

The County of Howard, Indiana

Personnel Policies Handbook

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MISSION STATEMENT

To bring to the citizens and taxpayers of Howard County the most responsive governmental services possible. Accomplishing that goal by employing top quality people and retaining their services for extended periods. Developing within that employee group, experience and insight into the needs of our county and its residents. To train technologically and procedurally those employees so that they may serve the public competently within the requirements of state laws.

Further, to establish, maintain, and promulgate policies governing the hiring, paying and termination of those employees that best serve the interest of those employees and the county. To follow all applicable laws as to the treatment of protected classes of employees.

The success of our County, like that of any other, calls for teamwork on the part of everyone in the group. When a group of people work closely together, there have to be guidelines for everyone to adhere to for the best interest of all. Howard County believes that it offers excellent employment opportunities, as well as a progressive, personnel philosophy. We have tried to summarize many of the more important elements of your employment with Howard County in this Howard County Personnel Policies Handbook.

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1. PERSONNEL ADMINISTRATION

1.1 USE AND REVISION OF PERSONNEL POLICIES HANDBOOK

This Handbook is designed to provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the Handbook. It describes many of your responsibilities as an employee and outlines the programs developed by Howard 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 Handbook is intended to, in any sense, constitute a contract of employment, or an expectation of continued employment. Howard County is an "At-Will" employer, which means the employee may resign at any time and the employer may discharge an employee at any time with or without cause, except as otherwise provided by law. This Handbook is not a contract of employment.

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

These policies and procedures apply to all Howard County employees, except when in conflict with special employment conditions set forth for elected officials or when in conflict with statutes governing employment relationships.

1.2 EXCEPTIONS AND SPECIAL CONDITIONS

All elected officials and Contract Professionals are excluded from the provisions of these County Personnel Policies.

The County recognizes that, so long as the requirements of state and federal laws are met, the Sheriff has the authority to set policy for the operation of his department, and the Sheriff's Merit Board has the authority to set department rules and policies as provided in IC 36-8-10-3, et seq. Consequently, unless a provision of this Handbook specifically includes merit officers (e.g., Section 4.16 providing limited health care coverage for certain merit officers), the provisions of this Employee Handbook do not apply to the operation of the Howard County Sheriff's Department or to Howard County merit officers, except with respect to state or federal employment laws (e.g., FMLA, FLSA, ADA, OSHA, Workers Comp, etc.) which are covered by this Handbook and administered by the Howard County Personnel Department to insure compliance. Further, this Handbook shall not apply to merit officers in those instances where it

grants rights or benefits to County employees not required by state or federal employment law (e.g., the right to use sick days in conjunction with FMLA leave; reference Section 4.3 of Handbook).

All Purdue Extension Educators are excluded from the provisions of these County Personnel Policies. The clerical support employees for the Purdue Extension Educators are included in these Personnel Policies.

1.3 **PERSONNEL ADMINISTRATION COMMITTEE**

The Howard County Board of Commissioners facilitates the implementation of the policies and procedures herein established. The Board of Commissioners established the P.A.C. Committee in late 1997. The Committee's purpose is to research, evaluate and review requests from Elected Officials and Department Heads relative to addition of staff/personnel, salary increases, job share requests, etc. The Personnel Administration Committee (P.A.C.) shall meet as deemed necessary to review the application of County personnel policies, such as:

- a. Reviewing an employee complaint in connection with the problem resolution procedures in this Handbook (Article 7) and providing recommendations as may be warranted.
- b. Monitoring personnel policies and procedures and making revisions, additions and deletions as deemed necessary.

The Howard County Council establishes all budgetary items and pay grades for salaries and benefits.

Elected officials/department heads have responsibility for the day-to-day supervision and operation of their respective offices as prescribed by statute.

1.4 **EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION**

Howard County does not discriminate on the basis of race, color, gender, national origin, religion, age, or disability in employment or in the provision of services.

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 his/her elected official/department head. 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.

1.5 **MANAGEMENT RIGHTS**

The 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 the County to the full extent authorized by law.

The "County" shall be defined to mean the Howard County Board of County Commissioners, the Howard County Council, the Elected Officials of Howard County, Agency and Department Heads acting individually or in conjunction with each other within the areas of responsibility assigned to said individuals or as defined by applicable statute, constitutional provision, ordinance, case law or resolution.

1.6 **DRUG-FREE WORKPLACE**

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

The County shall maintain a drug-free work place in accordance with the **Drug-Free Work Place 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 the County. The unlawful manufacture, possession, distribution, transfer, purchase, sale, use, or being under the influence of alcoholic beverages or illegal drugs while on the employer's property, while attending business-related activities, while on duty, or while operating a vehicle or machine leased or owned by the County is strictly prohibited. When appropriate, the County may refer the employee to approved counseling or rehabilitation programs.

Any employee while on official County business, or when serving as a representative of the County, who is convicted of a drug-related crime while in that capacity, must notify the County within five days of the conviction.

The Howard County Board of Commissioners, the Howard County Council, the Elected Officials and Department Heads of Howard County is required to notify the appropriate government-funding agency within ten days of the conviction. Appropriate personnel action, including possible discipline, up to and including termination, and/or participation in a drug abuse assistance or rehabilitation program, may result after notice of the conviction is received.

The County will determine on a case-by-case basis whether assistance will be provided to employees whose health or performance is at risk of deterioration. Employees may use physician-prescribed medications, provided the use of such drugs does not adversely affect job performance or the safety of the employee or other individuals in the work place.

The County recognizes that employees may wish to seek professional assistance in overcoming drug or alcohol problems. Please contact the Personnel Administrator for

more information about the benefits potentially available under the employee medical benefit plans and any possible referral sources.

Employees may keep prescription drugs on County premises when prescribed by a medical physician. Employees may keep over-the-counter medications on County premises as needed. Employees holding safety-sensitive positions shall notify their elected official/department head of such over-the-counter medications and prescription drugs, which may impair judgment in the performance of job duties and responsibilities.

1.6.1 **Drug Testing**

The County is committed to providing a safe, efficient, and productive work environment for all employees. In keeping with this commitment, employees and job applicants may be asked to provide body substance samples (e.g., blood, urine, saliva, hair, or other body substances) to determine the prohibited use of alcohol or controlled substances, including, without limitation, marijuana, cocaine, opiates, amphetamines, barbiturates, and phencyclidine (PCP). The County will protect the confidentiality of all drug test results. This section also applies to Circuit Court employees at the Kinsey Youth Center and Juvenile Probation Department, who are governed by Section 1.6.1c.

1.6.1a **Reasonable Suspicion**

At the time an elected official/department head requests an employee provide a sample for testing, the elected official/department head shall provide the employee with a written statement setting forth work place behavior witnessed by at least one of the employee's supervisors relied upon by the requesting authority in coming to a conclusion that there is a reasonable suspicion that the employee may be under the influence of a drug or alcohol. If the employee refuses to submit such a sample upon request, when accompanied by said written statement, the County will interpret such refusal as a violation of the County's work rules, and the employee's refusal of the test shall be subject to the County's progressive discipline policy. This section also applies to Circuit Court employees at the Kinsey Youth Center and Juvenile Probation Department, who are governed by Section 1.6.1c.

1.6.1b **Post-Accident**

Post-accident testing occurs when an employee is involved in an accident on County property or operating County equipment in the pursuit of County business resulting in: 1) the death or injury of a County employee or member of the general public; or 2) damage to public or private property and/or equipment while operating a vehicle or equipment owned by or leased by the County. The County reserves the right to order post-accident tests, as it deems appropriate, based on the totality of the circumstances surrounding the accident. Post-accident tests may include screens for both drugs and alcohol. This section also applies to Circuit Court employees at the Kinsey Youth Center and Juvenile Probation Department, who are governed by Section 1.6.1c.

Questions concerning this policy or its administration should be directed to the Personnel Administrator.

1.6.1c **Kinsey Youth Center / Probation Random Drug Testing**

By Order of the Judge of Howard Circuit Court, All Circuit Court employees at the Kinsey Youth Center and Juvenile Probation Department are subject, in addition to the above policy, to random drug screens at the discretion or direction of the Center Director or Chief probation Officer respectively for their departments, effective February 1, 2003. Said request will not be written and compliance is expected to be at the time of request.

The Howard County Board of Commissioners amended the Howard County Drug and Alcoholic Policy for the Kinsey Youth Center on January 21, 2003.

Refusal to comply and/or positive results for illicit drugs is grounds for immediate termination.

1.6.2 **Federal Motor Carrier Safety Regulations/Safety-Sensitive Positions Drug and Alcohol Policy**

The 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, Schedule I Controlled Substances, physician prescribed medications and over-the-counter medications by employees in positions that have been classified as safety sensitive.

It is also the policy of the County to comply with and abide by all laws and regulations that have been established by **Part 382 – CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING of the Federal Motor Carrier Safety Regulations, U.S. Department of Transportation (DOT), 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 positions contained within, and are on file in the department and may be reviewed upon request.

1.7 **SEXUAL HARASSMENT**

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

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

- A. Unwelcome sexual advances.
- B. Physical or verbal conduct of a sexual nature, or joking that is sex-oriented and considered unacceptable by another individual. This includes commenting about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" that are clearly unwanted and considered offensive by others, or any other tasteless sexually-oriented comments or actions that offend others.
- C. Any verbal or non-verbal communication expressing or implying that participation in sexual contact is a condition of employment, promotion or preferential treatment.
- D. 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 is considered sexual harassment.

Any employee who experiences sexual harassment should contact his/her elected official/department head immediately. If unresolved, or in the event the harassment is alleged against the elected official/department head, the employee is advised to obtain from and submit a sexual harassment complaint form to the Personnel Administrator.

An employee may raise the issue of sexual harassment at any time; however, the best time to register a complaint is immediately after the act occurs. An employee's job will not, in any way, be threatened by truthfully reporting any acts of sexual harassment as described above.

The 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 or wrongly accused others of sexual harassment.

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

Sexual harassment violations will result in severe disciplinary action.

1.8 **AMERICANS WITH DISABILITIES ACT (ADA)**

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

If a person is not able to perform the essential functions of a job, even with reasonable accommodation, the person is not qualified for the position.

The County will reasonably accommodate persons with a disability on a case-by-case basis, which may include making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules, modifying equipment, or similar accommodations.

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

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, and which threat cannot be eliminated by reasonable accommodation, will not be hired or retained. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave.

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

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

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

Any individual who believes he or she has received treatment inconsistent with the policies set forth above or any other requirement of ADA, may file a complaint within ninety (90) days of the date of the alleged discriminatory act or practice with the Personnel Administrator.

1.9 **IMMIGRATION LAW COMPLIANCE**

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

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the **Employment Eligibility Verification Form I-9** and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with Howard County within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Howard County Personnel Office. Employees may raise questions or complaints about immigration law compliance without fear or reprisal.

1.10 **BLOODBORNE PATHOGENS**

Employees working in high-risk jobs will be offered bloodborne 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 to bloodborne pathogens. To ensure that County employees are aware of occupational exposure to bloodborne pathogens, the County has developed an exposure control plan to minimize or eliminate employee contact with human blood or other bodily fluid, which may contain bloodborne pathogens, such as hepatitis B virus and HIV. **This control plan is available for use by all County employees and is located in each department and in the Personnel Office.**

2. EMPLOYMENT POLICIES

2.1 RECRUITMENT

Except as provided in this Handbook, authorization to recruit and hire to fill a vacancy in an existing or newly created position rests solely with the elected official and designated department heads.

Basic qualification of formal education, background and experience shall be determined by the Office Holder or Department Head before recruiting begins and shall be based upon job requirements as well as dictates of applicable federal, state, and local laws.

Vacant and new positions, insofar as practicable, shall be afforded to current employees, subject to ability and job qualifications to be reasonably determined by management. Insofar as practicable, open and new jobs shall be posted on County workdays until said positions are filled, during which time any employee may make application in writing.

Information regarding vacancies or new positions shall be publicly posted on bulletin boards located in the County Government building where the position is located, and in any other County facilities deemed appropriate for soliciting potential applicants for at least five (5) working days. The County encourages internal promotion and transfer whenever possible.

The Personnel Administrator is available to assist and advise in the selection process (i.e., testing, interviewing, interview questions, and verification of information provided by the applicants) upon request.

At the discretion of management, based on the urgency and specialization of the job requirements, newspaper and trade journal advertising may be used in recruiting employees. Advertisements shall describe the position, basic qualifications and state that the County is "An Equal Opportunity Employer".

2.2 EMPLOYMENT APPLICATIONS

All applicants are required to complete and sign a County application ("Application"), as well as any other forms required for statistical purposes or deemed necessary to process the Application. The Application shall be maintained by the Personnel Administrator in the Howard County Personnel Office and made available to elected officials, department heads and applicants for use. The Application shall request only the information necessary for rational decision-making and only questions specifically related to occupational standards. An additional application form is needed for employment at the Howard County Sheriff's Department and the Kinsey Youth Center. The Howard County Sheriff's Department and Kinsey Youth Center will maintain their own application in their facility.

All applicants must complete the Application in its entirety, providing any requested information in its entirety and accounting for periods of employment and unemployment. The elected official/department head may screen applicants and conduct testing relevant to the skills needed to effectively complete the duties of the position.

The County relies on the accuracy of information on the Application, as well as other data presented throughout the hiring process and employment. The County does reserve the right to have the Howard County Sheriff conduct a background check of any applicant who files the Application. Any misrepresentation, falsifications, or material omissions in any of this information or data may result in the County's exclusion of the individual from further consideration for employment, or, if the person has been hired, termination of employment.

Placement of an 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. Applications will be retained in active files for twelve (12) months. Applications shall be returned to the Personnel Administrator prior to hiring or being placed on the County payroll. Hiring decisions are the sole responsibility of the appointing authority (i.e., elected officials and designated department heads).

2.3 **EMPLOYEE MEDICAL EXAMINATIONS**

To help ensure that employees are able to perform their duties safely, medical examinations may be required.

After a conditional offer of employment has been extended, certain designated positions may require an applicant to undergo a medical examination by a health professional of the County's choice, at the County's expense. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam. Information on an employee's medical condition or history shall be sent to the Personnel Administrator and will be kept in a confidential file that is separate from other employee information. The Kinsey Youth Center and Sheriff's Department will maintain their own files. Access to this information will be limited to those who have a legitimate need to know. Current employees may be required to take medical examinations to determine fitness for duty. Such examinations will be scheduled at reasonable times and intervals and performed at Howard County's expense.

2.4 **EMPLOYMENT STATUS**

It is the intent of the County to clarify the definitions of employment status, so employees understand their employment status and benefit eligibility. **Any changes in employment status shall be discussed with the employee and conveyed to the Personnel Office in writing. No change in employment status is to be construed or inferred without written notification.** Each employee is designated as **NON-EXEMPT OR EXEMPT** from federal and state wage and hour laws. **Ordinance NO. 2000 - HCC- 46 of the Howard County Council Adopting Job**

Descriptions and FLSA Status Designations for Howard County Employees was approved at their meeting on October 3, 2000. Designation of Exempt and Non-Exempt employment status shall be determined by the Personnel Administrator in conjunction with assistance from each Elected Official/Department Head and with final approval from the Howard County Council.

NON-EXEMPT employees, whether hourly or salaried, are entitled to overtime pay either monetary or compensatory under the specific provisions of federal and state laws.

EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws. Exempt employees are not entitled to monetary compensation for overtime pay.

In addition, each employee will belong to one of the following employment categories:

FULL-TIME employees are those who are not in a part-time, temporary or probationary status and who are regularly scheduled to work the County's full-time schedule of thirty-five (35) hours or more per week. They are eligible for the County's benefit package, subject to the terms, conditions, and limitations of each benefit program*.

PART-TIME employees are those who are not assigned to a full-time, part-time temporary or probationary status and who are not generally scheduled to work the County's full-time schedule of thirty-five hours or more per week. However, part-time employees may be required to work additional hours based on staffing and business needs of the County. Part-time employees retain that status until expressly notified of a change. While part-time employees do receive all legally mandated benefits (such as worker's compensation and social security benefits), they are ineligible for the County's entire benefit programs*.

PART-TIME PROFESSIONAL employees are those who are not assigned to a full-time status and who are not generally scheduled to work the County's full-time schedule. They are eligible for the County's benefit package, subject to the terms, conditions, and limitations of each benefit program*.

JOB SHARE employees are those who are in a job share position and who are not generally scheduled to work the County's full-time schedule of thirty-five hours or more per week. However, job share employees may be required to work additional hours based on staffing and business needs of the County. While job share employees do receive all legally mandated benefits (such as worker's compensation and social security benefits), they are ineligible for the entire County's benefit programs*.

PROBATIONARY employees are those whose performance is being evaluated to determine whether further employment in a specific position with the County is appropriate. All employees shall be probationary employees for their initial ninety (90) days of employment. At the end of their initial ninety (90) days of employment, they shall cease to be probationary employees, unless their probationary status is extended by their elected official/department head. They are ineligible for the County's benefit programs * as a probationary employee, except PERF.

TEMPORARY employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration and may be up to or exceed forty (40) hours during a workweek. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until notified of a change in writing. While temporary employees receive all legally mandated benefits (such as worker's compensation and social security), they are ineligible for the entire, County's benefit programs*.

CONTRACT PROFESSIONALS are those professionals who perform ongoing services for the County under special contract, including the County Attorney/Coordinator and Assistant County Attorney. They may be eligible for the County life insurance program, Public Employees' Retirement Fund (PERF), and the Indiana Deferred Compensation Program (IDCP). Additionally, if their contract so provides, they are eligible for the County health insurance plan upon such terms as are specified in their contract.

***County's Benefit Program:** County life insurance program, Public Employees' Retirement Fund (PERF), Indiana Deferred Compensation Program (IDCP) and the County health insurance plan.

2.5 **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 recommendation of the County to check the employment references of all applicants. Information regarding this procedure is contained in the "Employment History and Work Experience" section of the County's Employment Application.

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. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held. Employees and former employees shall be provided copies of past performance records upon request; and must acknowledge receipt of the records in writing. Written consent signed by the employee will be required for all other employment history.

2.6 **APPLICANT/PERSONNEL FILES**

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

The Personnel Administrator shall maintain accurate personnel files for each employee's employment history, unless otherwise stipulated by statute, which will contain:

- a) Non-confidential materials, such as the employment application, I-9 form, emergency information sheet, employment data information sheets containing history of employment, insurance and retirement enrollment forms, educational accomplishments, change of address and beneficiary forms, records of training, documentation of performance and salary increases, and other employment records; and
- b) a separate confidential file containing the following: confidential medical information (disability forms), workman compensation, unemployment information, statements related to disciplinary actions, grievances, leaves of absence, tardiness reports and related data.

An employee may request a copy in writing of all or part of his/her personnel file. The Personnel Department will make a copy of the employee's personnel file at no charge.

2.7 **ACCESS TO PERSONNEL FILES**

Personnel files are the property of the County and access to the information they contain is restricted, except as provided in IC5-14-3-1 et seq. Access to an employee's personnel file shall be limited to the Personnel Administrator and the elected official/department head to which the employee is directly responsible.

Employees and/or their designated representative who wish to review their own files should contact the Personnel Administrator. With reasonable advance notice, employees may review their own personnel files in the County's offices in the presence of an individual appointed by the County to maintain the files.

2.8 **PERSONAL INFORMATION CHANGES**

Personal mailing addresses, telephone numbers, number and names of dependents, changes in marital status, individuals to be contacted in the event of an emergency, educational accomplishments, and other such personal information should be accurate and current. Any unreported changes in personal status may impact eligibility under the County's benefit plan. It is the employee's responsibility to convey personal information in written form to the Personnel Office and elected official/department head.

2.9 **ORIENTATION/EXIT INTERVIEWS**

The Personnel Office shall conduct an informal orientation to familiarize a new employee with the County, and will provide the new employee with a copy of the **Howard County Personnel Policies Handbook**, as well as information and paperwork for benefits available.

Upon termination of the employment relationship with an employee, the Personnel Office may conduct an exit interview with the employee. At this interview the employee will receive explanation of benefit options available upon termination of the employment relationship. An exit interview form will be mailed to each employee that does not have a personnel exit interview with the Personnel Office.

2.10 **PROBATIONARY PERIOD**

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 County may end the employment relationship at any time or for any reason, other than as prohibited by law, during or after the probationary period.

New and rehired employees work on a probationary basis for the initial ninety (90) days after their date of hire. Any absence determined by the County to be "significant" will automatically extend a probationary period by the length of the absence or will result in termination. If the County determines that the designated probationary period does not allow sufficient time to thoroughly evaluate the employee's performance, the probationary period may be extended, at the County's discretion, for a specified period.

When an employee is transferred from part-time to full-time employment, the 90 days probationary period can be waived if the employee has already worked for 90 days and the elected official/department head determines the probationary period is not required for the job position. The pay remains at the 90% wage.

The probationary period for the Kinsey Youth Center and Juvenile Probation for job performance is six (6) months and will apply to all persons in any new job classification. Those who are promoted from one classification to another will also serve a new probationary period for that position but will continue to receive all benefits previously in place as a full time employee. Unsuccessful completion of the new probationary period will result in a return to the previous classification.

During the probationary period, new employees are eligible for those benefits that are required by law, such as worker's compensation insurance and Social Security. They may also be eligible for other employer provided benefits, subject to the terms and conditions of each benefit program. Employees should read the information for each specific benefit program for the details on eligibility requirement.

Upon satisfactory completion of the probation period, employees enter the employment status under which they were hired. (Reference section 2.4). Such a change in status in no way alters the employee's "at-will" employment relationship with the County, see page 6 - 1.1.

2.11 **PERFORMANCE EVALUATION**

Elected officials/department heads and employees are strongly encouraged to discuss job performance and goals on an informal, regular basis. Additional formal performance reviews 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. These evaluations may be used as part of the salary determination process.

A formal performance evaluation should be conducted at the end of an employee's probationary period, before entering full-time status, especially if the probationary period is extended. This allows the elected official/department head and employee the opportunity to discuss job responsibilities, standards and performance requirements, in addition to correcting deficiencies and reinforcing strengths and future goals.

Performance appraisals shall be confidential and shall be made available only to the employee appraised, their elected official/department head, the Personnel Administrator and for a prospective elected official/department head if a transfer or promotion is being considered. The original evaluation must be kept by the Elected Official/Department Head.

The performance of all employees may be evaluated on an annual basis by each Elected Official and/or Department Head.

2.12 **OUTSIDE EMPLOYMENT**

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

If the County determines that an employee's outside work interferes with performance or ability to meet the requirements of the position, as it is modified from time to time, or if the County determines that the outside employment is in conflict with its ethics code or other codes of conflict, directly or indirectly applicable to a specific employee, the employee may be required to terminate the outside employment if he or she wishes to remain employed with the County.

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

2.13 **NEPOTISM**

The employment of relatives in the same work area of a county facility may cause serious conflicts and problems such as, favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

Therefore, the County policy prohibits current or prospective employees to work under the direct or general supervision of a relative in a county facility.

As used in the foregoing policy, the term "relative" refers to a person related to another by blood or marriage, such as (by way of example and not a limitation) parents, children, siblings, grandparents, aunts, uncles, nieces, nephews and in-laws. The term "relative" also includes those not related by blood or marriage, by whose relationship is, in fact, similar to that of persons related by blood or marriage, as determined by the Board of Commissioners. Conversely, the term "relative" does not include those related by blood or marriage whose relationship is, in fact, not similar to that of persons related by blood or marriage, as determined by the Board of Commissioners.

If two persons should marry while both are employed, they both may continue their employment.

The County 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. The employment of relatives in positions where one might have influence over the other's status or job security is regarded as a potential violation of this policy.

This section does not cover temporary or seasonal employment. Attorneys and their secretaries are also exempt from this policy as long as they remain classified as a part-time employee and do not have their permanent work location in a county owned facility. This policy shall not be retroactive, nor apply to the Chief Deputy position in an elective office as provided by statute.

2.14 **REQUESTS FOR INFORMATION**

In the event any person with written consent of an employee contacts the County, the Personnel Office shall release information regarding their position, hire date, and wages. The elected official/department head shall release information regarding the employee's job performance, attendance and work habits.

3. SALARY ADMINISTRATION

3.1 NORMAL WORK WEEK

The normal workweek typically begins on Monday at 12:00 A.M. and ends on Sunday at 11:59 p.m. The Board of County Commissioners may change it. Several County departments, (i.e., Highway, Sheriff, Kinsey Youth Center and Community Corrections) may alter their workweek to better facilitate the needs of their departments with regard to overtime reporting. All employees affected will be notified of the change in workweek schedule.

3.2 WORK HOURS

The Board of County Commissioners establishes regular work hours for County Offices. The Sheriff establishes regular work hours for the Sheriff's Department. Most County offices will be open to the public between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday. The Board of Commissioners may change the regular work hours upon one week's notice to each department head.

Lunch breaks will be up to one (1) hour in length and scheduled at the discretion of the elected official/department head. Employees may be relieved of all duties and be free to leave their posts during their lunch. Certain offices close during the lunch period. Two fifteen (15) minute break periods are allowed, provided that only one is used per half day, before and after lunch periods. Break periods are not to be used for late arrivals, extended lunch or for early dismissals, and are to be taken in a manner that is not disruptive to department work operations.

Elected officials/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.

The normal work pattern for full-time employees, except in designated departments, shall be eight (8) hours for a normal day's work, which includes one (1) hour of paid lunch time, for a normal week's work to be completed in five (5) days, Monday through Friday. An employee must complete seven (7) hours of work per day to receive their one hour paid lunch. If an employee is scheduled to work twelve (12) hours per day, they may be entitled to an additional half-hour paid lunch. Each elected official/department head will have an opportunity to establish a flexible beginning and ending time for his or her department's workday. Listed below are the work hours commonly used:

Highway Department	7:00 a.m. – 3:00 p.m.
Sheriff's Department (Administration)	8:00 a.m. – 4:00 p.m.
Community Corrections (Administration)	8:00 a.m. – 4:00 p.m.
Courthouse, Government Center	8:00 a.m. – 4:00 p.m.

Administration Center	8:00 a.m. – 4:00 p.m.
Courthouse Maintenance	7:00 a.m. – 3:00 p.m. (1 st Shift)
Courthouse Maintenance	3:30 p.m. – 11:30 p.m. (2 nd Shift)
Kinsey Youth Center (Administration)	8:00 a.m. – 4:00 p.m.
Juvenile Probation	8:00 a.m. – 4:00 p.m.
Prosecutor’s Office	8:00 a.m. – 4:00 p.m.

Kinsey Youth Center:

Normal office hours are from 8:00 a.m. to 4:00 p.m. on Monday through Friday, with one (1) hour for lunch. Supervisory personnel will be assigned different hours by the department head. Other administration personnel may work flex hours as approved by the department head. Non-exempt hourly employees are scheduled for eight (8) hour shifts and will be compensated at one and one-half (1-1/2) times their rate for hours beyond forty (40) hours worked in the scheduled work week which is Friday through Thursday, see 3.1.

3.2.1 FLEXTIME

Scheduling is available in some cases to allow employees to vary their starting and ending times each day between 6:00 a.m. and 9:00 p.m. Employees should consult their elected official/department head for the details of this program.

3.3 JOB CLASSIFICATION

All County positions, except those of elected officials, have been described and systematically grouped into job classes based on their fundamental similarities using the Factor Evaluation System (FES) as follows:

- a. (COMOT) Clerical/Office Machine Operator/Technician
- b. (POLE) Protective Officers and Law Enforcement
- c. (LTC) Labor, Trades, and Crafts
- d. (PAT) Professional/Administrative/Technological

3.4 COMPENSATION

The County’s compensation plan is based on the job classification system. The County Council adopts an annual salary ordinance establishing pay rates for all County positions during the annual budget hearings.

All employees shall be paid a salary rate or hourly wage, which covers the period beginning January 1, and ending December 31, and is paid on regular pay days throughout the year.

Probationary Employee Wages: All new hire employees, regardless of status, will serve a probationary period within their job. This period will not be less than ninety (90) calendar days. During this 90-calendar day period, the employee shall be paid at a rate of pay not to exceed 90% of the regular pay for that position. After the 90-calendar day probationary period and until the end of the first year of employment, the employee

shall be paid at a rate of pay not to exceed 95% of the regular pay. After the end of the first year of employment all employees shall be paid 100% of the salary for that position. Any salary changes made at budget time will become effective January 1st of the following year. Each Elected Official or Department Head will be responsible to monitor all rate increases, with the assistance of the Personnel Office.

Kinsey Youth Center will administer their hourly employee's salaries according to their pay schedule. Adult Probation and Juvenile Probation will pay salaries according to state statute.

Department Heads and all nurses appointed and hired during their 90-calendar day probation period shall be paid at a rate of pay not to exceed 95% of the regular pay for that position. After the 90-calendar day probationary period ends the employee shall be paid 100% of the salary for that position.

If an employee is transferred or promoted he/she will serve a new 90-calendar day probationary period. That probationary period will be for job performance only, if the employee has been employed for one full year. Benefits will not be affected and pay rate will be paid at 100% of that newly promoted or transferred position. If an employee is receiving 90% or 95% of their pay rate, they will be increased to the same percentage of the newly promoted or transferred position.

3.5 **WAGE POLICY**

Violations of the sick leave and/or vacation policy of the County shall be penalized as follows:

- a. Unauthorized time away from work shall be subtracted from existing leave time in the following order: vacation days, accrued compensatory time, personnel days and sick days.
- b. If an employee has no existing leave time as described above, unauthorized time from work shall be docked from his/her wages on an hourly basis.
- c. The penalty for employees paid at a salary rate shall be computed by the normal work days in a year divided into the gross yearly salary, then divided by eight (8) hours per day to determine the hourly rate of pay.
- d. An employee cannot be granted time off without pay, if they have remaining time accrued. Such as vacation days, personal days, sick days, or compensatory time.
- e. The wages of an elected official cannot be docked, as set by law.

3.6 **TIMEKEEPING**

Federal and state laws require the County to keep an accurate record of time worked in order to calculate employee's pay and benefits. "Time worked" is all 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, the time they begin and end each meal period, and the time they begin and end any split shift or departure from work for personal reasons. Overtime work must always be approved ***before*** it is performed.

Employees shall record the use of sick leave, personal leave, vacation leave, Family and Medical Leave or any other type of approved leave on their time records. Failure to record the leave in any status may result in the employee not being paid for the leave. In accordance with "timekeeping", the Howard County Board of Commissioners passed Ordinance No. BBC-2001-02 on January 16, 2001. Tampering, altering, and/or falsifying time records, and recording time on another employee's time record shall result in disciplinary action up to and including discharge.

Non-exempt employees should report to work no more than ten (10) minutes prior to their scheduled starting time, nor stay more than ten (10) minutes after their scheduled stop time, without prior authorization from their elected official/department head. Deviations of up to ten (10) minutes will not have an impact on overtime, compensatory time or a reduction in pay calculations. Consistent non-compliance with scheduled work hours will be considered in employee evaluations and will be subject to discipline, up to and including termination.

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

3.7 **PAYDAYS**

All employees are paid according to pay schedules adopted by the Board of Commissioners.

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

3.8 **PAY CORRECTIONS**

The 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 Payroll Bookkeeper so corrections can be made as quickly as possible.

3.9 **PAY DEDUCTIONS**

The 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, up to a specified limit call the society security "wage base". The County matches the amount of social security taxes paid by each employee.

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

Questions concerning paycheck deductions and/or methods of calculation should be directed to the Payroll Bookkeeper or the Personnel Office.

3.10 **OVERTIME**

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

Overtime compensation is paid to all non-exempt employees in the form of monetary reimbursement or compensatory time, in accordance with federal and state wage and hour restrictions. Overtime pay is based on actual hours worked. Time off on sick leave, vacation leave, personal leave, compensatory time, or any other leave of absence will be considered as hours worked for purposes of calculating overtime hours. In accordance with "overtime", the Howard County Board of Commissioners passed Ordinance No. BBC-2001-02 on January 16, 2001.

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.

Non-public safety employees eligible for overtime shall be paid straight time for additional hours worked up to forty (40) hours per week. They shall be paid at a rate of one and one-half times the hourly wage for all approved hours worked in excess of forty (40) in a normal workweek.

Public safety employees eligible for overtime shall be paid at a rate of one and one-half times the hourly wage for all approved hours worked in excess of forty (40) in a normal workweek. Public

safety employees who work additional hours in excess of their regular work schedules will be compensated at one and one-half times their hourly wage.

3.10.1 **COMPENSATORY TIME**

When compensatory time is used in place of monetary reimbursement, compensatory hours shall be awarded at a rate of one and one-half times the amount of approved hours worked in excess of forty (40) in a normal workweek. Use of compensatory time must be determined in advance of submission of the payroll.

In accordance with "overtime", the Howard County Board of Commissioners passed Ordinance No. BBC-2001-02 on January 16, 2001. This ordinance is amending this section of this handbook.

Employees who are not in public safety positions may accrue 240 compensatory time hours before monetary compensation is required. Public safety employees may accrue 480 compensatory time hours before monetary compensation is required. Elected officials/department heads may set lower accrual limits, and are encouraged to schedule use of compensatory time as soon as possible to avoid accrual beyond the stated limit that would require monetary payment. The Personnel Office will monitor all compensatory time.

The Personnel Administrator shall provide a compensatory time off agreement to advise non-exempt employees of the County's compensatory time off policy.

Department heads shall monitor employee accrual of overtime-compensatory hours, and ensure employees schedule use of compensatory time with the Elected Official/Department Head's prior approval.

This policy applies to all non-exempt employees of the County as determined by the County Council's designation of jobs for compliance with the Fair Labor Standards Act. Elected officials/department heads shall provide the Auditor's office with an accurate and current record of all accrued compensatory time simultaneously with the weekly payroll. All elected officials/department heads must provide a record of certification of their current liability for compensatory time as of the date of the adoption of this manual. All elected officials/department heads shall provide documentation showing comp hours are computed in accordance with this policy. Holiday, Vacation, Personal and paid Sick hours will be considered as hours worked for purposes of calculating overtime hours.

Exempt employees may use compensatory time at the rate of one (1) hour earned for each hour worked over forty (40) hours and may be taken with the approval of the Elected Official or Department Head. Compensatory time will be granted as long as it does not adversely effect the operation of the department. Employees may accrue a limit of 80 compensatory hours. ***No exempt employee will receive over-time payment in monetary form.*** If an exempt employee terminates employment for any reason he/she will not be compensated for any unused compensatory time.

Kinsey Youth Center:

All professional staff (exempt) is expected to spend as much time as may be necessary to fulfill the obligations of their position and to their clients. A forty (40) hour workweek is the recognized standard. Circumstances may warrant the need to work extraordinary hours to accomplish the mission of their department. Compensatory time will be granted under the following guidelines:

- a. Exempt employees may use compensatory time at the rate of one (1) hour earned for each hour worked and may be taken with the approval of the department head. Compensatory time will be granted as long as it does not adversely effect the operation of the department. ***No exempt employee will receive over-time payment in monetary form.*** It is encouraged that earned compensatory time be used within the month after it was earned unless approved by the Director.
- b. Non-exempt support staff will work overtime solely at the direction of their supervisor. When such approval is given, compensation at one and one-half (1-½) hours for each hour worked beyond forty (40) hours. Up to forty (40) hours worked, compensation will be one for one. Holiday, Vacation, Personal and paid Sick hours will not be considered as hours worked for purposes of calculating overtime hours for hourly employees.

3.11 JOB CLASSIFICATION/PAY SYSTEM MAINTENANCE

The County Commissioners and the County Council must approve any change in job classification or pay rate.

When an elected official/department head wishes to create a new position not currently classified, or reorganize jobs within a department, review seniority, or abolish a position, or if an employee wishes to have a job classification review of his/her position, review form(s) from the Personnel Office shall be completed and returned with all required supplemental information. The Personnel Administrator and members of the PAC Committee (Personnel Administration Committee) will meet to evaluate the requested action and make recommendations to the County Commissioners.

3.12 EMPLOYMENT TERMINATION

Since employment with the County is **AT-WILL** and based on mutual consent, both the employee and County have the right to terminate employment at any time, with or without cause, except as otherwise provided by law.

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

- Resignation:** voluntary employment termination initiated by an employee. Although advance notice is not required, the County requests at least two weeks written notice from the employee.
- Discharge:** involuntary employment termination initiated by the County for disciplinary reasons.
- Layoff:** involuntary employment termination initiated by the County for non-disciplinary reasons.
- Retirement:** voluntary employment termination initiated by the employee meeting County retirement criteria, such as age and length of service.

The County may schedule exit interviews 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 may be scheduled with the Personnel Administrator, if requested.

Employees will receive their final pay in accordance with applicable state law. Employee benefits will be affected by employment termination in the following manner:

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

3.13 **RETURN OF COUNTY PROPERTY**

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees on or before their last day of work must return all property. Where permitted by law, the County may withhold from the employee's paycheck the cost of any items that are not returned as required. The County may also take all action deemed appropriate to recover or protect its property.

4. EMPLOYEE BENEFITS

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

4.1 VACATION BENEFITS

Vacation leave for full-time employees shall be earned as follows:

- 1.** Employees shall not be eligible to take Vacation Leave until they have completed one year of employment. **Vacation Leave will be pro-rated for all full-time employees who have completed one year of employment. Benefit will begin 1st of the month following completion of one year employment. The following January, vacation leave will be granted on a calendar year basis.**

Anniversary Date Following 1 Year of Service Vacation Earned

January	8 days effective February 1st
February	7 days effective March 1st
March	7 days effective April 1st
April	6 days effective May 1st
May	6 days effective June 1st
June	5 days effective July 1st
July	4 days effective August 1st
August	4 days effective Sept. 1st
September	3 days effective Oct. 1st
October	2 days effective Nov. 1st
November	1 day effective Dec. 1st
December	8 days effective Jan. 1st

- 2.** Full-time employees earn Vacation Leave based on continuous employment as indicated in the schedule below. Vacation Leave will be granted January 1st of each year after completion of schedule above.

Years of Service as of October 1st of Current Year Vacation Earned

1 year but less than 3 years	8 days
3 years but less than 6 years	10 days
6 years but less than 10 years	15 days
10 years but less than 20 years	20 days
20 years and over	25 days

3. No employee will be granted Vacation Leave in advance of Vacation Leave being earned.
4. Vacation Leave is granted on a calendar year basis.
5. A full-time employee may take any portion of or all of their earned Vacation Leave any time during the year provided they comply with other provisions of these policies.
6. A full-time employee will receive their regular rate of pay for approved use of Vacation Leave.
7. Part-time, temporary, and job-share employees are not eligible for Vacation Leave.
8. A full-time employee who has not completed one year of service shall not be eligible for Vacation Leave pay if employment is terminated.
9. To take vacation leave, employees should request advance approval (as soon as possible after the first of the year) from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.
10. Vacation Leave may be taken in half or whole day increments.
11. In the event a holiday falls while an employee is on vacation, the employee will not be charged a vacation day for that holiday.
12. An employee's termination date may not be extended to include unused vacation time. The employee's termination date shall always be the last day worked.
13. Employees are encouraged to use available paid vacation time.
14. Employees may not carry unused time forward to the next calendar year.
15. It should be noted that vacation time is earned in one year and taken in the following year. You must be employed with Howard County actively on January 1st of each year to be eligible for your earned vacation time from the previous year. Upon termination or resignation, employees will only be compensated for any unused vacation time they earned on January 1st of that current year.
16. **Vacation Buy Back – 24 Hour a Day / 7 Day a Week Operations-Criminal Justice Center, Kinsey Youth Center and Howard Haven Residential Center**

Full-time Employees who are employed with the Criminal Justice Center, Kinsey Youth Center and Howard Haven Residential Center that are required to work a rotation schedule are eligible for a County buy-back of up to ten (10) vacation days per year. Full-time Employees who work a Monday through Friday schedule are not eligible for vacation buy-back. Approval for the employee to participate in the buy-back must be made by the Elected Official or Department Head. Employees may request the buy-back twice a year in the months of June and December. Vacation payment will be made at straight-time pay and included in the last pay of the months of June and December.

Kinsey Youth Center – Vacation for Professional and Support Staff

All full-time professional and support staff will receive vacation benefits as outlined above. Department heads have discretion as to granting credit for prior experience or educational accomplishments in negotiating an offer for employment where appropriate and approved by the Judge of the Circuit Court.

Part-time professional (exempt) staff will be eligible for vacation and sick time at one-half the regular schedule. This classification will also receive holiday credit if they are normally scheduled to work that day.

Full-time hourly Non-Exempt staff will receive vacation benefits as outlined above.

4.2 **HOLIDAYS**

The schedule of holidays will be determined each December by the Howard County Board of Commissioners. Although Commissioners may designate other holidays, the County typically recognizes the following holidays:

New Years Day	Labor Day
Martin Luther King	Columbus Day
Presidents' Day (Washington's Birthday)	Veterans Day
Good Friday	Thanksgiving Day
Memorial Day	Day after Thanksgiving (Lincoln's Birthday)
Independence Day	Christmas Day

Primary and General Election days will also be observed as holidays in an election year.

The County will grant paid holiday time off to all full-time employees, excluding full-time probationary employees. Calculation of holiday pay will be based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee otherwise would have worked on that day. "Straight-time", or the "base rate pay" is the employee's weekly rate of pay divided by the number of hours the employee is regularly scheduled to work each week (as designated in Section 3.2, Work Hours).

If a recognized holiday occurs during an eligible employee's paid absence (e.g., vacation, personal day), that day shall not be deducted from the employee's paid time off benefit. **However, holiday pay will not be paid to an employee who is on Sick Leave, FMLA, or Leave of Absence.**

At the discretion of the elected official/department head, an eligible employee who works on a recognized holiday may receive pay at one and one-half times his/her straight-time rate for the hours worked on the holiday provided the employee meets the requirements as designated under Section 3.10, Overtime. **If an employee works a holiday and is paid time and a half, those hours will not be included in the total hours worked for the week for purposes of additional overtime payment.**

In order to be paid for holidays described above, an employee shall have worked as a full-time employee on his/her scheduled workday immediately preceding the holiday and his/her

scheduled workday immediately following the holiday, unless excused for vacation leave, compensatory time, or personal leave. **An employee's termination date shall not be extended to include payment for any additional holiday pay. An employee's termination date shall be the last day actually worked.**

Public Safety employees who work on a County recognized holiday will be granted another day off to be used at the employee's discretion. Public Safety employees on a four (4) on and two (2) off schedule who are on one of their "off" days on a County recognized holiday will be granted another day off to be used at the employee's discretion. The Sheriff may opt to pay time and one half for any hours worked on a County recognized holiday in lieu of granting another day off to be used at a future time.

The Department Heads of the Johanning Civic Center, Howard County Haven Home and Howard County Health Department will determine if their employees who work on a County recognized holiday will be granted another day off to be used at the employee's discretion or they may opt to pay time and one half for any hours worked on a County recognized holiday in lieu of granting another day off to be used at a future time. This will also apply to any administrative office that may choose to work on a County recognized holiday.

**Criminal Justice Center and Howard Haven Residential Center -
24 Hour a Day / 7 Day a Week Operations – Part-time Hourly Employees**

Part-time Employees who are employed with the Criminal Justice Center and Howard Haven Residential Center that are required to work on a holiday shall be eligible for holiday pay. The recognized holiday schedule for part-time hourly employees will be as follows. The employee must complete their probationary period to be eligible. This classification of employees will be compensated at the rate of one and one half (1-1/2) times their hourly rate for hours worked on the following holidays. Hourly employee's who do not work on a holiday will not receive holiday pay.

New Year's Day	Fourth of July	Thanksgiving Day
Easter	Labor Day	Christmas Day
Memorial Day		

Kinsey Youth Center

The holiday schedule approved by the Howard County Board of Commissioners will be the recognized schedule for all **salaried** Court employees. The holiday schedule may be amended or supplemented at the direction of the Circuit Court Judge.

The recognized holiday schedule for **full-time** and **part-time hourly** employees will be as follows. This classification of employees will be compensated at the rate of one and one half (1-1/2) times their hourly rate for hours worked on the following holidays. Hourly employee's who do not work on a holiday will not receive holiday pay.

New Year's Day	Fourth of July	Friday Following Thanksgiving
Easter	Labor Day	Christmas Eve Day
Memorial Day	Thanksgiving Day	Christmas Day

4.3 **FAMILY AND MEDICAL LEAVE**

Effective January 16, 2009, The Family and Medical Leave Act of 1993 (FMLA) was amended. The amendments to the FMLA regulations implements new military family leave entitlements enacted under the National Defense Authorization Act for FY 2008 and update the regulations under the 15 year-old FMLA. This change shall also improve communication between employees, employers, and health care providers to make the law operate more smoothly, and provide needed clarity for both workers and employers about their responsibilities and rights under the FMLA leave.

The Family and Medical Leave Act requires the County to provide eligible employees with up to 12 weeks of unpaid leave for their own serious illness, the birth or adoption of a child, or the care of a seriously ill child, spouse or parent. The two new leave entitlements are; Military caregiver Leave (also known as Covered Servicemember Leave) and the Qualifying Exigency Leave. For an employee to be eligible for medical leave, he/she must have been employed by the County for at least one year and must have worked 1,250 hours within the previous 12-month period. Any employee who completes a period of leave must 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.

Howard County shall allow up to twelve (12) weeks unpaid leave in a twelve (12) month calendar year (January through December) for the following, except the Military Family Leave which will be allowed up to twenty-six (26) weeks of unpaid leave in a twelve (12) month calendar year (January through December).

- (A) To care for a newborn child or a child who is newly placed for adoption or foster care (the leave must be taken within 12 months from the date of birth or the date of placement);
- (B) To care for a spouse, child, or parent who has a "serious health condition"; or
- (C) Because the employee has a serious health condition that makes the employee unable to perform the functions of his/her job.
- (D) To care for a covered servicemember with a serious illness or injury incurred in the line of duty on active duty.
- (E) Requesting Qualifying Exigency Leave for families of members of the National Guard and Reserves to manage their affairs while the member is on active duty in support of a contingency operation.

The provisions of the policy shall not apply to any employee of Howard County who has been employed for less than 12 months or who has worked less than 1,250 hours during the preceding twelve (12) month period preceding the beginning of the requested FMLA leave.

Definitions: For the purposes of this policy, the following definition shall apply:

Family and Medical Leave: Any leave taken pursuant to this policy or for any of the reasons listed above, herein referred to as FMLA.

Military caregiver Leave (also known as Covered Servicemember Leave): To permit a "spouse, son, daughter, parent, or next of kin" to take up to 26 workweeks of leave to care for a "member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness."

"Any Qualifying Exigency": A circumstance arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation. The Department's final rule defines qualifying exigency by referring to a number of broad categories for which employees can use FMLA Leave: (1) Short-notice deployment; (2) Military events and related activities; (3) Childcare and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and (8) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.

Serious Health Condition: Any illness, injury, impairment or physical or mental condition that involves:

Inpatient care; or

Continuing treatment by a health care provider for a long term condition that is incurable or so serious that, if not treated, would likely result in a period of incapacity of more than three (3) calendar days; or period of incapacity relating to the same condition, that also includes: (1) treatment two or more times by or under the supervision of a health care provider (i.e., in-person visits, the first within 7 days and both within 30 days of the first day of incapacity); or one treatment by a health care provider (i.e., an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment (e.g., prescription medication, physical therapy); or (2) Any period of incapacity related to pregnancy or for prenatal care. A visit to the health care provider is not necessary for each absence; or (3) Any period of incapacity or treatment for a chronic serious health condition which continues over an extended period of time, requires periodic visits (at least twice a year) to a health care provider, and may involve occasional episodes of incapacity. A visit to a health care provider is not necessary for each absence; or (4) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or (5) Any absences to receive multiple treatments for restorative surgery or for a condition that would likely result in a period of incapacity of more than three days if not treated.

Cosmetic Treatment: Voluntary cosmetic treatments are not considered serious health conditions, unless necessitated by accident or injury and inpatient care is required.

Parent: The biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a child.

Child: A biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under eighteen years of age or who is older than eighteen years of age and incapable of self-care because of a physical or mental disability.

In Loco Parentis: An individual who has day-to-day responsibility to care for and financially support a child.

An employee who seeks to obtain leave pursuant to this policy is required to give his/her supervisor written notice at least thirty (30) calendar days in advance of the leave, if possible, unless the need for leave cannot be anticipated, in which case notification must be given as soon as practicable.

All leave taken by an employee under this policy shall be unpaid leave unless specifically provided in this section. If an employee has any accrued sick leave or compensatory time, the employee may be paid for that time as a part of the employee's FMLA leave; provided, however, such payment for accrued sick leave shall not apply to Howard County merit officers (reference Section 1.2). The employee may also elect to be paid all or part of the accrued vacation time or all or part of accrued personal time as part of the employee's FMLA leave.

An employee may take Family and Medical Leave on an intermittent basis or by reducing the number of hours worked if medically necessary and if the leave is taken in order to care for a sick family member as defined above or for the employee's own serious health condition. Only upon the employer's written approval may an employee take leave intermittently. Intermittent leave must be taken in increments of one hour. An employee who requests intermittent leave may be temporarily transferred to another position, which would better accommodate his or her absence, if the new position has comparable pay and benefits.

The County shall have the right to request in writing a medical certification from a health care provider describing the necessity for the leave, whether it be a continuous or intermittent leave, when an employee is on Family or Medical Leave due to his/her own serious health condition or the serious health condition of a parent, child or spouse. The medical certification shall be provided within 15 calendar days, unless it is not practicable to do so under the circumstances. The County may seek an additional medical certification to substantiate the medical certification at the County's expense. If the employee's original certification and the County's certification are in conflict, the two health care providers who made the certification shall select a third health care provider to provide a third certification at the County's expense. The opinion of the third health care provider shall be conclusive. An employer may use a health care provider, a human resource professional, a leave administrator, or a management official- but not the employee's direct supervisor – to authenticate or clarify a medical certification of a serious health condition.

When an employee is on leave as provided for in this policy, all insurance coverage shall be maintained as if the employee were actively employed. The employee would still be

responsible for his/her portion of the health premiums. The Personnel Administrator will notify the employee of their premiums due in writing after they return to work. Insurance coverage provided as required herein during the course of a leave is not to be counted as COBRA coverage. If the employee does not return to work for the County or returns for less than thirty (30) days, all benefit premiums paid by the employer are eligible to be recovered by the employee as described in and allowed by the Federal Act as amended from time to time.

An employee granted leave pursuant to this policy, upon return, shall be restored to the job he/she held when he/she left, or an equivalent position with equivalent pay, benefits, and terms of employment. All benefits shall accrue during the leave. Upon reinstatement, an employee who has allowed his/her insurance coverage to lapse will be entitled to re-enroll. Certain key employees (as defined by the Family and Medical Leave Act) may be denied reinstatement if necessary to prevent substantial and grievous economic injury to the County. The employee must be notified of the County's election to designate an employee as a "key employee" at the time the leave is requested or prior to the commencement of the leave (whichever is earlier). The County shall notify the employee of their designation in writing.

During a leave of absence, the employee must not secure employment elsewhere.

An employee will be required to provide a fitness for duty report prior to returning to work if the leave was due to his/her own serious health condition. The final rule makes two changes to the fitness-for-duty certification process. First, an employer may require that the certification specifically address the employee's ability to perform the essential functions of the employee's job. Second, where reasonable job safety concerns exist, an employer may require a fitness-for-duty certification before an employee may return to work when the employee takes intermittent leave.

If an employee receives and/or continues leave under the Family Leave Act through misrepresentation or false statements, his/her leave will automatically be rescinded and the appropriate discipline up to and including termination may occur.

In situations where the husband and wife both work for the County and the Family Leave Act is requested and approved under Section 2 (a), their combined total leave is limited to twelve (12) weeks.

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

4.3.1 New Indiana Breastfeeding Law

Effective July 1, 2008, Indiana law goes into effect which protects employees who participate in breastfeeding in the workplace. This law applies to businesses with 25 or more employees, as well as the state and political subdivisions of the state. As written, the law requires employers to provide a private location, other than a toilet stall, where an employee can pump their breast milk in privacy during any period away from the employee's assigned duties.

Further, and to the extent reasonably possible, the employer must either provide a refrigerator (or other cold storage space) for keeping milk that has been pumped; or allow the employee to provide their own portable cold storage device for keeping milk that has been pumped until the end of the employee's work day. An employer will not be liable for any harm arising from either the pumping of the employee's breast milk or the storage of this milk except in cases of willful misconduct, gross negligence, or bad faith.

Employees who are interested may contact their Elected Official, Department Head or the Personnel Office for assistance.

4.4 SICK LEAVE BENEFITS

Howard County provides paid sick leave benefits to all eligible employees for periods of temporary absence due to the employee's own illness or disability, medical appointments that must be arranged during working hours, illness or disability of a full-time employee's immediate family member or to supplement Worker's Compensation to approximate employee's normal pay. All full-time employees shall be allowed twelve (12) days sick leave each calendar year. An employee must have been employed twelve (12) months before entitlement begins and given one day per month beginning the first of the month following date of hire and completion of one year.

Immediate family member means (one who lives in the household): An individual for whom the employee is responsible for custodial care, parent, spouse or minor child.

1. Part-time, temporary, and job-share employees are not eligible to accrue Sick Leave.
2. An employee is limited to an accumulation of a maximum of thirty (30) days unused sick leave.
3. No employee will be granted Sick Leave in advance of Sick Leave being earned.
4. An employee will receive his/her regular rate of pay for approved use of Sick Leave.
5. Sick Leave may not be used to supplement or add to Vacation Leave; however, Vacation Leave may be used to supplement Sick Leave.
6. Sick Leave may be taken in half-hour increments.
7. A full-time employee who leaves the employment of the County will not be compensated for unused Sick Leave.

8. Employees who are unable to report to work due to illness or injury should notify their elected official/department head before the scheduled start of their workday, if possible. The elected official/department head must also be contacted on each additional day of absence.
9. If an employee is absent for three or more consecutive days due to illness or injury, the County may require a physician's statement verifying the disability and its beginning and expected ending dates. Such verification may be requested for other sick leave absences and may be required as a condition of paying sick leave benefits.
10. Following a sick leave absence of 30 calendar days or more, an employee may be asked to provide a physician's verification that he/she may safely return to work.
11. Howard County employees shall not be allowed to give their earned sick days, vacation days, or compensatory time to another Howard County employee.
12. Sick Leave benefits will be calculated based on the employee's base pay rate.
13. Sick Leave benefits are intended solely to provide income protection in the event of an illness or injury, and may not be used for any other absence.
14. Employees will not be paid for unused sick leave benefits while they are employed.
15. Holiday pay will not be paid to an employee who is on Sick Leave, FMLA, or Leave of Absence.(See Section 4.2)

4.4a **Kinsey Youth Center/Juvenile Probation:**

Full-time professional and support staff is eligible for twelve (12) workdays of sick leave each year. An employee must have been employed twelve (12) months before entitlement begins and given one day per month beginning the first of each month following date of hire and completion of one year and may accumulate up to twenty-five (25) days.

Part-time professional staff (excluding ORR Officers) is eligible at the rate of one-half the regular rate. Unused sick leave may be carried over each year until a maximum of twenty-five (25) workdays has accumulated. After the maximum twenty-five (25) days have been "banked", the employee will earn a day each month that may be taken as a personal day if not used as a sick day. **Hourly staff** must have been employed twelve (12) months before entitlement begins and given one day per month beginning the first of the month following date of hire and completion of one year and may accumulate up to twenty-five (25) days.

Sick leave days can be used for the illness of the employee or for the illness of an immediate family member (spouse or children) or a relative in the home who needs the care and supervision of the employee during the course of their illness or rehabilitation. Documentation from a physician may be requested.

For all other instances the provisions of the Family and Medical Leave Act will apply.

4.5 **PERSONAL HOURS** (Excluding the Kinsey Youth Center and Juvenile Probation)

Each employee will be allowed thirty-two (32) personal hours per calendar year, with the hours to be used at the employee's discretion.

Probationary employees will be granted personal hours following their 90-day probationary period on a pro-rated basis in their current year of hire. They will be granted thirty-two (32) personal hours per calendar year the following January. See schedule below:

<u>Hired the following months:</u>	<u>Hours earned</u>
January or February	32 Hours
March or April	24 Hours
May or June	16 Hours
July, August or September	8 Hours

Employees hired in October, November or December of the current year will receive thirty-two (32) personal hours upon completion of their 90-day probationary period to take the following year.

Unless an emergency exists, the department head must be notified one (1) day in advance of the time requested to be off.

Personal Hours must be taken within the calendar year and shall not be carried over to the next calendar year. **Personal Leave is granted in hourly increments.**

Personal hours will not be paid in-lieu of taking the time off. An employee who leaves the employment of the County will not be compensated for unused Personal Hours.

An eligible employee will receive his/her regular rate of pay for approved use of Personal Hours.

4.6 **MILITARY LEAVE**

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

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

Employees on two-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time. Employees on longer military leave must

notify the employer of the intent to return to employment in accordance with all applicable state and federal laws.

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 year after release from hospitalization due to military accident. The employee must also be qualified to perform the normal duties of the occupation for which he/she is being considered.

4.6a MILITARY FAMILY LEAVE ACT

Effective July 1, 2007, Indiana requires employers with 50 or more employees to provide leave for employees with family members ordered to active duty in the military. The Military Family Leave Act requires that employers provide employees who are the spouse, parent, grandparent, or sibling of an individual ordered to active military duty with leave from work for ten working days each year.

To qualify for the leave, the employee must have worked for the employer for at least 12 months and for at least 1,500 hours during the 12-month period immediately preceding the first day of the scheduled family military leave.

The Act defines "parent" as biological or adoptive father or mother, or a court appointed guardian or custodian. "Sibling" is defined as full-, half-, and adopted siblings. "Grandparent" is defined as a biological grandparent.

Employees are permitted to take the leave (1) during the thirty days before the family member's active duty orders take effect; (2) during the family member's leave from duty while active duty orders remain in effect; and (3) during the thirty days following the termination of active duty orders.

The Act defines active duty as service in the United States armed forces, the Indiana Army National Guard, or the Indiana Air National Guard that exceeds 89 calendar days.

Under the Act, an employee who would like to take advantage of family military leave must provide written notice to his or her employer of the date the employee would like to begin taking the family military leave. The employee must give at least 30 days notice prior to the date on which the leave will begin, unless the family member receives active duty orders less than thirty days before the date on which the requested leave is to begin. The employer may request a copy of the family member's active duty orders and the employee must submit those papers, if they are available. If the employee fails to provide the employer with any verification of the employee's eligibility for the leave, the employer may count the employee's absence as unexcused.

Where the employee qualifies for and receives leave under the Act, the employer, Howard County will require that the employee substitute any earned paid vacation days, personal days, or compensatory time. You may not use accrued sick or medical leave for any part of the 10 days of leave permitted under the Act.

The Act requires employers to allow employees to continue to receive health care benefits. The employee shall be required to pay for this expense. If any premiums are due, the employee will be notified in writing. An employee who takes family military leave pursuant to the Act must be restored to the position the employee held prior to taking the leave or a position equivalent to the position the employee held prior to taking the leave. The Act states that an "equivalent position" means one that has equivalent seniority, pay, benefits, and other terms and conditions of employment. The Act provides an exception to this requirement where the employer can demonstrate that its reason for not restoring the employee to his or her position was wholly unrelated to the employee's exercise of leave under the Act.

The Act prohibits employers from taking any action that would interfere with, restrain, or deny the exercise or attempt to exercise the rights provided under the Act. The Act allows employees to sue their employers for any violation of this Act.

4.7 **BEREAVEMENT LEAVE**

Eligible employees are entitled to paid bereavement leave. An employee wishing to take time off for the death of a family member should notify his/her elected official/department head immediately.

Five (5) days with pay will be allowed for the death of a spouse, child, step-child and parent. Three (3) days with pay will be allowed for the death of a brother, step-brother, sister, step-sister, mother-in-law, father-in-law, step-father, step-mother, step-grandchildren, grandchildren, sister-in-law, brother-in-law and grandparents (this includes an employee's spouse's grandparents).

Employees will be paid only for days lost from their regular schedule and bereavement days must be used consecutively.

4.8 **PERSONAL LEAVE**

A personal leave of absence without pay may be granted for various reasons, such as continuing education, newborn infant, child or family care. Any full-time employee after one (1) year of employment with the County is eligible. If granted, such personal leaves may be granted for a period of up to six (6) months; but may in special circumstances, and with approval of the department head and Board of Commissioners, be granted an additional leave up to six (6) months. The personal leave must be requested in writing by the employee by completing an Application for Leave of Absence, and must receive prior approval of the department head or elected official if the leave is to exceed (30) days.

Group insurance benefits will continue while an employee is on personal leave; however, the employee may be required to pay the full premium amounts (both the employee's and employer's portion) for a period not to exceed the length of approved leave time. During the personal leave period an employee's benefits, other than insurance, shall not accrue or be used.

Upon return from personal leave, the returning employee may be reinstated in his/her former position or to a comparable one. The returning employee must provide written notice to his/her department head and a copy submitted to the Board of Commissioners and Personnel Administrator of his/her intent to return to work. This notice must be received at least ten (10) working days prior to the leave expiration date. If an employee fails to provide such notice of his/her intent to return to work, the County will consider the employee to have resigned from employment with the County.

4.9 **JURY DUTY**

The County encourages employees to fulfill their civic responsibilities by serving jury duty when summoned. Full-time employees (excluding full-time probationary employees) shall be paid their regular pay while on jury duty effective following their 90-day probationary period, and shall not receive jury duty pay. For jury duty outside Howard County, employees must return to Howard County any jury duty payment, excluding mileage/meal reimbursement.

Employees must show the jury duty summons to their elected official/department head as soon as possible so the elected official/department head may make arrangements to accommodate the employee's absence. The employee is expected to report to work whenever the court schedule permits. Either the County or the employee may request an excuse from jury duty if, in the employer's judgment, the employee's absence would create serious operational difficulties.

4.10 **WORKER'S COMPENSATION**

The County provides a comprehensive worker's compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, worker's compensation insurance provides benefits after a short waiting period.

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

All applicable forms are available with your department head. Employees should contact the Personnel Administrator or their department head to obtain information regarding this benefit.

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.

4.11 **BENEFIT CONTINUATION (COBRA)**

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

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

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

4.12 **PUBLIC EMPLOYEE'S RETIREMENT FUND (PERF)**

All full-time and professional contract County employees, except Deputy Sheriffs who are covered under the Sheriff Retirement Program, are covered by PERF, as set forth in Howard County Council Ordinance 1999-HCC-39 and 1999-HCC-45, a retirement program established and maintained by the State of Indiana. PERF pays benefits to covered workers or their dependents upon retirement, death, and in certain cases, serious illness or injury. The County contributes a percentage to the pension account. The amount the County contributes varies and is determined actuarially annually. The employee's contributions and accumulated interest credits are refundable when an employee terminates employment prior to being eligible for benefits. PERF's Employer Financed Pension requires ten (10) years of service to become vested, and is paid by the County based on an employee's length of employment, average salary, retirement option selected and age at retirement. Questions concerning the program should be directed to: Public Employees' Retirement Fund of Indiana, Harrison Building, Suite 800, 143 West Market Street, Indianapolis, IN 46204-2899; phone (888) 526-1687.

4.13 **DEFERRED COMPENSATION**

Deferred compensation is a voluntary IRS Section 457 plan which offers all County employees an effective way to reduce current taxes and to supplement other retirement benefits. Available through payroll deduction, the plan permits participants to save a certain percentage of their gross earnings and to choose among a wide range of competitive investment options. Employees interested in participating should contact the Personnel office.

4.14 **EMPLOYEE INSURANCE**

The County provides a medical insurance program for full-time employees, part-time professional employees and contract professionals. The employee pays a weekly portion of the cost as set by the Board of County Commissioners. Each employee shall receive an insurance handbook describing all benefits. All eligible employees must work their full-time schedule in order to maintain the percentage of premiums paid by the county. If an employee takes unpaid leave time, not including the Family and Medical Leave Act, he/she will be required to pay 100% of all premiums for healthcare. You may contact the personnel Office for more information.

Group insurance benefits will continue while an employee is on disability leave; however, when in a non-pay status, employees will be responsible for the timely payment of those insurance premiums that are normally deducted from gross pay.

The waiting period to become eligible for medical insurance is the first of the month following ninety (90) days of employment. Specific details regarding eligibility and coverage are available in the Personnel office.

4.15 **RE-EMPLOYMENT**

Former employees who left County employment in good standing may be considered for re-employment. Former employees who resigned without adequate notice or who were dismissed for cause will not be considered for re-employment. A previously terminated employee who is re-employed will be considered a new employee from the date of re-employment.

4.16 **HEALTH INSURANCE FOR RETIRED EMPLOYEES**

Under applicable Indiana Law (Indiana Code 5-10-8-1 et seq.) the County must provide its group health insurance program to retired employees (and in some cases to their surviving spouse and dependents and to disabled employees), but the County is not required to pay any part of the premium. The health care coverage is effective up to age 65 or Medicare eligibility.

The County recognizes that active merit officers of the Howard County Sheriff's Department perform unique and hazardous service to Howard County distinguishable from the service performed by other Howard County employees.

Definitions:

"Merit Officer" means a full-time deputy sheriff employed by, and subject to, the Howard County Sheriff's Merit Board and receiving compensation for those duties.

"Retired Merit Officer" means any merit officer who has been placed on retirement status by official action of the Merit Board, including those who elect early retirement and immediate benefits from the Sheriff's Pension Fund.

"Disabled Merit Officer" means any merit officer who has been placed on disability status by official action of the Merit Board.

"Retirement Date" and **"Disability Date"** means the date designated as such by the Merit Board.

4.16.1 **Statutory Benefits**

Howard County shall provide to all eligible, retired Howard County employees (and, where applicable, to the employee's eligible surviving spouse and dependents) the group health insurance program it maintains from time to time for its active employees, all in accordance with and subject to the terms and conditions of IC 5-10-8-1 through 5-10-8-4. The Howard County Board of Commissioners passed Ordinance No. BBC- 2001-62, amending Ordinance No. 1994-5 on December 3, 2001.

4.16.2 **Premium**

Except as provided in Definitions above, Howard County shall not pay any part of the premium for the coverage provided in Section 4.16.1 above.

4.16.3 **Procedures**

The eligible retired employee desiring coverage under Section 4.16.1 above must file a written request for such insurance coverage with the Personnel Administrator within ninety (90) days after his/her retirement date and shall follow the written procedures prescribed by the Howard County Auditor for collection and payment of the premium.

4.16.4 **Partial Premium Payment**

If a retired or disabled merit officer has elected to continue coverage under the Howard County insurance plan upon his/her retirement or disability, Howard County shall pay the sum of \$150.00 per month toward the premium for such coverage he/she selects. Such partial premium payment may be increased or decreased from time to time by the Board of Commissioners, depending upon the funds available and the appropriations made by the Howard County Council. Such partial premium payment shall terminate upon the death of the retired or disabled merit officer and the County shall not pay any part of the premium for health insurance coverage which may be continued by the deceased merit employee's spouse or dependents. The health care coverage is effective up to age 65 or Medicare eligibility.

4.16.5 **Procedures**

The retired or disabled merit officer must file a written request for insurance coverage with the Howard County Personnel Administrator within ninety (90) days after his/her retirement date or disability date. The Howard County Personnel Administrator shall prescribe in writing procedures for the payment by the retired or disabled merit officer of the additional premium due. A retired or disabled merit officer shall have the same rights as extended to an active employee to elect or change coverage, due to a qualifying event or healthcare "Open Enrollment".

5. WORKING CONDITIONS

5.1 SAFETY

Establishment and maintenance of a safe work environment is the shared responsibility of the County and all employees. The County will take all reasonable steps to ensure a safe environment for employees, customers, and visitors and to ensure compliance with federal, state, and local safety regulations.

Employees shall obey safety rules and exercise caution in all work activities, and shall immediately report any unsafe conditions to the elected official/department head. Reports and concerns about workplace safety issues may be made without fear of reprisal. All employees are expected to correct unsafe conditions as promptly as possible. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

All accidents that result in injury must be reported to the elected official/department head, regardless of how insignificant the injury may appear. The elected official/department head must report such accidents to the Personnel Office. Such reports are necessary to comply with laws and to initiate insurance and worker's compensation procedures.

5.2 EMERGENCY CLOSING

Periodic emergencies, such as severe weather or power failures, can disrupt County operations, sometimes requiring closing of a work facility. 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 President of the Commissioners will make the decision to suspend County Government operations with the exception of those essential service departments. The Elected Official/Department Head of those employees working in essential service departments will determine the work schedule of their employees during the period of time the declared suspension is in effect. Essential Service Departments shall include: The Sheriff's Office, Criminal Justice Center, Kinsey Youth Center, Highway, County Home and Building Maintenance.

When operations are officially closed for emergency conditions, the time off from scheduled work will be paid. The closing of work facilities does not normally apply to employees in essential public safety operations. In these circumstances, employees who

work will receive regular pay. If an employee is unable to make it to work for their scheduled workday while County Government operations are not officially closed, the employee must use a vacation day, compensatory time, or a personal day if they choose to be paid for the day of work missed.

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

Personal telephone calls should be limited in frequency and duration. Employees should use discretion in using County telephones when making local personal calls. Personal use of telephones for long-distance and toll calls is not permitted, except for emergencies. Employees shall reimburse the County for all long-distance/toll calls.

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

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

A fax machine is reserved for business purposes only. Employees should refrain from sending or receiving personal mail at the workplace.

5.4 **USE OF COUNTY COMPUTERS, INTERNET, AND E-MAIL**

In accordance with "The use of Howard County Internet Policy", The Howard County Commissioners approved "**Resolution No. 2004-BCC-18 on August 16, 2004.**" Howard County provides Internet and e-mail access to its employees in an attempt to improve business communication and productivity as well as give employees' access to the vast amount of business-related information contained on the Internet. These services are intended to be used primarily for business purposes. Every employee has a responsibility to maintain and enhance the County's public image and to use the County e-mail system and Internet access in a productive manner. To ensure that all employees act in a professional and responsible manner, the County has established the following guidelines for using e-mail and the Internet. As used herein, the term "employee" shall include all full-time and part-time employees of Howard County as well as all Howard County elected officials.

Unacceptable Uses of the Internet and County E-mail:

The County's e-mail system and Internet access may not be used for any non-business related purpose without prior authorization; provided, however, they may be used for limited personal business (e.g., sending or receiving family e-mail messages or checking weather, news or financial web sites) not otherwise prohibited by this policy during non-working hours (e.g., before/after work, breaks and lunchtime. In no event will an employee be allowed to transmit, retrieve or store any information which may violate applicable copyright laws or which may be considered defamatory, discriminatory or

harassing in nature. Accordingly, employees are strictly prohibited from using the County's e-mail system or Internet access for any of the following purposes:

1. Viewing, transmitting, retrieving or storing material that may in any way be considered obscene, pornographic or sexually explicit; provided that this shall not prohibit Kinsey Center employees from viewing or transmitting such material in the course of treatment pursuant to established Kinsey Center policy.
2. Transmitting any messages containing derogatory, harassing or inflammatory remarks about an individual or group's race, color, religion, national origin, age, disability, or other characteristic or attribute not related to their job performance.
3. Transmitting any abusive, profane or offensive language.
4. Transmitting any information which the employee knows or has reason to believe may be false, misleading or libelous.
5. Sending or posting any chain letters, jokes, solicitations, or advertisements not directly related to some business purpose or activity.
6. Using the County's e-mail system or Internet access for any political or religious causes or activities; provided that shall not prohibit the employees of Voters Registration from performing their official duties.
7. Using the County's e-mail system or Internet access for personal gain, including the solicitation of, or engagement in, any non-company business.
8. Using the County's e-mail system or Internet access for any other purpose which is illegal, may damage the County's reputation or is otherwise contrary to the County's best interest.

Further, employees are prohibited from transmitting or posting any confidential material, financial information, trade secret or other proprietary information outside the organization without the prior authorization of their supervisor.

Communications:

Each employee is responsible for the content of all data, text, audio or images that they place on, forward, or send over the Internet or the County's e-mail system. Employees are prohibited from sending any e-mail or other electronic communication that attempts to hide his or her identity or misrepresent the sender as someone else. All information transmitted on the County's e-mail system or Internet access must contain the employee's name and other identifying information. Further, any information sent by an employee to an individual or entity outside of the County via an electronic network (e.g., bulletin board, online service or Internet access) must be viewed as a statement that may reflect on the County and its integrity. Personal "disclaimers" in electronic messages are insufficient.

Exclusive Property:

All equipment, services and technologies provided to employees as part of Howard County's computer system constitute the exclusive property of Howard County. Similarly, all information composed, transmitted, received or stored via the County's computer system is also considered the property of Howard County. As such, all such information is subject to disclosure to management, law enforcement and other third parties, with or without notice to the employee. Accordingly, employees must ensure that all information communicated via the County's computer system is accurate, appropriate, ethical and serves a legitimate business purpose.

Software:

To prevent computer viruses from being transmitted through the County's computer system and possible copyright violations, employees are prohibited from installing or downloading any software without the prior authorization from the County's Director of Information Systems. All software installed or downloaded must be registered to the County.

Copyright Issues:

Copyrighted materials belonging to entities other than this County, including software, publications, articles, graphics or other proprietary information, may not be transmitted by employees on the County's e-mail system or via the County's Internet access. All employees obtaining access to any material prepared or created by another company or individual must respect any attached copyrights and may not copy, retrieve, modify or forward such copyrighted materials, except with written permission of the lawful owner. Employees are responsible for verifying that the person sending any information via the County's e-mail system or Internet access is the lawful owner or has obtained the necessary license.

Email Monitoring:

Howard County routinely monitors employee usage patterns for its e-mail and Internet communications. The reasons for such monitoring include cost analysis/allocation, management of the County's gateway to the Internet and compliance with the County's policy regarding the use of its e-mail system and Internet access. All information created, sent, or retrieved over the County's e-mail system or via the Internet is the property of the County and should be considered public information. The County specifically reserves the right to access and monitor all messages and files on the County's computer system, including the restoration of files that have been previously "deleted." Employees should not assume any electronic communication is totally private and, accordingly, should transmit highly confidential data in other ways. The County reserves the right to block objectionable internet sites.

Violations:

Any employee (excepting elected officials) who abuses the privilege of using the County's e-mail system or Internet access is subject to discipline, up to and including termination. Employees may also be held personally liable for any violation of this policy or misuse of the County's

computer system. If necessary, the County also reserves the right to advise appropriate legal officials of any illegal violations.

5.5 USE OF EQUIPMENT AND VEHICLES

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

Employees should promptly notify the elected official/department head of any equipment, machines, tools, or vehicles that appear to be damaged, defective, or in need of repair. Prompt reporting could prevent deterioration of equipment and possible injury to employees or others. The elected official/department head 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.

Vehicles owned, leased or rented by the County may not be used for personal use without prior approval and shall not be driven out of Howard County, unless they are being used for official County business, and/or the special exceptions requiring authorization by the appropriate County authority.

Improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, may result in disciplinary action, including discharge.

5.6 SMOKING

In keeping with the County's intent to provide a safe and healthful work environment, the use of any tobacco products in County buildings is prohibited except where noted in **Howard County Ordinances 1987-BCC-19 and 1993-BCC-13 (and any amendments thereafter)**. This policy applies equally to all Elected Officials/Department Heads, employees and visitors. No smoking signs are posted in County facilities except where designated.

5.7 PERSONAL USE OF COUNTY PROPERTY AND FACILITIES

In order to minimize unnecessary expenses and prevent the loss of valuable work time, personal use of County equipment and facilities, including hallway bulletin boards, is prohibited to all employees.

5.8 **APPEARANCE OF WORK AREAS**

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

5.9 **RECYCLING**

The County supports environmental awareness by encouraging recycling and waste management in its operating procedures. This support includes a commitment to purchase, use and dispose of products and materials in a manner that will best preserve natural resources and minimize any negative impact on the environment.

Special recycling receptacles have been set in various areas throughout County facilities for separating and collecting computer paper, aluminum and glass.

The simple act of placing a piece of paper, can or bottle in a recycling container is the first step in reducing demand on the earth's limited resources. Success of this program depends on commitment and active participation by all employees.

The County encourages source reduction and, when possible, eliminating the use of disposable products. Source reduction decreases consumption of valuable resources through such practices as:

- two-side photocopying
- using minimum packaging
- turning off lights when not in use
- reusing paper clips, folders, binders and packaging material
- routing reports among employees, rather than copying for each employee
- posting memos for all employees, rather than copying for each employee
- using computerized business forms
- eliminating fax covers sheets

Whenever possible, County employees are encouraged to purchase products for the workplace that contain recycled or easily recyclable materials. Buying recycled products supports recycling and increases markets for recyclable materials.

5.10 **BUSINESS TRAVEL**

The County will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location, as set forth in **Howard County Resolution 1998-CC-21**. All employees must obtain advance authorization from the elected official/department head before planning or embarking on business travel.

Employees whose travel plans have been approved are responsible for making their own travel arrangements. Whenever practicable, travel will be accomplished in a County vehicle or via common carrier. If a personal vehicle must be used for authorized travel, the employee shall be reimbursed at prevailing rates authorized by the County Council.

The elected official/department head is responsible for authorizing all employee business travel and reimbursement of travel expenses, including overnight lodging, per day meal allowance, mileage reimbursement, and related expenses. Approved expenses will be reimbursed by the County, as set by the State Board of Accounts. Such rates shall be regularly communicated to County elected officials.

Employees who are involved in an accident while traveling on business must promptly report the incident to their elected official/department head.

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

Employees must submit completed travel expense reports and receipts for all individual expenses within thirty (30) days after travel for reimbursement.

Employees should contact their elected official/department head for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues.

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

Travel expenses will not be reimbursed when incurred on an unapproved trip.

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

5.11 **INTERNAL EMERGENCY PLANS**

The County provides employees with a copy of an internal emergency/disaster plan that outlines procedures for an emergency or disaster, such as a fire, tornado, or bomb threat. Employees are required to become familiar with and follow these emergency procedures to reduce the threat of injury to the public or county employees.

5.12 **POLITICAL ACTIVITY**

County employees are not required to participate, financially or otherwise, in any political campaign or party activity. This policy includes any threats or coercion by elected officials/department heads or political party officials.

County facilities shall not be used to display campaign signs or literature. County owned equipment shall not be used to generate, copy or reproduce campaign materials. County vehicles shall not be used to distribute campaign materials. County telephones or fax machines shall not be used for campaign purposes.

5.13 **POLITICAL POSITIONS**

Chief Deputy positions within the County structure are subject to dismissal without recourse at the discretion of the elected office holders. Chief Deputy is considered a confidential employee responsible for duties of the Elected Official in their absence.

Political appointive positions of the Board of Commissioners shall include Professional Contract Employees, County Attorney/Coordinator, Assistant Attorney, County Executive Assistant, Building Superintendent, County Highway Superintendent, County Engineer, County Home Superintendent, Veterans Service Officer, and other positions determined by statute.

6. PERSONAL CONDUCT

6.1 EMPLOYEE CONDUCT AND WORK RULES

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

6.2 ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, the County expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the County. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, he/she should notify the elected official/department head as soon as possible in advance of the anticipated tardiness or absence. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, including termination of employment.

6.3 PERSONAL APPEARANCE

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image presented to visitors. During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.

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

6.4 COMMISSION OF A FELONY OR UNLAWFUL ACT

A prospective employee's conviction of a felony is a factor that will be considered adversely in the employment decision, although it will not be an automatic disqualification. The failure of an employee to list such a conviction upon his or her employee application will subject that employee to immediate dismissal.

Any employee found guilty of a felony on or after the date of the employment application may be subject to immediate dismissal. An employee charged with a

felony or found participating in felonious activity, either during work hours or while off duty, may be subject to a leave of absence from work until a court of law establishes innocence or guilt.

Any employee found guilty of a misdemeanor on or after the date of the employment application may be subject to suspension or discharge, including not being legally qualified to operate assigned vehicles or equipment. Misdemeanors that involve County vehicles/property, or in which the related behavior reflects poorly on the employee and/or the County, will be treated similarly.

6.5 **GIFTS OR GRATUITIES**

Employees are encouraged to maintain good relations with suppliers and others with whom the County conducts business. However, the practice of accepting gifts and/or gratuities may be contrary to the public interest. Employees shall not accept unreasonable gifts or gratuities from firms, organizations, agents or other individuals who furnish or propose to furnish materials, goods or services to the County.

6.6 **BUSINESS ETHICS/CONFLICT OF INTEREST**

The County recognizes and respects the rights of individual employees to engage in activities outside the organization that do not in any way conflict with, or reflect poorly on the County. A County 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 Class D felony, unless a financial disclosure form is approved in advance and filed as required by Indiana Code 35-44-1-3.

The County also recognizes its right and obligation to determine when an employee's activities present a conflict of interest with the County and to take whatever action is necessary to resolve the situation, including, but not limited to, terminating employment. This policy applies to all employees, as well as to former employees, where applicable.

Employees having a substantial financial interest in a company/corporation that might benefit from conducting business with the County must file a conflict of interest statement with the County Clerk and County Auditor. If deemed by an authoritative official to be in the best interest of the County, those employees shall either divest themselves of such interest or be discharged from County employment.

6.7 **DEADLY WEAPONS FORBIDDEN**

“Deadly weapon” has the definition provided by Section 35-41-1-8 of the Indiana Code. No employee shall possess a deadly weapon in any Howard County Government building and/or upon the property immediately surrounding such buildings without having received written permission from the Howard County Sheriff.

Any employee who enters any Howard County Government building or the parcels of property contiguous thereto, consents to a search of their person, possessions or files, by metal detector or other reasonable means. An employee waives any and all claims that they may have to be free from search and/or seizure for a deadly weapon by entering or attempting to enter upon the real estate of the Howard County Government.

Any employee, in lieu of subjecting themselves to a search by the Howard County Sheriff or representative of the Sheriff, or any metal detection device, may immediately leave the premises of the Howard County Government.

The Howard County Sheriff, or any of his deputies, shall establish reasonable procedures to carry out the terms and conditions of this policy.

The Howard County Sheriff, and/or any law enforcement officers, may detain any person they have reason to believe possesses a deadly weapon in violation of this policy, for a sufficient amount of time to obtain the proper name, address, date of birth, social security number and/or to seize such deadly weapon.

This policy shall not apply to any full-time law enforcement officers employed by a unit of government while on active duty, judicial officers, County elected officials and any other persons who have received written permission from the Howard County Sheriff, or his designee, to possess a weapon on the property of the Howard County Government.

In addition to the penalties provided by ordinance, any employee who violates this policy may be subject to disciplinary action, up to and including termination.

6.8 **SECURITY OF PREMISES**

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

However, effective on July 1, 2010 Ind. Code 34-28-7 allows employees who may lawfully possess a firearm to bring firearms and ammunition onto County property as long as the firearm and ammunition are locked in a glove box or trunk or stored out of plain sight in the employee’s personal locked vehicle.

Except for law enforcement officers, firearms and ammunition are prohibited in County-owned vehicles that are driven by County employees or in such County vehicles that an employee is a passenger.

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

6.9 **COMPUTER SOFTWARE LICENSING POLICY**

It is the County's policy that software licensed by the County should not be duplicated or used in any manner inconsistent with the County's rights and the vendor's right as specified in the licensing agreement.

No licensed software may be installed on a Howard County computer that has not been validated by the County, and/or it not properly licensed to the County or end-user.

The County purchases or licenses computer software from a variety of outside computer companies. The County does not own the copyright to this software, and unless authorized by the software developer or software license, does not have the right to reproduce it or install it on more than one (1) computer.

With regard to the use of software on local area networks (LAN's) where the license allows use on multiple computers, the County shall deploy the software, and the County's employees will use the software only in accordance with the license agreement.

Non-licensed software, such as freeware or public domain software, may be installed on a County computer only if validated by the Information Services Department.

County employees who make, acquire or use unauthorized copies of computer software are violating federal copyright law and are subject to disciplinary action, up to and including termination.

6.10 **CONFIDENTIALITY**

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

6.11 **SOLICITATION AND DISTRIBUTION**

This policy is designed to protect the interests of the citizens of Howard County by ensuring that only official County business is transacted in work areas during employees' work time. This section shall include the promotion of religious beliefs or religious materials by employees or non-employees during work hours in the workplace.

There shall be no solicitation or distribution by employees or non-employees during work time in the workplace. This section does not apply to vendors and/or charity organizations that have received the approval of the Board of County Commissioners.

Employees shall not solicit other employees or non-employees during work time.

6.12 **PRINCIPLES OF EMPLOYMENT/WORK RULES**

An employee's job performance and personal conduct directly impact the County's ability to achieve its mission of service to the community. Therefore, the following work rules and principles of employment are adopted as guidelines for monitoring behavior and exercising disciplinary actions. Howard County employees are expected to follow procedures and guidelines set forth by the County and the employee's office/department policies.

6.12.1 **Progressive Discipline**

When employees are disciplined in a progressive manner it is the County's objectives that the offending employee will recognize his/her violation of written policies or established work rules. Discipline should be administered consistently. The basic progressive disciplinary steps are as follows:

- | | | |
|----|------------------------------------------------------------------------------|--------------------------------|
| a. | Oral Reprimand | Documented for employee's file |
| b. | Written Reprimand | Documented for employee's file |
| c. | Three Working Day Suspension – Without Pay | Documented for employee's file |
| d. | Ten Working Day Suspension – Without Pay
or Reduction in Pay and Position | Documented for employee's file |
| e. | Discharge | Documented for employee's file |

In determining the level of discipline the Elected Official or Department Head shall consider the following:

- a. The severity and totality of the violation.
- b. The employee's history of violations of any rule.
- c. The effect of the present and prior violations upon the employee's performance of his/her job.
- d. The effect of the present and prior violations upon productivity of the employee's department.
- e. Any other relevant considerations.

6.12.2 **Work Rules Violations**

The following list of established work rules are not to be construed as exclusive or all-inclusive, or to in any way limit rules, guidelines, and restrictions set out elsewhere in this handbook. Howard County reserves the right to revise, supplement or rescind the rules, as it deems appropriate. Each elected official/department head or their designee has sole discretion to give a verbal reprimand, a written reprimand, a suspension of pay or termination upon violation of any of the following work rules:

1. Tardiness.
2. Late reporting for work without justified explanation.
3. Unauthorized absenteeism.
4. Reporting to work with unclean or inappropriate clothing or grooming.
5. Failure to cooperate with other employees as required by job duties.
6. Distracting the attention of others, unnecessarily shouting, demonstrating or otherwise causing a disruption on the job.
7. Malicious mischief, horseplay or other undesirable conduct, including use of profane or abusive language.
8. Loafing.
9. Littering or otherwise contributing to unsanitary conditions on County property.
10. Failure to secure facility and equipment when responsible.
11. Failure to notify authorized management before the regular show up time when unable to report for duty.
12. Leaving work area without authorization.
13. Unauthorized overtime.
14. Excessive absenteeism.
15. Failure to perform duties or fulfill job requirements as assigned or in a satisfactory manner.
16. Failure to report for overtime work without good reason after being scheduled to work.
17. Discourteous treatment of the public.
18. Failure to make required reports.
19. Unauthorized personal use of County equipment and supplies.
20. Failure to comply with purchasing procedures.
21. Unauthorized posting, removal, or alteration of notices or signs.
22. Failure to report mechanically defective conditions of equipment and/or failure to perform preventative maintenance on equipment or vehicles used by employee.
23. Abandoning or leaving unattended any County-owned vehicle, equipment or tools anywhere away from shops, garages and authorized storage sites, except as directed by supervisory personnel.
24. Damage or abuse of County equipment or property.
25. Unauthorized sleeping during working hours.
26. Bringing children to work during your normal working hours except for brief periods of time and without prior approval of office holder.

27. Mandatory requests for donations for gifts or charities.
28. Refusal to take or failure to pass any examination required for the job.
29. Unauthorized absences and/or absent without calling in for three (3) consecutive work days.
30. Failure to give medical certifications and/or doctor's excuse in a timely manner.
31. Disobeying a reasonable order from a supervisor to perform assigned work or to comply with written or verbal instructions.
32. Clocking another employee's time card/signing/completing another employee's time sheet with or without authorization.
33. Failure to sign in or out when required.
34. Making false or unfounded claims for injury, compensation, illnesses, leave or disability.
35. Knowingly concealing a communicable disease, which may endanger other employees or the public.
36. Disclosure of confidential information.
37. Unlawful or negligent handling of public moneys.
38. Obligating Howard County for any expense, service or performance without authorization.
39. Making or publishing of false, vicious or malicious statements or information concerning any employee (including oneself – example: filing an incomplete employment application with intent to conceal material information), supervisors, the County, or its operations.
40. Falsifying or destroying any County records.
41. Sexual harassment.
42. Theft or dishonesty while on County property or while on County time.
43. Directing a subordinate or fellow employee to perform in a manner contradicting County procedures.
44. Personal conduct at work which is dangerous to others or self.
45. Threats of violence.
46. Fighting on County property or time unless the employee can prove that fighting was in self-defense.
47. Except as provided in Section 6.8 or unless previously authorized by appropriate County officials, possession of any deadly weapon while on duty, county property or county job site.
48. Reporting for work under the influence and/or using alcohol or possession of controlled substances while on duty.
49. Discovery of opened containers of alcohol or discovery of controlled substances in or on County property under the employee's control, except if prescribed by a physician.
50. Failure to submit oneself to a blood test, urinalysis, or breathalyzer exam, pursuant to the Substance Abuse Policy.
51. Selling or participating in the distribution of illegal goods, services, drugs or narcotics on County property or while on County time.
52. Refusing to provide testimony in court during an accident investigation, or during any type of public hearing when such investigation or public hearing is related to the employee's job duties.

53. Giving false testimony during a complaint or grievance investigation or hearing when such investigation or public hearing is related to the employee's job duties.
54. Failure to disclose, at time of employment, the past conviction of a misdemeanor and/or felony.
55. Conviction of a misdemeanor and/or felony.
56. Failure to follow safety regulations when safety of an employee or others involved.
57. Failure to immediately report a personal accident or injury while on County time and/or involving County equipment or property.
58. Driving a County vehicle with a suspended license.
59. When authorization is required, unauthorized use, removal, or participation in the use or removal of County property, funds, equipment, tools, facilities, supplies, furnishing County records, documents, papers, or copies thereof and/or other County property.
60. Violation of IC 35-44-1-3, failure to disclose conflict of interest of employee or member of employee's immediate family having a monetary interest/business interest or deriving a profit in any matter directly related to the employee's official duties and the discharge of those duties. This includes having a personal interest in a business, which supplies goods and services to the County.

7. PROBLEM RESOLUTION

7.1 PROBLEM RESOLUTION FOR NON-COURT EMPLOYEES

Employees and elected officials or department heads will benefit from a process that allows for free discussion of matters of mutual concern and effectively addresses complaints on specific policies.

The following procedures provide for open discussion and speedy resolution of issues of serious concern to any employee who thinks the County's policies have been violated, or who believes that he/she has been treated unfairly. A "complaint" is an employee's expressed dissatisfaction with what the employee believes, rightly or wrongly, to be unfair treatment or a mistake in the administration of a rule, plan, or County policy.

A complaint should be heard and resolved at the lowest organizational level. An employee has the following steps available to resolve complaints:

STEP 1: Elected Official/Department Head (Oral Complaint)

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

STEP 2: Elected Official/Department Head (Written Complaint)

If a complaint cannot be solved satisfactorily by the employee and elected official/department head through discussion, or if the decision is not satisfactory to the employee, the employee may submit the complaint in writing. The employee may take or send the written complaint to the elected official/department head. Elected officials/departments heads are encouraged to give a written response to the complaint within five (5) business days.

STEP 3: Personnel Administrator/Personnel Administration Committee

If the problem is not resolved, the employee may contact the Personnel Administrator for advice. If necessary, the Personnel Administrator will meet with the employee's elected official/department head and assist in reaching a satisfactory resolution.

At this level, the complaint may be referred to the Personnel Committee for review and counsel in reaching a satisfactory resolution. For court employees, it would be referred to their presiding Judge.

STEP 4: Elected Official/Department Head

If a satisfactory solution is not reached, the elected official/department head having hiring/termination responsibility for the employee, will make a decision.

STEP 5: County Commissioners

When a complaint involves an elected official/department head, a written complaint detailing the alleged employment violation may be directed to the County Commissioners for investigation. The Commissioners will take appropriate action as deemed necessary, including retaining independent professionals to assist in assessing the allegation.

SEVERABILITY

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

EMPLOYEE ACKNOWLEDGEMENT FORM

The Howard County Employee Handbook (“Handbook”) describes important information about employment with Howard County, and I understand that I should consult the elected official/department head or the Personnel Office regarding any questions not answered in the Handbook.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the Handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify or eliminate existing policies. Only the Board of County Commissioners has the ability to adopt any revisions to the policies in this Handbook. Although we believe the descriptive materials contained in this Handbook are accurate, some, like 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 and any discrepancies between them should be directed to the Personnel Administrator.

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

Employee’s Signature

Date

Employee’s Name (Printed)

Witness Signature