

# County of Monroe, Indiana Personnel Policy Handbook

Amended and re-adopted in full:  
February 29, 2008

Subsequently amended:  
September 10, 2008  
December 29, 2008  
November 5, 2010  
January 25, 2013  
August 9, 2013  
August 19, 2016  
August 8, 2018  
April 1, 2020

Adopted by the Monroe County Board of Commissioners,  
The Monroe County Circuit Court Board of Judges, and  
The Monroe County Prosecuting Attorney

Initially prepared in consultation with:  
Waggoner, Irwin, Scheele and Associates  
118 South Franklin Street  
Muncie, Indiana 4730

# MONROE COUNTY GOVERNMENT - PERSONNEL POLICY

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# **1. PERSONNEL ADMINISTRATION**

## **1.1 USE AND REVISION OF MONROE COUNTY PERSONNEL POLICY HANDBOOK**

The Monroe County Personnel Policy Handbook is designed to provide employees with information about working conditions, employee benefits, and some of the policies affecting employment. Elected officials/department heads, and employees should read, understand, and follow all provisions of the Personnel Policy Handbook. These policies describe many employee responsibilities and outline the programs developed by Monroe County to benefit our employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

**Nothing in this policy is intended to, in any sense, constitute a contract of employment or an expectation of continued employment. Monroe County is an AT-WILL employer, which means the employee may resign at any time and the County may discharge an employee at any time with or without cause. This Personnel Policy Handbook is not a contract of employment.**

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

Although we believe the descriptive materials contained in the Personnel Policy Handbook are accurate, some sections, such as the section regarding insurance, are only summaries. Any discrepancies between these summaries and the terms of the actual plans will be governed by the terms of the underlying, more detailed policies and procedures. Any questions regarding summaries, their underlying policies and procedures, if applicable, and any discrepancies between them should be directed to your elected official, department head, or the Human Resources Department.

## **1.2 EXCEPTIONS AND SPECIAL CONDITIONS**

These policies and procedures apply to all employees, except when in conflict with special employment conditions set forth for elected officials, when in conflict with various statutes governing employment relationships, or when in conflict with specific provisions of employment contracts entered into by the Monroe County Commissioners.

These policies and procedures do not apply to Central Dispatch employees. Central Dispatch employees are governed by the Central Emergency Dispatch Center Personnel Manual.

Elected officials are excluded from the provisions of the Personnel Policy Handbook, unless specifically noted.

## **1.3 PERSONNEL POLICY ADMINISTRATION**

A Personnel Policy Committee comprised of department heads, representatives of the Monroe County Board of Commissioners, the Monroe County Council, the Monroe Circuit Court, the Human Resources Department, and the other elected officials of Monroe County shall be

convened at least bi-annually to review the personnel policies and make recommendations for modifications.

It shall be the responsibility of the following three overseeing authorities: Monroe County Commissioners, Monroe County Board of Judges and Monroe County Prosecuting Attorney to interpret these policies and procedures, to ensure that they are administered in a consistent and impartial manner, and to provide oversight and approval as required.

#### **1.4 MANAGEMENT RIGHTS**

Monroe County, 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 Monroe County to the full extent authorized by law. Elected officials/department heads have responsibility for the day-to-day supervision and operation of their respective offices as prescribed by statute. In their discretion, elected officials and department heads are allowed to institute, for the efficient operation of their departments, additional, more stringent requirements than those contained in this Policy. Elected officials and department heads are encouraged to put such policies in writing.

Those departments with additional statutory Board or Commission supervision or interaction including, but not limited to, the Monroe County Airport, Health Department, Parks Department, and Planning Department, shall be responsible for following the policies and/or statutory requirements of that Board or Commission.

#### **1.5 DEFINITIONS**

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

**“Anniversary Date”** refers to the date an employee becomes a full-time employee.

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

**“Circuit Court”** refers to the Monroe Circuit Court, a court of general jurisdiction administered in accordance with Indiana Code 33-4-10, *et. seq.*

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

**“County” or “Monroe County”** refers to all divisions of Monroe County government as well as the Monroe Circuit Court. The term includes the offices of the Auditor, Board of Commissioners, Circuit Court, Clerk of the Circuit Court, Coroner, County Assessor, Monroe County Council, Public Defender, Prosecutor, Recorder, Sheriff, Surveyor, Treasurer, and all other County offices, boards and departments.

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

**“Dependent”** refers to the employee’s spouse, child, step-child, or family member who requires the employee’s care.

**(Registered) “Domestic Partner”** refers to an individual who is in a committed relationship of indefinite duration with a County employee, with an exclusive, mutual commitment similar to that of marriage, and where the couple has registered as partners with the County Human Resources Department. The partners share the necessities of life and agree to be financially responsible for each other’s well-being, including basic living expenses. The domestic partners must declare under oath that they are not related by blood closer than permitted under marriage laws of the State of Indiana; that they are not married according to the laws of the State of Indiana; that they are at least 18 years of age and have the capacity to enter into contract; that they have no other domestic partner; that they share a household; and that they are jointly responsible to each other for the necessities of life. The County may require documentation substantiating these declarations.

**“Elected Officials”** refers to those individuals elected to the following offices: Auditor, Board of Commissioners, Board of Judges of the Monroe Circuit Court, Clerk of the Monroe Circuit Court, Coroner, County Assessor, Members of the Monroe County Council, Prosecutor, Recorder, Sheriff, Surveyor, Treasurer.

**“Employee”** refers to a person employed by the County including appointed department heads and supervisors. The term does not include elected officials.

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

**“Full-Time Employees”**\* are those not assigned to part-time or temporary statuses, who work a minimum of seventy (70) hours during a two (2) week pay period. Full-time employees work throughout the year and not on a seasonal basis. Full-time employees are eligible for the County’s benefit package, subject to the terms, conditions, and limitations of each benefit program.

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

**“Part-Time Employees”** \* are those not assigned to full-time or temporary statuses, who regularly work less than twenty-eight (28) hours per work week. Part-time employees work throughout the year and not on a seasonal basis. Part-time employees may occasionally work additional hours based on staffing and business needs of the County. Part-time employees retain that status until expressly notified of a change. Part-time employees receive all legally-mandated benefits (such as worker’s compensation and social security benefits), but they are not eligible for the County’s other benefit programs. ***See Addendum A.***

**“Seasonal Employees”**\* are those, as defined under any applicable federal law who work one hundred twenty (120) days per year or less for the County. These days need not be consecutive.

Seasonal employees are not considered full time and are not provided health insurance, unless required by federal law.

**“Temporary Employees”**\* are hired as interim replacements to temporarily supplement the workforce, assist in the completion of a specific project, or work on an hourly basis averaging usually less than twenty (20) hours of work per week annually depending upon staffing and business needs of the County. Employment assignments in this category are of a limited duration usually of ninety (90) days or less depending upon staffing and business needs of the County. Temporary employees retain that status until notified of a change. Temporary employees receive all legally-mandated benefits (such as worker’s compensation and social security), but are not eligible for the County’s other benefit programs.

\* If a department hires an individual to stand-in for a full-time employee on a leave of absence, the department head shall contact the Human Resources Department to confirm the individual’s employment status and eligibility for benefits.

## **2. EQUAL EMPLOYMENT OPPORTUNITY and NON-DISCRIMINATION**

### **2.1 EQUAL EMPLOYMENT OPPORTUNITY**

Monroe County is an equal opportunity employer. It is the County’s policy to treat all employees and applicants for employment equally according to their individual qualifications, abilities, experience, and other employment standards. The County does not discriminate on the basis of age, color, disability, ethnicity, gender, national origin, race, religion, veteran status, genetic information, or any other legally-protected classification. This policy of non-discrimination applies to all terms and conditions of employment, including but not limited to recruiting, hiring, promotion, training, transfer, compensation and discharge. It is the County’s policy to comply with all applicable Federal, State and local laws governing employment. All position vacancy notices, postings, advertisements, and recruiting literature shall contain the phrase “An Equal Opportunity Employer.”

Any employee with questions or concerns about any type of discrimination in the workplace shall bring these issues to the attention of their elected official, department head, or the Human Resources Department. Employees may raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

<P:\County Forms& Info\Human Resources Forms\Miscellaneous Forms\JobOpeningNotice.rtf>

### **2.2 AMERICANS WITH DISABILITIES ACT**

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

Monroe County will reasonably accommodate persons with a disability on a case-by-case basis, which may include making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules, modifying equipment, or similar accommodations. Employees who wish to request an accommodation are advised to contact the Human Resources Department to obtain ADA forms for processing. **Completed forms will be returned to the Human Resources Department with a copy forwarded to the employee's supervisor.** Any employee who believes he or she has received treatment inconsistent with this policy or with any requirement of the ADA may file a complaint within one hundred eighty (180) days of the date of the alleged discriminatory act or practice with the Human Resources Department, the Monroe County Legal Department or the Equal Employment Opportunity Commission.

(Medical Review Form) [P:\County Forms & Info\Human Resources Forms\FMLA\\_Other Leave\\_ADA\Reasonable Accommodation Request.pdf](P:\County Forms & Info\Human Resources Forms\FMLA_Other Leave_ADA\Reasonable Accommodation Request.pdf)

### **2.3 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT**

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

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

All County HIPAA inquiries shall be directed to the Human Resources Department located in the Courthouse.

### **2.4 POLICY PROHIBITING HARASSMENT**

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

- A. Harassment means any unwelcome or offensive conduct, whether written, verbal or physical, which is:
  - 1. Directed at or to an employee because of the employee's age, color, disability, ethnicity, gender, sexual orientation, national origin, race, religion, or veteran status; or
  - 2. Directed toward any person concerning an individual, or a class of individuals, because of the age, color, disability, ethnicity, gender, sexual orientation, national origin, race, religion, or veteran status of the individual or class of individuals. For example, racial or ethnic slurs or derogatory epithets are prohibited in the workplace, regardless of whether a member of the racial or ethnic group is present when the statement is made.

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

B. Sexual harassment may include the following:

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

C. This policy applies to all full-time, part-time, and temporary employees and to elected officials, department heads, and volunteers.

D. It is a violation of this policy to use an individual's submission to or rejection of harassing conduct as the basis for any employment decision affecting the individual. Retaliation towards an employee who reports harassment is strictly prohibited.

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

1. If the department head is the subject of the harassment complaint the employee shall submit the completed form to the elected official responsible for that department head or the Human Resources Department.

2. If the elected official is the subject of the harassment complaint, the employee shall submit the completed *Harassment Complaint Form* to the Human Resources Department, the Monroe County Commissioners, the Board of Judges, or the Monroe County Legal Department. The Monroe County Legal Department and the Human Resources Department must be provided a copy of each completed *Harassment Complaint Form*. When feasible, the County will make a representative of each sex available to receive such complaints.
- F. All employees who observe or otherwise learn of or have reason to suspect any conduct which may violate this policy shall promptly report such facts to their elected official, department head, or the Human Resources Department, and shall cooperate fully in any investigation or disciplinary action undertaken pursuant to this policy. Failure to comply with this section shall be grounds for appropriate disciplinary action, up to and including termination.
  - G. The elected official, department head, or the Human Resources Department shall conduct a prompt and careful investigation. The investigation may include interviews with all persons having direct knowledge of the unwelcome behavior, including the person who made the complaint, the person accused of sexual or other harassment, and other potential witnesses.
  - H. At the conclusion of the investigation, the elected official, department head, Human Resources Department, or other investigator will review the findings with the person(s) who made the complaint. If the investigation reveals that the complaint is factual, appropriate corrective action will be taken to prevent the harassment from occurring again, up to and including discharge of any employee believed to be guilty of harassment. In any case, particularly in situations where the facts uncovered during the investigation are inconclusive or unclear, the County will ensure that all parties are reacquainted with the policy prohibiting sexual or other harassment at work.
  - I. Monroe County will take reasonable steps to keep the complaint confidential and, to the extent possible, maintain the privacy of the persons involved. Monroe County, however, cannot guarantee confidentiality.
  - J. Monroe County takes this harassment policy very seriously and will make all reasonable efforts to educate its employees about this policy. Every new employee will be provided a copy of the policy when hired, which may be reviewed during orientation. If the policy is amended, copies of the amendments will be given to all employees.
  - K. Monroe County also recognizes that careful consideration must be given to questions regarding whether a particular action or incident is purely personal or social without any discriminatory employment effect. False accusations of sexual harassment can have devastating effects on the lives and reputations of innocent women and men; therefore, the County may discipline, up to and including termination of employment, those employees who are proved to have intentionally, maliciously, and wrongly accused others of sexual harassment.

- L. Prevention is the best policy for the elimination of harassment. Employees shall be aware of this harassment policy at all times and seek to avoid creating conditions that encourage such activity.
- M. Sexual and other forms of harassment by any employee may result in personal legal and financial responsibility for the employee offender.

(Harassment Complaint Form) <P:\County Forms & Info\Human Resources Forms\Miscellaneous Forms\HARRASSMENT COMPLAINT.docx>

## **2.5 COMPETENT AND INCLUSIVE WORKFORCE**

**Monroe County Government must conduct trainings to maintain a competent and inclusive workforce. Competency includes both subject matter competency, which varies from office to office, and more universal competency such as computer usage and internal control training. All full time County Employees shall be required to participate in all universal competency trainings as indicated by the County Commissioners. All full time employees are required to participate in any subject matter competency training as required by Elected Official overseeing the department.**

**In addition, Monroe County Government wants to ensure its workforce is competent to deliver the required services and create an environment that promotes inclusion for both employees and the public. In order to be effective, sensitivity training and implicit bias training must be part of a top down culture that promotes diversity and inclusion. In an attempt to ensure the same message and quality of training, while adhering to the separation of powers found in state code, all full time, non-law enforcement, employees, with the exception of those working under the authority of the Prosecutor and Board of Judges, will be required to participate in training approved by the Board of Commissioners. All full time Employees working under the Prosecutor and Board of Judges, are required to participate in a training approved by that employees' overseeing elected official.**

## **3. RECRUITMENT, SELECTION AND HIRING**

### **3.1 RECRUITMENT/HIRING**

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

Basic job qualifications of formal education, background, and experience shall be determined before recruiting begins. These qualifications shall be based on job requirements, as well as applicable Federal, State, and local laws.

The residency of the applicant/prospective employee shall be a criterion when making a hiring decision. A Monroe County resident shall be preferred.

When a job vacancy occurs, the department may fill the position by promotion or transfer within the department without posting. The County encourages internal promotion and transfer whenever possible.

Unless a position will be filled by promotion or transfer from within the department, elected officials/department heads shall distribute information regarding vacancies and new positions as follows:

1. By posting on Monroe County's intranet site through TSD;
2. By posting on Monroe County's internet site through TSD;
3. By publicly posting on bulletin boards located in each County government building; and
4. By posting to the Bloomington Work One Center through Human Resources.

At the discretion of the elected official/department head, newspaper and trade journal advertising may be used in recruiting employees. Elected officials/department heads may also place a copy of the notice in department boxes in the central mailbox system in the Auditor's Office; however, copies must be placed in the following mailboxes: Monroe County Board of Commissioners, Human Resources Department, County Council, Court Services, and the Probation Department. Advertisements shall describe the position, basic qualifications, and state that the County is "An Equal Opportunity Employer." An elected official/department head also has the option of utilizing the Human Resources Department for recruiting.

A notice of job vacancy should contain the following:

1. The title of the available position;
2. A brief summary of the duties and responsibilities;
3. Minimum education and experience requirements;
4. The pay range;
5. The deadline, if any, and the place for submission of the application; and
6. A statement that the County is an "Equal Opportunity Employer."

(Notice of Job Opening Form) <P:\County Forms & Info\Human Resources Forms\Miscellaneous Forms\JobOpeningNotice.rtf>

### **3.2 RESUMÉS AND EMPLOYMENT APPLICATIONS**

Monroe County makes available employment applications upon request. Elected officials/department heads should have all candidates for jobs submit a résumé and/or complete a *County Application for Employment* ("Application"), as well as any other forms required for statistical purposes or deemed necessary to process the Application. Résumés and Applications shall be maintained by the elected official, department head and/or the Human Resources Department.

The Application requests only the information necessary for rational decision-making. Only questions specifically related to occupational standards are included in the Application. Applications must be fully completed and must account for periods of employment and

unemployment. Monroe County relies on the accuracy of information on the Application, on the submitted résumés as well as other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the County's exclusion of the individual from further consideration for employment, or, if the person has been hired, termination of employment.

Submission of a résumé or placement of an Application with the County does not mean that all applicants will be granted an interview by the elected official/department head; however, equal consideration will be given to all applicants based on the qualifications listed for the job. Résumés and Applications shall only be taken for open positions, with the exception of recruitment lists maintained by the Monroe County Sheriff. Prior to a person being placed on the County payroll, the elected official/department head shall submit the person's Application and/or résumé to the Human Resources Department.

*(MCG Application for Employment)* [P:\County Forms & Info\Human Resources Forms\01\\_NEW EMPLOYEE FORMS\01 Pre Employment Packet\Pre Hire Documents Packet](P:\County Forms & Info\Human Resources Forms\01_NEW EMPLOYEE FORMS\01 Pre Employment Packet\Pre Hire Documents Packet)

*(EEO-4 Voluntary Self-Identification)* [P:\County Forms & Info\Human Resources Forms\01\\_NEW EMPLOYEE FORMS\02 Full Time New Employee Forms 2020\03 EEO-4](P:\County Forms & Info\Human Resources Forms\01_NEW EMPLOYEE FORMS\02 Full Time New Employee Forms 2020\03 EEO-4)

### **3.3 APPLICANT TESTING**

Applicant tests including, but not limited to, written tests for basic skills, mechanical or physical agility tests, and some psychological tests may be used by the County in the selection process. Such tests are to be related to the requirements of the position.

### **3.4 PRE-EMPLOYMENT INTERVIEWS**

Pre-employment interviews may be used to gather information and screen applicants for County employment. Final interviews shall be conducted by the elected official/department head or their designee.

### **3.5 EMPLOYMENT REFERENCE CHECKS**

To ensure that individuals who are employed by the County are well qualified and have a strong potential to be productive and successful, it is the policy of the County to check the employment references of all applicants. In addition, criminal record checks may be conducted. Information regarding this procedure is contained in the "Employment History and Work Experience" section of the County's Employment Application.

For employment reference checks requested by outside employers of past or current County employees, the County will respond in writing only to those reference check inquiries that are submitted in writing. Responses to such inquiries will be addressed on a case by case basis and will typically confirm only dates of employment, wage rates, and position(s) held. No employment data will be released without written authorization and a release signed by the individual who is the subject of the inquiry unless required by federal, state, or local law.

Requests by elected officials and department heads for reference checks on applicants may be directed to the Human Resources Department.

### **3.6 CRIMINAL BACKGROUND AND CREDIT CHECKS**

All applicants are subject to criminal background checks. Background checks will be conducted on all post offer candidates. At the discretion of department heads/elected officials, current employees are also subject to criminal background checks. The costs associated with a criminal background check will be borne by the Human Resources Department.

Any individual with a felony conviction within the five (5) year period prior to application, or any felony conviction for a crime of dishonesty (e.g. embezzlement and fraud), shall be immediately removed from consideration for a position. Any other felony conviction occurring more than five (5) years prior to the application may be cause for removal from consideration at the department head or elected official's discretion.

Subject to Federal, State, and Local law, all applicants are subject to credit checks. At the discretion of department heads/elected officials, current employees, subject to Federal, State, and Local law, are also subject to credit checks. The costs associated with a credit check will be borne by the Human Resources Department.

### **3.7 CONDITIONAL OFFER OF EMPLOYMENT**

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

### **3.8 MEDICAL EXAMINATIONS**

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

Applicants may be required to undergo a pre-employment medical examination by a health professional of the County's choice, at the County's expense. Employees shall be required to submit to fitness for duty medical or psychological evaluations prior to returning from military leave or employee illness or injury leave under the Family and Medical Leave Act, or to meet terms and conditions associated with performing job duties. Applicants may be required to submit to a drug test at the discretion of the elected official/department head and prior to being hired by the County.

Information on an employee's medical condition or history shall be kept in a confidential medical file that is separate from other employee information. Medical information shall be maintained by the Human Resources Department and/or the elected official/department head/ that is responsible for the employee, such as return to work slips, restrictions, etc.

Access to this information will be limited to the employee, elected official/department head of the employee, the Monroe County Legal Department, the Human Resources Department, and, if necessary, the Auditor. The Court Administrator may also access this information for Court employees.

(Consent to Drug Test Form and Conditional Offer of Employment Form) <P:\County Forms & Info\Human Resources Forms\01 NEW EMPLOYEE FORMS\01 Pre Employment Packet>

### **3.9 AUTHORIZED ALIEN STATUS AND CITIZENSHIP**

Verification of Employment Eligibility: All applicants must cooperate with the County in its compliance with the Immigration Reform and Control Act of 1986, as amended. Applicants who refuse to supply the documentation necessary to prove they are American citizens or aliens authorized to work in this country will not be considered for employment. The Human Resources Department shall ensure that the I-9 Form is properly completed and retained as required by law. The Auditor cannot process payroll claims for any employee unless the appropriate forms are completed.

### **3.10 NEPOTISM**

Monroe County's policy is to hire, promote, and transfer employees on the basis of individual merit and to avoid any hint of favoritism or discrimination in making such decisions.

Monroe County prohibits its elected officials, department heads, and employees from hiring, for full-time, part-time, temporary, intermittent, or hourly employment, their relatives or domestic partners. Individuals who are relatives or domestic partners may not be employed in a position that results in one relative or domestic partner being in the direct line of supervision of the other relative or domestic partner. A full-time employee hired prior to April 29, 2005, shall not be affected by this provision, unless the employee experiences a change in status after May 25, 2007. Any part-time, temporary, intermittent, or hourly employee hired prior to July 1, 2012 shall not be affected by this provision, unless the employee experiences a change in status after July 1, 2012. Examples of a change in status include, but are not limited to, a break in employment, a part-time employee becoming a full-time employee, and an employee transferring within a department or to another department within the County or Judicial Circuit. A person may not be appointed to a Monroe County Board or Commission if the person is a relative or domestic partner of any member of the appointing body.

For purposes of this policy, the term "relative" means any of the following:

1. a spouse;
2. a parent or stepparent;
3. a child or stepchild;
4. a brother, sister, stepbrother, or stepsister;
5. a niece or nephew;
6. an aunt or uncle; or

7. a daughter-in-law or son-in-law.

An adopted child of an individual is treated as the natural child of the individual. The terms “brother” and “sister” include a brother or sister by the half blood. If the definition of “relative” in Indiana Code 36-1-20.2-8, or a successor statute to it, is changed, the definition of this term shall change accordingly.-

For purposes of this policy, the term “domestic partner” shall include individuals who are in a relationship conforming to the definition of “domestic partner” set forth in section 1.5 of the Monroe County Personnel Policy Handbook, regardless of whether they are registered as partners with the County Human Resources Department.

For each person hired and for each employee who experiences a change of status, the elected official, department head, or employee who makes the hiring or change of status decision, shall complete the *Nepotism Policy Compliance Form* and file the completed form with the Human Resources Director within one (1) week of the hiring or change of status event. Additionally, elected officials shall complete and file an *Annual Certification Form* with the Board of Commissioners between December 15th and December 31st of each year of the official’s term.

It is the intent of this policy to fully comply with Indiana Code 36-1-20.2-8, the terms and provisions of which are incorporated into this policy by reference. Where a term or provision set forth above differs from the incorporated terms and provisions of Indiana Code 36-1-20.2-8, the more restrictive or limiting term or provision shall take precedence.

This section does not apply to precinct election officers, as identified in Indiana Code 3-6-6, or to other individuals who are hired on a temporary basis to work in the administration of an election held in Monroe County, with respect to their service as a precinct election officer or other type of temporary election worker.

### **3.11 EMPLOYMENT STATUS**

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

(Change Form) <P:\County Forms & Info\Human Resources Forms\03 Employee Change Forms>

### **3.12 PROBATIONARY STATUS**

Probationary employees are those whose performance is being evaluated to determine whether further employment with the County is appropriate. The probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The County uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the County may end the employment relationship at any time and for any

reason, other than as prohibited by law, during or after the probationary period. The employee remains an “at-will” employee after the expiration of the probationary period.

All employees shall be probationary employees for a minimum of the first three (3) months of employment. At the end of the employee’s initial three (3) month probationary period, the elected official/department head may extend the employee’s probationary status. Such extensions of probationary status should be put in writing and placed in the employee’s personnel file.

The probationary period for merit officers in the Sheriff’s department shall be twelve (12) months. Unless an elected official/department head decides otherwise, this section shall not apply to employees who transfer to a new department or to a part-time employee who is becoming a full-time employee.

### **3.13 PERSONNEL FILES**

The process of selecting and hiring for each position of employment shall be documented with the information pertaining to the hired employee retained in that employee’s personnel records. Information in personnel records may be kept on file for each employee for a period of not less than seven (7) years. Information in personnel records may be relevant to and used in making decisions regarding a person’s status as a County employee.

Monroe County shall maintain three separate sets of personnel records for each employee: the employee’s personnel file, administrative file, and medical file.

#### **A. Personnel File**

The employee’s Personnel File shall contain the employee’s title, salary information, *I-9 Form*, *New Hire Payroll Information Form*, *Application for Employment* and/or résumé, retirement enrollment forms, *Information Changes Form* and beneficiary forms, and *Employee Acknowledgment Form*. The Personnel File shall be maintained by the Human Resources Department.

#### **B. Administrative File**

The employee’s Administrative File shall contain the employee’s *Application for Employment* and/or resume, records of training, documentation of the employee’s job performance, *Information Changes Form* for salary increases, and disciplinary records, including grievances, absences, tardiness, employee’s position description and other related data. The Administrative File shall be maintained in the office of the elected official/department head that hired or authorized the hiring of the employee.

#### **C. Medical File**

The employee’s confidential Medical File shall contain all medical information, including disability information, insurance enrollment forms, and other medically related information, and shall be maintained by the elected official/department head under whom the employee works or by the Human Resources Director. The Medical File shall be kept separately from the Administrative File.

The employee's medical files, and portions of the employee's personnel and administrative files, shall be deemed confidential personnel records and exempt from public access to the extent allowed under the Indiana Access to Public Records Law. The information contained in an employee's personnel records shall be available to the employee and the elected official/department head under whom the employee works, the County Attorney, and employee designated as custodians of such records by elected official/department head, by this personnel policy, or by Indiana law. Employees must make a written request to Human Resources to view their personnel file by completing the *Request to Review Personnel File Form*.

<P:\County Forms & Info\Human Resources Forms\Miscellaneous Forms>

(Offer of Employment Form) [P:\County Forms & Info\Human Resources Forms\01\\_NEW EMPLOYEE FORMS\01 Pre Employment Packet](P:\County Forms & Info\Human Resources Forms\01_NEW EMPLOYEE FORMS\01 Pre Employment Packet)

(New Hire Payroll Information Form) [P:\County Forms & Info\Human Resources Forms\01\\_NEW EMPLOYEE FORMS\02 Full Time New Employee Forms 2020](P:\County Forms & Info\Human Resources Forms\01_NEW EMPLOYEE FORMS\02 Full Time New Employee Forms 2020)

### **3.14 PERSONAL INFORMATION CHANGES**

Personal mailing addresses, telephone numbers, number and names of dependents (including dates of birth), changes in marital status, individuals to be contacted in the event of an emergency, educational accomplishment, and other such personal information should be accurate and current. Any unreported changes in personal status may impact eligibility under the County's benefit plans. It is the employee's responsibility to convey accurate and up to date personal information in written form to the Human Resources Director and elected official/department head under whom he/she works. Employees shall use the Monroe County Employee Change Form – Personal Information. Completed change forms must be submitted to the Human Resources Department.

(Change Form) <P:\County Forms & Info\Human Resources Forms\03 Employee Change Forms>

## **4. ORIENTATION, PERFORMANCE EVALUATION AND EXIT INTERVIEW**

### **4.1 ORIENTATION/EXIT INTERVIEWS**

Elected officials/department heads are encouraged to conduct an informal orientation to familiarize a new employee with the County. All new employees will participate in a formal orientation with the Human Resources Department. At that time the employee will be provided with a copy of the Personnel Policy Handbook.

Upon termination of the employment relationship with an employee, the elected official/department head may conduct an exit interview or may request Human Resources to conduct an exit interview with the employee. Please see Section 11.1 for information regarding Employment Termination.

(Employee Exit Interview Form) <P:\County Forms & Info\Human Resources Forms\02 Employee Termination Packet>

## **4.2 PERFORMANCE EVALUATION**

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

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

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

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

(Performance Appraisal Form) <P:\County Forms & Info\Human Resources Forms\Performance Appraisal Form>

## **5. EMPLOYMENT HOURS AND WAGE ADMINISTRATION**

### **5.1 PAYROLL WEEK AND WORK WEEK**

The payroll week begins on Sunday (12:01 a.m.) and ends on Saturday (midnight). The payroll week may be changed by the Monroe County Board of Commissioners. Such changes shall be communicated in writing to all employees. The normal work pattern for employees, unless otherwise specified and except in designated departments, shall be Monday through Friday.

### **5.2 WORK HOURS**

Monroe County offices and departments shall observe the hours of work designated and established by the Monroe County Board of Commissioners, the Board of Judges and the Monroe County Prosecuting Attorney. The regular work hours may be changed by the Board of Commissioners, Board of Judges and the Prosecuting Attorney, as they deem appropriate. Certain departments may maintain varied work schedules under special employment conditions set forth by governing statutes. For example, the Monroe County Sheriff's Department and the Monroe County Youth Shelter operate twenty-four (24) hours per day. Shift schedules for the Sheriff's Department shall be determined by the Monroe County Sheriff. Shift schedules for the Monroe County Youth Shelter shall be determined by the Monroe County Board of Judges.

Monroe County and Circuit Court offices shall be open to the public Monday through Friday from 8:00 a.m. to 4:00 p.m., except holidays. Certain offices may, due to the nature of their work, observe earlier opening hours and/or later closing hours.

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

Flex-time is a flexible work schedule equaling at least seventy (70) hours or eighty (80) hours during a two (2) week pay period, which is predetermined with supervisor approval. Flex-time schedules may be implemented and revised at the discretion of the elected official/department head. Until a revision is approved, the employee must adhere to the established schedule. No employee will be allowed to vary their work schedule in such a way that it would result in the office or department being inappropriately staffed to meet business needs.

Work weeks stand alone for purposes of the Fair Labor Standards Act. This is true even for those employees who utilize flex-time under this section; therefore, any non-exempt employee who works beyond forty (40) hours in one (1) work week is entitled to overtime compensation pursuant to Section 5.13.

While employee rest breaks may be considered a common employment practice, there is no general rule established by state or federal law that requires employees be provided rest break time. Due to the substantial variations in work responsibilities, conditions and management authority, the County does not have a specific personnel policy provision providing for rest break time. Department heads may allow some rest break time for their employees, but are under no obligation to do so. Employees who take rest breaks without the permission of their Department head or supervisor may be considered absent from work without authorization during that time.

### **5.3 JOB DESCRIPTIONS**

Job descriptions setting forth the qualifications, duties, and responsibilities for County positions are maintained by the Human Resources Department on behalf of the Monroe County Council. They are hereby adopted by reference in this Personnel Policy Handbook.

### **5.4 JOB CLASSIFICATION/PAY SYSTEM MAINTENANCE**

Any change in job classification or pay rate must be approved by the Monroe County Council. The Monroe County Council oversees maintenance of the job classification and pay plan. When an elected official/department head wishes to create a new position not currently classified, reorganize jobs within a department, review seniority, abolish a position, or review an employee's job classification, the required paperwork, including a review form, must be obtained from the Human Resources Department. The completed paperwork must be returned, with all required supplemental information, to the Human Resources Department, which will in turn forward the requests to the Monroe County Council Office. The Monroe County Council Personnel Administration Committee reviews such requests and makes recommendations to the Monroe County Council. The Monroe County Council takes final action on these requests.

## **5.5 COMPENSATION**

Monroe County's compensation plan is based on the job classification system. The Monroe County Council adopts an annual salary ordinance establishing pay rates for all County positions. The annual salary ordinance is hereby incorporated by reference in this Personnel Policy Handbook.

Elected officials shall be paid an annual salary. This salary covers the period beginning on 12:01 a.m. on January 1st of their first year in office and ending at midnight on December 31st of their last year in office. Elected officials shall be paid on regular pay days throughout the year.

## **5.6 TIMEKEEPING**

Federal and State laws require the County to keep an accurate record of time worked in order to calculate employee pay and benefits. "Time worked" is all time actually spent on the job, performing assigned duties. Extended periods of time spent in the office, but on personal matters, shall not be counted as "time worked".

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

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

Indiana Code 5-11-9-4 requires that public sector employees maintain records showing which hours were worked each day by officers and employees. These records are subject to audit by the State Board of Accounts. Time worked is all the time actually spent on the job performing assigned duties.

Every employee is responsible for accurately recording time worked. Employees should accurately record the time they begin and end their work and the time they begin and end any departure from work for personal reasons. All employees should record time in the time-keeping system to the nearest five (5) minute mark, rounding up or down appropriately. Employees should not, in any circumstance, round to the nearest quarter hour, unless doing so is, in fact, rounding to the nearest five (5) minute mark. For example, an employee who reports to work at 9:04 a.m. should report 9:05 a.m. as the time arrived. An employee reporting at 9:04 a.m. should not report 9:00 a.m. or 9:15 a.m. An employee who reports to work at 9:02 a.m., would report 9:00 a.m., since 9:00 a.m. is the nearest five (5) minute mark.

An employee's failure to submit accurate time records according to this schedule may result in the employee's failure to receive a paycheck for the time period in question. The employee's paycheck may be held until accurate time records, which verify the employee's attendance and work hours during the time period in question are submitted by the employee.

Overtime work (work beyond forty (40) hours per week) should be approved by the elected official/department head or their designee before it is performed, unless circumstances will not allow for such approval. In those circumstances, the overtime work shall be approved retroactively and ratified by the elected official/department head prior to submission for payroll purposes.

Employees shall record the use of ~~sick leave~~, personal **benefit** leave, vacation leave, FMLA leave, or any other type of approved leave on their time records. Failure to record the leave may result in the employee not being paid for the leave. Employee time sheets are to be submitted to the Auditor with each payroll. Time sheets must be signed by the elected official/department head or designee.

Tampering, altering, or falsifying time records, or recording time on another employee's time record, shall result in disciplinary action, up to and including discharge. Questions or concerns regarding these matters should be placed in writing and submitted to a law enforcement agency for investigation. Please see also Section 5.16 – Ghost Employment.

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

Employees who respond to business communication (pager, cell phone, telephone) while on-call and off-duty shall record such contacts in minute increments on an *Off Duty/Pager Hour Log* if they wish to be compensated for such time. Employees shall document the actual time spent responding to each call as it occurs. At the end of each week, the employee shall total the time for all calls and round that weekly total up to the nearest five (5) minute mark, rounding up or down appropriately. The total of all calls shall be included on the employee's time sheet for that pay period.

All elected officials/department heads shall be required to complete for each employee under their supervision general payroll form 99A (Employee Service Record). This form contains each day's hours worked for the preceding year and must be submitted to the Auditor each year by February 1.

(*Off Duty/Pager Hour Log*) <P:\County Forms & Info\Human Resources Forms\Miscellaneous Forms\Off Duty Pager Hour Log.doc>

**5.7 PAY PERIODS**

Employees are paid bi-weekly.

**5.8 PAY CORRECTIONS**

Monroe County takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event there is an error in the amount of pay, the elected official/department head should promptly bring the discrepancy to the attention of the Auditor so corrections can be made.

**5.9 TRAVEL TIME**

**A. Home-to-Work Travel** - Travel to and from home is not work time.

**B. Out-of-Town Travel** - An employee who is sent out of town for one (1) day will be paid for time spent in traveling.

**C. Overnight Travel** - Time spent traveling for work, as long as approved in advance by the employee's supervisor, is considered compensable work time.

**5.10 PAY DEDUCTIONS/GARNISHMENTS**

Monroe County is legally required to make certain deductions from each employee's paycheck, including Federal, State and local income taxes. The County must also deduct social security taxes on each employee's earnings. The County matches the amount of social security taxes paid by each employee.

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

When the County is served a writ of garnishment requiring payment of a portion of the employee's compensation, a processing fee, as allowed by law, may be deducted from the employee's pay and retained by the County.

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

### **5.11 ABSENCES FROM WORK**

- A.** The payroll administrator will return the pay voucher to the elected official/department head and advise that the employee must use benefit time, other than FMLA or sick leave, in the following order: accrued overtime or compensatory time over the county limit, vacation leave or personal **benefit** leave, followed by other accrued overtime, compensatory time, and holiday time (if applicable). Sick **Personal benefit** leave shall be taken in accordance with Section 6.1.3 (Sick **Personal Benefit** Leave **Benefits**).

An employee who has no existing benefit time, as described above, shall have any hours short of the employee's regular working hours deducted from their wages or salary and will be subject to disciplinary action, up to and including termination, if the absence from work is not covered by other leave provided under Section 6.2 (Other Leave).

#### **B. Volunteer Firefighters' Absences from Work**

Pursuant to Indiana Code 36-8-12-10.5, employees who are volunteer firefighters and who have notified Monroe County in writing of that fact may not be disciplined for absences by reason of responding to a fire or emergency call that was received before the time that the employee was to report to employment. Likewise, employees may not be disciplined for leaving the employee's duty station to respond to a fire or an emergency call if the employee has secured authorization from the employee's supervisor to leave their duty station in response to a fire or an emergency call received after the employee has reported to work.

The employee's supervisor may require an employee that has been absent from employment for reasons stated above to present a written statement from the fire chief or other officer in charge of the volunteer fire department at the time of the absence indicating that the employee was engaged in emergency firefighting or emergency activity at the time of the absence. The employee shall not be paid for an absence, with supervisor approval, unless benefit time is used.

### **5.12 LONGEVITY**

Unless otherwise indicated by a contract or by the Ordinance for Fixing Salaries, the longevity pay policy provides additional salary increments to all full-time employees based on complete and uninterrupted years of service with the County. Periods that would be affected by interrupted service cannot be claimed. Longevity pay accrues on the employee's anniversary date and shall be submitted for payment on the payroll voucher immediately following the employee's anniversary date. Longevity pay will not be prorated for less than twelve (12) months of employment. In other words, if employment is terminated either by the employee or the County prior to the employee's anniversary date, the employee will not receive longevity pay. Vacation and other

benefit leave may not be used to extend the time of employment in an effort to gain longevity pay.

A copy of the longevity pay schedule may be obtained from the Human Resources Department or the Auditor.

### **5.13 OVERTIME**

Each employee is designated as **EXEMPT** or **NON-EXEMPT** from Federal and State wage and hour laws.

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

**NON-EXEMPT** employees are entitled to overtime compensation/compensatory time off under specific provisions of Federal and State law.

Elected officials and their personal staffs, political appointees, and legal advisors are not covered by the Fair Labor Standards Act ("FLSA"). Certain other employees, typically executives, administrators and professionals, while covered by the record keeping provisions of the FLSA, are exempt from the overtime provisions of the Act. The employee's job description and the Salary Ordinance adopted by the Monroe County Council should be consulted to ascertain whether the employee is eligible for overtime compensation under the Act. Non-covered and Exempt employees are compensated not for the amount of time spent on the job, but rather for the general value of the services performed. Such employees are generally not hired to work a set number of hours per week, but are expected to fulfill their job responsibilities regardless of the number of hours involved and are paid a salary intended to compensate for any and all "overtime"; however, such employees must work a minimum of seventy (70) or eighty (80) hours during a two (2) week pay period (depending upon their required schedules) in order to be considered full-time employees and eligible for benefits accorded full-time employees. Exempt employees must submit accurate time records, as described in Section 5.6.

For questions regarding number of hours worked, please see Section 1.5 for the definition of full-time and part-time employees.

Non-exempt employees, as determined by the Monroe County Council's designation of jobs for compliance with the FLSA, may be required to work overtime when operating requirements or other needs cannot be met during regular working hours. Overtime assignments will be made to best meet the operational needs of the County. All overtime work must receive the elected official/department head's prior authorization. Employees who work overtime without receiving prior authorization from the elected official/department head may be subject to disciplinary action, up to and including termination of employment.

Unless circumstances will not allow for such approval, overtime work (work beyond forty (40) hours per week) must be approved by the elected official/department head or their designee before it is performed, and such permission must be documented in a manner approved by the elected official/department head. In circumstances where advance approval is not feasible, the overtime work shall be approved retroactively and ratified by the elected official/department

head prior to submission for payroll purposes. In any instance, documentation of permission for overtime must be maintained by the elected official/department head and be made available, upon request.

Non-exempt employees working in excess of forty (40) hours in a work week shall receive compensatory time off, in accordance with the FLSA, at a rate of one and one-half (1.5) hours per hour worked. Overtime compensation in the form of overtime pay at a rate of one and one-half (1.5) times an employee's hourly wage for all approved hours worked in excess of forty (40) hours in a work week shall only be allowed if the following two (2) conditions are met:

1. The overtime was authorized in advance by the elected official/department head; and
2. The funds are available and, if necessary, were appropriated by the Monroe County Council.

Calculating overtime is based on actual hours worked. Time off on compensatory leave, bereavement leave, sick **personal benefit** leave, vacation leave, ~~personal~~ leave or emergency closings will not be considered as hours worked for purposes of calculating overtime compensation. Time off on holidays will be considered as hours worked for purposes of calculating overtime. For example, a non-exempt employee who uses benefit leave during the normal work week but then works a day during the weekend will not earn overtime for the weekend day worked. Instead, the employee will count the weekend day worked as a regular workday and will not record the benefit time taken during the week. The benefit time will be saved for the employee's later use.

All accrual of overtime shall be made in compliance with the Personnel Policy Handbook. Any payments of overtime shall be made in compliance with the Monroe County Ordinance for Fixing Salaries.

#### **5.14 COMPENSATORY TIME**

Each employee is designated as **NON-EXEMPT** or **EXEMPT** by Federal and State law.

**NON-EXEMPT** employees are entitled to overtime compensation/compensatory time off under specific provisions of Federal and State law.

With the exception of Resolution 2008-57, **EXEMPT** employees are excluded from specific overtime provisions of Federal and State wage and hour laws. See Section 5.13 for more information regarding exempt/non-covered employees.

The following paragraphs apply to all non-exempt employees as determined by the Monroe County Council's designation of jobs for compliance with the Fair Labor Standards Act ("FLSA"):

Non-exempt employees who work more than thirty-five (35) but not more than forty (40) hours in a week are not entitled to overtime compensation by the FLSA. Monroe County, however, makes it a policy to provide compensatory time off to non-exempt employees who work between thirty-five (35) and forty (40) hours per week at the rate of one (1) hour per hour worked. Calculating compensatory time is based on actual hours worked. Compensatory time over the county limit must be used within two (2) months of being earned by the employee.

Time off on compensatory leave, bereavement leave, sick personal benefit leave, vacation leave, personal leave or emergency closings will not be considered as hours worked for purposes of calculating compensatory time. Time off on holidays will be considered as hours worked for purposes of calculating compensatory time. For example, a non-exempt employee who uses benefit time during the normal work week but then works a day during the weekend will not earn compensatory time for the weekend day worked. Instead, the employee will count the weekend day worked as a regular workday and will not record the benefit time taken during the week. The benefit time will be saved for the employee's later use.

Scheduling the use of compensatory time off shall be at the discretion of the elected official/department head. Use of compensatory time must be determined in advance of submission of the payroll. Non-exempt employees shall be provided with and shall sign a *Compensatory Time off Agreement Form*. Copies of the signed Agreements shall be kept by the elected official/department head, the Human Resources Department, and by the Auditor.

Elected officials and department heads shall provide the Auditor with an accurate and current record of all accrued compensatory time simultaneously with the current payroll. All elected officials and department heads shall provide documentation showing compensatory hours calculated in accordance with this policy. Employees shall not be allowed to accrue more than forty (40) hours of compensatory time unless in exceptional circumstances, and with approval of employee's supervisor. Elected officials/department heads may impose more stringent standards than those contained herein, regarding the accrual of compensatory time for their departments, but may not impose less stringent standards.

An employee must have less than forty (40) hours of accrued compensatory time before that employee may use any sick personal benefit leave, vacation leave, or personal leave health clinic time pursuant to Section 6.1 of this policy.

Any employee with accrued compensatory time, who transfers to another department, will receive their accrued compensatory time or receive monetary compensation for the accrued time from the department under which the time was worked.

(*Compensatory Time off Agreement Form*) <P:\County Forms & Info\Human Resources Forms\Miscellaneous Forms\COMP TIME OFF AGREEMENT.doc>

Any payment of compensatory time shall be made in accordance with County Council Resolution 2009-18 or any subsequent, relevant resolutions regarding compensatory time.

It shall be the responsibility of the overseeing authority, in accordance with Section 1.4 – Management Rights, to interpret these policies and procedures, to ensure that they are administered in a consistent and impartial manner, and to provide oversight and approval as required.

#### **5.15 EMERGENCY CLOSING**

Periodic or temporary emergencies, such as severe weather or power failures, can temporarily disrupt operations, sometimes requiring the brief closing of County facilities. When such an

emergency occurs during non-working hours, local radio and/or television stations will be asked to broadcast notification of the closing.

The Monroe County Commissioners shall decide when County facilities shall be officially closed; however, the Board of Judges shall decide when Circuit Court offices are closed and the Monroe County Prosecuting Attorney shall decide when the Office of the Prosecuting Attorney shall be closed.

When facilities are officially closed for temporary emergency conditions before the beginning of the workday, the time off from scheduled work will be paid to full-time employees (excepting public safety employees) affected by the facility closing.

If a full-time employee reports to work, and the facility is later closed due to a periodic or temporary emergency after the employee's arrival, the employee shall be paid for a full work day without being required to use vacation, personal leave, compensatory time, or by making up this time within the pay period; however, if a full-time employee does not report to work on a day in which the facility is later closed, time missed will be charged against the leave the employee intended to use that day or will be time without pay. The elected official/department head may allow the employee to make up time missed, provided that the time missed is made up within the same pay period and is documented.

This policy does not apply to public safety employees engaged in work during any emergency as declared by the Monroe County Commissioners.

This section of the Monroe County Personnel Policy Handbook is intended to outline procedures for periodic or temporary emergencies. Employees should be aware that a severe emergency could occur, which would significantly impact the operations of Monroe County and could result in the loss of jobs for some county employees. In such a situation, employees affected would not continue to be paid by or receive benefits from Monroe County. Those affected employees, however, may be eligible to continue health insurance coverage as described in Section 6.3.3 of this Handbook, entitled "Benefits Continuation (COBRA)".

Severe emergencies, which require longer closings of Monroe County Government offices and which could result in the loss of jobs for county employees, shall be governed by **the Monroe County Government Continuity of Operation Plan (COOP)** emergency plans developed by the Monroe County Board of Commissioners.

**The COOP is the policy that defines the minimum required actions by ALL MCG elected officials and employees. The COOP is set up to ensure that our local government continues to provide mission essential functions during a range of emergencies, including, but not limited to, acts of nature, acts of violence, technological attack, and infectious disease. The COOP addresses accessibility of buildings, general personnel welfare, and expectations of general performance. Each Department also has a supplemental COOP that is specific to their department and ensures communication and understanding of requirements by their respective employees. Departmental COOPs may be more (but not less) restrictive than the County COOP.**

***See Addendum A.***

**5.16 GHOST EMPLOYMENT**

Indiana law makes it illegal for public servants to engage in Ghost Employment. Elected officials of Monroe County and their employees shall adhere strictly to the law as stated in Indiana Code 35-44.1-1-3.

If an individual has questions or suspects that a violation of Indiana Code 35-44.1-1-3 has occurred within Monroe County Government, those concerns should be submitted to a law enforcement agency for investigation.

**6. EMPLOYEE BENEFITS**

**6.1 BENEFIT TIME**

Monroe County provides a wide range of benefits to eligible employees. Programs such as social security, worker’s compensation, and unemployment insurance cover all employees in the manner prescribed by law. Eligibility for additional benefits depends on a variety of factors, many of which are described elsewhere in the Personnel Policy Handbook. The Human Resources Department will identify the programs for which employees are eligible.

For purposes of the accrual of benefit time, one (1) day of benefit time for a thirty-five (35) hour-a-week employee equals seven (7) hours. One (1) day of benefit time for a forty (40) hour-a-week employee equals eight (8) hours. Any adjustments in schedules made by departments for whatever reason, which affect the length of an employee’s workday, shall not affect the above-stated accrual rate.

It is the County’s intent that employees shall be allowed to use their benefit time in five (5) minute increments, subject to approval by the employee’s supervisor and/or elected official/department head.

**6.1.1 VACATION LEAVE BENEFITS**

**Eligibility**

Vacation leave with pay is available to full time employees to provide opportunities for rest, relaxation, and personal pursuits in accordance with the schedule below and depending upon the employee’s regular work schedule. Full-time employees are eligible to accrue and use vacation leave as described in the Personnel Policy Handbook. **See Addendum A.**

**Accrual Calculations**

Accrual of vacation begins upon date of hire, and will normally be computed from anniversary date to anniversary date. Vacation time may not be taken before it is earned. For purposes of this section, an employee shall receive credit for prior, full years of employment with the County as a full-time employee.

YEARS OF EMPLOYMENT	VACATION LEAVE EARNED
---------------------	-----------------------

After six (6) months of County employment	One (1) week per year (35 hours or 40 hours per year)
After completion of one (1) year of continuous County employment and until the end of the fifth (5 <sup>th</sup> ) year of continuous County employment	Two (2) weeks per year (70 hours or 80 hours per year)
After completion of five (5) years of continuous County employment and until the end of the tenth (10 <sup>th</sup> ) year of continuous County employment	Three (3) weeks per year (105 hours or 120 hours per year)
After completion of the tenth (10 <sup>th</sup> ) year of continuous County employment until termination of County employment	Four (4) weeks per year (140 hours or 160 hours per year)

### Breaks in Employment

- A. If an employee voluntarily leaves employment and returns within a one (1) year (twelve (12) month period), credit towards prior full years of service for vacation purposes will be given, and credit toward years of service for vacation purposes will be given. The employee will begin to accrue vacation at the same level the employee was earning before the break in employment, using the employee's new re-hire date. One (1) week (35 or 40 hours) of vacation will be available for that employee's use six (6) months after the re-hire date. At one (1) year, the employee accrues vacation time based on the new anniversary date as if there were no break in service, per the chart above.

**Example:** A full-time employee, employed by the County for eight (8) years, who terminated employment on February 1, 2007, but returned to county employment on October 1, 2007, would use the return date of October 1st as the new anniversary date for vacation calculation purposes. Vacation leave of five (5) days would be available for use on April 1, 2008. On October 1st, 2008, vacation leave would be granted, according to the chart above, as if the employee had never separated from County employment.

- B. The employee with a break in service greater than twelve (12) months will be treated as a new employee for vacation calculation purposes per the chart above.

### **Employment Termination**

Accrual of vacation leave will normally be computed from anniversary date to anniversary date. Upon termination of employment, an employee's accrued vacation leave shall be calculated on a pro-rata basis as set forth in the following personnel form; however, **employees who are discharged (as defined in Section 11.1) will not receive compensation for any unused vacation leave.**

### **Transfers**

If an employee transfers between departments within the County, the employee's balance of unused vacation leave shall be transferred to the new department unless used by the employee prior to the effective date of transfer.

### **Pay in Lieu of Vacation**

All employees should take their annual vacation leave as it accrues. No pay will be issued in lieu of vacation leave.

### **Vacation Carry Over**

With prior written permission of the elected official/department head, a maximum of ten (10) days may be carried over into the next anniversary year or may be converted to **sick personal benefit** leave. Payment for carried over days will be in addition to the employee's pro-rata payment for the current year's vacation days. If the employee has additional unused vacation days above the ten (10) that have been carried over, the employee may convert those days to **sick personal benefit** leave with prior written permission of the elected official/department head.

### **Scheduling Vacation Time**

Scheduling of vacations is at the discretion of the employee's supervisor. To take vacation, employees should request advance approval (as soon as possible) from their supervisors. If employees' requests for vacation leave are in conflict, the supervisor shall determine which request shall be approved. Vacation requests will be approved based on a number of factors including performance, impact on department efficiency, business needs, and staffing requirements. Vacation leave may be taken in five (5) minute increments as approved by the employee's supervisor, as indicated in Section 6.1.

An employee with accrued **sick personal benefit** leave who is ill or injured for more than two (2) days during vacation may request that the days of injury or sickness be credited to accrued **sick personal benefit** leave. The vacation leave that is replaced by **sick personal benefit** leave can be rescheduled by the elected official/department head. Requests must be accompanied by a physician's statement (or other proof satisfactory to the supervisor) verifying that the illness or injury would have documented requests may be granted at the discretion of the employee's elected official/department head. No vacation shall accrue while an employee is on unpaid leave of absence, except for leave pursuant to the Family and Medical Leave Act, including Family Military Leave. **AN EMPLOYEE'S TERMINATION**

**DATE MAY NOT BE EXTENDED OR RETIREMENT DATE SET TO GAIN ADDITIONAL VACATION TIME.**

(Request for Vacation Form) <P:\County Forms & Info\Human Resources Forms\Vacation Forms>

(Vacation Days Calculation upon Termination of Employment Form) <P:\County Forms & Info\Human Resources Forms\02 Employee Termination Packet>

### **6.1.2 HOLIDAYS**

Each year the schedule of holidays shall be determined by the Monroe County Board of Commissioners in consultation with the Board of Judges and other elected officials. Full-time employees shall receive regular pay for holidays. Part-time, Seasonal or Temporary employees shall be compensated only for hours actually worked, if any, on a holiday.

Employees who work in a department that maintains a varied work schedule under special employment conditions, as described in Section 5.2, shall count hours worked on a County-holiday as actual hours worked. The actual hours worked shall be counted towards the accrual of compensatory time, if the employee is a non-exempt employee. Floating holidays are not provided, unless provided by a Union contract or specifically provided in the annual schedule of holidays mentioned above.

An employee must use accrued benefit time in the following order: compensatory time in excess of the limit allowed in Section 5.14, accrued holiday time (if any), vacation time or personal time. In other words, an employee with accrued vacation time must use any compensatory time in excess of the limit, first, and then any accrued holiday, second, before the employee may use accrued vacation time or personal time. If an employee's religion observes holidays other than those designated, the employee may, *with supervisor's advance permission*, work on regularly scheduled holidays and be absent for the holidays observed by the employee's religion. This does not affect the use of **sick personal benefit** leave.

All requests for time off must receive the elected official/department head's prior authorization. Employees who use holiday, compensatory, or vacation time without receiving prior authorization from the elected official/department head may be subject to disciplinary action, up to and including termination of employment.

<P:\County Forms & Info\Human Resources Forms\Vacation Forms>

Holiday time off shall be paid at the employee's base rate at the time of the holiday. **See Addendum A.**

### **6.1.3 SICK PERSONAL BENEFIT LEAVE BENEFITS**

The County provides paid sick **personal benefit** leave benefits to all full-time employees. **This benefit time is designed to be used as the employee needs and upon approval by their supervisor. This benefit time may be used for, but not limited to, for periods of temporary absence due to illness, injury, and the attendance of medical appointments,**

**mental health days, unplanned personal events, bereavement, and vacation.** An employee with accrued sick leave shall receive regular pay for absences from employment for illness, injury, or the attendance of a medical appointment for the employee, or the employee's family member.

One (1) day of sick **personal benefit** leave shall be granted to full-time employees upon commencement of employment. Thereafter, full-time employees shall earn one (1) day of sick **personal benefit** leave on the first day of each full month of continued employment. These days may be accumulated without limit until termination of employment. If an employee transfers between County departments, any unused sick **personal benefit** leave is transferred to the new department. Upon termination of employment, the employee shall **NOT** be compensated for accrued sick **personal benefit** leave. Sick **Personal benefit** leave may be used in five (5) minute increments, as approved by the employee's supervisor and as indicated in Section 6.1.

An injured or sick employee absent for more than three (3) days must provide the supervisor a written statement from the treating physician, which establishes the employee's inability to fulfill the conditions of employment. An employee who is absent for more than three (3) days as a result of the injury or illness of an employee's family member shall be required by the supervisor to provide a written statement from the treating physician, which establishes that the employee needed to be available to care for the family member. Monroe County reserves the right to have the employee examined by a physician chosen by the County and at the County's expense. The elected official/department head must provide the Auditor with a report of sick days used for each employee during each payroll period.

(Employee Time Off Request Form) [P:\County Forms & Info\Human Resources Forms\FMLA\\_Other Leave\\_ADA](P:\County Forms & Info\Human Resources Forms\FMLA_Other Leave_ADA)

#### ~~6.1.4 CONVERSION OF SICK LEAVE~~

~~Employees may convert up to one (1) unused sick day per quarter into a personal day. Personal time may be used for any personal reason without specification; however, the scheduling of an employee's request to take a personal day lies within the discretion of the elected official/department head. The right to convert one (1) sick day, if not exercised during a given quarter of the calendar year, is carried over to subsequent quarters of the same calendar year. Thus, if an employee does not exercise their right to convert an available sick day during a given quarter of the calendar year, they may do so in a subsequent quarter of the same calendar year (in addition to the one (1) sick day which they could normally convert that quarter). If the employee has not converted any available sick days during the first three (3) quarters of a calendar year, the employee would have the right to convert up to four (4) available sick days into personal days during the 4th quarter of the calendar year. The unused right to convert sick days may not be carried over to a subsequent calendar year. Personal leave may be used in five (5) minute increments, as approved by the employee's supervisor and as indicated in Section 6.1.~~

~~Monroe County Government encourages its employees to dedicate time to community service to enhance and support our community. In accordance with Indiana Code 35-44.1-1-3, department heads and/or elected officials may allow an employee to convert up to one (1) unused sick day (seven (7) hours for thirty-five (35) hour per week employee/eight (8) hours for forty (40) hour per week employee) per calendar year which may only be used to perform community service (see Section 6.1.4). Using this leave, the hours in community service must be performed during the normal hours of employment and cannot exceed the hours in the employee's normal work day. The department head and/or elected official may require documentation from the agency benefiting from the community service, including the hours the employee performed community service.~~

~~Employees may not receive financial compensation for performing such community service, but may receive meals and items of nominal value recognizing their participation in the activity. Community service performed may not promote religion, attempt to influence legislation or governmental policy, or attempt to influence elections to public office. Community service performed must be at the benefit of another governmental entity within Monroe County or an organization exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code that provides direct support to Monroe County citizens.~~

~~Employees may convert up to one (1) unused sick day per calendar year to perform community service as approved by the department head and/or elected official and as indicated in Section 5.16. The unused right to convert a sick day to community service leave may not be carried over to a subsequent calendar year. Community service leave may be used in five (5) minute increments as indicated in Section 6.1 and approved by the department head and/or elected official.~~

~~For a community service activity that has been formally recognized by the Board of Commissioner as having a particular value in supporting a function of Monroe County government and that requires a time commitment greater than the number of hours in an employee's work day, up to four (4) unused sick days per calendar period may be converted if approved by the department head and/or elected official. With the approval of the department head and/or elected official, all or part of the hours an employee engages in this community service may take place outside the employee's normal hours of employment.~~

~~An employee who has been employed full time by the County for more than six (6) months may only convert sick leave into personal leave or for community service that he/she has currently accrued beyond five (5) days. Sick time may not be used for community services if, as a result of such use, the employee will become entitled to overtime compensation.~~

#### **6.1.5 MONROE COUNTY HEALTH CLINIC TIME**

Eligible Employees who use the Monroe County Health Clinic ("Health Clinic") may receive benefit time. The benefit is subject to other provisions of this section. Such time will be treated in the same manner as **personal benefit leave** sick time used (see Section

6.1.3); however, **personal benefit leave** sick or other benefit time will not be lost due to visiting the clinic.

The benefit time for an employee is only available for Health Clinic appointments of the employee or when the employee accompanies a dependent child (in accordance with Patient Protection and Affordable Care Act (“PPACA”)).

Clinic appointments for employees and dependent children scheduled during an employee’s regular work hours require the employee to receive prior approval from his/her supervisor, or elected official/department head. Travel time for the Employee’s appointment at the Bloomington clinic locations will be included if the employee is coming directly from and returning directly to work. If only one (1) leg of travel to the Bloomington clinic location is during regular work hours, then only that time will be given as benefit time. Travel to the Bedford Health Clinic location is not covered by the Health Clinic benefit time. Employees can use their **personal benefit leave** ~~sick time benefit~~ to cover travel time to the Bedford clinic location when such travel occurs during their normal work hours.

No travel time will be given for dependent children’s appointments.

Employees must have a note from the Health Clinic stating the time arrived and departed in order to receive this Benefit Time.

#### **6.1.6 WELLNESS EVENTS**

Wellness events organized through the County Wellness plan will be considered off the clock unless otherwise authorized by the Monroe County Board of Commissioners.

### **6.2 OTHER LEAVE**

#### **6.2.1 MILITARY LEAVE**

A military leave of absence will be granted to all full-time employees with appropriate military orders to attend scheduled drills or training, or to respond to call to active duty with the U.S. armed services. Monroe County intends to comply with the Uniformed Services Reemployment Rights Act of 1994 (“USERRA”), 38 U.S.C. 4301-4335. Employees should complete an *Employee Time Off Request* form and submit a copy of their military orders to the elected official/department head. A copy of the military orders should be forwarded to the Human Resources Department and attached to the payroll claim during the employee’s military leave. During military leave, timesheets must be submitted by the elected official/department head to the Auditor’s Office.

(*Employee Time Off Request Form*) [P:\County Forms & Info\Human Resources Forms\FMLA\\_Other Leave\\_ADA](P:\County Forms & Info\Human Resources Forms\FMLA_Other Leave_ADA)

#### **A. Fifteen (15) Day Paid Leave for Training**

Employees with appropriate military orders will be granted paid leave from the County for up to fifteen (15) days per calendar year for training purposes. Paid military leave shall not be “charged” against the employee’s benefit leave.

Paid military leave normally does not apply to weekend training drills. If the employee has military orders for weekend training and is scheduled to work that same weekend the employee may be paid for these days; however, the employee will only receive pay for a total of fifteen (15) days per calendar year unless benefit time is used.

Employees on two (2) week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time.

**B. Training in Excess of Fifteen (15) Days or Extended Active Military Duty**

Employees whose military leave exceeds fifteen (15) days per calendar year may choose to charge the absence which exceeds fifteen (15) days to accrued time off (vacation leave, personal time, compensatory time or holidays) or be absent without pay.

**C. Status of Benefits While on Military Leave**

Employees on two (2) week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time.

Longevity pay, vacation leave, sick **personal benefit** leave and holiday benefits shall continue to accrue and should be recorded on the employee's timesheet during the period of the employee's military leave and submitted for payment on the payroll following the use of the leave. If a full-time employee's anniversary date occurs during an employee's military leave, which should be noted on the employee's timesheet and longevity pay shall be submitted for payment on the payroll following the accrual of the benefit. Employees shall be entitled to bereavement leave while on military leave and shall contact their elected official/department head, and Auditor in conjunction with the Human Resources Department, if such circumstances arise during their military leave.

Any health plan, including self-insured plans, provided by Monroe County will be continued on the same terms for the employee on military leave. The employee remains responsible for their share of any benefit costs while on military leave. The employee must make satisfactory arrangements with the Monroe County Auditor to pay their share of benefit costs, prior to the start of the leave.

The County's obligation to maintain health insurance benefits stops if and when an employee informs the County of an intent not to return to work at the end of the military leave period, or if the employee fails to return to work when the military leave is completed. The County's obligation also stops if the employee's health insurance premium payment is more than thirty (30) days late and the County has given the employee written notice at least fifteen (15) days in advance advising that coverage will cease if payment is not received. In the event of the employee's death, the employee's spouse and/or dependents may be entitled to continue health

insurance coverage by paying the full cost of coverage at the County's group rates, plus an administrative fee.

Please consult the Monroe County Human Resources Department Office and Section 6.3.3 of this Policy.

#### **D. Reinstatement of Employment**

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

Upon returning from military leave of absence, an employee will be reinstated to the same position or one of comparable status and pay, provided the employee is discharged from military status under honorable conditions, and makes a request for reinstatement within thirty (30) days after release from active duty or one (1) year after release from hospitalization due to military accident. The employee must also be qualified to perform the normal duties of the occupation for which they are being considered.

Employees who leave employment to serve in the armed forces of the United States shall be entitled to a leave of absence without pay, pursuant to the provisions of federal law. In general, the federal law requires that employees who receive certificates evidencing satisfactory completion of military service must be reinstated to their former position or one comparable to it along with seniority rights if the employee makes formal application for reinstatement within ninety (90) days after military discharge (or from hospitalization continuing after discharge for a period of not more than one (1) year). Department heads are advised to consult with the Human Resources Department to ascertain specific re-employment conditions and procedures required by federal law.

(Employee Time Off Request Form) <P:\County Forms & Info\Human Resources Forms\FMLA Other Leave ADA>

#### **6.2.2 BEREAVEMENT LEAVE**

At their supervisor's discretion and after consultation occurs between the employee and the supervisor, full-time employees **will be granted up to three (3) working days (24 hours) for the death of:**

- a. Spouse**
- b. Child**
- c. Grandchild**
- d. Parent (or an individual who stood in *loco parentis* to an employee when the employer was under the age of 18)**
- e. Sibling**
- f. Grandparent**
- g. In-law relative of the same degree**
- h. Step relative of the same degree**
- i. Other relative of whom the employee is the sole survivor**

**When an employee is on FMLA leave to care for a family member and the leave is terminated by the death of the family member, the employee will be granted the normal time off for funeral/bereavement as described above.** ~~may be granted paid bereavement leave under the following schedule:~~

Up to five <b>(5)</b> days for the death of employee's:	Up to three <b>(3)</b> days for the death of employee's:	Up to one <b>(1)</b> day for the death of employee's:	Up to one-half ( $\frac{1}{2}$ ) day for the death of employee's friend.
Spouse, child, or step-child	Son-in-law; daughter in-law	Aunt or Uncle	
Parent or step-parent	Brother-in-law; sister-in-law	Niece or Nephew	
Mother-in-law and father-in-law		Spouse's aunt or uncle, niece or nephew, or any great extension of a family member	
Brother or step-brother; sister or step-sister			
Grandparent, step-grandparent, grandchild, spouse's grandparent or grandchild, or any relative living in the employee's household for whom the employee is the sole provider			
Domestic Partner (Registered)			

~~At their supervisor's discretion and after consultation occurs between the employee and the supervisor, full-time employees may be granted up to one (1) additional day of bereavement leave to attend funeral services for a family member which is conducted outside a 150-mile radius of Monroe County and up to two (2) additional days of bereavement leave to attend funeral services for a family member conducted outside a 500-mile radius of Monroe County.~~

Additional time off may be granted by the employee's supervisor with the additional leave charged against the employee's accrued compensatory time, vacation leave, sick leave or personal **benefit** leave.

For the purpose of Section 6.2.2, Domestic Partner (Registered) will be treated as a spouse.

Completed leave request forms must be forwarded to the Human Resources Department.  
**See Addendum A.**

(Employee Time Off Request Form) [P:\County Forms & Info\Human Resources Forms\FMLA\\_Other Leave ADA](P:\County Forms & Info\Human Resources Forms\FMLA_Other Leave ADA)

### **6.2.3 JURY DUTY**

Monroe County encourages employees to fulfill their civic responsibilities by serving jury duty when summoned in any State or Federal court. All full-time employees who are lawfully required to report for jury duty will be granted leave with pay in lieu of jury pay during the absence required for such duty. The full-time employee will continue to accrue all regular benefits for the full term of the jury duty absence. Full-time employees shall not accept jury duty pay since they are granted leave with pay. Part-time and temporary employees shall not receive regular pay for time spent serving on jury duty, but shall receive regular jury duty pay.

Employees must show the jury duty summons to their elected official/department head and Human Resources immediately upon receipt in order for the elected official/department head to make arrangements to accommodate the employee's absence.

The employee is expected to report for work whenever the court schedule permits.

(Employee Time Off Request Form) [P:\County Forms & Info\Human Resources Forms\FMLA\\_Other Leave ADA](P:\County Forms & Info\Human Resources Forms\FMLA_Other Leave ADA)

### **6.2.4 FAMILY AND MEDICAL LEAVE ACT**

Following is a summary of the County's policy for extending family and medical leave to employees. This policy effects compliance with the Family and Medical Leave Act of 1993 ("FMLA"). If you have any questions about the applicability of the following provisions, please contact the Human Resources Department.

#### **A. Eligibility**

The FMLA provides eligible employees with up to twelve (12) weeks of unpaid leave for their own serious health condition which makes the employee unable to perform the essential functions of his or her job, the birth or care of a newborn child, the placement with the employee of an adoptive child or a foster care child, or the care of the employee's child, spouse, or parent (but not parent "in-law") with a serious health condition. Leave to care for a newborn child or for a newly placed child must conclude within twelve (12) months after the birth or placement. For an employee to be eligible for leave under the FMLA ("FMLA leave"), the employee must have been employed by the County for at least twelve (12) months and worked 1,250 hours within the previous twelve (12) month period. For the purpose of time worked, Monroe County will follow the IRS guidelines, which currently state that any time

employed prior to a seven (7) year break in service will not be counted towards the twelve (12) months employed.

“Serious Health Condition” means an illness, injury, impairment, or physical mental condition that involves:

1. any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
2. a period of incapacity requiring absence of more than three (3) calendar days from work, school, or other regular daily activities that also involves continuing treatment by or under the supervision of a health care provider; or
3. any period of incapacity due to pregnancy, or for prenatal care; or
4. any period of incapacity or treatment therefore due to a chronic health condition; or, a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer’s, stroke, terminal diseases, etc.); or
5. any absences to receive multiple treatments (including any period of recovery there from) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three (3) consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.)

**B. Maximum Amount of Leave**

The maximum amount of leave under this policy is twelve (12) work weeks in any twelve (12) month period. For purposes of calculating an employee’s entitlement to subsequent FMLA leave, the twelve (12) month period is measured forward from the date when the employee’s previous FMLA began. For example, under this method an employee would be entitled to twelve (12) weeks of leave during the year beginning on the first date FMLA leave is taken (e.g., March 5, 2007); the next twelve (12) month period would begin the first time leave is taken after completion of that twelve (12) month period ending (e.g., March 4, 2008).

Where spouses are both employed by the same department within the County, they are jointly entitled to a combined total of twelve (12) work weeks. If spouses are both employed by the County, but work in separate departments, they are each entitled to twelve (12) weeks leave.

**C. Intermittent Leave**

FMLA leave may be taken on an intermittent basis or an employee may work a reduced schedule when medically necessary to care for a seriously ill family member, or because of the employee’s serious health condition; however, only with the elected official/department head’s approval may an employee take intermittent leave or work a reduced schedule to care for a newborn or newly placed adopted or foster care child.

Only the amount of leave actually taken while on intermittent/reduced schedule leave may be charged as FMLA leave. Employees will not be required to take more FMLA leave than necessary to address the circumstances that cause the need for leave.

An employee who needs intermittent leave or a reduced schedule for foreseeable medical treatment must work with their employers to schedule the leave so as not to unduly disrupt the employer's operations, subject to the approval of the employee's health care provider. In such cases, the employer may temporarily transfer the employee to an alternative job with equivalent pay and benefits that accommodate recurring periods of leave better than the employee's regular job.

**D. Advance Notice**

When an employee plans to take FMLA leave, the employee must complete an **F.M.L.A. Request for Leave (Non-Military)** form. The employee is required to file the request with the employees' elected official/department head thirty (30) days in advance of the need to take FMLA leave when the need is foreseeable or notice as soon as practicable when the need to take FMLA leave is not foreseeable. All completed Request for Leave forms must be forwarded by the elected official/department head to the Human Resources Department.

The elected official/department head will complete a *Response to Family/Medical Leave Request Form*, submit it to the employee, and forward a copy to the Human Resources Department.

**E. Medical Certification**

Monroe County requires the completion of a *Certification of Health Care Provider Form* to support a claim for FMLA leave. For an employee's own medical leave, the certification must include a statement that the employee is unable to perform the functions of their position. For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of the employee's time that will be needed to care for the child, spouse, or parent. The County reserves the right to require a second medical opinion from an independent medical provider. The County will pay for the second opinion and will designate a provider who is not an employee of the County. If the first two (2) opinions conflict, the County will pay for a third opinion. The third opinion is final and binding on both the County and the employee.

**F. Substitution of Paid Leave**

FMLA leave is unpaid leave. The employee may choose to use any sick **personal benefit** leave, **or** accrued vacation leave, ~~or personal leave~~ for any part of the twelve (12) week period of FMLA leave. The employee must use all accrued compensatory time. With the approval of the employee's elected official/department head, the employee may use accrued benefit **time (see Section 6.1)** leave and/or take an extended non-paid leave of absence **(see Section 6.2.6)** prior to or after the FMLA leave.

#### **G. Health Insurance and Benefits**

Vacation leave, sick **personal benefit** leave and holiday benefits shall continue to accrue and should be recorded on the employee's timesheet during the period of the employee's FMLA leave and submitted for payment on the payroll in which the benefit time occurs. If a full-time employee's anniversary date occurs during an employee's FMLA leave should be noted on the employee's timesheet and longevity pay shall be submitted for payment on the payroll following the accrual of the benefit. Employees shall be entitled to bereavement leave while on FMLA leave. Employees shall contact their elected official/department head within three (3) days of the actual bereavement leave if such a circumstance arises during their FMLA leave.

Any health plan, including self-insured plans, provided by Monroe County, will be continued for the employee on FMLA leave on the same terms as such coverage would have been provided if the employee had continued to work. Employees remain responsible for their share of any benefit costs while on FMLA leave. The employee must make satisfactory arrangements with the Monroe County Auditor in conjunction with the Human Resources Department, prior to the start of their leave, if possible, to setup a payroll deduction schedule to pay their share of the benefit premiums while on leave.

The County's obligation to maintain health insurance benefits under the FMLA stops if and when an employee informs the employer of an intent not to return to work at the end of the leave period, or if the employee fails to return to work when the FMLA leave entitlement is exhausted (unless the employee has requested another form of available leave). The County's obligation also stops if the employee's health insurance premium payment is more than thirty (30) days late and the Auditor's office, in conjunction with the Human Resources Department, has given the employee written notice at least fifteen (15) days in advance advising that coverage will cease if payment is not received.

#### **H. Status Reports**

The County may require an employee to report periodically during the leave period on the employee's leave status and the employee's intention to return to work. The County may consider the employee's failure to return to work at the end of the leave period as an employee resignation.

Prior to the end of the employee's FMLA leave, the Human Resources Department should complete a *Notification of End of Family/Medical Leave Form* and submit it to the employee, providing the elected official/department head with a copy.

#### **I. Outside Employment While on Leave**

While an employee is on FMLA for their own serious illness or injury, he/she shall not be engaged in outside employment. Any exceptions shall be approved, in advance of engaging in outside employment, by the Monroe County Commissioners, the Board of Judges, or the Prosecutor.

## **J. Restoration of Employment**

An employee who completes a period of leave will be returned either to the same position the employee was in prior to the leave or to a position equivalent in pay, benefits and other terms and conditions of employment (provided the employee is able to perform the functions of the job).

*(Certification of Health Care Provider Form, Request for Leave Form, Response to Family/Medical Leave Request Form, Physician/Practitioner Certification Form [FMLA], and Notification of End of Family/Medical Leave Form) [P:\County Forms & Info\Human Resources Forms\FMLA\\_Other Leave\\_ADA](#)*

### **6.2.5 FAMILY MILITARY LEAVE**

#### **A. Eligibility**

An eligible employee (an employee who has been employed by the County for at least twelve (12) months and worked 1,250 hours within the previous twelve (12) month period) who is a spouse, son, daughter or parent of a person who is on or ordered to active duty in the Armed Forces may take Family Military Leave in the following circumstances:

1. A “qualifying exigency” arises out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a “contingency operation” as determined by the Secretary of Defense; or
2. To care for a covered service member, when the employee is the spouse, son, daughter, parent, or next of kin of a covered service member, who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces that may render the service member medically unfit to perform duties of the service member’s office, grade, rank, or rating. “Covered service member” means a member of the Armed Forces who is receiving medical treatment, recuperation, therapy, or is otherwise in outpatient status or on the temporary disability retired list for a serious illness or injury. “Next-of-kin” is defined as the nearest blood relative of the injured or recovering service member.

#### **B. Maximum Amount of Leave**

1. Leave due to a “qualifying exigency”: An eligible employee may take up to twelve (12) workweeks of leave during any twelve (12) month period. This type of leave will be counted toward the employee’s twelve (12) week maximum of FMLA leave in a twelve (12) month period.
2. Leave to care for an injured or ill service member: An eligible employee may take up to twenty-six (26) workweeks of leave during a single twelve (12) month period to care for the service member. Leave to care for an injured or ill service

member, when combined with other FMLA-qualifying leave, may not exceed twenty-six (26) weeks in a single twelve (12) month period.

3. A husband and wife who are both employed by the same department within the County may both take leave due to a “qualifying exigency” and are jointly entitled to a combined total of twelve (12) workweeks of leave.

If spouses are both employed by the County, but work in separate departments, they are each entitled to twelve (12) workweeks of leave.

4. A husband and wife who are both employed by the same department with the County may both take leave to care for an injured or ill service member, and are jointly entitled to a combined total of twenty-six (26) weeks of leave.

If spouses are both employed by the County, but work in separate departments, they are each entitled to twenty-six (26) workweeks of leave

### **C. Documentation**

1. When leave is due to a qualifying exigency, employees requesting this leave must provide proof of the qualifying service member’s call-up or active military service paperwork. This documentation may be a copy of the military orders or other official Armed Forces communication.
2. When leave is to care for an injured or ill service member, employees requesting this leave must provide documentation of the service member’s illness, injury and need for care. This documentation may be a copy of the military medical information orders for treatment, or other official Armed Forces communication pertaining to the service member’s injury or illness incurred on active military duty that renders the service member medically unfit to perform his or her military duties. Employees will also need to complete and submit form DOL WH-380 to the Human Resources Department.

### **D. Advance Notice**

When an employee plans to take Family Military Leave, the employee must complete an *Employee Time Off Request* form. The employee is required to file the request with the employee’s elected official/department head thirty (30) days in advance of the need to take Family Military Leave, unless the activation orders are issued less than thirty (30) days before the requested leave is to begin, in which case the employee shall provide such notice as is reasonable and practicable. Activation orders must be forwarded to the elected official/department head with the *Employee Time Off Request* form. All completed Request for Leave forms and a copy of activation orders must be forwarded to the Human Resources Department.

### **E. Intermittent Leave**

Leave taken because of a qualifying exigency may be taken intermittently or on a reduced schedule basis. Leave taken to care for an ill or injured service member may

be taken intermittently or on a reduced schedule basis when medically necessary for such care.

**F. Other Requirements and/or Benefits**

Monroe County and the eligible employee shall comply with requirements described in Section 6.2.4 concerning medical certification, substitution of paid leave, health insurance and benefits, status reports and restoration of employment.

*(Request for Leave Form, Response to Family Military Leave Request Form, Qualifying Service members documentation, Military Medical Information, DOL WH-380 form, and Notification of End of Family Military Leave Form) <P:\County Forms & Info\Human Resources Forms\FMLA Other Leave ADA>*

**6.2.6 EXTENDED NON-PAID LEAVE OF ABSENCE**

**A. Definition**

A leave of absence is leave from employment duties for a reason which serves the best interest of the County. This Section is not intended to affect or impact any leave of absence approved or allowed under Section 6.2.4, or any leave of absence approved or allowed as a condition of employment during the hiring process.

**B. Eligibility**

Only full-time employees are eligible to apply for an extended, non-paid leave of absence.

**C. Duration**

A leave of absence shall be for any reasonable period of time approved by the employee's elected official/department head and the respective authority overseeing the department or office (see Section 1.3).

**D. Application**

Employees desiring to take a leave of absence shall submit an *Application for Extended, Non-Paid Leave of Absence* to their supervisor. The original request shall be forwarded to the Human Resources Department and a copy to the elected official/department head for consideration.

**E. Approval**

The decision as to whether to grant a leave, and the terms thereof, lies entirely with the elected official/department head and the respective authority overseeing the department or office (see Section 1.3). However, if it is an appointed department head who is requesting such leave, the decision to approve or deny lies with the respective authority overseeing the department or office (see Section 1.3).

**F. Compensation**

Employees will not be paid during their leave of absence.

**G. Benefits**

Employees will not accrue any benefits while on leave. The Employee on leave will remain on PERF, but no additional PERF contributions by the County will be made

during the leave. An employee who is on FMLA or military leave may continue to have medical insurance benefits, if eligible under the terms of the insurance policy; however, the employee must pay his/her portion of the premium (see Sections 6.2.1(C) and 6.2.4(G)).

#### H. Return from Leave

Before returning to work, the employee must provide written notice to Human Resources and their elected official/department head of the employee's intention to return to work, according to the terms specified by the elected official/department head and the respective authority overseeing the department or office (see Section 1.3), and as stated in the leave designation letter provided to the employee upon approval of the extended-non-paid leave of absence.

- I. **Forfeiture of Right to Return to Work.** If the employee fails to return to work in accordance with the terms stated in the leave designation letter, referenced in subsection H above, it may result in the loss of employee's right to return to work, subject to the decision of the elected official/department head and the respective authority overseeing the department or office (see Section 1.3). **See Addendum A.**

(Application for Extended Non-Paid Leave of Absence) [P:\County Forms & Info\Human Resources Forms\FMLA\\_Other Leave\\_ADA](P:\County Forms & Info\Human Resources Forms\FMLA_Other Leave_ADA)

### 6.3 EMPLOYEE BENEFITS

#### 6.3.1 WORKER'S COMPENSATION

Employees medically disabled on the job shall receive benefits in accordance with Indiana law, specifically Indiana Code 22-3-3-7, provided a physician acceptable to the County certifies that the employee was unable to work.

Vacation leave, sick **personal benefit** leave and holiday benefits shall continue to accrue during time off due to an on-the-job injury and shall be submitted for payment on the payroll following the use of the leave. If a full-time employee's anniversary date occurs during an employee's time off, that should be noted on the employee's timesheet and longevity pay shall be submitted for payment on the payroll following the accrual of the benefit. Employees shall be entitled to bereavement leave during time off due to an on-the-job injury and shall contact the Human Resources Department and their elected official/department head if such circumstances arise during their absence.

Under certain circumstances, Monroe County's worker's compensation insurance carrier shall pay two-thirds ( $\frac{2}{3}$ ) of the employee's current salary for approved leaves of absences due to an on-the-job injury. An employee, who is receiving worker's compensation benefits, may use their accrued benefit time to the extent necessary to cover the one-third ( $\frac{1}{3}$ ) portion of the employee's paycheck not covered by worker's compensation or to cover the employee's costs of insurance or other benefits normally deducted from the employee's paycheck by the Auditor's Office. Use of benefit time is subject to the approval of the employee's elected official/department head. Some employees may receive full pay while off work due to an on-the-job injury if such pay is provided for in a

contract or the Monroe County Salary Ordinance. Those employees may not use accrued benefit time during their absence.

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

On the day of the incident or as soon as possible thereafter, the injured employee's elected official/department head must complete a *Supervisor's Incident Investigation Report* and all other necessary forms. The forms are available from the Human Resources Department and must be returned to the Human Resources Department for processing.

### **6.3.2 MEDICAL BENEFITS AND LIFE INSURANCE**

The County has established a partially self-funded health (medical and dental) benefits plan for regular full-time employees and their families who choose to participate. Appointed and elected officials and their families may also be entitled to participate in the medical benefits program. A portion of the cost of this plan is paid by the County. The County also furnishes a \$25,000.00 term life insurance policy at no charge to each full-time employee. The terms and conditions specified in such plans govern coverages. Information about how to enroll, change or continue coverage may be obtained from the Human Resources Department.

#### **Benefit Summary:**

##### **A. Initial enrollment period – New employees:**

Eligible new employees may enroll in the health benefits plan without any restrictions within thirty (30) days of being hired. Insurance coverage will begin on the first day of the month following thirty (30) days of full-time employment with the County. Employees who do not elect to participate in the plan will be asked to sign a waiver of this benefit.

##### **B. Newly eligible persons:**

- 1. Spouse:** A new spouse may be enrolled without restrictions if the application for coverage is received and enrollment fees are paid within thirty-one (31) days of marriage.
- 2. Newborn and adopted children:** Newborn or adopted children are automatically covered for thirty-one (31) days from the date of birth or placement for adoption. The child may be enrolled for further coverage in the plan without restrictions if the employee submits an *Information Changes Form* to the Human Resources Department and the Auditor within thirty-one (31) days of the date of the child's birth or placement.

**C. Special enrollment for loss of other coverage:** Under some circumstances, a special enrollment without restrictions may occur if an employee waived coverage for

himself or dependents at the time of initial enrollment because of the employee's coverage under another health insurance or benefit plan, but subsequently lost that coverage for reasons other than non-payment of premium.

- D. Late enrollment:** An eligible employee or dependent who did not request enrollment for coverage during the initial enrollment period or as a newly eligible person, or during a special enrollment period in which the individual was entitled to enroll, may apply for coverage at any time during the year as a Late Enrollee.

However, there will be no coverage under the plan for pre-existing conditions of the Late Enrollee for up to eighteen (18) months. A pre-existing condition is one which was present and for which medical advice, diagnosis, care or treatment was recommended or received within six (6) months of the period ending on the date of late enrollment.

- E. Dropping dependents or canceling coverage:** If an employee participates in a Section 125 TaxSaver Plan, the employee may not drop dependents or cancel coverage until the end of the plan year.

**F. Section 125 TaxSaver Plan:**

1. The Section 125 TaxSaver Plan can save money for any employee who pays for insurance coverage or establishes a flexible spending account for dependent care or unreimbursed medical expenses through payroll deductions. Premiums for insurance coverage's or flexible spending accounts are deducted from the paycheck before Federal, FICA, State and local taxes are calculated. Taxes are computer on the reduced amount. Taxes on the lesser amount result in fewer taxes and more take home pay, but will affect total earnings for Social Security purposes.
2. To participate in the TaxSaver Plan you must sign a Salary Redirection Agreement each year. You cannot change or revoke this Agreement with respect to pre-tax deductions before the next anniversary date of the Plan unless a "change of status" as defined by IRS regulations occurs.

- G. Supplemental insurance programs:** Supplemental medical, disability and life insurance (including policies on family members) programs are available. The costs of such supplemental policies are paid entirely by the participating employee through payroll deductions.

**6.3.3 BENEFITS CONTINUATION**

The Federal Consolidated Omnibus Budget Reconciliation Act ("COBRA") gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the County's health plan when a "qualifying event" would normally result in the loss of eligibility. Common qualifying events include resignation, termination of employment, death of an employee, a reduction in an employee's hours, a leave of

absence, an employee's divorce or legal separation, and a dependent child who no longer meets eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the County's group rates, plus an administration fee. The County, through a third-party administrator, provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the County's health insurance plan. The notice contains important information about the employee's rights and obligations. Elected officials/department heads must notify the Human Resources Department and the Monroe County Auditor immediately after an employee is terminated.

Specific details regarding eligibility and coverage are available from the Human Resources Department.

#### **6.3.4 PUBLIC EMPLOYEES' RETIREMENT FUND**

Most full-time employees are automatically enrolled in a retirement program known as the Public Employee's Retirement Fund ("PERF"). PERF mandates that each employee contribute three percent (3%) into their personal PERF account. Monroe County has elected to make this three percent (3%) contribution into each employee's fund. In addition, there is an employer portion, which is a percentage set by the State. This amount is based on each employee's salary. These funds go directly into the PERF General Fund for new and existing retirees. This is deposited directly into the fund. The employee has several options with regard to how the employee's own money is invested in the fund. If employment is terminated before the money vests (generally upon ten (10) years of service), the employee's contributions, plus interest, are refunded although it usually takes several months to process the return. Generally, the money becomes vested after ten (10) years.

When an employee reaches age sixty-five (65), the employee may receive the full retirement amount if the employee has at least ten (10) years of eligible service. An employee with fifteen (15) or more years of service may elect to retire as early as age fifty (50); however, retirement benefits are substantially reduced if the retirement occurs before age sixty (60). The pension is calculated by a formula set by law. On the average, County contributions furnish approximately eighty-five percent (85%) of the total benefit an employee receives. A handbook, which more fully explains the program, is available from the Human Resources Department.

Some employees and their dependents may be eligible, pursuant to Indiana Code 5-10-8-2.6, to continue health plan coverage for themselves and their spouses after retirement by paying the full costs of coverage at the County's group rates, plus an administrative fee. Criteria for eligibility are in accordance with State law. The current criteria include the employee must be at least fifty-five (55), have twenty (20) years of creditable public employment (ten (10) of which immediately precedes the retirement), and must have participated in PERF for fifteen (15) years.

Pursuant to Indiana Code 5-10-8-2.2, retired or permanently disabled Sheriff's deputies and their spouses and current dependents may also request to continue health plan coverage by paying the full cost of coverage at the County's group rates, plus an administrative fee.

Specific details regarding these coverages should be obtained from the Human Resources Department before the date of retirement. Please see Section 6.3.3 of this Policy.

#### **6.3.5 DEFERRED COMPENSATION**

Monroe County offers a voluntary deferred compensation program to eligible employees. Full-time employees may participate in a deferred compensation program. This program is a way to set aside part of an employee's income through voluntary payroll deductions that defer tax liabilities on this income until retirement. Different investment options are available and may be discussed with a representative of the company, which administers the deferred compensation program.

*(Changes Form)* [\\Neptune\Chiron\\_temp\data\public\County Forms & Info\Human Resources Forms\03 Employee Change Forms](#)

## **7. WORKING CONDITIONS**

### **7.1 SAFETY**

Establishing and maintaining a safe work environment is the shared responsibility of the County and all employees. The County will take all reasonable steps to assure a safe work environment. The County will comply with all applicable federal, state and local safety regulations.

Employees are expected to obey safety rules and to exercise caution in their work activities. Employees shall report to work in proper condition to safely complete their assigned duties. Employees shall immediately report any unsafe conditions to their supervisor. Supervisors and employees are expected to correct unsafe conditions as promptly as possible.

**Employees must report within twenty-four (24) hours to their elected official/department head and to the Human Resources Department all on-the-job accidents that result in injury, regardless of how insignificant the injury may appear, so that an investigation into the incident may be made. An incident report must be completed and submitted to the Human Resources Department.**

Such reports are necessary to comply with applicable laws and to initiate insurance and worker's compensation procedures.

*(Accident Report: First Report of Injury)* [P:\County Forms & Info\Human Resources Forms\Work Comp Forms\2-First Report of Injury form.pdf](#)

### **7.2 APPEARANCE OF WORK AREAS**

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

### **7.3 SMOKING**

In keeping with the County's intent to provide a safe and healthful work environment, smoking in all County buildings is prohibited. This policy applies equally to all employees, elected officials and visitors.

### **7.4 BLOOD BORNE PATHOGENS**

Employees working in high-risk jobs will be offered blood borne pathogen training and a series of hepatitis B vaccinations for their protection at no cost to the employees.

The Occupational Safety and Health Administration ("OSHA") has determined that certain employees in the workplace face a significant risk from blood borne pathogens. To ensure that employees are aware of occupational exposure to blood borne pathogens, the County will develop an exposure control plan to minimize or eliminate employee contact with human blood or other bodily fluid, which may contain blood borne pathogens, such as hepatitis B virus and HIV. This control plan will be available for use by all employees.

## **8. USE OF COUNTY PROPERTY**

### **8.1 USE OF TELEPHONES AND COUNTY MAIL**

Personal telephone calls, whether on County or personal phones, shall be limited in frequency and duration. Personal use of County telephones and FAX machines for long-distance and toll calls at the County's expense are not permitted. Employees making personal long-distance and toll calls shall notify and obtain approval from their elected official/department head of this use and shall reimburse the County for the calls.

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

The mail system is reserved for business purposes. Employees shall obtain supervisor approval before sending or receiving personal mail at the workplace.

### **8.2 USE OF CELL PHONES, COMPUTERS, E-MAIL, AND THE INTERNET**

**Purpose:** Employees may be provided with cell phones and information technology (computers, computer software, and the electronic mail system) as a tool to support the business of the County. The effective performance of the County's computer and telecommunications network depends upon users adhering to established standards of proper conduct. In general, this requires efficient, ethical and legal utilization of network resources. This resource, as with any other public resource, demands those entrusted with the privilege of its use to be accountable. The following guidelines and policies define the responsibilities of employees and volunteers using County-issued cell phones, network and Internet resources. **USE OF THE MONROE COUNTY CELL PHONES AND THE NETWORK RESOURCES IS A PRIVILEGE, NOT A RIGHT.**

**Monitoring of Internet Use:** County cell phones, computers, the County Internet connection, and the electronic mail system are County assets and are subject to review or monitoring at any time without notice. Because the cell phones, computers, County Internet connection and the e-mail system belong to the County and not to the employees, employees should have no expectation of privacy regarding these items. Users should be aware that information contained on County cell

phones or computers, including their e-mail messages, is subject to public disclosure. If a user violates any of the provisions contained in this policy, his or her access to the County resources may be denied and disciplinary action may be taken.

**Storage of personal information, including, but not limited to, data, pictures, videos, or music, on County-owned and issued equipment is discouraged. Personal information and images will not necessarily be protected, preserved or stored by the County. Employees who voluntarily place personal information, including health-related and other private or protected information, on County-owned and issued devices or equipment must be aware that the County may, at any time and for any reason, delete personal information placed on County-owned devices or equipment.**

**Internet Use Policy:** All users of County-provided Internet services, including e-mail, must abide by State, Federal and local laws. Internet and e-mail use must comply with County policies and regulations, including the County's Equal Opportunity Employment policies as well as the policies prohibiting harassment in the workplace.

**Software Duplication Prohibited:** Monroe County purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the County does not have the right to reproduce this software for use on more than one computer. Employees may only use software on multiple machines according to software license agreements. The County prohibits the illegal duplication of software and its related documentation. No licensed software may be installed on County computers that has not been authorized by the County, and/or is not properly licensed to the County.

**Acceptable Use:** The following are acceptable uses of the County's computer resources:

**Work Related Use:** The Internet and e-mail are to be used for the County's business purposes. Using appropriate Web sites for work-related purposes is unrestricted as long as it is reasonable.

**Personal Use:** The Internet is a powerful communications tool that can provide a great deal of useful information. Unfortunately, it can also be a distraction from productive work when browsing non-work related sites. While personal use of the Internet and e-mail is permitted, it is to be kept to a minimum. Personal use must be non-commercial, that is, not related to any for-profit business or activity or any use for which the employee will receive remuneration. Extensive use of network resources for personal use is prohibited.

**E-mail:** Personal e-mail shall be sent or received as seldom, and be as brief as possible. Use of personal e-mail which unduly disrupts the employee's work or is deemed to be excessive by the employee's supervisor may result in the employee being disciplined or terminated.

**Internet:** Exploring the Internet during working hours is permitted, but shall be kept to a minimum. Use which is deemed to be excessive by the employee's supervisor may result

in the employee being disciplined or terminated. Unless work-related, employees may not participate in chat rooms or blogging conversations when using county computers.

**Common Sense:** Use common sense with open Web sites, especially with visitors in the area. For example, if you are searching the Internet during your lunch hour, be sensitive to the fact that the general public may view your computer screen and see that you are on a non-work related Web site; the public will not be aware that you are utilizing your lunch hour for this Internet activity and could assume that you are “surfing the net” while “on the clock.”

**Security:** Employees shall not allow unauthorized access to the County’s computer network. Allowing unauthorized access includes, but is not limited to, sharing passwords with other individuals, making authentication items such as passwords easily available, failing to log off when leaving a computer, and allowing unauthorized persons physical or electronic access to the County’s systems. Individual users may be held accountable for their account’s use by other people. County employees may not use unsecured portals such as Gmail or Yahoo accounts without first giving written notice to the County Commissioners.

**Passwords:** The password feature of the County’s computer network is the foundation for maintaining the confidentiality of the County’s communication system. Confidentiality of passwords and user accounts must be protected. Passwords, system telephone numbers, and similar information may not be disseminated to the public and must be retained as confidential information by the user. For privacy reasons, employees may not attempt to gain access to another employee’s personal file or e-mail messages without the latter’s express permission. Internet accounts are to be accessed only by the authorized user of the account.

**Security Issues:** All security issues shall be communicated immediately upon discovery to the elected official/department head and the Technical Services Department.

**Direct Internet Access Prohibited:** Employees may only access the Internet through an approved Internet firewall. Accessing the Internet directly, by modem, is strictly prohibited unless such access is approved and installed by the Technical Services Department.

**Receiving Unsolicited Offensive Material:** If an employee receives files, messages or information which violates the restrictions outlined in this policy, or which makes the employee feel uncomfortable or offended, the employee shall immediately call the matter to the attention of the employee’s immediate supervisor. The supervisor should contact a representative of the Technical Services Department or the Monroe County Legal Department to investigate the matter.

**Use of Private Software Prohibited:** No private software, “shareware” or other unauthorized products may be run on County systems.

**Downloading Programs:** Employees shall not install or execute software or hardware that could damage the County’s systems. Such software includes, but is not limited to, files that have been downloaded from the Internet or sent as attachment to e-mail. Prior to downloading programs or information, employees should verify the security of the information and, if in doubt, check with the County’s Technical Services Department.

**Virus Protection:** All material downloaded from the Internet or from computers or networks that do not belong to the County MUST be scanned for viruses and other destructive programs before being placed onto the computer system. All employees will be expected to follow the instructions from their supervisor for this scanning process. Any questions shall be referred to the Technical Services Department staff. Any problems noted by the Technical Services Department staff must be resolved prior to the downloaded material being placed on the computer system. As with all security issues, the discovery of a virus shall be communicated immediately to Technical Services.

**Receiving Electronic Mail with an Attachment:** If you receive non-departmental, external e-mail with an attachment, **DO NOT TOUCH THE ATTACHMENT; DO NOT OPEN IT; DO NOT VIEW IT; DO NOT SAVE IT TO DISK, REGARDLESS OF WHO SENT YOU THE E-MAIL.** Many viruses attach to address books and can give the appearance of being sent to you by your loved ones or legitimate professional contacts. Contact the person who sent the e-mail to you, verify they actually sent it to you, and ask them what is specifically contained in the e-mail. If you are at all unsure about whether or not to open an e-mail, contact the Monroe County Technical Services Help Desk.

**Downloading Programs from the Internet:** Intentional use of Internet resources to access, view or process files dangerous to the integrity of the network is prohibited. Only software and programming services authorized by Monroe County Technical Services may be used in conjunction with County computer or communications systems.

**Privacy and Confidentiality:** Information transmitted through the County's electronic communication resources are NOT privileged communications. **EMPLOYEES ARE CAUTIONED NOT TO COMMUNICATE ANY MATERIALS OR LANGUAGE THAT THEY WOULD NOT COMMUNICATE IN A PUBLIC ARENA.** Employees do not retain any right to privacy in any documents, messages, or images they create, store, send, or receive on the computer or the Internet under the Electronic Communications Privacy Act, and any other State or Federal law regarding e-mail and Internet use. Employees do not have a personal privacy right in any matter created, received, or sent from the County electronic mail system.

**Prohibited Uses of Internet and E-mail:** Employees should consider the possible adverse consequences of internet postings, such as future employment, cross-examination in criminal cases and public as well as private embarrassment. Employees are encouraged to seek the guidance of supervisors regarding any posting that may adversely reflect upon either the County or upon the professionalism or integrity of the employee. The following prohibited uses of the Internet and e-mail apply to use before, during and after work hours:

**Offensive Material:** Intentional use of Internet resources or e-mail to view, access, process, upload, download, distribute or print illegal, violent racist, sexual, ethnically derogatory, or obscene material, inappropriate text, or graphic files is prohibited. The display or transmission of illegal images including child pornography is prohibited. The display or transmission of violent or sexually- explicit images, messages or cartoons, or any transmission that contains ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs is not permitted at any

time. Monroe County will cooperate in the investigation and/or prosecution of any employee found to be accessing or viewing illegal material.

**Political or Religious Solicitations, Promotions, Advertisements:** No one may solicit, promote or advertise any political or religious organization or other personal causes, product or service through the use of electronic mail or anywhere else on County premises.

**Business Solicitations, Promotions, and Advertisements:** No one may solicit, promote or advertise any business, product or service through the use of e-mail or the Internet. This includes solicitations or advertisements for personal business ventures (i.e., rental of your apartment, selling cosmetics, buying your used car, etc.). Use of network resources for commercial use or profit is prohibited.

**Engaging in Gambling:** Gambling, even where legal, is not permitted at any time.

**Disguising Your Identity:** In the course of utilizing the County Internet system, you may not disguise your identity or the origin of any transmission over any of the County's communications systems.

**False and Other Improper Materials:** Transmission of material that is false, misleading, derogatory, profane, vulgar or sexually explicit or any other material that would be offensive or harassing to the average person is strictly prohibited.

**Unauthorized Access:** Employees shall not use the County's computer network to obtain, or attempt to obtain, unauthorized access to or unauthorized use of resources, whether within the County or elsewhere. These resources include, but are not limited to, computer accounts, messages, programs and data files.

**Violations of Monroe County's Telephone, Internet, Electronic Mail and Computer Usage Policy:** Monroe County will periodically and without notice to employees monitor the employees' usage of County telephones, computers, the County Internet connection and the electronic mail system. Any violations of the foregoing policies will be reported to the Monroe County Legal Department. An attorney from the Monroe County Legal Department shall address the violation with the elected official/department head, which is responsible for the employee in question. The County shall take corrective action against any employee found to have violated these policies, including discipline or discharge.

### **8.3 USE OF VEHICLES AND EQUIPMENT**

Monroe County equipment and vehicles (including water-craft) are essential tools in accomplishing an employee's job duties. Every employee must obtain advance approval from the employee's supervisor before using county equipment or vehicles. When using County property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. It is the employee's duty and responsibility to protect and care for County property and vehicles in their possession. Failure to properly protect and care for property or vehicles may result in disciplinary action up to and including termination.

The Monroe County Board of Commissioners must approve all vehicle purchases or acceptance of donations.

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

Employees operating County vehicles shall maintain the ability to legally operate assigned vehicles. Employees who operate County vehicles are required to notify their elected official/department head and the Human Resources Department in the event that their driver's license is suspended or revoked. An employee's failure to notify their elected official/department head and the Human Resources Department of a driver's license suspension or revocation is subject to disciplinary action, up to and including discharge.

Each occupant of a County or personal vehicle while on County business must wear appropriate seat belts and shoulder harnesses (if so equipped). Employees shall not smoke or allow any occupant to smoke in a County-owned vehicle. Each employee is personally responsible for any fines incurred as a result of driving or parking violations. In addition, no employee is permitted, under any circumstances, to operate a County vehicle or personal vehicle for County business when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, medication, or intoxication.

The driver of a County vehicle shall obey all traffic and safety laws, except for law enforcement personnel engaged in the performance of their duties as set forth in Indiana Code 9-21-1-8. Improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including discharge.

Vehicles owned by the County shall be used for County business only. All County employees are prohibited from using County vehicles for personal use. Only those employees assigned take-home vehicles by the Monroe County Commissioners are authorized to use County vehicles for commuting purposes. In such cases, incidental non-business stops (such as stopping for lunch between two County business stops) are permissible. Monroe County follows the regulations set forth by the Internal Revenue Service regarding taxable fringe benefits. Employees may contact the Monroe County Human Resources Department or the Monroe County Legal Department with questions about the manner in which those regulations are applied by Monroe County Government. Each employee assigned a take-home vehicle should make sure he or she knows and understands the regulations and how they apply to the employee.

Law enforcement officers may exercise *de minimis* use of county vehicles that are assigned as take-home vehicles for reasonable and limited personal transportation within the county. During such use, the officer shall maintain radio contact with Central Dispatch at all times, and shall respond to emergency situations when requested by Central Dispatch. The officer shall not substantially use a county vehicle in the officer's business pursuits, or to perform another job.

The officer may use the vehicle to drive to and from other employment, but may not use the vehicle to perform substantial duties at that employment. The Sheriff shall monitor use of such vehicles to assure compliance with this policy and report such use to the Monroe County Commissioners.

A County vehicle may be used only by the employee to whom it is issued, or by other employees of the same department who use it for departmental business. All use by non-employees (including friends and family members) is prohibited.

Except for official County business, or as provided in any special policies or procedures that supersede this policy, County owned vehicles shall not be driven out of Monroe County, unless authorized by the Monroe County Commissioners.

Maintenance, repairs and fueling of motor vehicles shall be done at the Monroe County Highway Garage. The Fleet Maintenance Coordinator must purchase all vehicle parts. Only the Coordinator may authorize repairs or parts purchases from outside vendors.

Employees who violate these provisions shall be subject to discipline, up to and including termination.

## **9. PERSONAL CONDUCT**

### **9.1 ATTENDANCE AND PUNCTUALITY**

To maintain a safe and productive work environment, the County expects employees to be reliable and punctual in reporting for scheduled work. If an employee cannot avoid being late to work or is unable to work as scheduled, the employee shall notify their elected official/department head at least one-half (½) hour before the time the employee would normally begin their shift.

Supervisors are to keep accurate records of all employee absences, including information on whether the employee's supervisor was notified of the tardiness or absence.

Poor attendance and excessive tardiness are disruptive. The following shall be grounds for discipline up to and including termination:

- A. Use of sick **personal benefit** leave for reasons other than illness or injury, except as expressly permitted by these policies and procedures;
- B. Exceeding accumulated sick **personal benefit** leave days;
- C. A pattern of sick **personal benefit** leave usage that suggests possible abuse. Examples of such a pattern include, but are not limited to, recurring use of sick **personal benefit** leave on Fridays or Mondays, days before or after County holidays, or days before or after scheduled paid time off or compensatory time off. This also includes repeated use of sick **personal benefit** leave on days that the employee reasonably should know to be important to the department by reason of workload, deadlines, or other causes rendering absences

particularly deleterious to the department. Any of the above may constitute a pattern of abuse of sick **personal benefit** leave.

In addition, any employee with frequent one-day illnesses may be required by their supervisor or the Human Resources Department, if designated by the elected official/department head, to present a doctor's statement or other proof of illness upon return to work in order to receive sick **personal benefit** leave benefits.

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

## **9.2 EMPLOYEE CONDUCT AND APPEARANCE**

The County respects the privacy interests of its employees and recognizes their right to conduct their personal lives free from interference by the County. Nonetheless, employees should keep in mind that, even while off duty, they represent the County to the public. Certain types of off-duty conduct may reflect poorly upon an employee's character and judgment and thereby influence his or her standing as a County employee.

The intersection of the workplace and social media poses legal and practical risks. While the First Amendment may provide Constitutional protection for some social media speech by public employees, employees should be mindful that not all speech is protected by the First Amendment. Entitlement to First Amendment protection is not absolute. Activities in the virtual world can have serious implications in the more traditional spaces of employees' lives, including the workplace. Use of social media during working hours is discouraged. Use of social media during working hours should be *de minimis* and done only with supervisor knowledge and prior approval.

When participating in social media or networking during private time, employees should be aware that their communication may be perceived as a representation from both a personal as well as an organizational or professional perspective. It is not the County's intention to unnecessarily restrict the ability of employees to have an online presence; however, the County does have an interest in protecting its ability to conduct public business. Employees should be aware that any of their social media activity that is deemed by Monroe County to damage or impinge upon Monroe County's capacity to conduct public business could potentially result in disciplinary action, up to and including employment termination.

When establishing and maintaining personal social media accounts, employees shall avoid using their county electronic mail accounts, job titles or positions, so as to not create an appearance that Monroe County sanctions or endorses their activities. Employees should not refer to their connections in government as support for the employees' statements. Employees should not disclose non-public information. Employees should speak respectfully about current, former and potential employees, vendors, customers and partners of Monroe County. Employees should refrain from name calling and venting about supervisors, co-workers or Monroe County's working

environment.

Employees who engage in unprofessional or criminal conduct or other serious misconduct off-duty may be subject to disciplinary action, including dismissal from employment.

Employees are expected to maintain high standards of hygiene, personal appearance, conduct, cooperation, and efficiency in their work. Employees shall avoid any actions which conflict with County policies. Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the image we present to our citizens and visitors. During business hours, employees are expected to present a clean and neat appearance and to dress according to the job requirements. Consult your elected official/department head if you have questions regarding what constitutes appropriate attire. In their discretion, elected officials/department heads are allowed to institute, for the efficient operation of their departments, additional, more stringent requirements regarding employee conduct and appearance.

### **9.3 GIFTS OR GRATUITIES**

Elected officials and employees are prohibited from accepting gifts, favors or gratuities offered by persons or entities doing business or requesting to do business with Monroe County that exceed One Hundred Dollars (\$100.00) in value. Employees must also comply with Monroe County Code Chapter 296, which sets an annual, cumulative cap on the total dollar amount of gifts an employee may receive.

Employees must consult with their elected official/department head prior to accepting any gift, favor or gratuity which is offered by persons or entities doing or requesting to do business with Monroe County.

### **9.4 CONFLICT OF INTEREST**

Monroe County recognizes and respects the right of individual employees to engage in private activities outside of the workplace that do not conflict with, or reflect poorly on, the County. The County also recognizes its right and obligation to determine when an employee's activities present a conflict of interest with the County. At such times, the County must take whatever action is necessary to resolve the situation including, but not limited to, terminating employment.

Elected officials/department heads and employees having a financial interest in a company or a substantial investment in a corporation that might benefit from their dealings with the County must file a conflict of interest statement with the Human Resources Department. The Human Resources Department will forward this statement to the Monroe County Commissioners, the Monroe County Clerk, and the Monroe County Auditor. The Monroe County Auditor will then place this item on the Board of County Commissioners' Agenda for review at a public meeting.

An employee who knowingly or intentionally obtains a pecuniary interest in, or derives a profit from, a contract or purchase connected with an action by the County commits a Level 6 Felony, unless a financial disclosure form is approved in advance and filed as required by Indiana Code 35-44.1-1-4. A financial interest of the spouse or dependent of an elected official, department head, or employee is also covered by this law. Employees must file a conflict of interest statement with the Human Resources Department and the Monroe County Commissioners whenever an employee's outside business activities are directly or indirectly linked to the County in a business

relationship, such as vendor, supplier, contractor, or independent subcontractor. The Human Resources Department has conflict of interest forms available upon request.

Employees with questions concerning a potential conflict of interest must immediately contact their elected official/department head, the Human Resources Department or the Monroe County Legal Department.

#### **9.5 OUTSIDE EMPLOYMENT**

An employee may hold a job with another organization as long as the employee, in the opinion of the County, satisfactorily performs their job responsibilities with the County and the outside employment does not pose a conflict of interest. Employees should consider the impact that outside employment may have on their ability to efficiently perform their work, as well as any conflicts of interest that may arise. Employees must inform their elected official/department head if they hold a job with another organization. All employees shall be judged by the same performance standards and shall be subject to the County's scheduling demands, regardless of any existing outside work requirements. It shall be the responsibility of the overseeing authority, in accordance with Section 1.4 Management Rights, to interpret these policies and procedures, to ensure that they are administered in a consistent and impartial manner, and to provide oversight and approval as required.

Outside employment will present a conflict of interest if it has an actual or potential adverse impact on the County. If the County, in consultation with the County Legal Department, determines that an employee has a conflict of interest, an employee's outside work interferes with their performance or their ability to meet the requirements of their position (as it is modified from time to time), if County property has been determined to be used for furthering outside employment, or if the County determines that the outside employment is in conflict with its ethics code or other codes of conduct, directly or indirectly applicable to a specific employee, the employee may be required to terminate the outside employment if the employee wishes to remain employed with the County.

Employees of the Sheriff and the Monroe County Correctional Center shall also be subject to any additional outside work policies implemented by the Sheriff.

<S:\POLICY and PROCEDURE\ANNUAL DISCLOSURE PACKET>

<P:\County Forms & Info\Human Resources Forms\Annual Disclosure>

#### **9.6 SOLICITATION/DISTRIBUTION**

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

There shall be no solicitation or distribution by non-employees during work time in the workplace. This section does not apply to vendors and/or charitable organizations approved by the Monroe County Commissioners, Board of Judges, or Prosecuting Attorney. An employee must obtain prior approval of any not-for-profit solicitation from their elected official/department head before distribution of materials. An employee may not solicit for business purposes during employee's work time.

## **9.7 SECURITY OF PREMISES**

Monroe County wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other dangerous materials. To this end, the County prohibits the control, possession, transfer, sale or use of these materials on its premises. The County requires the cooperation of all employees in administering this policy.

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

This section does not apply to official court storage devices, the Sheriff's Department evidence rooms, or officially-sealed files maintained by the Monroe County Clerk or Court Reporters. Law enforcement personnel may carry items otherwise prohibited into County buildings if doing so is directly associated with their duties as a law enforcement officer and while on duty.

## **9.8 CONFIDENTIALITY/REQUESTS FOR INFORMATION**

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

Occasionally, outsiders contact employees for information about current or former employees, or about the organization's policies, practices or projects. All such requests shall be referred to the Human Resources Department.

## **9.9 PERSONAL ITEMS IN COUNTY BUILDINGS AND ON COUNTY PROPERTY**

Employees may bring personal items onto or into County property subject to the following:

### **A. Permission**

Personal items may not be kept in an employee's workspace nor may items be hung on walls without approval from the employee's supervisor. Because the Monroe County Board of Commissioners are responsible for all County-owned and operated facilities, no surface in any facility may be altered or modified without prior approval from the Monroe County Board of Commissioners. These surfaces include, but are not limited to, floors, walls, ceilings, windows or doors. Please contact Maintenance staff to hang any items in County-owned facilities.

### **B. Liability**

1. The safety, repair, and replacement of personal items, including vehicles, brought onto or into County property, including County parking lots and buildings, is the personal and financial responsibility of the owners of the items and not of the County. Persons bringing personal property onto or into County property do so at their own risk. The County makes no warranties regarding the fitness or safety of its property for any particular use.

2. Injuries caused to persons by personal items brought onto or into County property are the personal and financial responsibility of the owners of the items and not of the County.

**C. Safety and Functionality**

Personal items brought onto or into County property may not be placed or located in a manner that renders any door, aisle, passageway, or any other means of ingress or egress, of a width, size, or arrangement, insufficient to provide a safe and reasonable means of ingress or egress; creates a fire hazard or other safety concern; or unreasonably reduces the utility or functionality of the surrounding space or area for its intended purpose.

With respect to the County property assigned for their use, elected officials/department heads, boards, and commissions shall assist the County Commissioners in the enforcement of the foregoing policies.

## **10. OTHER POLICIES AND PROCEDURES**

### **10.1 BUSINESS TRAVEL**

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

All employees seeking reimbursement must strive to incur the lowest possible travel expense and must exercise care to avoid impropriety or the appearance of impropriety. Public funds must never be used for personal gain. All employees must request and submit itemized receipts for every expense for which they are seeking reimbursement when required by this policy. Failure to submit an itemized receipt (if required) may result in the County denying reimbursement. (See also Section 5.9 regarding Travel Time).

Monroe County Government reimburses employees under an accountable plan, as defined by the Internal Revenue Service ("IRS"), for ordinary and necessary business expenses incurred. An accountable plan is an organization's document plan for reimbursing individuals for business expenses. These include approved payments for travel expenses including allowable out-of-pocket expenses related to official County business. In order to qualify under the accountable plan, payments for expenses must meet the three (3) requirements of IRS Regulation 1.62-2. These requirements include:

**A. Business Connection Requirement**

Reimbursements are only for allowable business expenses that are paid or incurred by the employee in the course of conducting County business.

**B. Substantiation Requirement**

The employee must substantiate each out-of-pocket business expense with a detailed record within a reasonable period of time (sixty (60) days), including the following information:

1. The equivalent of the original receipt(s) with amount of each business expenditure;

2. Dates of expenditure and location; and
3. Business purpose.

**C. Return of Funds Requirement**

Monroe County Government generally will not provide advance payments for business expenses. However, should such an advance be received, the employee must substantiate any amount within sixty (60) days and return any amount in excess of the expenses substantiated to the County.

If an arrangement meets the requirements of paragraphs 1, 2, and 3 of this section, all reimbursements are treated under the accountable plan rules. These amounts are reimbursed and excluded from the employee's gross income.

**10.1.1 General Policies**

- A. This policy applies to all claims for employee reimbursement from the County for business travel conducted on its behalf, which is not covered by a State-called meeting policy.
- B. No travel or subsistence allowance will be provided for trips for which the employee receives reimbursement for travel expenses from any other source.
- C. Only expenses which are reasonably necessary in order to conduct County business and which are incurred while in travel status shall be reimbursable. Where personal travel is combined with travel for County business, only expenses reasonable necessary for County business shall be reimbursable. An employee is in travel status during all of the time for which it is reasonably necessary to be away from Monroe County to conduct business (see also Section 5.9 regarding Travel Time). Where an employee combines business travel with personal travel, the employee will not be considered to be in travel status during that portion of the trip which is not reasonably necessary for the business portion of the trip.
- D. Expenses for non-employees who travel with the employee will not be reimbursed.
- E. Expenses for personal items and personal services will not be reimbursed.
- F. Fees or honoraria paid to an employee during travel status shall become the property of the County and turned over to the Monroe County Treasurer.
- G. Prior approval of all travel must be obtained from the employee's department head.

**10.1.2 Verification of Expense**

- A. Itemized provider receipts or credit card receipts must be attached to all claims. If these are not available, the following may be substituted:

1. Transportation – Documentation from the provider or travel agent;
  2. Lodging – Documentation from the provider or travel agent; or
  3. Other – Affidavit of missing receipt.
- B. If reimbursement is being claimed for conference or training expenses, a brochure, program, agenda or other documentation which describes the event must be attached to the claim.

### 10.1.3 Per Diem Meal Allowance

- A. Per diem meal allowance will not be reimbursed for business performed or events attended unless the employee is authorized to use reimbursement for lodging under 10.1.4 and does actually stay overnight. Per diem meal allowance claims must be accompanied by proof of lodging (such as a lodging reimbursement claim or receipt for payment of lodging) to be eligible for reimbursement. If the employee lodges with friends, family or colleagues in lieu of staying in a hotel, the dates of stay and the city and state location of the individual(s) who provided the lodging must be provided on a *Verified Statement* to document that the employee did, in fact, stay overnight and is entitled to the meal reimbursement.
- B. Monroe County Government per diem is set at \$50.00 per calendar day away from Monroe County.
- C. The per diem includes meals and incidentals. From the Internal Revenue Service: “The per diem rate for meals & incidental expenses (M&IE) includes meals, room service, laundry, dry cleaning, and pressing of clothing, and fees and tips for persons who provide services, such as food servers and luggage handlers. (Notice 2019-55).”
- D. Pursuant to IRS guidelines, the first and last days of travel are paid at 75% of the daily per diem allowance (\$37.50).

***Example:** If any employee is away from the office overnight for only one (1) night, the employee would be eligible to reimbursement in the amount of \$37.50 for the first day and \$37.50 for the last day, for a total per diem reimbursement of \$75.00.*

- E. Per diem is not reimbursed when the traveler stays in his/her own residence unless the residence is not his/her primary dwelling. In these instances, a *Verified Statement* must be included with the claim explaining that the lodging location is not the traveler’s primary residence.

### 10.1.4 Reimbursement for Lodging

- A. Employees may claim lodging expense not exceeding the single room occupancy room charge, including taxes. The employee must obtain the lowest rate and inquire about government rates.

- B. Employees are encouraged to share lodging. In that instance, the employee who requests reimbursement for lodging shall note on the claim the name of the co-worker who shared the room.
- C. An employee may not claim reimbursement for lodging when lodging was provided by another person who is not in the business of providing lodging.
- D. Video tape rentals, pay television charges and other types of entertainment expenses are not reimbursable.
- E. Lodging expense is not reimbursable for any stay unless advance, written approval by the employee's elected official/department head and the respective authority overseeing the department or office (see Section 1.3) is provided. Each of the three (3) respective authorities may administer such approval by their own internally-developed standard operating procedures.
- F. Employees may claim lodging expense for Saturdays, Sundays, or holidays in order to reduce the total cost of travel. The savings must be documented and approved in advance by the elected official/department head. Lodging may not be claimed if the employee is using vacation, holiday, or personal **benefit** leave time.

#### **10.1.5 Reimbursement for Transportation**

- A. Air, rail or bus travel cost may be reimbursed. Whichever form of travel the employee chooses, the employee shall attempt to obtain the least expensive rate for that form of travel and shall make transportation arrangements accordingly. The employee shall consult the elected official/department head prior to booking transportation. Evidence which satisfies Section 10.1.2 ("Verification of Expense") must be included with the claim.
- B. If a County-owned vehicle is available to the employee, it should be used instead of a personal vehicle.
- C. An employee using a personal vehicle shall be reimbursed at the same reimbursement rate as approved by the State of Indiana for State employees. The rate may be obtained from the Monroe County Auditor's Office. This reimbursement rate is designed to cover all costs associated with the use of the employee's personal vehicle. Employees are encouraged to share vehicle transportation, when practical, with one person designated to receive the reimbursement. A mileage claim shall be submitted to the Monroe County Auditor.
- D. An employee may be reimbursed for the cost of parking and tolls. Evidence which satisfies Section 10.1.2 ("Verification of Expense") must be included with the claim.
- E. Automobile rental expense may be reimbursed when it is efficient, cost effective, and approved by the employee's elected official/department head. The least expensive practical vehicle should be rented.

- F. Employees are expected to make the most cost-effective and reasonably-priced decisions regarding travel. An employee who chooses to drive rather than fly must get the travel approved in advance by the elected official/department head. Driving instead of flying will be approved only where the total costs of driving (including time worked, any reimbursed mileage, meal allowance and lodging en route) do not exceed the total costs of flying (including any reimbursed costs of traveling to and from the airport, parking, meals not provided by the airline, and airfare based on the rate available fourteen (14) days before the departure date). Employees are expected to, and shall, discuss travel plans and schedules with supervisors prior to travel in order to understand and agree upon what time will and will not be compensable.
- G. The expense of local taxi, train or bus fare will be reimbursed when verified in accordance with Section 10.1.2.

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

- A. An employee will be reimbursed for registration fees, travel, meals and lodging associated with attendance at a conference or training session which is directly related to the employee's job assignment. Purely social events held during conferences which contain only networking but no educational or training component shall not be counted as time worked.
- B. The procedures and requirements for such reimbursement shall be the same as set forth in Sections 10.1.2 thru 10.1.6.

(Claim Form) <P:\County Forms & Info\Auditor Forms>

#### **10.1.7 County Credit Cards**

- A. The Monroe County Commissioners adopted Resolution 2007-006 (Monroe County Code 269) to govern the use of County issued credit cards. The information contained here is a summary. Any employee using or issued a County credit card should consult Resolution 2007-006 and the accompanying "Guidelines for Use of Credit Cards" in addition to signing the credit card use agreement on file with the County Commissioners. Employees shall comply with all requirements of the "Guidelines for Use of Credit Cards" and Resolution 2007-006.
- B. County employees may be issued Monroe County credit cards for travel related expenses associated with attending conferences, workshops, and business meetings or other work related expenses incurred on behalf of the County.
- C. County credit cards are for business use only and may not be used for personal purchases. Other examples of specifically prohibited uses include the purchase of alcohol and/or movies and entertainment.

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

## **10.2 DRUG-FREE WORKPLACE**

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

Monroe County maintains a drug-free workplace in accordance with the Drug-Free Workplace Act of 1988, and the State of Indiana Drug-Free Workplace Executive Order No. 90-5 of 1990. Failure to comply with this law could jeopardize government funds received by Monroe County. Any employee who is convicted of a drug-related crime arising out of conduct while on official County business, or when serving as a representative of the County, must notify the County within five (5) days of the conviction. Monroe County is required to notify the appropriate government funding agency within ten (10) days of the conviction.

The unlawful manufacture, possession, distribution, transfer, purchase, sale, use, or being under the influence of alcoholic beverages or illegal drugs while on County property, while attending business-related activities, while on duty, or while operating a vehicle or machine leased or owned by the County is strictly prohibited and may lead to disciplinary action, including suspension without pay or discharge. When appropriate, the County may refer the employee to approved counseling or rehabilitation programs.

Employees may use physician-prescribed medications, provided the use of such drugs does not adversely affect job performance, the safety of the employee, or the safety of other individuals in the workplace. Employees may keep prescription drugs on County premises when prescribed by a medical physician. Over-the-counter medications may also be kept on County premises on an as-needed basis. Employees who operate vehicles or equipment in the course of their employment shall notify their elected official/department head of prescription drugs and over-the-counter medications, which may impair their judgment in the performance of their job duties and responsibilities.

### **10.2.1 Drug Testing for Employees**

Monroe County is committed to providing a safe, efficient, and productive work environment for all employees. In keeping with this commitment, employees and job applicants may be requested to provide body substance samples (e.g., blood, urine, hair, or other body substances) to determine the prohibited use of marijuana, cocaine, opiates, amphetamines, alcohol, barbiturates, and phencyclidine, and/or other illegal drugs. Results of any drug testing shall remain in the employee's confidential medical file.

**A. Reasonable Suspicion**

An employee will only be requested to submit to a drug or alcohol test when the elected official/department head, the Human Resources Department, or other trained supervisor has reasonable suspicion that the employee has used alcohol or drugs or is impaired from the use of alcohol or drugs during employment hours with the County. In the event that an employee is requested to submit to a drug test, the elected official/department head, the Human Resources Department or supervisor shall complete a *Reasonable Suspicion Observation Form* or other approved form. These forms are available from the elected official/department head, or the Human Resources Department. All completed forms must be returned to the elected official/department head or the Human Resources Department.

These forms set forth the observations leading to the determination of reasonable suspicion including the following:

1. Observation of drug or alcohol use;
2. Observation of drugs, alcohol, or containers traditionally used to store drugs or alcohol;
3. Observations of behavior of the employee, including balance, speech, reactions, and other characteristics supporting reasonable suspicion of use of drugs or alcohol or impairment by drugs and alcohol;
4. A pattern of abnormal or erratic behavior by the employee; or
5. Information provided by reliable or credible sources of the above.

(*Reasonable Suspicion Observation Form* or other approved form) <P:\County Forms & Info\Human Resources Forms\Miscellaneous Forms>

**B. Post-Accident Testing**

Post-accident testing may be required when an employee is involved in an accident on County property or while operating County and/or personal equipment or vehicles in pursuit of County business which results in either:

1. The death or injury of a County employee or a member of the general public; or
2. Damage to public or private property and/or equipment to the extent that the equipment or vehicle must be towed from the accident scene.

Monroe County reserves the right to order post-accident tests as it deems appropriate based on the totality of the circumstances surrounding the accident. Post-accident tests may include screens for both drugs and alcohol.

### **C. Post-Shooting Testing**

Post-shooting testing shall be required when a police officer in a line-of-duty incident shooting causes death or serious bodily injury to an officer or other person. Post-shooting tests shall include screens for both drugs and alcohol.

#### **10.2.2 Federal Motor Safety Regulations/Commercial Driver's License Drug and Alcohol Policy**

This policy shall apply to an employee who is required to hold a commercial driver's license in order to operate a vehicle or equipment as part of employment with Monroe County.

Monroe County has instituted this policy to provide a healthy and safe work environment for its employees and to ensure the safety of the public. The provisions of this policy are established to address the use and possession of alcohol, controlled substances, physician-prescribed medications, and over-the-counter medications by employees in positions that have been classified as "safety-sensitive."

It is the policy of Monroe County to comply with and abide by all laws and regulations that have been established by the Federal Motor Carrier Safety Regulations, U.S. Department of Transportation ("DOT"), and Federal Highway Administration ("FHWA"). In complying with these regulations, the County hereby institutes a comprehensive controlled substance and alcohol testing, training, and record keeping program for employees in positions that have been classified as safety sensitive. In accordance with DOT/FHWA regulations, included in this classification of safety-sensitive positions are all positions which require an employee to operate a commercial motor vehicle and/or hold a commercial driver's license. Information and training concerning the specific provisions of this policy will be provided to all employees and supervisors of employees holding safety sensitive positions.

### **10.3 POLITICAL ACTIVITY**

Employees shall not be required to participate, financially or otherwise, in any political campaign or party activity during their working hours. Monroe County equipment shall not be used to generate, copy, or reproduce campaign materials. Monroe County vehicles shall not be used to distribute campaign materials. Monroe County telephones or facsimile machines shall not be used for campaign purposes. Employees are prohibited from using their County position to assist in political campaigns and from using work hours to engage in political activity.

No employee subject to the provisions of the Federal Hatch Act may run for partisan political office. Questions regarding the Federal Hatch Act should be directed to the employee's elected official/department head, the Human Resources Department, or the Monroe County Legal Department.

### **10.4 DISCIPLINE AND DISCHARGE**

#### **10.4.1 Commission of a Felony, Misdemeanor or Unlawful Act**

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

Whenever an employee is cited for an infraction while on duty, or arrested for any misdemeanor or felony while on duty, the employee shall report this matter, in writing, to their elected official/department head within twenty-four (24) hours of the citation or arrest. Failure to report in accordance with this policy shall be considered a violation of the personnel policies subject to disciplinary actions, up to and including termination. Citations for moving traffic violations or arrests for misdemeanors or felonies which occur during an employee's off-duty hours must be reported to the elected official/department head in writing within five (5) calendar days of receiving the citation or the arrest.

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

An employee who is cited for an infraction or arrested for any misdemeanor or felony, whether the citation or arrest happened while the employee was on duty or not, may be suspended without pay pending an administrative investigation and/or the disposition of any charges filed against the employee. The investigation will be used to determine if the accused employee is in violation of the personnel policies and to determine if disciplinary action is warranted, up to and including termination. The determination as to the whether an employee is suspended shall be based upon the nature and circumstances of the alleged offense and the impact the charges may have on the employee's ability to adequately perform their job duties and/or remain in compliance with the County's personnel policies.

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

If the employee is on a leave of absence pending administrative investigation and/or the disposition of any charges, and the employee is not found to have been in violation of the personnel policies, the employee shall be returned from suspension.

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

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

#### **10.4.2 Uniform Disciplinary Policy**

The purpose of this policy is to give employees notice, insofar as possible, of the County's standards, requirements and expectations, which are not covered elsewhere in the Personnel Policy Handbook. Work rules described herein are not all-inclusive and the omission of a specific policy prohibiting a particular kind of conduct does not mean the conduct is acceptable to the County.

It is also the purpose of this policy to describe the County's general philosophy concerning discipline and discharge. Each discipline or discharge situation presents a unique set of circumstances that will be reviewed and decided on its individual facts and in the context of the surrounding circumstances.

THIS UNIFORM DISCIPLINARY POLICY IS NOT INTENDED TO CREATE A CONTRACT BETWEEN THE COUNTY AND ITS EMPLOYEES. MONROE COUNTY MAY CHANGE THIS POLICY FROM TIME TO TIME, AND ALL EMPLOYEES WILL BE NOTIFIED OF SUCH CHANGES.

#### **10.4.3 Progressive Discipline**

Normally, employee misconduct or unsatisfactory performance will be subject to the following progressive disciplinary system, except as otherwise provided herein:

1. The first offense or incident will result in a verbal warning;
2. The second offense or incident will result in a written warning;
3. The third offense or incident, including, but not limited to, a repetition of previous offenses or incidents within twelve (12) months of the second offense or incident, will result in a written warning and a one (1) to three (3) day suspension without pay;
4. A fourth offense or incident, including, but not limited to, a repetition of previous offenses or incidents within twelve (12) months of the third offense or incident, will result in immediate discharge. It is the responsibility of the elected official/department head to notify the Human Resources Department and the Auditor prior to discharge.

Monroe County reserves the right to decide upon the appropriate response to employee misconduct or unsatisfactory performance, including, but not limited to, counseling, reprimand, warning, suspension, or discharge, based on all relevant circumstances. Accordingly, the County will not necessarily adhere to the four-step progressive discipline system in all circumstances. Rather, the purpose of progressive discipline is to provide management with the opportunity to put employees on notice that their conduct is unsatisfactory so that they may have an opportunity to correct or improve their conduct.

Employees are required to verify receipt of a notice of discipline by their signature on a *Notice of Disciplinary Action Form and/or Counseling Statement*. In the case of union employees, this verification can be the signature of an employee representative present at the time the written warning is given. Where the circumstances indicate that progressive discipline is inappropriate or futile, the County may act accordingly.

## **10.5 WORKPLACE VIOLENCE**

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

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

1. "Intimidation" includes, but is not limited to, stalking or engaging in actions intended to frighten, coerce, or induce duress;
2. "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;
3. "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; and
4. "Property damage" is intentional damage to property which includes property owned or leased by the County, employees, visitors, or vendors.

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

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

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

Employees are responsible for notifying their elected official/department head of any threats which they have witnessed, received, or have been told that another person has witnessed or received. Employees should also report any behavior they have witnessed which they regard as threatening or violent when the behavior is job related or might be carried out on County-owned or leased property or in connection with County employment.

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

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

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

## **10.6 ETHICAL RULES**

Monroe County officers, employees, and special appointees shall comply with the rules promulgated by the State of Indiana for the State Officers, Employees, and Special Appointees. See also the Monroe County Code of Ethics, which is set forth in Chapter 296 of the Monroe County Code.

## **11. EMPLOYMENT TERMINATION**

### **11.1 EMPLOYMENT TERMINATION**

Since employment with Monroe County is AT-WILL and based on mutual consent, either the employee or the County has the right to terminate employment at any time, with or without cause. 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:

#### **1. Resignation or Retirement**

Voluntary employment termination initiated by an employee. Although advance notice is not required, the County requests at least two (2) weeks written notice from the employee;

#### **2. Discharge**

Involuntary employment termination initiated by the County for disciplinary reasons; and

#### **3. Release**

Involuntary employment termination initiated by the County for non-disciplinary reasons.

Monroe County encourages exit interviews. Exit interviews are scheduled at the time of employment termination to afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the County, or return of County owned property. Suggestions, complaints, and questions may also be expressed. Exit interviews should be scheduled with the employee's elected official/department head or designee, or the Human Resources Department. The Human Resources Department will follow up with the elected official/department head to review the exit interview.

All accrued vacation time that is due and payable at termination will be paid unless the employee was discharged, as defined above. **If an employee is discharged by the County, the employee will not be paid for accrued vacation time. AN EMPLOYEE'S TERMINATION DATE SHALL NOT BE EXTENDED TO GAIN ADDITIONAL PAID OR UNPAID TIME OFF (e.g., SICK LEAVE, VACATION LEAVE) OR LONGEVITY PAY.**

(Employee Exit Interview) <P:\County Forms & Info\Human Resources Forms\02 Employee Termination Packet>

### **11.2 RETURN OF PROPERTY**

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees must return all County property on or before their last day of work. The County may take all action deemed appropriate to recover or protect its property.

### **11.3 REQUESTS FOR INFORMATION**

For employment reference checks requested by other employers of past or current County employees, the County will respond in writing only to those reference inquiries that are submitted in writing. When the County is contacted by any person with written consent of the employee, the County shall release information regarding their position, hire date, and wages. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held. The Human Resources Department shall not provide reference or employment information other than the information provided as specified in this policy; however, Monroe County shall fully comply with all provisions of Indiana law regarding the release of information.

Employees and former employees shall be provided copies of past performance records upon request to the Human Resources Department and must acknowledge receipt in writing.

## **12. PROBLEM RESOLUTION**

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

These procedures provide for open discussion and speedy resolution of employment issues. They apply to any employee who thinks that the County's policies have been violated or who believes that they have been treated unfairly. A complaint is an employee's expressed dissatisfaction with what the employee believes, rightly or wrongly, to be unfair treatment, or a mistake in the administration of a rule, plan, or County policy.

This section does not apply to disciplinary actions.

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

### **STEP 1: Elected Official/Department Head or the Human Resources Department (Oral Complaint)**

An employee should first discuss a complaint with the elected official/department head or the Human Resources Department. The employee should schedule a time to discuss the situation with the elected official/department head or the Human Resources

Department and every effort should be expended to resolve the issue satisfactorily at this meeting. The employee should schedule the discussion promptly after the facts giving rise to the complaint occur, but in no event later than ten (10) days after the occurrence unless there is good cause for the delay.

**STEP 2: Elected Official/Department Head or the Human Resources Department (Written Complaint)**

If a complaint cannot be solved satisfactorily by the employee and elected official/department head or the Human Resources Department through discussion or, if the decision is not satisfactory to the employee, the employee may submit the complaint in writing within ten (10) days of the discussion. The employee may take or send the written complaint to the elected official/department head or the Human Resources Department. Elected officials/department heads are encouraged to give a written response to the complaint within five (5) days. If the elected official/department head elects not to respond to the complaint, then the Human Resources Department, after consulting with the elected official/department head, may issue a response.

If the elected official or appointed head of the department of the employee believes that alternative or additional problem resolution steps may result in a more satisfactory conclusion to this process for the affected parties, he/she may propose other problem resolutions steps to the Human Resources Director. If the Human Resources Director does not provide the elected official or appointed head with reasons why the proposed additional or alternative resolution steps should not be used, the elected official or appointed head, with the consent of the employee, may make arrangements for the additional or alternative problem resolution steps to be taken.

In addition to the above procedures, elected officials/department heads may refer an employee under their supervision to a county-provided Employee Assistance Program (“EAP”) in situations where the employee is seeking to resolve his/her employment problems and, to the extent an EAP is available to address such problems, an employee may use a County-provided EAP to address his/her problems

**13. SEVERABILITY**

The policies and procedures contained in the Personnel Policy Handbook are subject to all applicable Federal and State laws, and shall be interpreted wherever possible so as to comply fully with such laws, provisions, or any judicial interpretations. If an article or section of the Personnel Policy Handbook shall be held invalid by operation of law or tribunal of competent jurisdiction, or if compliance with or enforcement of any article or section of shall be restrained by such tribunal, the remainder of the Personnel Policy Handbook and any amendments thereto shall not be affected and shall remain in full force and effect. The Monroe Board of Commissioners, the Board of Judges and the Monroe County Prosecuting Attorney reserve the right to delete, modify, or amend the policies contained herein or allocate new policies as needed.

**14. INDEMNIFICATION**

In the event that an elected official/department head, or any other employee becomes a defendant, either in their representative capacity or individually in any litigation arising out of the

administration of the Personnel Policy Handbook, the County and/or its insurers shall defend the elected official/department head, or employee of that action, and pay any judgment entered in the action, so long as the elected official/department head, or employee made a good faith effort to comply with the terms and conditions set forth in the Personnel Policy Handbook.

**15. ENABLING ORDINANCE**

The Personnel Policy Handbook shall be adopted by ordinance passed by the Monroe County Board of Commissioners. The Personnel Policy Handbook shall be adopted by the Board of Judges, Monroe County Prosecuting Attorney and all other elected officials. The terms and conditions of the Personnel Policy Handbook shall be incorporated by reference in the salary ordinance approved annually by the Monroe County Council and the terms and conditions set out herein shall be deemed as a condition of compensation under that ordinance.

**16. AMENDMENTS**

The Personnel Policy Handbook may be amended in substantially the same form as originally adopted by the Monroe County Board of Commissioners, Board of Judges and the Monroe County Prosecuting Attorney. Any amendments shall be distributed to each department of the County and shall be conspicuously posted for at least ninety (90) days throughout the offices of the County after their passage. A Personnel Policy Committee shall meet to review the terms of the Personnel Policy Handbook and to recommend amendments.

**17. EMPLOYEE ACKNOWLEDGMENT FORM**

The Monroe County Personnel Policy Handbook describes important information about employment with the County, and I understand that I should consult the Monroe County Commissioners, Board of Judges, Monroe County Prosecuting Attorney, the Human Resources Department, or the Monroe County Legal Department regarding any question not answered in the Personnel Policy Handbook.

Since the information, policies, and benefits described herein are necessarily subject to change, I acknowledge that revisions to the Personnel Policy Handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies.

I understand the descriptive materials contained in the Personnel Policy Handbook are only summaries. Any discrepancies between these summaries and the terms of the actual plans will be governed by the terms of the underlying, more detailed policies and procedures. Any questions regarding summaries, their underlying policies and procedures and any discrepancies between them should be directed through my elected official/department head to the Monroe County Commissioners, Board of Judges, the Monroe County Prosecuting Attorney, the Human Resources Department, or the Monroe County Legal Department.

**I acknowledge that my employment with Monroe County is AT-WILL and that the Personnel Policy Handbook is not, nor does it extend, a contract of employment.**

I have had an opportunity to review the Personnel Policy Handbook, and I understand that it is my responsibility to read and comply with the policies contained in the Personnel Policy Handbook and any subsequent revisions.

(signature page follows)

Employee's signature:

Date:

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Employee's name (typed or printed):

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Office/Department:

---

Witness Signature:

Date:

---

Witness's name (typed or printed):

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## **ADDENDUM A**

Amendments regarding certain benefits\* to part-time employees were made to the Personnel Policy Handbook on June 11, 2004. Part-time employees are not entitled to the benefits\* according to the revised policy; however, current part-time employees will continue to receive the type of benefits they received as of the April 30, 2004, pay date. For a list of “grandfathered” individuals, please see the Monroe County Ordinance for Fixing Salaries.

\*Benefits referred to above include: emergency closings (Section 5.15); vacation (Section 6.1.1); holidays (Section 6.1.2); bereavement leave (Section 6.2.2); and extended non-paid leave of absence (Section 6.2.5).

## **ADDENDUM B**

Monroe County runs twenty-four (24) hour, three hundred sixty-five (365) days a year facilities. Due to the nature of the work and the need for continuation of services for twenty-four (24) hours a day, Monroe County recognizes that shift workers at those facilities require some variation from the standard personnel policy. This addendum will define shift workers and discuss how some ideas in the personnel policy differ for those positions. If an issue arises that is not covered by this addendum for these positions, then those issues will be covered by standard personnel policy.

“Shift worker” is defined as a worker of a facility who provides a continuation of service for twenty-four (24) hours a day, three hundred sixty-five (365) days a year, such as correction officers and shelter direct care staff.

Shift workers deviate from the standard eight (8) hour work day to ensure the continuation of services is provided safely and efficiently. A department having shift workers shall institute a consistent work schedule for shift workers. Benefits will accrue in proportion to the defined day (see Section 6.1).

Given the three hundred sixty-five (365) day a year operation of the facility, the department for such shift workers may determine the appropriate manner to schedule holidays, provided that shift workers shall only accrue the same number of holidays as other county employees. The amount of compensation for a holiday shall be based on the number of hours instituted in the consistent work schedule as described above.