.

 ***B. Contents of Training:***

 1. The text of the standard.

 2. Methods of bloodborne disease transmission.

 3. Overview of the exposure control plan.

 4. Departmental Standard.

 5. Methods of compliance.

 6. Use of personal protective equipment.

 7. Vaccinations and employee rights.

8. Exposure incident procedures - first aid, hand washing, and evaluations.

 9. Medical follow-up procedures and counseling.

**IX. RECORD KEEPING:**

 ***A. Medical Information:***

Each employee considered occupationally exposed to BBP's must have a section in the employee's medical folder for related information on exposure:

 1. HBV vaccination status and dates of vaccinations.

 2. Copies of all follow-up examination reports.

 3. Health care professionals' written opinions, if needed.

 4. All exposure incident information as required.

 ***B. Training Information:***

Supervisors must keep all required training records for occupationally exposed employees. Training records must be retained for thirty (30) years. Other provisions of the standard regarding availability, records transfer, and confidentiality must be followed.

 Records must include:

 1. Dates of sessions.

 2. Summary of the content.

 3. Names and qualifications of trainers.

 4. Names and job titles of all employees attending.

###### SECTION VIII: SEPARATION OF EMPLOYMENT

* 1. **EMPLOYMENT TERMINATION**

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

RESIGNATION – voluntary employment termination initiated by an employee. The employee will be required to complete a Resignation Form, which can be obtained from the Clerk/Treasurer’s office. Although advance notice is not required, the Town of McCordsville requests at least two (2) weeks written notice of resignation from non-exempt employees and four (4) weeks’ notice from exempt employees. If an employee does not provide advance notice as requested above, the employee will be considered ineligible for rehire.

DISCHARGE – involuntary employment termination initiated by the Town.

LAYOFF – involuntary employment termination initiated on behalf of the Town by the Department Head 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 Town.

Department Heads will schedule exit interviews for their employees at the time of employment termination.

The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the Town, or return of Town-owned property. Suggestions, complaints, and questions can also be voiced.

All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee’s expense if the employee 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.

* 1. **RETURN OF PROPERTY**

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees on or before their last day of work must return all Town of McCordsville property in good working condition.

(Refer to Use of Town Property, Section 5-08)

* 1. **PAY UPON TERMINATION**

Employees who terminate their employment from the Town will be paid for all time worked, compensatory time, unusedvacation, and unused personal days, less appropriate deductions within 30 days according to the applicable federal and state laws. Employees will not be paid for any unused sick days.

The Clerk/Treasurer will determine if the terminating employee has any outstanding debt owed to the Town and whether the individual has in their possession any Town credit cards, uniforms, tools, keys, safety equipment, manuals, vehicles, or any other Town property.

After a full accounting of the employee's and the Town's accounts, as determined by the Clerk/Treasurer, is completed, a final paycheck will be issued to the employee in accordance with state law.

* 1. **COMPENSATORY TIME OFF AGREEMENT**

The \_\_\_\_\_\_\_\_\_\_\_ (insert department here) utilizes compensatory time off (comp time) In lieu of monetary compensation for departmental employees. An employee will be compensated at the rate of one (1) hour of comp time off for every hour worked up to forty (40) hours per week and one and one-half (1 1/2) hours of comp time off for every hour worked over forty (40) hours per week.

An employees will be allowed to earn a maximum of 80 hours. After an employee reaches the maximum amount earned of comp time, they will be paid for any additional overtime worked at a rate of one and one-half (1 1/2) times his or her regular rate.

When requesting comp time off, an employee must give their Elected Official or

 Department Head five (5) days notice in writing. Every effort will be made to grant requests for comp time off, unless the request will unduly disrupt the Department's operations. In the event that the initial request cannot be granted, the Elected Official or Department Head will arrange for an alternate, mutually acceptable time with the employee.

In the event that an employee separates employment from the City, all earned comp time remaining will be paid to the employee pursuant to the requirements of the Fair Labor Standards Act.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Employee Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Elected Official/Department Head Date