

# TOWN OF TRAFALGAR INDIANA

## EMPLOYEE HANDBOOK

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## INTRODUCTION & PURPOSE

The purpose of this handbook is to provide specific information about Town of Trafalgar employment and its management policies and practices. This handbook was written to serve as a guide for the employee and employer relationship. It is not the intent or purpose of this handbook to supersede or overrule any Ordinance of the Town of Trafalgar, State regulation, State law, or federal law of the United States.

Please note that in sections where a pronoun of the masculine or feminine is used, it shall be construed to include all genders unless the context clearly indicates otherwise. References herein to the “Town,” “Trafalgar” and “Town of Trafalgar” all refer to the Town of Trafalgar, Indiana.

This handbook outlines the minimum expectations of employee conduct. It does not address specific standard operating procedures and practices for each department and does not limit departments from adopting standard operating procedures and practices. The implementation and administration of specific practices and procedures is determined by the Department Head, Clerk Treasurer, Town Council, or the Board of Metropolitan Police Commissioners.

**This handbook is not a contract of employment between the Town and any individual or specific employee. It does not create an express or implied contract of employment, nor does it guarantee employment for any term, or promise the Town will follow any specific procedures. Your employment is not for any specific time. The Town may terminate your employment at will, with or without cause, and without prior notice. Likewise, you may resign for any reason, at any time.**

The procedures, practices, policies, and benefits described in this handbook may be modified or discontinued on occasion. When this happens, every effort will be made to inform you of any changes.

This document is not comprehensive, nor does it attempt to address all possible applications or exceptions to the general policies or procedures discussed. If questions arise they should be directed to your supervisor or Department Head.

Finally, some of the subjects described are covered in detail in other official policy documents for example: the health care plan. You should refer to the official policy documents for specific information. This handbook only summarizes those benefits. To the extent there is any conflict between the statements in this handbook and the official policy documents, the official policy documents control.

## ORGANIZATION & AUTHORITY

By statute, Indiana cities and towns are divided into classes of cities or a town based on population. The Town of Trafalgar was incorporated as a town in 1866 and remains classified as a town. The structure of the government of a town is set forth in Indiana Code Title 36 Section 5.

Trafalgar is governed by a Town Council. The Town Council is responsible for the general administration of Town business. According to Indiana statutes, the Town Council is both a legislative and a fiscal body. The Council has the authority to pass ordinances and resolutions and to appropriate revenues. An elected Clerk Treasurer serves as both the clerk and the fiscal officer. The Town also established a Board of Metropolitan Police Commissioners (the "Police Commission") consisting of five members to be appointed by the Town Council.

The Town Council consists of five elected members who collectively, together with the Clerk Treasurer, are responsible for the operation of Town government including the adoption and oversight of employee policies and procedures. The Town Council President is elected by the members of Town Council to serve as the Chief Executive Officer of the Town. Department Heads report to the Council President.

Town government is organized into various departments. These departments include the Police Department, the Street Department, and the Department of Public Works which operates the Town's municipal water utility, sewer treatment and stormwater management. In accordance with Title V, Chapter 50 of the Trafalgar Town Code, the Town Council is directly responsible for the billing and collection of all utility rates and charges.

The Town Council selects and appoints the Department Heads who provide control and supervision over internal and department functions. Department heads are tasked with oversight of day-to-day operations of their respective departments. Deputies and employees appointed by the Clerk Treasurer, are supervised by, and serve at the pleasure of the Clerk Treasurer. The Police Commission has the authority to appoint, suspend, demote or dismiss members and other employees of the Police Department.

The Town Council and the Clerk Treasurer are responsible for the development and adoption of the provisions of this handbook. Supervisory personnel are charged with applying, enforcing, and ensuring compliance with the provisions.

By ordinance, the Town Council fixes the compensation of appointed officers, employees, and elected officials, authorizes paid time off for holidays, vacation, and sick leave and may authorize special pay formulations such as call-in pay.

Each employee's duties and areas of responsibility are defined in their job description and by any assignment or directive given by their supervisor. Employees are responsible to their immediate supervisor for completion of specific work assignments as well as for the quality, quantity, and timeliness of the work performed.



Employees are expected to be knowledgeable about the contents of this handbook and abide by the policies contained within. It is a requirement, as a condition of employment, that each employee comply in every respect with the stated provisions, procedures, and work rules.

### Conformance with Applicable Laws and Statutory Rights

This Handbook has been developed to serve as a resource for employees. It contains general information on personnel policies, procedures, employee benefits and other work standards. This handbook is not an exhaustive compilation of every workplace rule or regulation and cannot address all applicable state and federal laws and regulations and shall be interpreted whenever possible to fully comply with such laws and regulations.

This handbook, without limitation, is not intended to and shall not be construed to restrict, impeded, or limit an employee from discussing the terms and conditions of the employees' employment with coworkers or representatives or otherwise exercising his or her statutory rights, and shall be deemed amended to the extent necessary to ensure such compliance in the event of an inconsistency between the handbook and existing law which cannot be waived. If a provision within this handbook is deemed to be invalid, the remainder of the handbook shall not be affected and remain in full force.

If any section of this handbook, amendment, or revision is held to be unenforceable, contrary to law, or otherwise restrained from its full force and effect by a court or other tribunal of competent jurisdiction, the remaining sections of the handbook, to the extent that they remain unaffected by such declaration or restraint, shall continue in full force and effect.

Copies of this handbook will be provided to all employees of the Town and to all part-time employees. This handbook will also be posted on the Town's website.

The content of this handbook supersedes all previous policies, excluding duly adopted Ordinances, adopted by the Town or any department under the jurisdiction of the Town, written or unwritten, on subject matters covered within. The contents of this handbook are subject to change without notice at the sole discretion of the Town Council. Only the Town Council has the authority to revise these policies.

In situations where the Police Department's Standard Operating Procedures (SOPs) are stricter than this handbook, the Police Department SOPs will prevail. However, in policy areas in which the Police Department (SOP) handbook is silent on a topic, this handbook governs.

The Town Council or the Clerk Treasurer, as to deputies or employees appointed by the Clerk Treasurer in accordance with IC §36-5-6-7(a), retains all rights to manage Town employees, except those who work for the Clerk Treasurer, consistent with the policies stated in this handbook and all applicable State and Federal laws.

## EMPLOYMENT POLICIES & PRACTICES

### Equal Employment Opportunity

The Town, as required by law, makes equal employment opportunities available to all persons without regard to race, sex, age, color, religion, national origin, disability, citizenship status, military status, or any other category protected under federal, state, or local law. This policy applies to both applicants and employees and to every aspect of employment including hiring, promotion, demotion, treatment during employment, rates of pay or other forms of compensation, and termination of employment.

### Americans with Disability Act (ADA)

The Town is committed to complying with all relevant and applicable provisions of the 1991 Americans with Disabilities Act (ADA), as amended, and the Rehabilitation Act of 1973. It will not discriminate against any qualified employee or job applicant because of a person's physical or mental disability. See the Anti-Discrimination and Anti-Harassment Policy for more information.

The Town will engage in an interactive process to identify reasonable accommodations wherever necessary for all employees or applicants upon request. The individual must be qualified to safely perform the duties and assignments connected with the job. The Town will take appropriate steps to provide reasonable accommodations so long as doing so does not cause an undue hardship. Questions regarding reasonable accommodations and/or discrimination based on disability should be directed to the Town Council President or the Clerk Treasurer.

### Employment at Will

Employment with the Town of Trafalgar is at-will. It is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, the Town of Trafalgar may terminate the employment relationship at will at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law. The policies set forth in this handbook do not create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the Town and any of its employees. The provisions of the handbook have been developed at the discretion of the Town Council and, except for its policy of employment-at-will, may be amended or canceled at any time. These provisions supersede all existing policies and practices and may not be amended or added to by any department or office of Town government without the express written approval of the Town Council.

### Anti-Nepotism

Consistent with IC § 36-1-20.2, the Town prohibits the employment of an individual that results in one relative being in the direct line of supervision of the other relative unless a statutory exception applies.

Additionally, pursuant to IC § 36-1-21, the Town will only enter into or renew a contract for the procurement of goods or services, or a contract for public works with an individual who is a relative of an elected official, or a business entity that is wholly or partially owned by a relative of an elected official, only if specific requirements below are met.

This policy does not apply to:

- An individual who was employed on or before July 1, 2012, unless the individual has a break in employment with the Town;
- Precinct election officers;
- Volunteer firefighters; or
- A contract in existence at the time the term of office of the elected official of the Town begins.

*Definitions:*

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

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

“Relative” means any of the following: spouse; parent or stepparent; child or stepchild; brother, sister, stepbrother, stepsister; niece or nephew; aunt or uncle; or daughter-in-law or son-in-law. An adopted child of an individual is treated as a natural child of the individual. The terms “brother” and “sister” include a brother or sister by half blood.

“Elected official” means:

- (1) the executive or a member of the executive body of the unit;
- (2) a member of the legislative body of the unit; or
- (3) a member of the fiscal body of the unit.

The Town further states that a single member of the Town Council cannot act for the body to make work assignments, compensation, grievances, advancement, or a performance evaluation without prior authority of a majority of the Town Council; and therefore, without such authority by the majority he/she will not be in the direct line of supervision. See, IC § 36-4-6-11 & IC § 36-5-2-94.

The Town may enter into a contract or renew a contract with an individual or business entity described above if:

- (1) The elected official files with the Town a full disclosure consistent with statute;
- (2) The appropriate agency of the Town certifies that the contract amount or purchase price was the lowest bid or offered; or certifies why the vendor or contractor was selected; and
- (3) The Town satisfies any other requirements of IC §5-22 et seq. or IC §36-1-12 et seq.

All elected and appointed officials and employees of the Town are directed to cooperate fully in the implementation of, and compliance with, this policy created by Ordinance No. 2012-0009 of the Town Council of the Town of Trafalgar, Indiana: An Ordinance Complying with Anti-Nepotism Law adopted July 1, 2009.

Failure to abide by or cooperate with the implementation, compliance and certifications connected with this Nepotism Policy is a violation and may result in discipline, including termination of employment or a transfer from the direct line of supervision or other curative action.

An elected or appointed official of the Town who fails to abide by or cooperate with the implementation, with the compliance, and / or with mandated certifications of this Nepotism Policy may be subject to action allowed by law.

Each elected official of the Town shall annually certify, in writing, subject to the penalties for perjury, that the official is in compliance with this Policy. An officer shall submit the certification to the Town Council President by no later than December 31, of each year.

### Disclosure of Confidential Information

In the course of employment with the Town, you may have access to information, which is confidential, including, but not limited to, information about Town projects, customers, accounting records, personnel records, insurance records, and information about members of the community and their families. The employee shall not use, disclose, or divulge the confidential information, to any third party, without the authorization of the Town Council.

### Requests for Public Records

Information regarding the affairs of government and the official acts of government officials is generally held to be public. The following public records, however, may not be disclosed by a public agency unless access is specifically required by a state or federal statute or court order. Such information includes, but is not limited to:

- Those declared confidential by state statute.
- Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.
- Those required to be kept confidential by federal law.

- Those declared confidential by or under rules adopted by the Indiana Supreme Court.

Upon receipt of a request for public records, refer any request for public records to the Clerk Treasurer. By law the Clerk Treasurer is the official record keeper for the Town and has received training on how the various types of requests for public records should be handled.

## Discrimination and Anti-Harassment

The Town is committed to providing a workplace free of inappropriate treatment of any employee because of the employee's race, color, sex, religion, age, national origin, ancestry, disability, or any other category protected under federal, state, or local law. The Town does not condone or tolerate any inappropriate conduct based on an employee's race, sex, age, religion, national origin, ancestry or disability, or any other category protected under federal, state, or local law.

Further, the Town is committed to protecting employees from inappropriate conduct whether from other employees or non-employees including: visitors, vendors, suppliers, clients, guests, customers, contractors, or members of the public.

To be unlawful, conduct must be so severe and pervasive that it unreasonably interferes with an employee's ability to work.

### *Examples of Inappropriate Conduct*

Inappropriate conduct can include, among other things:

Epithets (rude nicknames), slurs, stereotyping, or threatening, intimidating, or hostile acts that relate to race, color, sex, age, religion, national origin, ancestry, or disability; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, sex, age, religion, national origin, ancestry, or disability.

The Town is committed to providing a workplace that is free of inappropriate conduct of a sexual nature. The conduct may include a range of behaviors and may involve individuals of the same or different gender. The conduct also may include, among other things:

- Unsolicited and unwelcome comments or conduct of a sexual nature or that are demeaning to women or men as a group (for example, offensive or vulgar jokes, name-calling, comments about one's body or sex life, stereotyping based on a person's sex, touching, leering, ogling, patting, pinching, indecent exposure, physical gestures, or displaying sexually explicit photographs or objects that interfere with a reasonable person's work);
- Unsolicited and unwelcome demands or requests for sexual favors or social or sexual encounters;
- An explicit or implicit promise of special treatment in regard to a person's employment in exchange for sexual favors or sexual activity;

- Use of an employee's or applicant's submission to or rejection of sexual conduct as the basis for making, influencing, or affecting an employment decision that has an impact upon the terms and conditions of the individual's employment (for example, hiring, firing, promotion, demotion, compensation, benefits, or working conditions).

Because this type of conduct and the serious effects this conduct can have on the target of the conduct as well as on the one accused of the conduct; the Town treats alleged violations of this policy seriously and, to the extent possible, confidentially.

The Town expects all individuals to treat alleged violations in the same responsible manner. Please help us maintain a comfortable work environment free from inappropriate and offensive conduct of any type irrespective of whether the conduct is unlawful.

### Non-Discriminatory Service Policy

The Town is committed to ensuring that all persons are treated with respect irrespective of their race, sex, sexual orientation, age, color, religion, national origin, ancestry, or disability. All employees must treat all persons equally when providing service.

### Internal Reporting Procedure

If you believe you or any other employee is being subjected to behavior that is not in agreement with these stated policies, you have a responsibility and are encouraged to immediately report these matters to your Department Head. If for any reason you do not feel comfortable reporting your concerns to the Department Head, you may report your concerns to the Council President, or any Member of the Town Council or to the Clerk Treasurer.

If the concern relates to the behavior of the Town Council President or a Member of the Town Council and you do not feel comfortable reporting your concerns to either your Department Head or the Town Council President, you may report your concerns to the Town Attorney.

Supervisors who become aware of any possible violation of this Policy must report the potential violation to the Department Head or the Town Council President. Failure to report potential violations will result in appropriate discipline, up to and including discharge.

### Town's Commitment When Reports Are Made

No adverse action will be taken against any employee just because he reports behavior believed to violate this Policy. The Town will investigate and take appropriate action as to all complaints. The Town is fixed in its commitment to maintaining a work environment that is free of discrimination and inappropriate conduct. Violations of this Policy will not be tolerated and will result in appropriate disciplinary action, up to and including termination of employment.

## False Reporting

A person who knowingly or recklessly makes a false material statement in a complaint or an investigation under this Policy shall be subject to disciplinary action.

## Drug Free & Alcohol-Free Workplace

The use and abuse of drugs and alcohol can seriously impair an employee's ability to perform his duties safely and efficiently and undermine public confidence in the Town. Because a drug or alcohol-impaired employee can pose a significant threat to the safety of the public, co-workers, and himself, the Town has adopted this policy as part of its ongoing efforts to maintain a drug- and alcohol-free workplace.

All employees are expected to report to work free of the influence of alcohol and illegal drugs. You may not sell, distribute, dispense, possess, or use an illegal drug or drink alcohol on the Town's premises or during working time, nor may you conspire in any such activities. Likewise, employees may not distribute, misuse, or abuse any prescription or nonprescription medications on Town property or elsewhere during work time. Employees should bear in mind that distributing controlled substances, including prescription medications, to co-workers not only violates our policy but is also a crime.

Employees using a prescription drug that may impair mental or motor functions that affect the employee's ability safely to perform his duties must report the use of that prescription drug to his Department Head prior to reporting to work after its use. For the safety of all employees, the Town may place persons using such prescription medications in a less hazardous job assignment, provided such assignment is available, or place them on temporary medical leave until released as fit for duty by the prescribing physician. The Town reserves the right to have a physician it selects determine if a medication produces hazardous effects or to restrict the quantity the employee may bring to the workplace.

The Town looks to its employees to support this policy for the sake of the safety, health, productivity, and welfare of all. Employees are asked to discourage co-workers from violating this policy and are expected to cooperate in the Town's efforts to enforce this policy and to investigate any suspected violation.

## Drug and Alcohol Screening

The Town's policy is to provide a safe working environment for all Town employees. The goal of the Town's drug and alcohol screening policy is to ensure a drug and alcohol-free work environment and reduce, prevent, and help eliminate drug and alcohol related accidents, fatalities, and damage to property.

This policy applies to all Town employees except law enforcement officers assigned to carryout authorized undercover operations or official duties, such as the handling or transporting of drugs and alcohol.

The use of illegal drugs by employees, on or off duty, is prohibited and will not be tolerated.

The use, sale, possession, transfer or purchase of illegal drugs or controlled substances on or in Town property or while on duty or performing Town business is prohibited and will be subject to termination.

Any employee who commits an unlawful act during his or her employment or whose conduct discredits the Town in any way may be subject to termination.

No employee will use or be under the influence of alcohol while in the course and / or scope of employment. No employee will report for duty or remain on duty or operate a Town vehicle while having any measurable amount of alcohol in his system (which for enforcement purposes is defined as anything over .00) or while having any measurable trace of a controlled substance in his system for which the employee does not have an authorized prescription.

No alcoholic beverage or illegal drug will be brought or consumed on Town property.

Employees are required to notify the Town in writing within three (3) calendar days of any arrest, conviction, or entry of a guilty plea for any criminal offense, or immediately upon reporting to work following such arrest, conviction, or plea entry, whichever is earlier. This reporting obligation includes drug or alcohol related offenses but does not apply to traffic tickets or citations unless the employee has an independent obligation to report those offenses (e.g. Commercial Driver's License holders). Failure to report under this policy subjects an employee to discipline, up to and including discharge.

This policy does not limit any other employment rules applicable to employees such as the rules governing the operation of the Police Department by the Police Commission.

The testing procedures, including how the test will be conducted, what procedures will be used during the test, and how an employee will be returned to service, will conform to the policies and procedures encompassed in the Department of Transportation's (DOT) rule, 49 CFR Part 40, which describes required procedures for conducting workplace drug and alcohol testing for the Federally regulated transportation industry.

#### *Types of Screenings*

All employees (and prospective employees) are subject to the following screening:

- Pre-Employment Screening; and
- Reasonable Suspicion Screening.

Employees that are in Safety Sensitive Positions and employees that are required to maintain a Commercial Driver's License (CDL) are subject to the following screening:

- Pre-employment Screening;
- Random Screening;
- Reasonable Suspicion Screening;



- Post-Accident Screening;
- Return-to-Work Screening; and
- Follow-up on positive test results.

An employee that refuses to submit to a screening as stated above will be subject to termination.

Failing a pre-employment drug and alcohol screening or refusal to submit to the drug and alcohol screening will result in the denial of employment.

The Town will pay for all drug and alcohol tests given to its employees and applicants.

### *Definitions and Explanations Related to Drug and Alcohol Screening*

#### Safety Sensitive Positions

An employee that operates or maintains major mechanical, motorized or electrical equipment on a regular, recurring basis;

An employee that carries a firearm;

#### Pre-Employment Screening

Drug Test administered to a prospective employee prior to actual hiring or the reinstatement or rehiring of a former Town employee.

#### Random Screening

All random screens will be unannounced.

Employees subject to random screening will have an equal chance of being selected every time the selection is conducted. Appropriate safeguards are also present to ensure that the identity of the individual cannot be determined before or at the time of their selection.

Except for employees who are off-duty, when an employee is randomly selected for screening, he will be notified of the screen and instructed to report to the collection site immediately. Employees who are randomly selected when they are off-duty will report to the collection site at the beginning of their next shift.

#### Reasonable Suspicion Screening

Reasonable, articulable, and individualized suspicion will exist when an employee's appearance, behavior, speech, or body odors indicate drug or alcohol use, or the withdrawal effects of the same, or a pattern of abnormal or erratic behavior is observed in the employee's work time actions. Such observations must be personally observed and documented by a supervisor or a Town official or an employee who has received training covering the physical, behavioral, speech, and performance indicators of possible drug and alcohol use.

Reasonable cause can be based on a third-party observer's report if the report is independently corroborated or if the employee frequently works in an unsupervised environment

The employee will be escorted by his supervisor to the appropriate specimen collection site for the drug and alcohol screen.

The supervisor will arrange the transportation of the employee to the employee's home at the completion of the screening.

An employee who is required to take a reasonable suspicion drug and alcohol screen may, at the Town's discretion, either be assigned to a position which does not require safety sensitive functions or driving of Town vehicles; or be placed on non-disciplinary leave with pay while awaiting the screening results.

If the test result is negative, the employee will be paid for regularly scheduled hours missed while on non-disciplinary leave.

#### Post-Accident Screening

Any employee who, while operating a Town-owned vehicle, is involved in a motor vehicle accident while on duty will be required to submit to a drug and alcohol screen as soon as possible, but no later than 2 hours after the accident:

Whenever an employee receives a citation for a moving violation involving an accident;  
or

Any person is injured because of the accident and the injuries require immediate medical treatment to the person away from the accident scene; or

When an accident results in property damage in the amount of \$1,000 or more to the Town property or vehicle.

An employee who is required to take a post-accident drug and alcohol screen may, at the Town's discretion, either be assigned to a position which does not require driving Town vehicles or placed on non-disciplinary leave with pay while awaiting the screening results. If the test result is negative, the employee will be paid for regularly scheduled hours missed while on non-disciplinary leave.

#### Positive Screening Results

A civilian employee who tests positive will be subject to termination. A merit employee of the Police Department who tests positive will be subject to termination pending a Police Commission hearing.

## Police Department Exposure

Any law enforcement officer exposed to alcohol and/or illegal drugs in the line of duty will immediately notify his supervisor.

## Police Department - Pre-Employment Drug and Alcohol Testing

Applicants for the Town Police Department as well as former employees seeking to be reinstated or rehired will be notified of the Town's drug and alcohol screening policy when they apply. All Applicants are required to pass a drug and alcohol screening.

## Workplace Violence

The Town prohibits any acts or threats of violence by an employee on or off Town premises at any time. Any Town employee who engages in any threatening behavior or acts of violence or who uses any obscene, abusive, or threatening language or gestures will be subject to disciplinary action, up to and including termination.

Any employee who displays a tendency to engage in violent, abusive, or threatening behavior, or who otherwise engages in behavior that the Town, in its sole discretion, deems violent, threatening, abusive, offensive, or inappropriate will be subject to disciplinary action, up to and including termination.

Town employees are instructed to notify their Department Heads and local police of any suspicious workplace activity, situations, or incidents that they are aware of that involve other employees, former employees, or visitors that appear problematic.

This includes, for example, threats or acts of violence, aggressive behavior, offensive acts, and threatening or offensive comments or remarks. Employee reports made pursuant to this policy will be held in confidence to the maximum extent possible.

The Town prohibits retaliation in any form against an employee for making a report under this policy.

## Smoking

Smoking is prohibited in all Town of Trafalgar buildings pursuant to Indiana's Clean Indoor Air Law I.C. 16-41-37 enacted July 1, 2012. The Clean Indoor Air Law prohibits smoking in a place of employment and within eight feet of a public entrance to a place of employment. This policy applies to all Department Heads, Elected Officials, employees, customers, and visitors.

## Computer Acceptable Use

All computer systems, including but not limited to computer equipment, software, operating systems, storage media, network accounts providing electronic mail, web browsing, and file transfer protocols (“FTP”) are the property of the Town. These systems are to be used for business purposes and are not to be used for personal use unless specifically authorized.

Effective security is a team effort involving the participation and support of every Town employee and affiliate who deals with information or information systems. It is the responsibility of every computer user to know these guidelines, and to conduct their activities accordingly.

The purpose of this policy is to outline the acceptable use of computer equipment at the Town.

These rules are in place to protect the employee and the Town. Inappropriate use exposes the Town to risks including virus attacks, compromise of network systems and services, and legal issues.

The policy applies to employees, contractors, consultants, temporaries, and other workers at the Town, including all personnel affiliated with third parties. This policy applies to all equipment that is owned or leased by the Town.

Employees learning of any use of the Town’s electronic communication systems that is inconsistent with the requirements of this policy must notify their supervisor of such misuse or violation immediately.

### *General Use and Ownership*

Users should be aware that the data they create on the system remains the property of the Town. Employees do not have a personal privacy right to any matters received, created in, sent over, or stored in the Town’s communication and/or computer systems.

Employees are responsible for exercising good judgment regarding personal use of the Town’s communication and computer systems and equipment. Individual departments are responsible for creating guidelines, consistent with this policy, concerning personal use of Internet/Intranet/Extranet systems.

For security and network maintenance purposes, authorized individuals with the Town may monitor equipment, systems and network traffic at any time.

The Town reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.

The Town strives to maintain a workplace free of harassment and is sensitive to the diversity of its employees. Therefore, the Town prohibits the use of its electronic information systems in ways that are unlawful, disruptive, offensive to others, or harmful to morale. For example, the display or transmission of images, messages, and cartoons that may offend others because of their sex, race, age, national origin, disability, religion, or any other category protected by law is prohibited. Such misuse includes, but is not limited to, ethnic or racial slurs, racial or sexual

comments or jokes, or any other communication that shows disrespect for others on the basis of sex, race, national origin, disability, religion, age, or sexual orientation irrespective of whether these statutes are legally protected.

### *Security and Proprietary Information*

Employees must be extremely cautious to prevent computer viruses from infecting the Town's computers or computer network or causing computer system problems.

In addition, loading pirated software into the Town's computers may create legal liability for the Town. Therefore, under no circumstances may you load unauthorized computer software onto any computer owned or leased by the Town. If you wish to load software onto one of the Town's computers, you must first receive permission from your Department Head. Further, you should never open any electronic mail or attachment from unfamiliar sources. All questions concerning computer software, the Town's computer network, or computer viruses should be directed to the Town Council President.

Keep passwords secure and do not share accounts. Authorized users are responsible for the security of their passwords and accounts. System level passwords should be changed as needed, and user level passwords should be changed at the discretion of the user.

All PCs, laptops, and workstations should be secured with a password-protected screensaver with the automatic activation feature set at 10 minutes or less, or by logging-off when the computer or host will be unattended.

Employees should remember that when they are using the Town's electronic information systems, they are creating documents that belong to the Town. These documents are not private and may be read by other employees and, under some circumstances, by others outside the workplace.

Employees should also be aware that even though a message may be deleted from the system, a record of it may remain either on the daily backups of all data or in other ways. It is possible to re-create a "deleted" message. Ultimately, privacy of messages cannot be assured.

Only individuals officially designated by the Town have the right and authority to speak on behalf of the Town or your department. Unless designated to post information, Employees shall not post information to newsgroups from the Town's email address.

All computers or hosts used by the employee that are connected by the Town system, whether owned by the employee or the Town should be continually executing approved virus-scanning software with a current virus database.

Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain viruses, e-mail bombs, or a Trojan horse code.

### *Unacceptable Use*

Under no circumstances is an employee of the Town authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing the Town owned resources.

The lists below are by no means exhaustive but attempt to provide a framework for the types of activities that fall into the category of unacceptable use.

### *System and Network Activities*

The following activities are strictly prohibited, with no exceptions:

- Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations including, but not limited to, the installation or distribution of “pirated” or other software products that are not appropriately licensed for use by the Town;
- Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which the Town or the end user does not have an active license is strictly prohibited;
- Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted prior to export of any material that is in question;
- Introduction of malicious programs into the network or server (e.g. viruses, worms, Trojan horses, e-mail bombs, etc.);
- Revealing account password to others or allowing use of account by others. This includes family and other household members when work is being done at home;
- Using a Town computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws in the user’s local jurisdiction;
- Making fraudulent offers of products, items, or services originating from any Town account;
- Making statements about warranty, expressly or implied, unless it is a part of normal job duties;
- Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, “disruption” includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes;
- Port scanning or security scanning unless prior authorization is obtained;

- Executing any form of network monitoring which will intercept data not intended for the employee's host unless this activity is a part of employee's normal job duty;
- Circumventing user authentication or security of any host, network, or account;
- Interfering with or denying service to any user other than the employee's host (for example, denial of service attack);
- Using any program/script/command, or sending message(s) of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet; or
- Providing information about, or lists of, Town employees to parties outside the Town.

#### *Email and Communications Activities:*

- Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (spam);
- Any form of harassment via email, telephone or paging, whether through language, frequency, or size of messages;
- Unauthorized use, or forging, of email header information;
- Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies;
- Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type;
- Use of unsolicited email originating from within the Town's networks of other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by the Town or connected via the Town network;
- Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam);
- Using abusive, profane, threatening, racist, sexist, or otherwise objectionable language in either public or private messages; or
- Sending, receiving, or accessing pornographic materials.

#### *Monitoring*

Electronic mail is subject at all times to monitoring, and the release of specific information is subject to applicable state and federal laws and Town rules, policies, and procedures on confidentiality. Existing rules, policies, and procedures governing the sharing of confidential information also apply to the sharing of information via commercial software.

It is a violation of Town policy for any employee, including system administrators and Department Heads, to access electronic mail and computer systems files to satisfy curiosity about the affairs of others.

### *Personal Electronic Equipment*

Employees should not bring personal computers, cameras, or other electronic devices to the workplace or connect them to Town electronic systems unless expressly permitted to do so by the Town.

Violations of these policies may result in discipline, including termination, as well as criminal charges or civil legal action.

### *Social Media Acceptable Use Policy Overview*

You are expected to adhere to the Town's Computer Acceptable Use Policy.

Social Media is a term referring to online services and tools used for publishing, sharing and discussing information. Forms of social media include: forums, blogs, wikis, and social networking websites such as Facebook, Instagram, Snapchat, and other websites that allow individual users to upload and share content.

The Town recognizes that there may be legitimate reasons for authorized Town employees to use social media while at work, using Town computing resources. However, only individuals officially designated by the Town have the right and authority to speak on behalf of the Town or the affected department.

If you use social media to comment on Town activities, you must clearly state that your views and opinions are solely your opinion and do not reflect the opinions or views of the Town. Even with the foregoing disclaimer, employees are prohibited from using social media to: air grievances about internal office or personnel decisions and policies; insult, demean or deride co-workers or Town officials; post comments that are hostile antagonistic or intimidating toward an individual citizen or group of citizens or otherwise unduly interferes with the Town's interest in efficiently providing public services and maintaining good professional relationships among its employees. A public employee's First Amendment rights apply when the employee is commenting on matters of "public concern," i.e., matters of political, social, or other concern to the community, but do not apply to topics which are not considered "public concern," such as, but not limited to, employee grievances concerning internal office policy.

Unless authorized in writing by the Town Council, you should under no circumstance disclose confidential material or matters regarding an ongoing Town investigation.

The Town's Confidential Information policy also applies to blogging. As such, employees are prohibited from revealing any confidential or proprietary Town information, trade secrets or any other material covered by the Town's Confidential Information policy when engaged in blogging.

### *Authorized Use by Law Enforcement*

These provisions do not apply to law enforcement officers engaged in criminal investigations as authorized and sanctioned by the Town's Police Department or by the Police Commission.



## *Enforcement*

Any employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

## *Hold Harmless Provision and Indemnification*

In providing employees with access to the computer systems, the employee agrees to hold the Town harmless and agrees to indemnify the Town from any and all liability, loss, or damages.

## Cellular Telephone

The Town may offer and provide some employees with a cellular telephone or a stipend for business use of a personal cell phone. The employee may refuse the stipend.

Employees whose job responsibilities include regular or occasional driving are expected to refrain from using a cellular telephone while driving. This includes talking, texting, e-mailing and any other form of communication using the device.

Non-public safety employees who receive a cellular telephone call while driving a motor vehicle are required to stop the vehicle in a safe location so that communication is held while the vehicle is stopped. The use of "hands free" technology is acceptable as long as it does not interfere with the safe operation of the vehicle. This section does not apply to employees who are passengers in a motor vehicle.

Public Safety employees' use of Town-owned cellular telephones while driving a motor vehicle will be governed by departmental policy. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic. Whenever possible, employees should pull off to the side of the road and safely stop the vehicle before using their device.

FLSA exempt employees who are assigned cellular telephones will keep their telephones turned on at all times during their workday, while on-call, and while not accessible by other means of telecommunication.

Texting and emailing while operating a motor vehicle are against Indiana state law and violators can be fined up to \$500. Employees are personally liable for any violations and fines.

## Texting

The term text messaging includes all electronic messages or graphics; whether sent by email, instant messaging, cell phone texting or other similar technology.

The Town recognizes the benefits of text messaging for quick real-time business communications. However, if abused, its use can result in lost productivity, harassment, security concerns and even possible legal liability.

Indiana law (I.C. 9-21-8-59) bans text messaging while operating a motor vehicle. The law is restricted to reading, writing, and sending of text messages, while a vehicle is in motion. Hands-free (voice-activated) texting is permissible.

You are strictly prohibited from transmitting messages with obscene, profane, lewd, derogatory or potentially harassing/discriminatory content. You must not send messages you know or have reason to believe, may be false or misleading.

Any text messages sent using the Towns resources should not be considered private. You should be aware that these messages are subject to disclosure to outside third parties. These parties include the court system and law enforcement agencies. You should report any known or suspected violations of this policy to management for investigation. Violations will result in discipline up to and including employment dismissal. Education and Training

Town employees are encouraged to participate in courses, seminars, and programs which offer training and continuing education. Department heads have an immediate, direct, and continuing responsibility for the professional development of personnel in their departments.

Town employees are expected to make reasonable and diligent efforts to maintain the qualifications for their position. It is the employee's responsibility to maintain the minimum qualifications of his assigned position. Employees failing to maintain the minimum qualifications, or whose qualifications do not comply with State or Federal requirements may be re-assigned if a position is available for which they are qualified, or they may be terminated.

Every employee regardless of position bears primary responsibility for maintaining the skills necessary to perform their job.

Elected Officials and Town employees may attend approved training without loss of pay. The employee's standard workday hours (6, 8, or 12) will be used to calculate the daily rate payable to non-exempt employees while attending seminars, conferences, or training classes.

If training is held on a single day with travel to and from on the same day, any hours over the standard workday will be considered when calculating overtime for nonexempt employees.

Whenever possible, registration expenses for training programs shall be paid for in advance.

### Political Activity

Employees may not participate in any partisan or non-partisan political activity while on-duty or off-duty in a uniform required by, used by, or identified with any department of Town government. Employees may not use municipal vehicles for any political activities.

### Nursing Mothers - Lactation

Nursing mothers will be allowed reasonable breaks that do not overly disrupt the department. A private location will be designated in which to express breast milk for their infant child. Requests for this accommodation should be submitted in writing to the supervisor, Department Head, or Elected Official.

## Grievance Reporting

It is inevitable that misunderstandings and differences will come up. Employees are encouraged to discussing any concern(s) with the supervisor. A simple conversation may be all that is needed to solve a problem.

If a work-related concern(s) does not involve an issue under the Equal Employment Opportunity, the Discrimination and Anti-Harassment Policy, or disciplinary action, discuss the matter with your supervisor, who, in most cases, will be able to address your concern.

If you feel the first step does not result in satisfactory resolution, communicate your concerns to the Department Head who will review the concern(s) and, if necessary, meet with the parties involved to try to bring about a mutual understanding or acceptable resolution.

If the second step does not result in satisfactory resolution, take your concern(s) to the attention of the Town Council President in writing. Your written comments should include the names of the involved parties, dates of prior meetings or attempts to resolve the matter, and reasons given for lack of attention or resolution. The Council President will investigate the concerns raised and take appropriate action.

### *Concerns Regarding a Department Head's Conduct*

If any employee believes that the Department Head has behaved in any way that is unethical or illegal or inconsistent with any specific policy in this handbook, the employee may report that concern in writing to the Council President. Prompt reporting of the circumstances or events is encouraged and will facilitate the effective investigation and resolution of the matter. The Council President will investigate the concerns raised and take appropriate action.

## Use of Town Owned Tools and/ or Equipment

Employees are prohibited from using and loaning materials, tools, equipment, or labor for personal or private use regardless of whether it is during work or non-work time.

The Town Council reserve the right to approve special requests made in writing for use of Town equipment by Town employees for personal use.

Employees may not expend labor during scheduled work hours for work not related to Town business. This prohibits any employee from performing private work for himself, another employee, or a non-employee.

If an employee is injured while using Town tools or equipment, he may be required to take a drug or alcohol test.

## HEALTH AND WORKPLACE SAFETY

All Department Heads will maintain an active safety program and maintain required documentation in compliance with OSHA requirements.

Department Heads are required to provide information to employees about workplace safety and health issues regularly. Department Heads are required to maintain records showing that this training took place including the date, subject matter discussed, and a list of employees who received the training.

Each employee is expected to obey safety rules and exercise caution and use common sense while performing all work activities. Employees must immediately report any unsafe conditions to their Department Head.

The Town is committed to providing a safe and healthy working environment and complies with all relevant federal and state occupational health and safety laws including the Occupational Safety and Health Act of 1970; and strives to develop the best feasible operations, procedures, technologies, and programs in order to maintaining that environment.

The Town policy is to minimize the exposure of our employees, customers, clients, and other visitors to health or safety risks. To accomplish this, all Town employees are expected to maintain safe and healthful working conditions and to adhere to proper operating practices and procedures designed to prevent injuries and illnesses.

Each employee is directed to work in a safe manner and observe the safety procedures as instructed by his supervisor.

### Reporting of Accidents and Injury

The Town requires all employees to perform their assigned tasks safely to protect themselves and others while working. Every accident or injury must be reported to a supervisor immediately, regardless of how insignificant the injury may appear.

When an employee is injured or involved in any accident while performing job-related duties. If physically able; the employee is expected to immediately report the incident to the Department Head or the supervisor on duty.

The employee is also required to write a statement providing the facts and describing the circumstances related to the accident and the resulting injury. This statement should be completed by the employee as soon as practicable.

Within twenty-four-(24) hours of the accident, the Department Head will file an incident report, known as the First Report of Injury and an incident Investigation Report with the Towns designated Safety Officer on behalf of the employee, the degree of injury does not matter. If the employee has complications later, a properly completed form will permit any treatment to be covered by Workers' Compensation.

In the case of an injury requiring medical attention, employees should seek the nearest medical facility. Upon return to work, a physician's statement of medical condition and a release to return to work must be submitted to the employee's Department Head and to the Clerk Treasurer. The original physician's statement must be sent to Clerk Treasurer, with copies to the Town Council President.

If an employee is injured on the job and is physically unable to complete the balance of the workday, he shall be paid for the remainder of that scheduled workday.

## OSHA/IOSHA Compliance

The Town's compliance with applicable OSHA/IOSHA laws, standards, policies, etc. shall be monitored, and documented by the Town's designated Safety Officer.

All employees are responsible to:

- Exercise maximum care and good judgment always to prevent accidents and injuries;
- Report to supervisors and seek first aid for all injuries, regardless of how minor;
- Report unsafe conditions, equipment, or practices to supervisory personnel;
- Always use safety equipment provided by Town;
- Observe conscientiously all safety rules and regulations at all times; and
- Notify their supervisors, before the beginning of the workday, about any medication they are taking that may cause drowsiness or other side effects that could lead to injury to them or their coworkers.

## On the Job Injury – Workers Compensation

Any Town employee who is injured on the job shall receive worker's compensation benefits as provided by state statute.

When weekly compensation benefits under the state statute are paid to a salaried employee, such employee will receive the difference in the amount paid by workers' compensation and his or her salary for the period of time not to exceed 180 calendar days. Notwithstanding the foregoing sentence, the period of time such salaried employee may receive the difference in the amount paid by workers' compensation and his or her salary may be extended beyond 180 calendar days upon the written request of the salaried employee or his or her designated representative, such request shall include all documentation and other evidence supporting the request for extension. The grant or denial of the requested extension shall be at the sole discretion and determination of the Town Council.

If the period of time such salaried employee may receive the difference in the amount paid by workers' compensation and his or her salary is extended beyond 180 calendar days, then the Town Council may hold a review of the aforementioned benefit at any time, and shall hold a review of the aforementioned benefit not more than 90 calendar days from the date of the first

extension (and any subsequent extension(s)), for the purposes of determining whether an additional extension or termination of the benefit is warranted.

When weekly compensation benefits under state statute are made to full-time regular hourly employee, such employee will receive the difference between the amount of the workers' compensation benefit and the amount the employee would have received had said employee worked the minimum number of hours per week for the employee's position established by the annual salary ordinance for the same period of time, but not to exceed 180 calendar days. Notwithstanding the foregoing sentence, the period of time such employee may receive the difference in the amount paid by workers' compensation and the amount the employee would have received had said employee worked the minimum number of hours per week for the employee's position established by the annual salary ordinance may be extended beyond 180 calendar days upon the written request of the hourly employee or his or her designated representative, such request shall include all documentation and other evidence supporting the request for extension. The grant or denial of the requested extension shall be at the sole discretion and determination of the Town Council.

If the period of time such hourly employee may receive the difference in the amount paid by workers' compensation and the amount the employee would have received had said employee worked the minimum number of hours per week for the employee's position is extended beyond 180 calendar days, then the Town Council may hold a review of the aforementioned benefit at any time, and shall hold a review of the aforementioned benefit not more than 90 calendar days from the date of the first extension (and any subsequent extension(s)) for the purposes of determining whether an additional extension or termination of the benefit is warranted.

For the avoidance of doubt, the employee's receipt of the difference between the amount of the workers' compensation benefit and the amount the salaried or hourly employee would have received in their normal paycheck ("Additional Benefit") may be terminated by the Town Council at any time upon reasonable notice to the employee. In no event shall the Town extend the Additional Benefit beyond the termination of the employee's workers' compensation benefits, and upon the termination of the employee's workers' compensation, the Additional Benefit, to the extent then in effect, shall also terminate.

### Workers' Compensation

Workers' Compensation Insurance is paid for by the Town and provides coverage for work-related injuries and illnesses as required under the Workers' Compensation laws of the State of Indiana. Workers' Compensation Insurance covers all authorized expenses related to the treatment of a work-related illness or injury and provides "lost time benefits" when an employee must be absent from work on a Workers' Compensation Disability Leave.

#### A. Reporting A Work-Related Injury or Illness

1. Any illness or injury related to an employee's work assignment must be reported to the Elected Official so that the necessary forms can be completed and sent with the

employee prior to evaluation and treatment, if possible. The Town will inform an injured employee of its approved medical facility at the time of injury.

2. The supervisor or injured employee must notify the Clerk Treasurer as soon as possible so that all claims and compensation can be administered properly and in a timely manner.

B. Employees may use, personal leave, comp time, or vacation time only for the first seven (7) consecutive days following a work-related illness or injury. After that period, employees are eligible for workers compensation covering a portion of the employee's wages. If the absence from work due to the work-related illness or injury extends longer than twenty-one (21) calendar days, the initial seven (7) day waiting period will be retroactively paid by the Workers' Compensation Insurance Carrier and the employee's accumulated personal leave, compensatory time, or vacation time will be credited for any such time used by the employee for the first seven (7) consecutive days following the work-related illness or injury.

C. Employees off work due to a work-related injury or illness and who are covered by workers compensation will be credited with their normal vacation and sick time accrual, as well as continued insurance coverage.

### Blood Borne Pathogens

The Town of Trafalgar complies with the bloodborne pathogen standard of the Occupational Safety and Health Administration (OSHA). Employees with the potential for occupational exposure to bloodborne pathogens or other potentially infectious materials shall be provided information and training by their supervisor as required by the federal regulation. OSHA stipulated universal precautions will be observed in order to prevent contact with blood or infectious materials. All blood and potentially infectious material will be considered infectious regardless of the perceived status of the source of the individual.

### Safety Data Sheets (formerly MSDS)

The Town will maintain and utilize appropriate safety data sheet on products, chemicals, and substances used in each facility that is required by federal law. In the event that an employee requires medical treatment due to a chemical exposure, a copy of the safety data sheet must be provided to medical personnel. As of December 1, 2013, all employees are to be trained under the new guidelines known as GHS or Global Harmonized System also known as the Right-To-Understand.

### Fire Arms

Possession or use of a firearm, ammunition, or other deadly weapons on Town property while on duty by Town employees, other than police officers, is prohibited. Employees who are legally authorized to possess a firearm or ammunition are directed to secure the weapon and

ammunition in their personal vehicle in a locked trunk, the glove compartment, or out of plain sight in their vehicle or in a location authorized by applicable law.

### Building and Facilities Security

Employees who are issued keys to the building or office are responsible for their safekeeping. The last employee, or a designated employee, who leaves the building or office at the end of the business day assumes the responsibility to ensure that all doors are securely locked, and that all lights are turned off with the exception of the lights normally left on for security purposes.

### Guidelines for Use of Personal Vehicles

An employee who uses a personal vehicle to conduct Town business is required by state law to carry liability insurance. The Town's liability insurance policy covers only claims against the Town and it does not cover you or your personal vehicle when you are using that vehicle to conduct official Town business. In the event you are injured in an accident while you are using your personal vehicle to conduct Town business, you may be entitled to worker's compensation benefits, depending on the circumstances.

Employees are responsible for any traffic citations received when driving a personal vehicle on Town business or at any time when using a Town vehicle. An employee convicted of a moving violation must notify his Department Head immediately.

### Use of Town Owned Vehicles

Use of Town-owned vehicles is restricted to Town employees carrying out the business of the Town.

The Town Council specifies that certain Town-owned vehicles may be designated for commuting status. Vehicles which are not designated for commuting status shall be parked on Town premises during non-business hours and are not to be used for personal purposes.

Employees who are permitted to use vehicles owned by the Town for commuting (and de minimus personal use) are subject to the federal law treating the use of the Town owned vehicle as a taxable fringe benefit.

Vehicles exempt from this rule include: clearly marked police and fire vehicles, specialized utility repair trucks and unmarked vehicles used by a law enforcement officer for officially authorized purposes.

Employees using a Town vehicle will be required to periodically provide a Bureau of Motor Vehicles Driving Record. These records will be kept in the employees personnel file.

Employees are responsible for any traffic citations received when driving a personal vehicle on Town business or at any time when using a Town vehicle. An employee convicted of a moving violation must notify his Department Head immediately.



Employees assigned a Town owned vehicle are responsible to notify their supervisor or Department Head concerning needed repairs or required maintenance.

In order to be reimbursement for emergency road service, mechanical repairs, parking, and highway-related tolls; employees must submit original receipts to the Clerk Treasurer.

#### Driver's License

If your job requires you to operate a motor vehicle, you must have and maintain an appropriate, valid driver's license, insurance, and proof of insurance. If the duties of your job require you to have a specialty license such as a CDL, said license must be maintained as valid.

#### Revoked or Suspended Driver's License

If your job requires you to drive on Town business and your driver's license is revoked, suspended or restricted for any reason, you must report the change in driving privileges to your supervisor immediately. Failure to do so will result in termination of employment.

#### Commercial Driver's License

Employees required to have a Commercial Driver's License (CDL) must comply with Town implementation of all Department of Transportation drug and alcohol testing procedures.

Any Town employee, who is required to drive a Town vehicle requiring the operator to have a CDL, will be required to maintain a CDL. These employees will be required to participate in Knox's alcohol and drug-testing program as mandated by the Indiana Department of Transportation.

If the employee is required by the Town to maintain a CDL as a condition of employment, the Town will pay for CDL physicals and CDL license test at a Town designated facility.

The goals of the CDL drug and alcohol testing policy are to ensure a drug and alcohol-free work environment, and to reduce and help eliminate drug and alcohol related accidents, fatalities, and damage to property.

Under the Town's Policy, drug and alcohol testing will be conducted on any current and/or prospective driver who may be required to operate a motor vehicle having a gross vehicle weight rating in excess of 26,000 pounds in interstate or intrastate commerce, and on any driver of a motor vehicle that is used to transport hazardous materials in a quantity which requires the vehicle to be placard regardless of the vehicle's size.

All applicants for positions with the Town which will include driving Town equipment, and which meets the above requirements will be notified of the Town's drug and alcohol use and testing policy and be required to pass an alcohol and drug test before becoming employed by the Town.

A CDL Driver must maintain his CDL license status or he will be terminated.

#### Post-Accident Testing

Any employee carrying a CDL must submit to a post-accident drug and alcohol test as soon as possible after an accident, whenever: (i) he/she receives a citation for a moving violation

involving the accident; or (ii) either a person is injured because of the accident and the injuries require immediate medical treatment to the person away from the accident scene; or (iii) one or more motor vehicles involved in the accident incur disabling damage and must be transported away from the accident scene by a tow truck or another vehicle. A Department Head on the scene can require the employee to submit to drug and or alcohol test if they believe the situation warrants one even if there is no personal injury or disabling vehicle damage. The police can also request a test be done following an accident.

An employee who is required to take a post-accident drug and alcohol test will, at the Town's discretion, either be assigned to a position, which does not require driving Town vehicles or placed on non-disciplinary suspension with pay while awaiting the post-accident test results.

An employee who tests positive for drugs and/alcohol, or who refuses or fails to submit to a post-accident drug and alcohol test will be subject to disciplinary action, up to and including discharge.

#### Random Drug Testing

The Town is required to test CDL employees on a random basis, and all such tests will be unannounced. Every employee will have an equal chance of being selected every time the selection is conducted. Appropriate safeguards are also present to ensure that the identity of the individual drivers cannot be determined before or at the time of their selection. When a driver is randomly selected to be tested, he/she will be notified and instructed to report to the collection site immediately.

An employee who tests positive for drugs and/or alcohol, or who refuses, or fails to submit to a random drug and/or alcohol test will be subject to disciplinary action, up to and including discharge.

#### Reasonable Suspicion Testing

Each CDL employee is required to submit to a drug and alcohol test whenever the Town has reasonable suspicion to believe that the driver has used drugs and/or alcohol in violation of DOT regulations and/or this policy.

Reasonable suspicion will exist when any employee's appearance, behavior, speech, or body odors indicate drug or alcohol use, or the withdrawal effects of drugs. Such observations must be personally observed and documented by at least one Department Head who has received training covering the physical, behavioral, speech, and performance indicators of probable drug and alcohol use. (If the trained individual is not available, the Department Head who observes the impairment will use his/her best judgment to determine whether a test is necessary.)

An employee who is required to submit to a reasonable suspicion test will be escorted by his/her Department Head to the appropriate specimen collection site for the drug and alcohol test.

The Department Head will arrange the transportation of the employee to their home at the completion of the test.

An employee who is required to take a reasonable suspicion test will be considered by the Town as unqualified to work and placed on immediate suspension, without pay, pending the results of the test. An employee whose test results are negative will be reimbursed for the time of the suspension. An employee whose test results are positive will **not** be reimbursed for the time of the suspension.

An employee who tests positive for drugs and/or alcohol; or who refuses or fails to submit to a reasonable cause drug and alcohol test; will be subject to disciplinary action, up to and including discharge.

### Automobile Accidents

Employees involved in an automobile accident while working should:

- Call 911 and aid any injured party;
- Employees should cooperate with law all enforcement personnel and first responders.
- Do not move any vehicles unless instructed to do so by proper police authority.
- Document facts including: the other driver's name, address, telephone number, license plate number, driver's license number, social security number, insurance carrier, policy number.
- Also document the name, address, and telephone number of any injured party or witnesses.
- Do not admit any fault or make any oral or written statements but give your name, address, telephone number.
- Notify the Clerk Treasurer and the Town Council President and submit a written report as soon as possible.

If an employee has an accident involving a Town vehicle that causes an injury requiring medical attention or property damage, the employee will be subject to an alcohol and drug test.

## GENERAL EMPLOYMENT

### Employee Files

The Town maintains four (4) separate personnel files regarding each employee. An I-9 Employment Eligibility Verification file, a Employee Personnel File, Employee Financial Records File, and a Medical Record File. These files contain confidential documents and are managed by the Clerk Treasurer.

### Form I-9 Employment Eligibility Verification

Federal law requires the Town have a completed I-9 on file for each employee. These forms must be available for inspection by authorized U.S. Government officials.

## Employee Personnel File

The general personnel file holds an assortment of documents including: resumes, employment applications, offer letters, payroll information, basic employment data including W-4s, enrollments (benefit programs), awards, recognition, disciplinary documents, performance evaluations, termination documentation, and exit interview information.

## Employee Financial Records File

This file contains tax forms, banking information, garnishment orders, insurance information, any court order or document relating to payroll withholdings, judgments, garnishments, tax liens, and any other private financial records.

## Medical Records File

Medical records of an employee are strictly confidential and are kept in a separate secure location away from the other personnel files. This file contains records pertaining to health care and medical matters such as: applications for insurance, doctor notes, disability. Access to this file is restricted to the Clerk Treasurer.

## Review & Copies

Upon written request, an employee may review his or her personnel records. This request must be in writing, signed, dated, and given to the Clerk Treasurer. This review may be supervised by one or more Town officials. Employees are not permitted to remove or destroy documents kept in their personnel files.

Employees may request copies of specific documents from their personnel files. This request must be in writing, signed, dated and given to the Clerk Treasurer.

## Changes in Employment Information

To keep personnel records up to date, you must promptly inform the Clerk Treasurer's Office, in writing, of any changes in the following personal information:

- Your Name,
- Home Address,
- Home Telephone Number,
- Marital Status,
- Current number of dependents (health care benefits)
- Work Status (pertaining to your legal right to work in the United States)
- Licenses (to the extent they are required to perform your job responsibilities)
- Military status,
- Beneficiary

In the event that you are involved in an accident or experience a medical emergency, it is important that the Town has current emergency contact information including:

- The Name and Phone Number of your Emergency Contact
- Your Physician or Health Care Provider

Because Town paychecks are direct deposited, employees must inform the Clerk Treasurer when they change banks want to initiate any voluntary payroll deductions.

## Public Record -Employee Records

The following information about Town employees is considered a matter of public record subject to disclosure pursuant to the Indiana Access to Public Records Act. As a result, the following information may be available for release:

- The name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience or dates of first and last employment of present or former officers or employees of the agency;
- Information related to the status of any formal charges against the employee;
- Information concerning disciplinary actions in which final action has been taken and that resulted in the employee being disciplined or discharge.

Upon written request, an employee may review his or her personnel file. This request must be in writing, signed, dated, and given to the Clerk Treasurer.

## Employment Verification/ Outside Reference Requests

All requests for information about current or former employees must be directed to the Clerk Treasurer's Office. No one else is to provide information on current or prior employees. Specifically, supervisors are not to provide letters of reference for any former employee. The Town does not provide letters of recommendation for former employees or employees that leave employment for any reason.

## Employee Classifications

For the purpose of designating eligibility for certain benefits and the payment of overtime, employment classifications fall into one of each of the following categories:

### *Full Time:*

Employees hired for an indefinite term and who work a regular schedule of at least thirty (30) hours per week. Full Time Employees are eligible for the Town's benefit package.

Full-time employees are eligible for health-care related benefits upon their hire date. Health-care benefits will begin thirty calendar (30) days following their hire date.

*Part-Time:*

Employees hired for an indefinite term and work regular schedule of less than (30) hours per week.

Department Heads must have the approval of the Town Council to schedule a part-time employee for more than twenty-eight (28) hours per week. While these employees receive all legally mandated benefits (such as Social Security and Workers' Compensation Insurance), with the exception of the Part-time Utility Clerk, Part-time employees are not eligible for any of the other benefits offered to full-time employees. Part-time employees who become full-time employees and meet the eligibility requirements, will become eligible for health care benefits and all other benefit plans based on the date the employee is designated as a full-time employee.

*Part-time Utility Clerk:*

A Part-time Utility Clerk shall be scheduled to work 29.5 hours per week. In addition to legally mandated benefits (such as Social Security and Workers' Compensation Insurance) the Part-time Utility Clerk shall be entitled to paid vacation as hereinafter provided. The Part-time Utility Clerk shall not be entitled to any of the other benefits offered to full-time employees.

*(As Amended Per Resolution 2022-003)*

*Temporary:*

Employees employed for a definite term of not more than (9) consecutive months or less. These employees may work a non-standard schedule. Temporary employees receive all legally mandated benefits (such as Social Security and Workers' Compensation Insurance) but are not otherwise eligible for benefits.

*Salaried:*

Employee paid a predetermined, annual amount of compensation. Full-time salaried employees are expected to work a minimum of 40 hours per week.

*FSLA Exempt / Non-Exempt:*

Under the Fair Labor Standards Act (FLSA) each employee of the Town is classified as either exempt or non-exempt. Non-exempt employees may be hourly or salaried and are entitled to overtime pay under the specific provisions of federal and state laws.

An exempt employee is one whose duties and responsibilities are of an executive, administrative, or professional character (or other exempt work) as described under the Fair Labor Standards Act (FLSA) and who is paid on a salary basis. Exempt employees are exempt from overtime and certain other provisions of the FLSA. Exempt employees may be required to perform work in excess of the standard 40-hour workweek without additional compensation. This includes appointed and non-appointed exempt employees. Elected Officials are classified exempt.

## Hiring Procedure

If a new position is created or a current position becomes vacant and needs to be filled, the Town Council will direct the Clerk Treasurer to post a notice advising of the open position. The notice may be posted in any of the following ways: job boards or bulletin boards throughout the various departments of the Town, the local newspaper, the internet, or any other means that is necessary to attract qualified candidates. The position opening will be posted for a reasonable amount of time depending on applicant responses. The notice shall include the department, position title, hours, pay rate, requirements, and the essential and non-essential job duties as contained in the job description for the position.

Preference may be given to current Town employees who meet the minimum requirements for the position and who are not serving a probationary period. Current employees who wish to apply for a vacant position must submit a written letter of interest to the Department Head for the department in which the vacancy exists. Current employees who submit a letter of interest will be subject to a personal interview and evaluation as deemed appropriate. Criteria used in evaluating the applicant and his qualifications may include evaluations, aptitude, attendance records, education, training, prior work experience, job history, and length of employment with the Town.

Any person who is not a current employee who wants to apply for a vacant position must submit written application, along with all documents or supplemental information requested in the application.

Application forms may be obtained from the Clerk Treasurer's Office. Completed applications must be returned to the Clerk Treasurer's office no later than the date indicated on the form. All information must be true and verifiable. Any false, misleading information or omissions of information provided during the application process can be grounds for disqualification from consideration for the position or termination of employment. The Clerk Treasurer will maintain all applications received for a period of not-less-than one (1) year from the date of the application.

As part of the hiring process, and before employment begins, an applicant may be required to undergo a background check. The applicant may be required to pay for the cost of the background check. Evidence of a conviction of a felony which was not reported, or other conduct unbecoming a public servant of the Town or posing a threat to the legitimate business concerns of the Town or its various departments shall also be cause for denial or discharge from employment; however, prior criminal conviction(s) are not an automatic bar to employment.

As a condition of employment, the successful candidate for employment will be required to submit to drug and alcohol test. This testing will be conducted prior to commencement of employment and is a condition of employment by the Town.

The selection process for Merit Police Officers is separately regulated and overseen by the Police Commission pursuant to Indiana Code.

## Conditions of Employment – Merit Police

The following conditions of employment, subject to Indiana Code §§36-8-3.2-1 *et seq.* and 36-8-4.5-2 *et seq.*, as amended from time to time, apply to all Merit Police Officers working for the Town of Trafalgar Police Department.

All Officers shall reside in Johnson County or within a County adjacent to Johnson County. Any new officer not so residing shall move into the specified area within six months after the date of his employment. Failure to do so shall be cause for discharge.

Officers residing within fifteen (15) miles of the corporate Town limits may be assigned a take home police vehicle.

All new Officers must meet the minimum standards of the Indiana Law Enforcement Training Board, as amended and in effect from time to time, regarding acceptance of persons for law enforcement training. (The current regulations are found at 250 I.A.C. 1-3.)

All new Officers must successfully complete the Indiana Law Enforcement Academy's pre-basic course before being employed by the Town Police Department. A person who has not successfully completed the Law Enforcement Academy's pre-basic course will not be considered for employment.

All new Officers, who have not completed the Law Enforcement Academy's basic course, will be on probation until they have completed the mandated requirements of the Law Enforcement Training Board. Failure to successfully complete the basic course shall be cause for discharge.

All potential new Officers, after being offered employment, must complete at their own expense, a physical which is required by the Indiana Law Enforcement Academy.

All Officers, after being offered employment, shall submit to a drug test prior to employment by the Town. Failure to successfully pass the pre-employment physical and the drug test shall be cause for withdrawal of the offer of employment.

All new Officers sent to the Indiana Law Enforcement Academy to obtain mandated basic training will be required to sign a four-year contract with the Town of Trafalgar. This contract stipulates that if the officer resigns his position or is discharged for cause, after attending the Law Enforcement Academy, the officer will owe the Town three (3) weeks' pay for each year of the four-year contract he does not complete. For a year partially not completed, the amount owed will be prorated.

The amount owed the Town shall be calculated at the rate of the new officer's current weekly salary. This obligation shall be evidenced by a promissory note, with provisions for attorney's fees and other standard provisions.



## Orientation

An orientation program will be conducted for all newly hired employees of the Town. The purpose of the orientation program is to acquaint new employees with Town policies and departmental rules and procedures, their job description, and to familiarize them with Town facilities, and to introduce them to department personnel and supervisors.

The Department Head or Elected Official is responsible for establishing an orientation program for new employees within their department and to designate someone to conduct the orientation.

Department Heads are responsible to establish an orientation "check-off" list covering the items listed above. The individual conducting the orientation is required to check off each area covered and have the new employee sign and date the checklist confirming that they have completed the orientation process and understand the information presented. The signed and dated check-off list will be filed in the employee's personnel file.

## Probationary Period

With the exception of employees hired as Merit Police Officers, all employees hired for regular part-time or full-time employment must complete a minimum 90-day probationary period. During the probationary period, you may decide that your new job is not what you thought it would be, or your supervisor may conclude that your skills and qualifications are not a good fit. The 90-day probationary period provides you a chance to demonstrate your ability, skills, and interest and to determine for yourself whether you are satisfied in the position you have taken.

If your Department Head determines that you are not satisfying performance expectations during or at the end of the initial 90 days, your employment will be terminated at that time unless it is concluded that a 30-day extension of the probationary period is appropriate. Once your supervisor determines that you have successfully completed the probationary period, you will be notified of your regular employment status. Because all civilian employees are employees-at-will, employment may still be terminated for any reason or no reason at all at any time before or after completion of the probationary period.

If you are transferred or reassigned, voluntarily or involuntarily, to a different position, you must complete a minimum 90-day probationary period in your new position under the same terms and conditions.

Merit Police Officers must complete a one (1) year probationary period and meet all other requirements as determined by the Police Commission.

## Department Rules

Each Department Head has the right and authority to establish and enforce reasonable work rules, as well as operational policies and procedures necessary to carry out the mission, goals, objectives, and functions of their department.

The Department Heads also have the right to establish and enforce any rules, regulations, and procedures necessary to implement the personnel policies listed in this handbook.

These rules, regulations, and procedures shall not conflict in any manner with the policies stated in this handbook and are only applicable to that particular Town Department or Office.

## Job Descriptions

The Town makes an effort to write and maintain accurate job descriptions. The job description includes a job information section, a job summary section (giving a general overview of the job's purpose), an essential duties and responsibilities section, a supervisory responsibilities section, a qualifications section (including education and/or experience, language skills, mathematical skills, reasoning ability, and any certification required), a physical demands section, and a work environment section.

The Town maintains job descriptions to familiarize new employees with their jobs, identifying the essential functions and requirements of each position, establishing hiring criteria, setting standards for employee performance evaluations, and establishing a basis for making reasonable accommodations for individuals with disabilities. The supervisor and the Department Head prepare job descriptions when new positions are created.

Existing job descriptions are reviewed and revised in order to ensure that they are up to date. Job descriptions may also be rewritten periodically to reflect any changes in the position's duties and responsibilities. All employees will be expected to help ensure that their job descriptions are accurate and current, reflecting the work being done.

It is important to remember that job descriptions do not list every task or duty that might be assigned. Additional responsibilities may be assigned as necessary. Employees are encouraged to discuss any questions they have about their job description with their Department Head.

## EMPLOYEE CONDUCT

### On-Duty

As public employees it is vital that we always treat the public with respect. Employees are expected to adopt a friendly, courteous, and service oriented attitude towards the citizens and customers.

Courtesy is key to good human relations, creating a pleasant work environment, and contributing to the Town's success. Please be courteous in your communications and interactions with others. Rudeness, assault, fighting, harassment, discrimination, threats, intimidation, or similar negative behavior toward the public or other employees will not be tolerated. Never use profanity while

on duty. Complaints from the public against any employee will be investigated and may result in disciplinary action.

Improper or unproductive use of the Town's computers is not permitted, e.g. surfing the internet, checking Facebook or your personal email.

Personal telephone calls are allowed but should be brief and infrequent.

Personal visits from family and friends while on duty should be infrequent.

Violations of federal, state, or local laws including town ordinances may result in disciplinary action up to and including discharge.

When on the job, all employees should conduct themselves in a manner appropriate to the workplace. Courtesy and consideration for others should be observed in all contacts with Town associates as well as with other people who may have business to transact with the Town. In particular, all employees must be sensitive to the concerns and values to others.

Employees shall reject any attempt by an individual, group, or organization to bribe or compensate them for services provided while on the working on behalf of the Town. Any employee becoming aware of any such attempt shall immediately report the incident to his Department Head.

## Handling Citizens Questions and Complaints

All citizens will be treated with courtesy and respect. Employees should not engage in arguments, debates, or lengthy discussions with private citizens regarding the Town's policies, procedures, or services. An employee who receives a complaint from a private citizen should refer that individual to his supervisor, who will then communicate the complaint to the Elected Official.

## Off-Duty

The Town respects your privacy interests and recognizes your right to conduct your personal lives free from interference. However, as a Town employee even when you are off duty, you still represent the Town when you are in public. Therefore, certain types of off-duty conduct may reflect poorly upon your character and judgment which could also influence your status as an employee.

If you engage in criminal conduct or other unprofessional or serious misconduct off-duty that hurts the Town's image or is inconsistent with employee expectations or adversely affects the Town's interests, you may be subject to disciplinary action up to and including termination.

## Outside Employment

Full-time employment by the Town is considered the employee's primary occupation, taking precedence over all other occupations. Employees are permitted to hold other jobs, subject to

certain restrictions. Outside employment, or moonlighting, will be a concern to the Town only if it adversely affects the employee's job performance and the ability to fulfill all job responsibilities.

Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel or refusal to work overtime or different hours. If the Town determines that an employee's outside work interferes with performance, the employee may be asked to terminate the outside employment.

Employees who have accepted outside employment may not use paid personal / sick leave to work on the outside job. Fraudulent use of personal / sick leave will result in disciplinary action up to and including termination.

Employees are prohibited from performing any services for residents or utility customers on nonworking time that would normally be performed by the Town. This prohibition also extends to the unauthorized use of any Town tools or equipment. Also, employees are not to solicit or conduct any outside business during paid working time.

### Personal Appearance

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

Department Heads are responsible for establishing a reasonable dress code appropriate to the job employees perform. If a Department Head, the Clerk Treasurer, or the Town Council President or Council Members believe that an employee's personal appearance is inappropriate, the employee may be asked to leave the workplace until they are properly dressed or groomed. Under such circumstance, nonexempt employees will not be compensated for the time away from work. Employees should consult with their Department Head if they have questions as to what constitutes appropriate appearance. Where necessary a reasonable accommodation may be made to a person with a disability.

Without unduly restricting individual tastes, the following personal appearance guidelines should be followed:

- Shoes must provide safe, secure footing, and offer protection against hazards.
- Tank tops and tube or halter tops, may not be worn under any circumstances.
- Mustaches and beards must be clean, well-trimmed, and neat.
- Hairstyles are expected to be in good taste. Unnaturally colored hair and extreme hairstyles, such as spiked hair, do not present an appropriate professional appearance.
- Long hairstyles should be worn with hair pulled back off the face and neck to avoid interfering with job performance.

- Offensive body odor and poor personal hygiene are not professionally acceptable.
- Perfume, cologne, and after shave lotion should be used moderately or avoided altogether, as some individuals may be sensitive to strong fragrances.
- Jewelry should not be functionally restrictive, dangerous to job performance, or excessive.

## Uniform Allowance

The Town Council provides a uniform allowance for certain full-time employees, in accordance with the most recent ordinance enacted by the Town Council. Employees receiving this allowance, are required to purchase their own uniforms and submit original invoices to the Clerk Treasurer for reimbursement. Requests for reimbursement should be submitted as soon as practical following the purchase and within the same calendar year.

Employees who are required to wear uniforms shall keep, maintain, and wear the uniform as specified by their Department Head. Each department of the Town will identify the appropriate clothing to be worn by the respective department employee, and the individual department's standard will prevail.

The uniform allowance is a taxable fringe benefit and the amount spent on non-excludable clothing and safety equipment will be recorded as income subject to withholding.

## Performance Evaluation / Review

Performance reviews are conducted from time to time to provide both you and your supervisor with the opportunity to discuss your job responsibilities, identify weaknesses, encourage and recognize strengths, and discuss methods for improving your performance. Please understand that a positive performance review does not guarantee an increase in salary, a promotion, or even continued employment. Compensation increases and the terms and conditions of employment, including job assignments, transfers, promotions, and demotions, are determined by and at the Town Council's discretion.

# EMPLOYMENT BENEFITS

## Benefits Eligibility

Full-time employees, including but not limited to Merit Police Officers, are entitled to the benefits provided by the Town, as part of and included in the Town's annual benefit plan as amended from time to time, provided they qualify for each individual benefit.

Full-time Merit Police Officers are required to join the 1977 Police Officers' and Firefighters' Pension and Disability Fund, or such other pension and disability fund that may subsequently be mandated in lieu thereof by the laws of the State of Indiana, upon hiring

Except for the Part-time Utility Clerk, Part-time and Temporary employees are not eligible for benefits other than worker's compensation and Social Security.

The Part-time Utility Clerk is not eligible for benefits other than worker's compensation, Social Security and paid vacation as hereinafter provided.

The Town reserves the right to unilaterally change, prospectively, the benefits included in the Town's annual benefit plan without employee input. The Town shall not be liable to any employee or former employee or dependents thereof, for loss of benefits, coverage, or increased cost of coverage in the event the benefits are changed.

Information about the Town's annual benefit plan is provided during orientation and can be obtained from the Clerk Treasurer.

### Separation from Employment / Resignation

In the event that an employee intends to resign, he should notify the Department Head or Elected Official, in writing, at least two (2) weeks in advance of the effective date.

An absence of three (3) or more consecutive days without notice and supporting documentation is considered voluntary resignation.

Employees are required to return all Town property e.g. tools, uniforms, credit cards, keys, phones, computer equipment and documents on or before the last day of employment.

### Termination of Employment

Any employee who terminates employment or dies within the calendar year shall be entitled to receive compensation for vacation time earned, but not taken.

### Return of Property

Prior to receipt of the last paycheck, employees are responsible to return all Town property including:

- Materials;
- Documents and written information;
- Identification Badges;
- Credit Cards;
- Mobile Devices;
- Electronics;
- Tools;

- Keys or Key Fobs;
- Uniforms;
- Guns or any other related equipment or accessories.

## TIMEKEEPING & PAYROLL

### General Payroll Information

Payroll is processed and paid bi-weekly on Friday. Employees receive their wages by direct deposit.

All non-elected personnel will be required to maintain a time record using the Town's time sheet system.

Straight time will be paid to civilian, non-exempt employees working forty (40) hours or less per workweek. Work performed by non-exempt employees in excess of forty (40) hours in a week, will be considered overtime and will be paid at a rate of one and one-half times the employee's regular rate of pay. Paid time off (vacation, holidays, personal leave, compensatory time used, etc.) is NOT considered time actually worked for computing overtime.

Full-time Merit Police officer working up to 84 hours in a 14-day cycle shall be paid at his straight salaried pay rate. An officer working above their normal scheduled hours, but still under 87 hours in a 14-day period, shall be paid additional compensation for hours actually worked in addition to 84 hours at an hourly rate equal to his bi-weekly gross salary divided by 42 ("Regular Rate"). An officer who actually works over 87 hours in a 14-day period is paid overtime for the additional hours actually worked at one and one-half (1.5) times his/her Regular Rate. Paid time off (vacation, holidays, personal leave, compensatory time used, etc.) is NOT considered time actually worked for computing compensation including without limitation, overtime.

### Hours of Work Generally

The Town of Trafalgar is open for business Monday through Friday, fifty-two (52) weeks a year unless there is a scheduled holiday.

The Town's standard workweek begins at 12:01 AM Sunday morning and runs through 12:00 midnight Saturday ("Workweek").

Full-time employee's standard workday varies according to the job title and department. Town employees may be assigned a regular six (6), eight (8), or twelve (12) hour work day.

Actual starting and quitting times are established by each individual Department Head.

Each employee is expected to complete a normal workday and work week, and to work whatever reasonable additional hours required to meet the Town's needs. Operational needs or emergencies, however, may necessitate the establishment of other work hours, days, or weeks.

If overtime is required, employees will be expected to work any additional time required. The Department Head must authorize the additional time in advance.

## Merit Police Officers Hours of Work

Merit Police Officers working a minimum of 84 hours in a 14-day cycle are classified as full-time and are eligible for all employment benefits provided to all full-time Town employees. Merit Police Officers are eligible for health-related benefits upon their hire date. Health benefits begin after thirty calendar (30) days of their hire date.

The Chief of Police works a minimum of 84 hours in a 14 day pay period and is classified as Salaried Exempt. The Chief of Police is eligible for all Town benefits. The standard workday of the Chief of Police for calculation of any paid leave, vacation days, training, and holidays is 12 hours.

## Direct Deposit

Direct Deposit is a safe and convenient check handling system which automatically deposits payroll checks into personal savings or checking accounts. The Town requires all employees to enroll in Direct Deposit.

To set up direct deposit:

- Request a Direct Deposit Authorization Form from the Clerk Treasurer
- Complete the form following the instructions
- Either attach a voided check or take the authorization form to your financial institution and obtain from them the necessary authorization information

Employees who do not have a checking or savings account will need to provide deposit direction for payroll. Many banks provide prepaid cards which you can use to have your payroll deposited. Suggested providers include:

- Green Dot [www.greendot.com](http://www.greendot.com)
- American Express [www.americanexpress.com](http://www.americanexpress.com)
- Walmart Money Card [www.walmartmoneycard.com](http://www.walmartmoneycard.com)
- Western Union Net Spend [www.wunetspendprepaid.com](http://www.wunetspendprepaid.com)

## Time and Attendance Records

### Time Sheets

State of Indiana and Federal regulations require that the Town keep an accurate record of all hours worked by employees.



Employees are given time sheets for each 14 day pay period. It is the employee's responsibility to keep accurate account of the time worked on their time sheet. Employees are required to write in the times when they report to work and when they leave. Employees shall review and sign their time sheets bi-weekly.

Employees should sign-in and begin work no earlier than five (5) minutes prior to their scheduled starting time and stop work and sign-out no later than five (5) minutes after their scheduled workday has ended unless approved by the Department Head. Hourly rates of pay are calculated to the nearest 15 minutes.

Employees are required to take their scheduled lunch unless prior approval is given by their immediate supervisor.

Overtime must be approved by the supervisor. An explanation for the additional time worked should be written in the space provided on the time sheet. Employees are expected to document all paid time off taken on the time sheet including: vacation, sick, personal, bereavement, holiday, or comp time.

Department Heads shall review and sign each employee's time sheets bi-weekly. Once approved, the time sheets are submitted the Clerk Treasurer in order to prepare payroll. The Town Council President reviews and signs the time-sheets of Department Heads.

Any requested changes to an employee's time sheet must be approved by the Department Head or Town Council President. Employees are strictly prohibited from writing in, completing, or editing anyone else's time card. Violation of this policy may result in disciplinary action up and to termination.

## Attendance

The Department Head is responsible for certifying the attendance of all employees in their department and shall keep complete daily attendance records.

Attendance records shall be reported to the Clerk Treasurer who maintains the official leave balance for each employee.

Every employee is expected to be come to work as scheduled, to be at work at the beginning of the assigned shift and to work until the end of the assigned shift unless prior approval to do otherwise has been granted. If an employee is unable to report to work as scheduled, will be late, or for personal reasons, needs to leave early; this information must be report to the supervisor as soon as possible.

If an employee is unable to come to work, he should request approval in advance whenever possible. When prior approval cannot be requested, as may be the case in an unexpected illness or emergency situations, the employee should notify the Department Head in advance of the start of the scheduled shift, or as soon thereafter as possible.

An employee who fails to notify his supervisor that he will not report to work as assigned, will be considered to be on unauthorized leave.

Tardy or late arrival on one or more occasions is inexcusable and will not be allowed. Late arrival is defined as any situation where an employee reports to work after his scheduled starting time.

In addition, if an employee is late, that employee may be subject to disciplinary action, unless he provides the supervisor a written explanation for being late that is considered valid.

Excessive absenteeism (i.e. frequently failing to report to work as scheduled) may result in disciplinary action.

If an employee is excused, in advance, from scheduled work, that absence will not count as an absence.

An employee who fails to report to work for three (3) consecutive workdays, without contacting his supervisor, will be considered to have voluntarily resigned.

Failure to notify the Department Head during any three absences may be considered sufficient grounds for discharge.

The Department Heads are responsible for monitoring the attendance and punctuality of employees and counseling employees within their areas of responsibility as needed. Repeated occasions of absenteeism will not be condoned, and the Department Head is responsible for correcting or eliminating such situations if they develop.

Repeated tardiness and absenteeism by an individual employee may result in disciplinary action up to and including discharge.

## Meals and Breaks

Employees shall receive a thirty (30) minute unpaid lunch period each work day. Department Heads will coordinate breaks and lunch periods. Employees are expected back at their workstation ready to start work at the end of each break or lunch period.

Employees are required to take their scheduled lunch unless prior approval is given by their immediate supervisor.

Subject to the discretion of the Department Head, employees may be allowed to take one fifteen (15) minute rest break during any four-hour work period. Such breaks shall not interfere with the performance of the employee's work responsibilities, may be set by the Department Head, and are subject to change.

## Over Time

A. Any employee may be required to work in excess of the normal workday or Workweek to meet operational demands. Overtime for non-exempt employees is calculated according to the guidelines set by the FLSA (Fair Labor Standards Act) and treated accordingly. Paid time off

(vacation, holidays, sick days, comp time, and personal days) are not considered time worked for computing overtime.

B. All overtime must be approved by the Elected Official, Department Head or the employee's Supervisor in advance, except in unusual or emergency situations.

C. Exempt employees do not receive any compensation in addition to their salary for hours worked over 40 in a week.

### Flex Time

A. The Town may utilize "time-off" or flexible hours in order to avoid having non-exempt employees work in excess of forty (40) hours in a Workweek.

B. The Town Council President or the Department Head must approve flextime scheduling.

C. The Department Head should make every effort to ensure that employees utilize flex time so as not to work overtime.

D. Flex time must be taken within the same Workweek.

Example: If an employee works twelve (12) hours on one day and eight hours each on three other days in that same Workweek, then the employee may be required to take off four (4) hours on another day within that same Workweek, thus keeping his hours worked at forty (40) hours for that Workweek.

### Compensatory Time

The Town may decide, per written agreement between the Town and employee, to offer compensatory time off in lieu of overtime pay to non-exempt employees. Any written agreement for compensatory time shall comply with the following requirement:

**A. Non-exempt employees, other than Merit Police Officers:**

1. Shall receive one and one-half (1½) hours of compensatory time off for each hour worked in excess of forty (40) hours in a Workweek.
2. Non-exempt employees may not accrue more than eighty (80) hours of compensatory time. All overtime hours worked in excess of said limit shall be paid at the appropriate rate

**B Merit Police Officers:**

1. Shall receive one (1) hour of compensatory time off for each hour worked in excess of eighty-four (84) hours up to eighty-seven (87) hours worked in a 14-day period.
2. Shall receive one and one-half (1½) hours of compensatory time off for each hour worked in excess of eighty-seven (87) hours worked in a 14-day period.;
3. May not accrue more than eighty-four (84) hours of compensatory time. All overtime hours worked in excess of said limit shall be paid at the appropriate rate.

The Federal Fair Labor Standards Act permits the Town to allow the accrual of a higher maximum number of hours. However, the Town, as a policy matter imposes a lower number of compensation hours that may be accrued before payment for overtime hours resume.)

Employees can take compensatory time off after a proper request has been submitted and approved by the employee's Department Head or, in the case of Merit Police Officers, the Chief of Police.

Upon discharge of employment, employees with accrued and unused compensatory time are entitled to receive payment for their accrued and unused compensatory time based on their regular hourly wage rate in effect at the date of discharge.

### Emergency Call In

- A. If a non-exempt employee is called in to work during an emergency, he shall be compensated for a minimum of two (2) hours. Call in time is counted as time worked.
- B. Employees will be paid straight time for all hours worked up to 40 hours.
- C. Employees called in to work during a holiday will receive one and one-half (1 ½) times their regular hourly rate for hours actually worked on the holiday, in conjunction with their holiday pay.

### Deductions from Pay

The Town is required by law to make certain deductions from every employee's pay, including applicable federal, state, and local income taxes. The Town also deducts Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." The Town matches the amount of Social Security taxes paid by each employee. If you have questions about specific deductions made from your paycheck, please contact the Clerk Treasurer.

### Wage Garnishments

A court ordered legal claim against the wages of an employee by legal authority is a garnishment and shall be recognized and executed by the Town. When a garnishment is received for an employee, the Clerk Treasurer's office will notify the employee.

### Weather or Civil Emergencies

It is the policy of the Town to provide normal services during the event of a weather emergency to the maximum extent possible, while ensuring the greatest possible safety to employees and citizens, and to provide the fullest obtainable staffing levels during such an emergency.

### *Definitions*

*Weather Related Civil Emergency:*      *A weather condition, which causes the Town, or the County Emergency Management to declare a state of emergency, such as snow, flood, tornado, etc.*

*Critical Service Employee:*      *Employees of a public safety department, (e.g. Police), and those employees of departments that render services to the public, ensuring its safety, directly contributes to the Town's emergency operations designed to combat a specific emergency at hand, or ensures continued essential public service.*

Critical Service Employees are expected to report for their regular shift assignment during a weather/civil emergency, without exception, unless the Council President has contacted employees personally, with alternate instructions.

Critical Service employees may ask to use personal time leave in place of coming to work, however, the request may be denied with no recourse available to the employee except to report to work for his regular shift.

Non-Critical Service Employees: Those employees of a department who render services determined to be non-critical in case of emergency.

Non-Critical Service Employees are expected to report for their regular shift assignment during a weather emergency, unless the following occurs:

The County Emergency Management issues a media broadcast statement to the contrary requiring that citizens are to remain off Town streets.

The Council President contacts the employee prior to the start of his shift with alternate instructions.

All employees are subject to call to duty at reasonable times and must respond to emergency call, unless physically unable to do so.

Any employee who reports to work and the facility and/or department is later closed due to an emergency after his arrival, shall be paid for a full workday without being penalized by using vacation, personal days, compensatory time, or by making up this time within the pay period.

However, if a full-time employee does not report to work on a day in which the facility/department is later closed, time missed will be charged to vacation, personal days, compensatory time, time without pay, or under certain circumstances, the Council President may allow the employee to make up time missed, provided that the time is documented. If a part-time employee cannot report to work, time missed shall be without pay.

## BUSINESS TRAVEL POLICY

### Reimbursement for Mileage, Meals, & Lodging

Employees must obtain advance authorization from their Elected Official or Department Head before planning or embarking on business travel. It is the duty of the Elected Official or Department Head to monitor their department's compliance with the Town's travel policy.

In order for expenses incurred for event travel to be paid with Town funds, the following must be submitted:

- A completed claim explanation/reimbursement form approved by the Town Council for this purpose; and
- Original, unaltered, itemized receipts documenting all expenses; and
- Proof of attendance in the form of conference agenda or certificate of completion; and
- Documentation reflecting the distance of the event from the primary place of employment if requesting reimbursement for lodging; and
- A completed mileage claim form, if requesting reimbursement for mileage.

Expenses incurred by employees for attending conferences or meetings that are located more than 50 miles away from the Town and require overnight travel will be reimbursed through a claim voucher signed by the employee and Department Head or Elected Official. The expense claim voucher must include itemized receipts for all expenses incurred during the trip.

### Mileage

An employee may be reimbursed for mileage at the federal rate of per mile for the use of privately owned automobiles for official Town business. Mileage is payable to only one of two or more employees traveling on the same trip and in the same vehicle. The names of each passenger must be listed on the travel voucher.

Charges for parking and toll fees are reimbursable on any day when an employee is entitled to claim reimbursement for mileage. Valet parking will be reimbursed if valet parking is less costly, more efficient, and safer than other alternatives available.

Employees who use their personal vehicles for work related activities on behalf of the Town are reimbursed per mile driven at the rate set annually by the United States Internal Revenue Department.

In order to be reimbursed, the employee must submit a claim including the origin and destination of each trip in sufficient detail to account for the mileage claimed. No reimbursements are payable for travel between home and office.

The expense reports must be submitted to the Department Head for approval. Once approved, the expense reports and a claim for reimbursement should be submitted to the Clerk Treasurer for processing.

No reimbursements are payable for commuting travel between the employee's home and Town offices.

### Parking Fees

Charges for parking are reimbursable on any day when an employee is entitled to claim reimbursement for mileage. Employees may submit an itemized receipt for any parking fees more than One Dollar (\$1.00).

### Meals

Meal allowances for meals during business travel are governed and will be paid in accordance with Town Ordinances adopted by the Town Council.

### Lodging

Employees must request approval for any overnight stay from the Council President at least 60 calendar days prior to the date of intended departure.

Lodging will be reimbursed in accordance with Town Ordinances adopted by the Town Council.

### Commercial Travel

Travel by commercial airlines, rail service, or bus will be reimbursed in accordance with Town Ordinances adopted by the Town Council.

Town funds may not be used for rental expenses accumulated for personal travel

### Special Circumstances or Exceptions

Elected Officials, Department Heads or employees with unusual circumstances or who are requesting exceptions to the travel policy outlined shall request approval from the Town Council as soon as the need for the exception to the policy is known.

### Out-Of-State Travel

All out-of-state travel requires prior approval from the Town Council. Requests for approval of out-of-state travel should include:

- Travel dates;
- Agenda; and
- Estimated expenses

Approval will not be given if equivalent training and educational opportunities are available within the State of Indiana.

## Use of Benefit Time in Conjunction with Business Travel

While the primary purpose of travel must be Town business, approval may be granted to make a trip wherein personal time, vacation time, and business travel are combined with the understanding that if the travel costs increase due to the personal vacation time, then the Elected Official, Department Head, or employee is responsible for payment of any additional expenses charged.

Also, if personal vacation leave is combined with any business trip, Town funds may not be used for the lodging for the extra days of travel time.

## Recovery of Expenses Paid in Error

The Town may recover any expense or allowance paid to any Elected Official, Department Head, employee, or entity, that was paid due to error, illegality, or fraud, within a reasonable time after its discovery or within the applicable statute of limitations or relevant Indiana Code.

## PAID LEAVE TIME

### Personal Days

After six months continuous employment, all Town employees classified as full-time salaried or hourly (minimum 30 hours worked per week) are allowed to take up to three (3) paid personal leave days per calendar year.

- Use of Personal leave must be approved in advance.
- Personal Days may be used in half ( $\frac{1}{2}$ ) hour increments.
- Personal leave days are not carried over from one calendar year to the next.
- Unused Personal leave days are not paid out at any time.
- Personal leave hours are not counted as hours worked for the purposes of calculating determining overtime.

### Sick Days

All full-time salaried and full-time hourly (working a minimum of 30 hours per week) employees shall accrue six (6) paid sick days per calendar year. Sick days may be accumulated or carried over from year to year. Employees may accumulate or bank up to a maximum of 15 sick days. Sick leave days will run concurrently with FMLA leave.

Sick leave may be taken in a minimum of half ( $\frac{1}{2}$ ) hour increments.

If an employee resigns or is terminated, his accrued sick time benefit will be prorated according to the actual number of months worked. Any sick time taken off over the pro-rated amount will be deducted from the employee's last pay check.



## Holidays

The Town Council designates which days departments and offices of the Town will be open and closed. The Council also designates certain days to be observed as paid holidays for all full-time salaried or hourly employees. All full-time employees, upon hiring, are eligible for paid holidays.

The following paid holidays will be observed by all full-time salaried or hourly employees:

1. New Year's Day
2. Martin Luther King Day
3. Presidents' Day
4. Good Friday
5. Primary Election Day (during an election year)
6. Memorial Day
7. Independence Day
8. Labor Day
9. Columbus Day
10. General Election Day (during an election year)
11. Veteran's Day
12. Thanksgiving Day
13. Thanksgiving Day After (Friday after Thanksgiving)
14. Christmas Eve Day
15. Christmas Day
16. New Year's Eve Day

*(As Amended Per Resolution 2022-003)*

**Part-time Utility Clerk Paid Holidays** - The Part-time Utility Clerk is eligible for the following paid holidays (to be paid at the rate of 5.9 hours/holiday day):

1. New Year's Day
2. Martin Luther King Day
3. Memorial Day
4. Independence Day
5. Labor Day
6. Thanksgiving Day
7. Christmas Eve Day
8. Christmas Day
9. New Year's Eve Day

*(As Amended Per Resolution 2022-005)*

Holidays falling on Sunday, will be observed on the following Monday. Holidays falling on a Saturday, will be observed on the preceding Friday.

A full-time salaried or hourly paid employee who is required to work on a holiday, may carry over a maximum of four (4) holiday days into the next calendar year. At no time will an eligible employee be allowed to carry over more than four (4) holidays days.

An employee required to work during a holiday shall be paid at a rate of one and one half (1.5) times his regular hourly rate for all hours physically worked, in addition to their holiday pay.

If a holiday falls while an employee is off on a scheduled vacation, the vacation day will not be charged against his vacation leave.

Employees must be in a paid status the day before and the day after a holiday to be paid for the holiday. An employee scheduled to return from a non-paid leave on the day after a holiday will not be paid for the holiday. An employee whose leave without pay is approved through the end of the last business day preceding a holiday is also presumed to be on leave during the holiday and will not receive compensation for the holiday.

Any employee who is absent without authorization on the workday preceding a holiday or the workday following a holiday will not receive a paid holiday compensation for the holiday not worked.

Merit Police Officers (“Officers”) shall receive one (1) paid day off, paid at his regular rate, for each designated holiday observed by the Town (“Floating Holiday”). Officers are required to schedule and take their Floating Holiday in the same month as the designated holiday subject to the approval of the Chief of Police.

An Officer scheduled to work on a designated holiday shall be paid at a rate of one and one half (1.5) times his regular rate for all hours worked on the holiday and will receive one Floating Holiday to be scheduled and taken in the same month as the designated holiday.

An Officer who is not scheduled to work on the designated holiday shall receive a Floating Holiday to be scheduled and taken in the same month as the designated holiday.

If an Officer is unable to take a Floating Holiday within the same month as the holiday, that employee shall be paid for that day at his regular rate.

The Chief of Police shall notify the Clerk Treasurer when compensation for unused but accrued holidays is owed. Compensation for said days shall be paid out no later than the first payroll in June and the first payroll in December of each year.

If a Merit Police Officer takes a Floating Holiday, in anticipation of a designated holiday later in the same month, and leaves Town employment before the designated holiday, the Officer will be liable to the Town for the payment received for the Floating Holiday taken prior to the designated holiday.

The Chief of Police is entitled to the same Holiday benefit as Merit Police Officers.

The holiday schedule may be amended by the Town Council. Written notice of this action will be distributed to all departments.

## Vacation

Full-time hourly and salaried employees accrue vacation time. Newly hired employees earn one day of vacation for each month they work during the first calendar year in which their employment commences. However, vacation time cannot be used until they have reached one full year of employment

After December 31 of the first calendar year that employment commences, a full-time employee is entitled to paid vacation leave at the following rate

- On January 1 of the year following the year employment commences, 12 days;
- On January 1 of years 1 through 5 years of employment, the employee is entitled to 12 days of vacation;
- On January 1 of years 6 through 10 years of employment, the employee is entitled to 15 days of vacation;
- On January 1 of years 11 through 20 years of employment, the employee is entitled to 20 days of vacation;
- On January 1 of years 21 and up the employee is entitled to 25 days of vacation.

All full-time salaried and hourly paid employees may take any portion of or all of the vacation time allowed at any time during the year upon approval of the Department Head.

A request for vacation must be submitted to the Elected Official, Department Head, or Supervisor and vacation may be taken only after approval. A vacation schedule will be arranged to provide minimum disruption of services.

Therefore, in general it is preferred that no more than one (1) person in each department will be allowed to take vacation at a given time. For this reason, it is recommended that full week vacation requests be made, in writing, in January of the year received.

Vacation days may be taken in a minimum of half ( $\frac{1}{2}$ ) hour increments.

A full-time salaried or hourly employee may carry over ten (10) vacation days into the next calendar year. However, at no time will an employee be allowed to carry over more than ten (10) vacation days.

If an employee resigns or is terminated during the year, his or her vacation entitlement will be pro-rated according to the actual number of months worked. Any vacation time taken over the pro-rated amount will be charged for pay back against the employee's last pay check.

Except for the Part-time Utility Clerk, temporary or part-time employees are not entitled to vacation benefits.

Commencing on the first anniversary of the Part-time Utility Clerk's employment with the Town, and on each successive anniversary of continuous employment thereafter, the Part-time Utility Clerk shall accrue 29.5 hours of paid vacation time per year. Paid vacation must be used within twelve months immediately following accrual or it will be forfeited. If the Part-time Utility Clerk resigns or is terminated during the twelve months immediately following accrual, the vacation

entitlement will be pro-rated according to the actual number of months worked immediately following accrual. Any vacation time taken over the pro-rated amount will be charged for pay back against the employee.

*(As Amended Per Resolution 2022-003; 2023-002)*

Vacation leave is not accrued while an employee is off work in a non-paid status (e.g.: leave of absence without pay, disciplinary suspensions, and short-term disability leave).

An employee who terminates employment or dies within the calendar year shall be entitled to receive compensation for vacation time earned, but not taken.

*(As Amended Per Resolution 2020-003)*

## Bereavement

All full-time employees will be granted a paid leave of up to five (5) consecutive workdays in the event of a death in the employee's immediate family. Immediate family of the employee or that of the employee's spouse is defined to include: mother, father, spouse, child, grandparent, sister, brother or grandchild.

Each salaried employee or full-time hourly employee shall be allowed one (1) day bereavement leave with full pay to attend the funeral of an aunt, uncle, niece or nephew.

Bereavement leave must be arranged with the Department Head by submission of a written request. This request must be provided as soon as practical. The request must state the relationship between the deceased and the employee, the length of time needed for the requested absence, and show evidence of the date of the funeral.

An employee on vacation leave may request that the leave be charged against bereavement time rather than vacation leave when a death occurs in an employee's immediate family, provided that sufficient information is supplied to the Department Head, Elected Official, or the Clerk Treasurer.

## Jury Duty

The Town recognizes and encourages civic participation by employees including serving when called to jury duty or as a witness. Employees are expected to inform their supervisor upon receipt of notice of jury duty or a subpoena to serve as a witness.

During regular work hours, the employee is expected to return to work anytime that he is not engaged in jury activities and at the completion of jury duty or witness responsibilities.

## Compensation for Jury Duty

A full-time salaried employee shall receive the difference between the amount compensated for serving on jury duty and said employee's salary for the period of jury duty.

Any full-time hourly employee, part-time hourly employee or temporary employee shall receive the difference between the amount compensated for serving on jury duty and the amount he or she would have been paid for working based upon the number of hours per work week as established by the annual salary ordinance for the employee's position.

Any employee summonsed for jury duty may request from the Clerk Treasurer his or her full pay for the period of time spend doing jury duty. The employee shall present a copy of his jury duty compensation voucher or other verification from the court showing the amount of his or her jury duty compensation prior to receiving his or her full pays. Compensation from the Town shall exclude any mileage or meal reimbursement. Compensation received by the employee from the Court for services rendered during normal working hours must be remitted to the Clerk Treasurer's Office.

This leave for court does not apply to individuals who are absent due to litigation for which the employee is personally involved as a party. Employees subpoenaed or ordered to appear in court for personal matters will not receive paid court leave and must use other earned benefit time or leave without pay.

## Volunteering

Provided the Town Council has adopted a resolution or ordinance establishing an annual limit on the total number of volunteer hours, a Town employee may perform volunteer services in compliance with the guidelines of I.C. 35-44.1-1-3, during work hours. The volunteer services must be for the benefit of another governmental entity or an organization that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code, and may not promote religion, attempt to influence legislation or governmental policy, nor attempt to influence elections to public office. An employee desiring to perform volunteer services during working hours must submit a written request to their supervisor, which request must include: a) the name of the governmental entity or organization for which the volunteer services are to be performed; b) a general description of the volunteer services to be performed; c) the number of volunteer service hours requested; and d) the cumulative volunteer service hours provided by the employee (including the hours then being requested) during the current calendar year. In the event the volunteer services are to be provided for a 501(c)(3), tax exempt organization, the request must be accompanied by a copy of the organization's determination letter or other satisfactory evidence of the organization's tax exempt status under Section 501(c)(3) of the United States Internal Revenue Code.

## Calculation Method for Paid Leave

The Town's paid leave benefit is calculated using the employees base pay rate as of the date of the absence, multiplied by the number of hours you would otherwise have worked that day. The calculation does not include any special forms of compensation, such as the uniform allowance.

## DISCIPLINE & DISCHARGE

The following section applies to the discipline and discharge of employees other than Merit Police Officers. The discipline and discharge of Merit Police Officers shall be conducted in accordance with the applicable provisions of Indiana Code §§36-8-3-1 *et seq.*, and the rules of the Police Commission.

### Grounds for Disciplinary Action

Employees who fail to meet the Town's Expectations, Department Rules, or engage in conduct which violates any Town Policy, including but not limited to one or more of the following categories will be subject to disciplinary action.

#### Conduct Subject to Disciplinary Action:

- Neglect of duty
- Insubordination
- Conduct that disregards the public good
- Repeated tardiness and/or unexcused absence
- Lack of acceptable work performance

The preceding list is illustrative and not exhaustive.

### Tardiness/Unexcused Absence

Tardiness is defined as late arrivals past the stated starting time for the work day. Unexcused absence is defined as failure to personally notify the Town when said employee is unable to report for work. Two (2) instances of a late arrival or unexcused absence, or a combination thereof, within a 90-day period shall result in a written reprimand from the Department Head that will be placed in the employee's personnel record. One additional incident of late arrival or unexcused absence within 90 days of the second occurrence will result in more severe disciplinary action up to and including termination of employment.

### Actions by Department Heads

A Department Head, in his/her discretion, may, and is expected to, discipline an employee who commits any of the above infractions, fails to meet the Town's expectations, or violates any other Town Policy, by issuing a verbal warning or written reprimand. A copy of any written reprimand issued to an employee shall be placed and kept in that employee's personnel file.

## Progressive Discipline

Misconduct or unsatisfactory performance by an employee generally will be subject to a progressive discipline the purpose of which is to allow both the Town and its employees to address and correct unacceptable work performance or misconduct through communication and the least disruptive manner. Except as otherwise provided herein or as circumstances dictate otherwise, the following progressive disciplinary actions will generally be followed. The progressive steps outlined below confer no rights on any employee and the Town reserves the right to take appropriate disciplinary action based on the particular circumstances without regard to the policy of progressive discipline. All employment with the Town is and shall remain as “at-will”.

1. Verbal warnings will be used first, depending upon the severity of the situation as determined by the Department Head.
2. Should the violation or misconduct recur or continue following a verbal warning, a written reprimand will be issued by the Department Head, a copy of which will be placed in the employee's personnel file.
3. Should an additional violation or incident of misconduct, including but not limited to the recurrence of any prior offense or violation, occur within six (6) months of the first offense, another written reprimand will be issued by the Department Head, a copy of which will be placed in the employee's personnel file and copies of which shall be provided to the Town Council, and the Town Council may demote or suspend the employee, with or without pay, for a period of time deemed appropriate in its discretion.
4. Should an additional offense or incident of misconduct, including but not limited to the recurrence of any prior offense or violation, occur within twelve (12) months of the first offense, another written reprimand will be issued by the Department Head, a copy of which will be placed in the employee's personnel file and copies of which shall be provided to the Town Council, and the Town Council may demote or suspend the employee, with or without pay, for a period of time deemed appropriate in its discretion or immediately terminate the employee's employment .

## Specific Violations That May Result in Immediate Termination

Notwithstanding any other provisions or policies contained in this manual, the offenses listed below are non-exclusive examples of conduct for which a Town employee may be terminated immediately.

- Reporting to work under the influence of alcohol or other drugs not prescribed by and taken according to instructions of a physician.
- Drinking and/or possession or use of alcoholic beverages, illegal drugs, or other controlled substances while on the job.

- Fighting while on the job
- Threatening employees or citizens while on the job
- Theft while on the job
- Unlawful possession of firearms, weapons, explosives, or other dangerous items or materials while on the job.
- Intentional or negligent destruction of Town property
- Falsification of Town records or any records kept by the Town
- Any attempt to commit fraud through insurance, payroll, or other administrative documents
- Conviction of a felony
- Unauthorized disclosure of any confidential Town information

In the event a Department Head has reliable information that an employee has committed gross or serious misconduct, including but not limited to the conduct described immediately above, the Department Head may, if appropriate, suspend the employee and shall prepare and submit a written report of the misconduct, including any disciplinary action recommended by the Department Head to the Town Council or the Clerk Treasurer as the case may be, and provide a copy to the employee. The Town Council or the Clerk Treasurer as the case may be, may, after considering the relevant evidence, take any appropriate disciplinary action, in its sole discretion, up to and including the termination of employment.

In the event that disciplinary action must be taken against an employee, it will normally be in a progressive manner in an attempt to correct an employee's behavior, except in those cases of gross or serious misconduct where an employee may be subject to suspension, reduction, or removal from employment.

## PROTECTED STATE & FEDERAL LEAVE

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

The Town will allow eligible employees to take leave for the following qualifying events in accordance with the Family and Medical Leave Act ("FMLA") of 1993, as amended. To the extent any of the following provisions conflict with the mandates of the FMLA or any amendments thereto, the Town will comply with the mandates of the FMLA as amended and any conflicting provisions contained herein shall be considered to be amended to the extent necessary to comply with the mandates of the FMLA as amended.

1. Up to twelve (12) workweeks of leave in a twelve (12) month period for the following qualifying events:

Birth of a child;

Placement of a child for adoption or foster care;

For the care of a spouse, child or parent who has a serious health condition;



The serious health condition of the employee which prevents the employee from performing the essential job functions of his/her job;

Because of a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on covered active duty or called to covered active duty; or

2. Up to twenty-six (26) workweeks in a single twelve (12) month period for the care of a covered service member with a serious injury or illness.

The Town is prohibited from interfering with an employee's exercise of an individual's rights under the FMLA and retaliating against individuals for the use of FMLA leave.

#### A. Limits on Leave

##### Generally

Under no circumstances can the amount of leave taken during a twelve (12) month period exceed twelve (12) workweeks, unless for leave is to care for a covered service member (see Section I).

##### Parenting Leave for a Newborn, Adopted, or Foster Child

A husband and wife who are eligible for FMLA and are both employed by the Town are limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken to care for employees' newborn, adopted, or foster child. Parenting leave for a newborn, adopted, or foster child cannot be taken intermittently or on a reduced schedule without the approval of the Town.

Eligible employees may take FMLA leave before the actual placement or adoption of a child if an absence from work is required for the placement or foster care to proceed. Permissible absences include, but are not limited to, the employee attending a required counseling session, appearing in court, consulting with his/her attorney or the doctor(s) representing the birth parent, submitting to physical examinations, or traveling to another country to complete an adoption.

#### B. Definitions Applicable to All FMLA Leave

"1250 hours of work" means actual work hours and does not include holidays, time spent in paid or unpaid leave, vacation leave, sick leave, or personal leave, compensatory time off, time spent receiving benefits under the Long-Term Disability Plan, Short Term Disability Plan, or time during the elimination period prior to receiving benefits under a Disability Plan. In determining whether a veteran meets this requirement, the hours that were actually worked for the Town should be combined with the hours that would have been worked during the twelve months prior to the start of FMLA leave but for the military service.

"12-month period" means a "rolling" 12-month period. Thus, in determining the amount of FMLA leave available to a particular employee the Town will subtract the leave taken by the employee during the immediately preceding twelve (12) months from the twelve (12) weeks of FMLA qualified leave granted to the Eligible Employee.

"Child" (i.e., son or daughter) means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age eighteen (18), or age eighteen (18) or older and "incapable of self-care" because of a mental or physical disability, at the time the FMLA leave is to commence.

"Eligible Employee" means an employee who has:

Been employed by the Town for at least twelve (12) months; o the twelve (12) months may be consecutive or non-consecutive employment with the Town as long as there is a combined total of twelve (12) months.

Worked at least 1250 hours in the twelve (12) month period immediately preceding the need for family-medical leave; and

Not exhausted their allotment of the family-medical leave in the applicable time period.

"Incapacity" means inability to work, attend, or perform other regular daily activities due to the serious health condition, treatment thereof, or recovery therefrom.

"Intermittent Leave" means FMLA leave taken in separate blocks of time due to a single qualifying reason.

"Health Care Provider" means one of the following persons who may complete a Certification for Health Care Provider form and certify a serious health condition:

doctors of medicine or osteopathy authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices;

podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist) authorized to practice in the state and performing within the scope of their practice under state law;

nurse practitioners, nurse-midwives, clinical social workers, and physician's assistants

#### C. Requests for Family Medical Leave ("FMLA")

If the need for leave is foreseeable, requests must be submitted at least thirty (30) days prior to taking the leave, or if this is not possible, on the same or next business day of learning of the need for leave. Documentation supporting the need for foreseeable leave must be submitted prior to the beginning of the leave, but in no circumstances later than fifteen (15) calendar days after notice of the need for leave.

If the need for leave is not foreseeable, requests must be submitted in accordance with general leave request policies - barring extenuating circumstances that prevent notice by the employee, or employee's spokesperson, within that time frame. Documentation supporting the need for unforeseeable leave must be submitted no later than fifteen (15) calendar days after the beginning of the leave.

Initial requests may be oral; however, employees must complete and submit to the Clerk Treasurer or designee a written request for FMLA leave.

Employees requesting leave for which FMLA may apply are required to provide sufficient information to The Town for a determination to be made whether the absence qualifies for FMLA leave coverage. The Town is responsible for designating leave as FMLA if appropriate based on the information available without regard to an employee's request to have or not have the leave so designated.

The following certifications are required to support requests for leave and must be provided, (see further explanation in Section D below):

Eligible employees who apply for FMLA leave to care for an immediate family member must submit DOL Form WH-380-F; "Certification of Health Care Provider for Family Member's Serious Health Condition."

Eligible employees who apply for FMLA leave for the employee's own serious health condition must submit DOL Form WH-380-E; "Certification of Health Care Provider for Employee's Serious Health Condition."

Eligible employees who apply for Military Caregiver Leave must submit DOL Form WH-385; "Certification for Serious Injury or Illness of Covered Service Member- for Military Family Leave". The form may be completed by a Department of Defense (DOD) health care provider, Veterans Affairs health care provider, a DOD TRICARE network authorized private health care provider, or a DOD non-network TRICARE authorized private health care provider. Additionally, with respect to Military Caregiver Leave, The Town will accept the submission of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA), in lieu of the DOL Form, for the time period specified in the ITO or ITA if there is an immediate need for employee at the service member's bedside. The ITO or ITA submitted by the employee need not list the employee as the named recipient of the ITO/ITA, provided the employee is the spouse, parent, son, daughter or next of kin of the covered service member. If the covered service member's need for care extends beyond the expiration date specified in the ITO or ITA, the employee is responsible for submitting the DOL Form for the remainder of the employee's leave period.

The following documentation may be required to support requests for leave, and must be provided if requested:

Documentation of the qualifying exigency including a copy of the orders for active duty and, if the leave is to meet with a third party, contact information and the purpose of the meeting;

Documentation of the birth, adoption, or foster care relationship for which parenting leave is requested;

Documentation of family relationship(s) may be required.

Leave may be taken in increments of no less than one (1) hour.

Leave requested for birth, adoption, or foster care placement must be taken within one (1) year of the birth or initial placement.

#### D. Employee Certifications and HIPAA Release

For employee certifications, the Clerk Treasurer or designee shall attach a statement of the essential functions of the employee's position for the health care provider to review. In order for the Certification Form to be considered sufficient, the health care provider must specify what function of the employee's position the employee is unable to perform so that The Town can then determine whether the employee is unable to perform one (1) or more essential functions of the employee's position.

It is the employee's responsibility either to furnish a complete and sufficient certification or to furnish the health care provider providing the certification with any necessary authorization from the employee or the employee's family member in order for the health care provider to release a complete and sufficient certification to The Town to support the employee's FMLA request.

In all instances in which certification is requested, it is the employee's responsibility to provide The Town with complete and sufficient certification, and failure to do so may result in denial of FMLA leave.

Eligible employees who apply for FMLA to care for an immediate family member, for the employee's own serious health condition, or Military Caregiver Leave may be asked to execute and provide to his/her health care provider a HIPAA-compliant release form if The Town needs to clarify or authenticate the Certification. If the employee does not provide the necessary authorization and does not otherwise clarify the certification, then The Town may deny FMLA leave.

If the Clerk Treasurer or designee deems a medical certification to be incomplete or insufficient, the Clerk Treasurer shall notify the employee, in writing, what information is lacking, and the employee will have seven (7) calendar days to cure the deficiency. The Clerk Treasurer or designee (not the employee's direct supervisor) may contact the certifying health care provider for clarification concerning or to authenticate the content of a medical certification provided proper privacy releases have been made. The Town shall not ask the health care provider for additional information beyond that required by the certification form.

All of the certifications identified above must be submitted by the employee within fifteen (15) calendar days after The Town provides the employee with the applicable DOL Form, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

#### E. Recertification

If the employee's need for FMLA leave lasts beyond a single FMLA leave year, The Town may require the employee to provide a new medical certification in each new FMLA leave year.

Notwithstanding F below, The Town may require employees to provide recertification of the medical necessity for intermittent leave every six (6) months in conjunction with an absence even if the certification is for a lifetime condition.

Upon expiration of the minimum duration of a condition certified as lasting more than thirty (30) days, The Town may request recertification no more than once every thirty (30) days in conjunction with an employee's absence unless:

The employee requests an extension of the leave;

Circumstances described by the previous certification have changed significantly (e.g. the duration of the illness, the nature of the illness, complications); or

The Town receives information that casts doubt upon the continuing validity of the certification.

Re-certifications are at the employee's expense. No second or third opinion on recertification may be required other than the annual certification.

Re-certifications are not permitted for leave to care for a covered service member if the documentation is issued by Department of Defense, Veterans Administration, or TRICARE or because of a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on active duty or call to active duty status for deployment to a foreign country.

#### Second Opinion

The Town may require a second medical opinion of an original certification by a Health Care Provider who does not regularly contract with The Town. The Town must reimburse an employee or the employee's spouse, parent, or child for any reasonable "out of pocket" travel expenses incurred to obtain the second opinion. If the opinion of the employee's and The Town 's designated health care providers differ, The Town shall require the employee to obtain certification from a third health care provider, again at The Town 's expense. This third opinion shall be final and binding. The third health care provider must be designated or approved by both employee and Town acting in good faith to attempt to reach an agreement. The Town shall provide the employee with a copy of the second and third medical opinions upon request.

#### Use of Paid Leave

Any use of personal time, compensatory time, or paid sick leave for an FMLA-qualifying absence will run concurrently with the FMLA designation.

The Town shall designate paid or unpaid leave as FMLA within five (5) business days absent extenuating circumstances, if all the following apply:

The employer has compelling information based on information provided by the employee that leave was taken for an FMLA-qualifying event; and

The employee is properly notified of his/her FMLA rights.

Employees shall be required to use any available sick leave simultaneously with FMLA after exhausting any available compensatory time as required above and prior to use of other accrued benefit leave (vacation or personal leave).

Employees may request to use vacation and/or personal leave simultaneously with FMLA leave for an FMLA-qualifying absence.

FMLA leave may run concurrently with worker's compensation if the absence qualifies for both programs.

The employee shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

Whether FMLA leave is paid, unpaid, or a combination, the limits in Section A apply.

#### H. Intermittent Use of FMLA

Employees are entitled to take intermittent leave for the employee's serious health condition or due to the serious health condition of a parent, spouse, or child, or to care for a covered service member or because of a qualifying exigency.

To be entitled to intermittent leave, the employee must submit certification to establish the medical necessity of the leave (e.g. periodic testing and treatments) and work with The Town to determine a schedule of treatments that causes the least disruption to operations subject to the approval of the health care provider. The Town may consider a temporary transfer to an alternative, comparable position which better accommodates the intermittent leave or reduced schedule for planned medical treatment.

The Town may grant employees intermittent leave or a reduced work schedule for the birth or placement of a child if operational needs allow such intermittent leave or a reduced work schedule. Such leaves/schedule must be discussed and agreed upon by the employee and The Town prior to the commencement of such leave/schedule.

When planning medical treatment, the employee must consult with The Town and make a reasonable effort to schedule the leave so as not to disrupt unduly The Town's operations, subject to the approval of the health care provider.

## I. Military Family Leave Entitlement

### 1. Military Caregiver Leave

Eligible employees may take up to twenty-six (26) weeks of unpaid FMLA leave, in a "single 12-month period," to care for a covered service member with a serious injury or illness. The "single 12-month period" begins on the first day the eligible employee takes Military Caregiver Leave and ends twelve (12) months after that date. If the employee does not use his/her entire twenty-six (26) workweeks leave entitlement during the "single 12-month period" of leave, the remaining work weeks of leave are forfeited.

For purposes of Military Caregiver Leave, the covered service member may be a member of either the Regular Armed Forces or the National Guard/Reserves. Former members, including retired members, of the Regular Armed Forces or the National Guard/Reserves, and those service members on the permanent disability retired list, are not covered service members.

The term "next of kin" means the service member's nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions; brothers and sisters; grandparents; aunts and uncles; and first cousins; unless the covered service member has specifically designated in writing another blood relative as his/her nearest blood relative for purposes of Military Caregiver Leave under the FMLA, in which case the designated individual shall be deemed to be the covered service member's next of kin. All family members sharing the closest level of familial relationship to the covered service member are considered the covered service member's next of kin, unless the covered service member has specifically designated an individual as his/her next of kin for Military Caregiver Leave purposes. While an eligible employee may care for more than one (1) seriously injured or ill covered service member at the same time, the employee may not take more than twenty-six (26) workweeks of leave during each "single 12-month period."

Military Caregiver Leave is a "per-service member, per-injury" entitlement. Therefore, an eligible employee may take twenty-six (26) workweeks of leave to care for one (1) covered service member in a "single 12 month period," and then take another twenty-six (26) work weeks of leave in a different "single 12 month period" to care for another covered service member or to care for the same service member with a subsequent serious injury or illness (e.g., if the service member is returned to active duty and suffers another injury). Additionally, an eligible employee could take FMLA leave, after the end of the "single 12-month period" for Military Caregiver Leave, to care for a covered service member if the member is a qualifying family member under non-military FMLA and she/he has a serious health condition.

### 2. Qualifying Exigency Leave

Eligible employees may take up to twelve (12) weeks of unpaid FMLA leave for any of the following qualifying exigencies that are related to the fact that the employee's spouse, son,

daughter or parent is on active duty, or has been notified of an impending call or order to active duty to support a contingency operation:

Issues arising from a covered military member's short-notice deployment (i.e., deployment on seven (7) or less calendar days of notice) for a period of seven (7) days from the date of notification.

Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.

Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member (this does not include providing child care on a routine, regular or everyday basis).

Making or updating financial and legal arrangements to address a covered military member's absence (e.g., preparing and executing financial and healthcare power of attorney, transferring bank account signature authority, enrolling in the Defense Enrollment Eligibility Reporting System, obtaining military identification cards, or preparing or updating a will or living trust).

Attending counseling provided by someone other than a healthcare provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member.

Taking up to five (5) days of leave to spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the deployment.

Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member.

Parental care of a parent of the military member who is incapable of self-care, and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative care for a parent, to provide care on a non-routine, urgent, immediate need basis to a parent, admitting or transferring a parent in a new care facility, and attending certain meetings with staff at a care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member (this does not include providing parental care on a routine, regular or everyday basis).

Any other event that the employee and The Town agree is a qualifying exigency.



Eligible employees who apply for FMLA leave for Qualifying Exigency Leave must submit DOL Form WH-384; "Certification of Qualifying Exigency for Military Family Leave". Specifically, the first time the employee requests Qualifying Exigency Leave, the employee must provide a copy of the covered military member's active duty orders or other documentation issued by the military that indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service. Additionally, each time that the employee requests leave for one of the above-listed qualifying exigencies, the employee must certify the exigency necessitating leave. Such certification supporting leave for a qualifying exigency includes:

Appropriate facts supporting the need for leave, including any available written documentation supporting the request;

The date on which the qualifying exigency commenced or will commence and the end date;

Where leave will be needed on an Intermittent basis, the frequency and duration of the qualifying exigency; and

Appropriate contact information if the exigency involves meeting with a third party.

Employees are advised that if the qualifying exigency involves a meeting with a third party, the Clerk Treasurer or designee may verify the schedule and purpose of the meeting with the third party. Also, the Clerk Treasurer or designee may contact the appropriate unit of the Department of Defense to confirm that the covered military member is on active duty or call to active duty status.

## J. Notices to Employees

### 1. Duty to Inquire and Report

The Town must inquire further to determine whether an absence may be covered by FMLA, in circumstances where information provided by the employee, or the employee's spokesperson if the employee is unable to provide the information personally, indicates that FMLA may be appropriate but additional information is required for a definitive determination.

Individuals in supervisory positions shall report to the Clerk Treasurer's Office any instances of employees absent for three (3) consecutive days. After such a report, The Town's duty to inquire will be invoked.

### 2. Notices

If the information included in The Employee's Rights and Responsibilities Notice changes, the Clerk Treasurer or designee will inform the employee of such changes within five (5) business days of receipt of the employee's first notice of the need for FMLA leave subsequent to any change. The Clerk Treasurer is charged with responsively answering questions from employees concerning their rights and responsibilities.

The Town must provide the required forms and identify the fifteen (15) calendar day time limit for submission of completed forms and the consequences for failure to submit the documentation within the fifteen (15) calendar day time limit.

If it is not possible to provide the number of hours, days or weeks that will be counted as FMLA leave (e.g., where the leave will be unscheduled), the Clerk Treasurer or designee will provide this information upon request by the employee, but no more often than every thirty (30) days and only if leave was taken during the period. The notice of the amount of leave counted against the employee's FMLA entitlement may be oral or in writing. If such notice is oral, it shall be confirmed in writing, no later than the following payday that is at least one (1) week after the oral notice. Such notice may be in any form, including a notation on the employee's pay stub.

#### FMLA Leave and Mandatory Overtime

Employees with proper medical certification may use FMLA leave in lieu of working required overtime hours. Thus, hours that an employee would have been required to work but for the taking of FMLA leave will be counted against the employee's FMLA entitlement.

#### Calculating the Amount of FMLA Leave Used by an Employee

The actual workweek is the basis of leave entitlement. For example, if an employee who would otherwise work 37.5 hours a week takes off seven and one-half (7 1/2) hours, the employee would use one-fifth (1/5) of a week of FMLA leave.

For purposes of determining the amount of FMLA leave used by an employee, the fact that a holiday may occur within the work week taken as FMLA has no effect; the week is counted as a week of FMLA leave. If, however, the employee is using FMLA leave in increments of less than one (1) week, the holiday will not count against the employee's FMLA leave entitlement unless the employee was otherwise scheduled and expected to work during the holiday.

#### Maintenance of Employee Benefits

The same group health plan benefits provided to an employee prior to taking FMLA leave shall be maintained during the FMLA leave (e.g., if family member coverage is provided to an employee, family member coverage shall be maintained during the FMLA leave). Similarly, benefit coverage during FMLA leave for medical care, surgical care, hospital care, dental care, eye care, mental health counseling, substance abuse treatment, etc., shall be maintained during leave if provided in The Town 's group health plan, including a supplement to a group plan.

If an employee chooses not to retain group health plan coverage during FMLA leave, the employee will be reinstated, upon return from leave, on the same terms as prior to taking the leave, without any qualifying period, physical examination, exclusion of pre-existing conditions, etc.

The Town is required to continue paying the employer's portion of health insurance premiums during approved FMLA. Employees are required to continue paying the employee's portion of health insurance premiums during FMLA. Employees who fail to pay their portion of the health

insurance premium by the due date may, with fifteen days' notice, be removed from their respective health insurance plan.

The Town may seek reimbursement for any health insurance premiums paid on behalf of the employee if the employee fails to return to work after FMLA, unless the reason for the employee failing to return to work is due to the continuation or recurrence of the serious health condition or is otherwise beyond the employee's control as defined in the FMLA.

#### Reinstatement

The employee is responsible for notifying The Town of his/her intent to return or not to return to work. Employees are entitled to reinstatement to the same or similar position upon return from FMLA.

If an employee who has exhausted his/her entitlement to FMLA remains on leave under provisions of worker's compensation, disability plan, or as a reasonable accommodation under the Americans with Disabilities Act (ADA), The Town is responsible for applying the reinstatement requirements under the applicable law or program rather than the reinstatement provisions under FMLA.

Employees, who take leave for the employee's own serious health condition, prior to returning to work, must submit to the Clerk Treasurer or designee a "Fitness-for-Duty Certification."

An employee who fraudulently obtains FMLA leave is not protected by the FMLA and is not protected by its job restoration or maintenance of health benefits provisions.

#### Military or Reserve Service - USERRA

A. The Uniformed Services Employment and Reemployment Rights Act (USERRA) is administered by the Veterans' Employment and Training Service (VETS). USERRA applies to persons who perform duty, voluntarily or involuntarily, in the "uniformed services," which include the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service commissioned corps, as well as the reserve components of each of these services. Federal training or service in the Army National Guard and Air National Guard also gives rise to rights under USERRA. In addition, under the Public Health Security and Bioterrorism Response Act of 2002, certain disaster response work (and authorized training for such work) is considered "service in the uniformed services."

B. Uniformed service includes active duty, active duty for training, inactive duty training (such as drills), initial active duty training, and funeral honors duty performed by National Guard and reserve members, as well as the period for which a person is absent from a position of employment for the purpose of an examination to determine fitness to perform any such duty.

C. USERRA covers nearly all employees, including part-time and probationary employees. USERRA applies to virtually all U.S. employers, regardless of size.

D. USERRA prohibits employment discrimination against a person on the basis of past military service, current military obligations, or intent to serve. An employer must not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment to a person on the basis of a past, present, or future service obligation. In addition, an employer must not retaliate against a person because of an action taken to enforce or exercise any USERRA right or for assisting in an USERRA investigation.

E. The pre-service employer must reemploy service members returning from a period of service in the uniformed services if those service members meet five criteria:

1. The person must have been absent from a civilian job on account of service in the uniformed services;
2. The person must have given advance notice to the employer that he or she was leaving the job for service in the uniformed services, unless such notice was precluded by military necessity or otherwise impossible or unreasonable;
3. The cumulative period of military service with that employer must not have exceeded five years;
4. The person must not have been released from service under dishonorable or other punitive conditions; and
5. The person must have reported back to the civilian job in a timely manner or have submitted a timely application for reemployment unless timely reporting back or application was impossible or unreasonable.

F. USERRA establishes a five-year cumulative total of military service with a single employer, with certain exceptions allowed for situations such as call-ups during emergencies, reserve drills, and annually scheduled active duty for training. USERRA also allows an employee to complete an initial period of active duty that exceeds five years.

G. Employers are required to provide to persons entitled to the rights and benefits under USERRA a notice of the rights, benefits, and obligations of such persons and such employers under USERRA.

H. USERRA provides that returning service members are to be re-employed in the job that they would have attained had they not been absent for military service, (the "escalator" principle), with the same seniority, status and pay, as well as other rights and benefits determined by seniority. USERRA also requires that reasonable efforts (such as training or retraining) be made to enable returning service members to qualify for reemployment. If the service member cannot qualify for the "escalator" position, he or she must be reemployed, if qualified, in any other position that is the nearest approximation to the escalator position and then to the pre-service position. USERRA also provides that while an individual is performing military service, he or she is deemed to be on a furlough or leave of absence and is entitled to the non-seniority rights accorded other similarly-situated individuals on non-military leaves of absence. The time limits for returning to work are as follows:

1. Less than thirty-one (31) days of service: By the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight (8) hour rest period. If this is impossible or unreasonable, then as soon as possible.
  2. Thirty-one (31) to one-hundred eighty (180) days: The employee must apply for reemployment no later than fourteen (14) days after completion of military service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible.
  3. One hundred eighty-one (181) days or more: The employee must apply for reemployment no later than ninety (90) days after completion of military service.
  4. Service-connected injury or illness: Reporting or application deadlines are extended for up to two years for persons who are hospitalized or convalescing.
- I. Health plan coverage for service members is also addressed by USERRA. Individuals performing military duty of more than thirty (30) days may elect to continue employer sponsored health care for up to twenty-four (24) months; however, they may be required to pay up to one hundred and two percent (102%) of the full premium. For military service of less than thirty-one (31) days, health care coverage is provided as if the service member had remained employed. Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.
- J. USERRA pension protections apply to defined benefit plans and defined contribution plans as well as plans provided under federal or state laws governing pension benefits for government employees. For purposes of pension plan participation, vesting, and accrual of benefits, USERRA treats military service as continuous service with the employer.
- K. if you: Are a past or present member of the uniformed service; Have applied for membership in the uniformed service; or Are obligated to serve in the uniformed service; Then an employer may not deny you:
1. Initial employment;
  2. Re-employment;
  3. Retention in employment;
  4. Promotion; or
  5. Any benefit of employment because of this status.
- L. In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

To the extent any of the foregoing provisions conflict with the mandates of the USERRA or any amendments thereto, the Town will comply with the mandates of the USERRA as amended and any conflicting provisions contained herein shall be considered to be amended to the extent necessary to comply with the mandates of the USERRA as amended.

### Indiana Military Family Leave Act

A. An eligible employee, who is a family member of a person on active duty in the United States Armed Forces, or the National Guard, may be eligible to take leave of up to ten (10) workdays per rolling calendar year under the Indiana Military Family Leave Act.

B. An employee is eligible if he has been employed by the Town for at least twelve (12) months; has worked at least 1500 hours during the twelve (12) month period immediately preceding the day the leave begins; and is a spouse, parent, grandparent, or sibling of a military member called to active duty.

C. Active duty is defined as full-time service on active duty orders in the armed forces of the United States, or the National Guard, for a period that exceeds eighty-nine (89) consecutive calendar days.

D. The Act provides for unpaid leave of up to ten (10) workdays per rolling calendar year during one or more of the following periods:

1. Within the thirty (30) day period before active duty orders are in effect:
2. During a period in which the person ordered to active duty is on leave while active duty orders are in effect; or

E. During the thirty (30) day period after the active duty, orders are terminated. The employee must provide the Town with at least thirty (30) days' notice of the intention to take leave, unless the active duty orders are issued less than thirty (30) days before the date the requested leave is to begin. In addition, the employee must supply the Town with documentation verifying the family member's call to active duty. Non-faculty employees will be required to use available vacation, personal leave, and or compensatory time to cover the leave period being taken. Any time taken which is not covered by paid leave time will then be treated as unpaid leave.

F. The Town hereby states that it will continue the employee's benefits during the period of the leave (with the employee being responsible for payment of the employee portion of health benefits during the period of any unpaid leave).

G. Upon the employee's return to work, the Town may place the employee in a different position only if the Town can prove that the move was unrelated to the employee's use of military family leave. If the Town cannot make such a showing, the employer must return the employee to the position previously held or an equivalent position.

To the extent any of the foregoing provisions conflict with the mandates of the Indiana Military Family Leave Act or any amendments thereto, the Town will comply with the mandates of the Indiana Military Family Leave Act as amended and any conflicting provisions contained herein shall be considered to be amended to the extent necessary to comply with the mandates of the Indiana Military Family Leave Act as amended.

**TOWN OF TRAFALGAR**  
**ACKNOWLEDGMENT OF RECEIPT OF HANDBOOK**  
(Elected/Appointed Official)

As an elected or appointed official of the Town of Trafalgar, I received a copy of the Town of Trafalgar Employee Handbook and understand that it is my responsibility to become familiar with the contents as it outlines the Town’s policies and procedures.

I understand that the policies, rules, and benefits described in it are subject to change at the discretion of the Town Council at any time.

I understand that this handbook supersedes all previous handbooks adopted by the Town of Trafalgar.

I further understand that, notwithstanding anything stated in the Town of Trafalgar Employee Handbook to the contrary my election or appointment to my current position is not subject to termination by the Town of Trafalgar except as otherwise provided pursuant to the laws of the State of Indiana, including without limitation, Title 36 of the Indiana Code.

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Witness: \_\_\_\_\_ Date: \_\_\_\_\_