

# **PERSONNEL POLICIES HANDBOOK**

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**HENRY COUNTY, INDIANA**

**EFFECTIVE:  
JANUARY 27, 2016**

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**WAGGONER • IRWIN • SCHEELE  
& ASSOCIATES INC**

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# **1. PERSONNEL POLICIES HANDBOOK**

**The policies contained in this chapter and throughout the Henry County Personnel Policies Handbook apply to all Henry County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

## **1.1 USE AND REVISION OF PERSONNEL POLICIES HANDBOOK**

This handbook is designed to provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by Henry County to benefit our employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

Nothing in this Handbook is intended to, in any sense, constitute a contract of employment, or an expectation of continued employment. Henry County is an "At-Will" employer which means that the employee may resign at any time and the employer may discharge an employee at any time with or without cause, except as otherwise provided by law. This handbook is not a contract of employment.

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

While Henry County believes these policies are accurate some sections, like insurance, are only summaries. Any discrepancies between these summaries and the terms of the actual plans will be governed by the terms of the underlying, more detailed policies and procedures. Any questions regarding summaries, their underlying policies and procedures, if applicable, and any discrepancies between them should be directed to the Commissioners.

## **1.2 EXCEPTIONS AND SPECIAL CONDITIONS**

These policies and procedures apply to all non-elected Henry County ("County") employees, except when in conflict with special employment conditions set forth for elected officials or when in conflict with various statutes governing employment relationships.

Policies may differ somewhat for Jail, Sheriff's Office, Park, Maintenance, and County Highway employees due to the differing nature of duties, responsibilities, and hours. This handbook does not detail every difference between those departments. The handbook is intended to outline general personnel policies for all County employees.

Jail, Park, Highway and Sheriff's Office employees should ask their supervisors concerning policy differences.

Policies may also differ for twenty-four (24) hour operations such as the Jail, Sheriff's Office, Community Corrections, E-911, and Highway Department.

The Henry County Commissioners shall administer and enforce these policies in accordance with Indiana Code.

### **1.3 "HENRY COUNTY" DEFINED**

In this personnel policy, the "County" shall be defined to mean the Henry County Board of County Commissioners, the Henry County Council, the elected officials of Henry County, and/or agency and department heads acting individually or in conjunction with each other within their areas of assigned responsibility or as defined by applicable statute, constitutional provision, ordinance, case law, or resolution.

### **1.4 PERSONNEL POLICY COMMITTEE**

The Henry County Personnel Policy Committee is established and shall meet as deemed necessary to review the application of County personnel policies and perform certain advisory functions such as:

1. Monitoring personnel policies and procedures and making recommendations for revisions, modifications, additions, and deletions as deemed necessary;
2. Reviewing any employee complaints in connection with the problem resolution procedures in this Handbook and providing advisory recommendations as may be warranted; and
3. Monitoring and overseeing administration of Internal Control Standards policy, training, and certifications.

The Henry County Personnel Policy Committee shall serve yearly and be comprised of six (6) members. The members of the Personnel Policy Committee shall be three (3) County Commissioners, and three (3) County Council member appointed by the County Council. The County Auditor, who serves as Secretary to the Committee, shall be a non-voting member. The County Attorney serves as legal counsel to this Committee.

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

## **1.5 PERSONNEL ADVISORY JOB CLASSIFICATION COMMITTEE**

The Henry County Personnel Advisory Job Classification Committee is established and shall meet as deemed necessary to perform certain advisory functions such as researching, evaluating and reviewing requests from Elected Officials and Department Heads relative to addition of staff/personnel, salary increases, etc., and overseeing maintenance of job classification and pay plans and providing advisory recommendations as warranted;

The Henry County Personnel Advisory Committee shall serve yearly and be comprised of nine (9) members. The members of the Personnel Advisory Job Classification Committee shall be one (1) County Commissioner appointed by the County Commissioners, three (3) County Council members appointed by the County Council, two (2) civilians from the community, and three (3) County Employees who are elected by the County employees. The County Auditor serves as Secretary to the Committee and is a non-voting member. The County Attorney serves as legal counsel to this Committee.

## **1.6 EQUAL EMPLOYMENT OPPORTUNITY**

Henry County is an Equal Opportunity Employer. We affirm our commitment to provide equal opportunity in employment to persons in all job titles, without regard to race, color, religion, gender, age, disability, sexual orientation, or national origin. This policy includes recruiting, hiring, training, probation, promotion, transfer, compensation, benefits, assistance, layoff, recall, employee facilities, discharge, retirement, and all other terms and conditions of employment.

All position vacancy notices, postings, advertisements, and recruiting literature shall contain the phrase "An Equal Opportunity Employer."

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

## **1.7 MANAGEMENT RIGHTS**

Henry County, as a public employer, retains the sole and exclusive responsibility and authority to manage and direct on behalf of the public, the operations and activities of the County to the full extent authorized by law. Such responsibility and authority shall include but not be limited to:

1. The right to direct the work of its employees.
2. The right to establish policy.
3. The right to maintain the efficiency of public operations.
4. The right to design and implement safety programs for employees.

5. The right to design and implement job training for employees.
6. The right to determine what services shall be rendered to the public.
7. The right to determine job content and job descriptions.
8. The right to determine, effectuate and implement the objectives and goals of the County.
9. The right to establish, allocate, schedule, assign, modify, change and discontinue County operations, work shifts and working hours.
10. The right to establish, modify, change and discontinue work standards.
11. The right to hire, examine, classify, train, transfer, assign and retain employees; suspend, discharge or take other disciplinary action against employees in accordance with applicable law and to relieve employees from duties due to disciplinary reasons or other legitimate reasons, and make promotions and demotions.
12. The right to change, modify and alter the composition of the work force.
13. The right to determine, establish, set and implement policies for the selection, training and promotion of employees; in accordance with applicable law.
14. The right to establish, implement, modify and change procedures and policies for the safety, health and protection of the County property and personnel.
15. The right to adopt, modify, change, enforce or discontinue any existing rules, regulations, procedures and policies which are not in direct conflict with any provisions of this agreement.
16. The right to establish, select, modify, change or discontinue equipment, materials and the layout and arrangement of equipment.
17. The right to determine the size and character of inventories and their disposal.
18. The right to control the use of property, machinery inventories, and equipment owned, leased or borrowed by the County.
19. The location, establishment, and organization of new departments, divisions, subdivisions, or facilities thereof, and the relocations of departments, subdivisions, locations and the closing and discontinuance of same.
20. The above enumeration of management rights is not inclusive of all such rights and all rights granted the County by constitution, statute, charter, ordinance or in any manner are retained by the County.

## **1.8 PRODUCTIVE WORK ENVIRONMENT**

It is a policy of Henry County to maintain a productive work environment. Verbal or physical conduct by any elected official/department head or employee which in the determination of the Commissioners, harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment will not be tolerated.

## **1.9 AUTHORIZED ALIEN STATUS AND CITIZENSHIP**

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

Applicants who refuse to or are unable to supply the documentation necessary to prove that they are American citizens or aliens authorized to work in this county will not be considered for employment.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility within the first three (3) days of employment. Former employees who are rehired must also complete a new I-9 form, unless they are rehired within a three (3) year period after the original I-9 form was completed and the County has retained the document.

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

The Auditor of Henry County cannot process payroll claims for any employee unless the appropriate forms have been obtained by the hiring authority and filed with the Auditor prior to submission of said payroll claim.

**1.10 E-VERIFY**

The Auditor's Office shall administer the **e-verify enrollment** of all County new-hires; and shall ensure that appropriate forms are properly completed and retained as required by law.

**1.11 ELIGIBILITY FOR LOCAL PUBLIC BENEFITS**

All County employees shall complete a **Verification of Eligibility for Local Public Benefits Form** to ensure entitlement to a Federal public benefit as defined by I.C. 12-32-1-2 and State or Local public benefits as defined by I.C. 12-32-1-3. This form shall be administered and retained by the Auditor's Office as required by law.

## **2. EMPLOYMENT POLICIES**

**The policies contained in this chapter and throughout the Henry County Personnel Policies Handbook apply to all Henry County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

### **2.1 RECRUITMENT**

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

Basic qualification of formal education, background and experience shall be determined by the office holder or department head before recruiting begins and shall be based upon job requirements as well as dictates of applicable federal, state and local laws.

Vacant and new positions, insofar as practicable, shall be afforded to current employees, subject to ability and job qualifications to be reasonably determined by management. Insofar as practicable, open and new jobs shall be posted on County work days, until said positions are filled, during which time any employee may make application in writing. Information regarding vacancies or new positions shall be circulated internally via email from the Commissioner's office.

Information regarding vacancies or new positions shall be publicly posted on the County website for at least five (5) working days. The County encourages internal promotion and transfer whenever possible.

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

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

### **2.2 EMPLOYMENT APPLICATIONS**

All applicants are required to complete and sign a County application ("Application"), as well as any other forms required for statistical purposes or deemed necessary to process the Application. The Application shall be maintained by the elected official, department head, or their designee.

The Application shall request only the information necessary for rational decision making and only questions specifically related to occupational standards shall be asked.

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

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

Placement of an application with the County does not mean that all applicants will be granted an interview by the elected official/department head. However, equal consideration will be given to all applicants based on the qualifications listed for the job. Applications will be retained in active files for twelve (12) months. Applications shall be returned to the elected official, department head, or their designee. Hiring decisions are the sole responsibility of the appointing authority (i.e., elected officials and designated department heads). All newly hired employees shall make an appointment and report to the Auditor office to submit documents necessary for compliance with federal, state, and local law and for enrollment in any eligible benefit programs.

### **2.3 APPLICANT TESTING**

Applicant tests may be used by the County in the selection process for certain positions, and may include, but are not limited to, basic skills written tests, mechanical or physical agility, and psychological tests. Such tests are to be related to the requirements of the position. Only bona fide occupational and objective measures of fitness shall be considered in employment decisions.

As a condition of employment, the employee applicant shall provide the County with a written authorization for all previous employers within the past two (2) years to release drug and alcohol testing records, as the regulations require. Within thirty (30) days of performing a safety-sensitive function, DOT regulations require that the County obtain, to the extent available, certain drug and alcohol testing records from the employee's previous employers for the previous two (2) years. All applicants who are required to have or obtain a CDL must submit to a urine drug test unless a qualifying pre-employment exemption can be documented.

### **2.4 PRE-EMPLOYMENT INTERVIEWS**

Pre-employment interviews are used to gather information and screen applicants for County employment. Interviews shall be conducted by the elected officials, department heads, or designees making the employment decision.

## **2.5 CONDITIONAL OFFER OF EMPLOYMENT**

Applicants may receive a conditional offer of employment conditioned on the successful completion of all established prerequisite requirements of the position, which may include passing medical, physical, and mental examinations or requirements, reference and criminal background checks, and driving record requirements. Henry County may withdraw the conditional offer of employment at any time for any reason, except as otherwise prohibited by law.

## **2.6 OFFER OF EMPLOYMENT**

Applicants who receive a Conditional Offer of Employment are not employees of the County unless they receive an official Offer of Employment.

The Offer of Employment will outline:

- Position/Department;
- Employment Status;
- Work Schedule;
- Pay Rate;
- Probationary Period;
- FLSA status;
- Benefits Eligibility; and
- Required Position Certifications.

The Offer of Employment is contingent on satisfactory proof of permission to work in this country and the receipt of satisfactory references.

The Offer of Employment shall be signed by the applicant and authorized official and a copy submitted to the Auditor's Office before the applicant is considered an employee of Henry County. The Offer of Employment form will be maintained by the elected official, department head or their designee.

## **2.7 EMPLOYEE MEDICAL EXAMINATIONS**

To help ensure that employees are able to perform their duties safely, medical examinations may be required of those positions responsible for public safety prior to hiring, or anytime during the course of employment with the County, (e.g., hiring, FMLA, ADA) which will be paid for by the County.

After a conditional offer of employment has been extended, certain designated positions may require an applicant to undergo a medical examination by a health professional of the County's choice, at the County's expense. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam.

Employees shall be required to submit to fitness for duty medical or psychological evaluations prior to returning from military leave or employee illness or injury leave under the Family and Medical Leave Act (FMLA), or to meet terms and conditions associated with performing job duties. Applicants shall be required to submit to a drug test prior to being hired by the County at the County's expense.

Information on an employee's medical condition or history shall be kept in a confidential file that is separate from other employee information. Medical information shall be maintained by the elected official/department head, with information of FMLA and/or Worker's Compensation. Access to this information will be limited to the employee and the elected official/department head of the employee, and Human Resources who is responsible for processing insurance and workers' compensation claims, and others on a need-to-know basis.

## **2.8 EMPLOYMENT STATUS**

County employment is offered employees in differing status: for example, full time, part time, temporary, seasonal, or contractual. Unless otherwise indicated, the following definitions of employment status apply:

It is the intent of Henry County to clarify the definitions of employment status, so employees understand their employment status and benefit eligibility. **Any changes in employment status shall be conveyed in writing. No change in employment status is to be construed or inferred without written notification. Each County employee is assigned to one (1) of the following classifications.**

**Full-Time (FT)** employees are those who are not in a part-time or seasonal/temporary status and who are regularly scheduled to work at the County's full-time schedule of at least thirty- (30) hours or more per workweek. Full-time employees are eligible for the County's benefit package, subject to the terms, conditions, and limitations of each benefit program. Full-time employees are eligible for the following benefits: Vacation Leave, Holidays, Sick Leave, Bereavement leave, Personal Leave, Worker's Compensation, Social Security benefits, Health Insurance, and Indiana Public Retirement System.

**Part-Time (PT)** employees are those who are not assigned to full-time, or seasonal/temporary status and who are regularly scheduled to work less than twenty-eight (28) hours per workweek. However, part-time employees may be required to work additional hours based on staffing and business needs of the County providing they do not exceed a 28 hour workweek average in 52 weeks or the current payroll year. Part-time employees retain that status until expressly notified of a change. While part-time employees do receive all legally mandated benefits such as Worker's Compensation, and Social Security benefits subject to the terms, conditions, and limitations of each benefit program, they are not eligible for any other County benefit programs.

**Seasonal/Temporary (ST)** employees are those who are hired as interim replacements to temporarily supplement the workforce, or to assist in the completion of a specific project. It is the policy of the County that a Seasonal/Temporary employee who works for (120) days in a calendar year shall not be rehired by the County without a minimum of six (6) months separation period between seasonal/temporary engagements. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until notified of a change in writing. While temporary employees receive all legally-mandated benefits such as Worker's Compensation and Social Security, subject to the terms, conditions, and limitations of each benefit program, they are not eligible for any of the County's other benefit programs.

**Contractual Employee:** a person who has a written employment contract approved by the Board of Commissioners.

## **2.9 INTRODUCTORY PERIOD**

The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The County uses this period to evaluate employee capabilities, work habits, and overall performance.

All new and rehired employees work on an introductory basis for the first ninety (90) days after their date of hire, except when the ninety (90) days is in direct conflict with statutory requirements (such as merit officers of the Sheriff's Office whose introductory period is one [1] year). Any significant absence will automatically extend the introductory period by the length of the absence.

If the County determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period.

During the introductory period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security. During the introductory period, employees are entitled to all benefits as a Full-time employee as designated in *Chapter 4 of this policy*.

## **2.10 EMPLOYMENT REFERENCE CHECKS AND CRIMINAL BACKGROUND CHECKS**

To ensure that individuals who are employed by the County are well qualified and have a strong potential to be productive and successful, it is the policy of the County to check the employment references of all qualified applicants.

For employment reference checks requested by outside employers of past or current County employees, the County will respond in writing only to those reference check

inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held. No employment data will be released without written authorization and a release signed by the individual who is the subject of the inquiry.

Applicants who receive a conditional offer of employment shall be subject to criminal background and/or credit checks.

Requests by elected officials/department heads for reference, background, and/or credit checks on applicants should be directed to the Human Resources Office.

## **2.11 PERSONNEL FILES**

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

The County shall maintain five (5) separate personnel records concerning the employee's employment history.

1. **Personnel File:** The employee's personnel file shall contain salary information, property inventory of County issued property, emergency information sheet, e-verify enrollment form, length of service, eligibility for local public benefits form, employment application, signed offer of employment form, resume, retirement forms, and change of address forms. This file shall be maintained by Human Resources Office with copies to the Auditor's Office. Certain documents in this file shall be deemed confidential and released only to persons on a need-to-know basis.
2. **Administrative File:** This file shall contain documentation such job description, personnel policies handbook acknowledgment form, performance evaluations, educational accomplishments, records of training, disciplinary records, and other documentation concerning disciplinary actions, including employee complaints, absences, tardiness, and other related information. This confidential file shall be deemed as exempt under the Indiana Public Records Law. This file shall be maintained by elected official, department head, and/or designee, with copies provided to Human Resources who will forward documents affecting compensation and/or benefits to the Auditor's Office.
3. **Confidential Medical File:** The employee's confidential medical file shall contain all medical information, including health insurance enrollment and beneficiary forms, disability information, FMLA files, ADA accommodations, worker's compensation documents, results of alcohol and drug tests, and other medically related information. This

confidential file shall be deemed as exempt under the Indiana Public Records Law. This file shall be maintained separately in a locked file by the elected official, department head, and/or designee with information provided to the Human Resources Office and Auditor as needed.

4. **CDL File:** The CDL file will be maintained as a separate file for CDL employees by the Highway Superintendent. This file shall be updated each calendar year.
5. **I-9 File:** The I-9 file shall contain the I-9 form. This file shall be maintained in the Auditor's office.

## **2.12 ACCESS TO PERSONNEL FILES**

Personnel files are property of the County, and access to the information they contain is restricted, except as provided in IC 5-14-3-1 et seq. Access to an employee's personnel file shall be limited to the County Attorney, Human Resources, Auditor, and the elected official/department head or their designee to which the employee is directly responsible. The employee's confidential medical file shall be maintained under the control of the elected official/department head and shall be available to the employee, County Attorney, and County Commissioners. The elected official, department head or their designee shall not provide any information pursuant to a subpoena or court order sooner than ten (10) calendar days after the date of receipt. Within five (5) calendar days of the receipt of the subpoena, the County Attorney shall notify the affected employee(s) of the subpoena to permit the employee(s) to seek any appropriate judicial relief.

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

No information shall be provided to any person concerning the employment of the employee other than job title, salary, and date-of-hire.

## **2.13 PERSONAL INFORMATION CHANGES**

It is the responsibility of each employee to promptly notify the County of any personal changes, which may affect your personnel file, payroll, direct deposit, or benefits. Personal mailing addresses, telephone numbers, number and names of dependents, changes in marital status, individuals to be contacted in the event of an emergency, educational accomplishments, driver's license status and proof of insurance (where applicable), and other such personal information should be accurate and current at all times. Any unreported changes in personal status may impact eligibility under the County's benefits plans.

## **2.14 ORIENTATION/EXIT INTERVIEWS**

The Human Resources Office shall conduct an informal orientation to familiarize a new employee with the County, and will provide the new employee with a copy of the **Henry County Personnel Policies Handbook**, as well as information and paperwork for benefits available. It is the responsibility of the employee to read and understand the Personnel Handbook. Each employee shall sign the Employee Acknowledgment form; periodic updates will also be acknowledged.

The elected official/department head or designee and Human Resources will conduct an exit interview with the employee. The purposes of the exit interview include:

1. Verification of the return of all equipment, keys, uniforms, etc.;
2. Assurance of proper payment of unused vacation, if any, days of work, etc.;
3. Continuation of any benefits the employee may be eligible for; and
4. Verification of reason for leaving for unemployment compensation purposes.

## **2.15 OUTSIDE EMPLOYMENT/CONFLICT OF INTEREST**

### **2.15.1 Outside Employment**

Employees may hold outside jobs as long as they meet the performance standards of their job with the County. All employees will be judged by the same performance standards and will be subject to the County's scheduling demands, regardless of any existing outside work requirements.

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

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside the County for materials produced or services rendered while performing their County jobs.

Employees who are provided Family and Medical Leave under the County's FMLA policy for their own serious illness or injury shall not be employed by outside employers when on FMLA.

### **2.15.2 Conflict of Interest**

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee

or for a relative as a result of the County's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to the Commissioners as soon as possible the existence of any actual or potential conflict of interest; therefore, safeguards can be established to protect all parties. Employees who have a conflict of interest are to file a conflict of interest form with the Clerk and the State of Indiana.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the County does business, but also when an employee or relative receives any type of kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealing involving the County.

## **2.16 REQUESTS FOR INFORMATION**

Occasionally, employees of the County are contacted by outsiders for information about current or former employees, or about the organization's policies, practices, or projects. All such requests must be referred to the elected official, department head or their designee. Employees are advised to consult with their supervisor before releasing information which is confidential or privileged by law.

## **2.17 LAYOFF AND RECALL**

Henry County maintains the right to reduce its workforce. Examples of reasons when a reduction might occur include, but are not limited to:

1. Lack of work;
2. Lack of funds or projected lack of funds;
3. Job abolishment; and/or
4. Reorganization.

Determinations on which employees will be laid off will include employee qualifications, length of continuous service, and operational needs of the County. Reductions will be finalized by each elected official/department head who will select the employees for separation based upon seniority and ability with ability prevailing.

## **2.18 FULL-TIME TO ELECTED OFFICIAL EMPLOYMENT**

In the event that a full-time employee is elected to a full-time Henry County elective office he/she shall be compensated for any unused vacation or compensatory time earned as a regular full-time employee. Such employee's sick days will be frozen and available

for use in the event the elected official returns to a non-elected full-time position without any interruption in County employment. Also, if such elected official returns to a non-elective full-time position his/her time in elective office shall count as years of service for the purpose of determining the amount of eligible vacation time or other benefits based on years of service with the County.

## **2.19 NEPOTISM**

Effective July 1, 2012 Indiana Code 36-1-20.2 specifies that relatives may not be employed by the County in positions that result in one relative being in the direct line of supervision of the other relative.

An employee who is employed by the County as of June 30, 2012, is not subject to the nepotism provision unless the employee has a break in employment with Henry County in the future.

Under I.C. 36-1-20.2 this nepotism policy does not apply to the County Sheriff's spouse employed as the Jail Matron or to relatives of the County Coroner who have previously served as the County Coroner.

Direct line of supervision is defined as an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation.

Indiana Code defines relative to include a spouse; a parent or step-parent; a child or step-child; a brother, sister, step-brother, or step-sister; a niece or nephew; an aunt or uncle; a daughter-in-law or son-in-law; an adopted child; and a brother or sister by half blood. For the purpose of this policy, Henry County's definition of relative will also include Mother-in-law, Father-in-law, and cousin effective as of adoption of the policy handbook.

Each elected office holder of the County shall annually certify in writing that the officer is in compliance with the nepotism policy under Indiana Code 36-1-20.2. Such certification must be submitted to the County Commissioners not later than December 31 of each year.

An Elected official or Department head that is in violation of this policy may be subject to penalties for perjury which is a class D felony with up to three (3) years prison sentence.

The County's failure to adopt policies under Indiana Code 36.1.20.2 (Nepotism) will result in the Department of Local Government Finance not approving the County's budget or any additional appropriations for the ensuing calendar year until the State Board of Accounts certifies the County is in compliance.

**2.20 CONTRACTING WITH THE COUNTY**

Effective July 1, 2012 Indiana Code 36-1-21 states that the County may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with: (1) an individual who is a relative of an Elected official or; (2) a business entity that is wholly or partially owned by a relative of an Elected official only if the Elected official files a full disclosure which must:

- Be in writing
- Describe the contract or purchase
- Describe the relationship of the official to the business
- Be affirmed under penalty of perjury
- Be submitted to the legislative body prior to final action
- Be filed (within 15 days of final action) with the State Board of Accounts and the County Clerk.

If a contract is entered into with a relative the appropriate agency of the County shall make a certified statement that the contract amount or purchase price was the lowest amount or price offered or make a certified statement of the reasons why the vendor or contractor was selected. Contracts in existence prior to July 1, 2012 are excepted.

An Elected official that is in violation of this policy may be subject to penalties for perjury which is a class D felony with up to three (3) years prison sentence. The County's failure to adopt policies or failure to include a statement in the R-100 Personnel Report under Indiana Code 36-11-21 (Contracting with a Unit) will result in the Department of Local Government Finance not approving the County's budget or any additional appropriations for the ensuing calendar year.

**2.21 ELECTIVE OFFICER AND COUNTY EMPLOYMENT RESTRICTED**

Effective January 1, 2013 Indiana Code 3-5-9 specifies that a County employee is considered to have resigned from employment with the County if the employee assumes the elected executive office of the County or becomes an elected member of the County's legislative or fiscal body.

### **3. SALARY ADMINISTRATION**

**The policies contained in this chapter and throughout the Henry County Personnel Policies Handbook apply to all Henry County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

#### **3.1 NORMAL WORK WEEK**

The normal work week typically begins on Saturday at 12:01 a.m. and ends on Friday at 12:00 midnight. The work week is subject to change by the Board of County Commissioners.

#### **3.2 WORK HOURS**

The Board of County Commissioners establishes regular work hours for County Offices. The Sheriff establishes regular work hours for the Sheriff's Office.

The Henry County Courthouse and Office Buildings will be open from 7:00 a.m. to 5:00 p.m., Tuesday through Thursday, and 7:00 a.m. to 4:00 p.m. Friday unless otherwise approved by the Board of County Commissioners. These times do not apply to the Justice Center, Sheriff Department, Maintenance Department, Community Corrections, or Highway Department.

Employees are expected to be at their workstations or assigned location, ready to work, at the time their shift begins.

Work hours may be extended depending on the service needs of the public. However, any exceptions to the schedules must be approved by the Department Head prior to the change.

The work hours commonly used are:

**County Offices:** A regular workday begins at 7:00 a.m. to 5:00 p.m. Tuesday through Thursday, and 7:00 a.m. to 4:00 p.m. Friday. A normal week's work will consist of three (3) nine (9) hour days, and one (1) eight (8) hour day, thirty-five (35) hours per week, unless stated differently. Employees shall have a one (1) hour unpaid meal period each workday.

**Highway Department:** A regular workday begins at 7:00 a.m. to 3:00 p.m. Monday through Friday. A normal week's work will consist of eight (8) hours per day. The work day may include up to a one (1) hour paid meal period for a total of forty (40) hours per week. The Office Manager shall have a one (1) hour unpaid meal period each workday for a total of thirty five (35) hours per week. The Commissioners may adopt other work schedules to meet seasonal demands.

**E-911/Communication:** Dispatchers shall work one (1) of the following two (2) shifts per work week as follows: 7:00 a.m. to 7:00 p.m., or 7:00 p.m. to 7:00 a.m. A normal workweek will consist of thirty six (36) hours per week and may include up to a one (1) hour paid meal period. Allotted time for paid meal breaks shall vary due to daily workload.

IT employees' workday begins at 8:00 a.m. to 4:00 p.m. Monday through Friday. A normal week's work will consist of thirty five (35) hours per week. IT employees shall have a one (1) hour unpaid meal per workday.

**Sheriff:** Administrative positions shall work 8:00 a.m. to 4:00 p.m. Monday through Friday. A normal week's work will consist of thirty five (35) hours per week. Employees shall have a one (1) hour unpaid meal per workday.

Sheriff Deputies shall work a rotating schedule of 160 hours in a twenty-eight (28) day pay period. Work shifts for Deputies may include up to a one (1) hour paid meal period each shift.

Corrections Officers shall work a rotating schedule of 160 hours in a twenty-eight (28) day pay period. Work shifts for Corrections Officers may include up to a one (1) hour paid meal period each shift.

**Prosecutor:** A regular workday begins at 8:00 a.m. to 4:00 p.m. Monday through Friday. A normal week's work will consist of thirty-five (35) hours per week. Employees shall have a one (1) hour unpaid meal period each workday.

**Community Corrections:** Office Staff regular workday begins at 8:00 a.m. to 4:00 p.m. Monday through Friday. A normal week's work will consist of thirty five (35) hours per week. Employees shall have a one (1) hour unpaid meal period each workday.

Field Officers shall work one (1) of the following five (5) shifts per work week: 7:00 a.m. to 3:00 p.m., 7:30 a.m. to 3:30 p.m., 8:00 a.m. to 4:00 p.m., 3:00 p.m. to 11:00 p.m., or 6:00 p.m. to 2:00 a.m. A normal week's work will consist of thirty-five (35) hours per week. The work shift shall include a one (1) hour unpaid meal period.

**Clerk:** A regular workday begins at 8:00 a.m. to 4:00 p.m. Monday through Friday. A normal week's work will consist of thirty five (35) hours per week. Employees shall have a one (1) hour unpaid meal period each workday.

**Unified Courts:** A regular workday begins at 8:00 a.m. to 4:00 p.m. Monday through Friday. A normal week's work will consist of thirty five (35) hours per week. Employees shall have a one (1) hour unpaid meal period each workday.

**Public Defenders Office:** A regular workday begins at 8:00 a.m. to 4:00 p.m. Monday through Friday. A normal week's work will consist of thirty five (35) hours per week. Employees shall have a one (1) hour unpaid meal period each workday.

**Probation:** A regular workday begins at 8:00 a.m. to 4:00 p.m. Monday through Friday. A normal week's work will consist of thirty five (35) hours per week. Employees shall have a one (1) hour unpaid meal period each workday. One (1) day per month employees will work 8:00 a.m. to 7:00 p.m.

**CASA:** A regular workday begins at 8:00 a.m. to 5:00 p.m. Tuesday through Friday, and 9:00 a.m. to 12:00 p.m. Monday. A normal week's work will consist of thirty five (35) hours per week. Employees shall have a one (1) hour unpaid meal period each workday.

**Parks:** Office Staff workday begins at 8:00 a.m. to 3:30 p.m. Monday through Friday. A normal week's work will consist of thirty-five (35) hours per week. Employees shall have a one-half (1/2) hour unpaid meal period each workday.

**General Labor:** A regular workday begins at 7:00 a.m. to 3:00 p.m. Monday through Friday. A normal week's work will consist of thirty-five (35) hours per week. Employees shall have a one (1) hour unpaid meal period each workday.

Rangers shall work 3:00 p.m. to 11:00 p.m. Monday through Friday and either 7:00 a.m. to 3:00 p.m. or 3:00 p.m. to 11:00 p.m. Saturday and Sunday. Employees shall have a one (1) hour unpaid meal period each workday.

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

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

- a. (COMOT) Computer/Office Machine Operation/Technician
- b. (POLE) Protective Occupations and Law Enforcement
- c. (LTC) Labor, Trades, and Crafts
- d. (PAT) Professional/Administrative/Technological
- e. (SO) Special Occupations

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

When an Elected official/Department head wishes to create a new position not currently classified, or reorganize jobs within a department, or abolish a position, or if an employee wishes to have a job classification review of his/her position, review forms(s) from Human Resources shall be completed and returned with all required supplemental information. The Personnel Committee will meet to evaluate the requested action and make recommendations to the Council for final determination.

### **3.4 JOB DESCRIPTIONS**

Henry County positions, except those of elected officials, have been described in job descriptions. Elected officials and department heads assign the duties and responsibilities

specified in Department job descriptions. The County Council adopts the County's official job descriptions. Copies of job descriptions are available in Human Resources and in each office or department.

**3.5 COMPENSATION**

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

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

**3.6 LONGEVITY**

All full-time County employees shall receive, in addition to his/her regular salary, longevity pay as determined by the following schedule:

<b>Years of Service</b>	<b>Longevity Pay</b>
3-5	\$200
6-8	\$400
9-11	\$600
12-14	\$800
15 and up	\$1,000

Part-time and contract employees shall not be eligible for longevity unless otherwise designated by the Commissioners and County Council.

Probation Officers receiving longevity pay according to Judicial Conference of Indiana pay grid shall not be eligible to receive County longevity pay.

Elected Officials paid by the County are eligible to receive County longevity pay.

Elected Officials, Deputy Prosecutors, and other elected officials paid by the State of Indiana are not eligible to receive County longevity pay.

Longevity shall be calculated for each employee by subtracting the year the employee was hired from the current year.

Eligible employees shall receive longevity pay in November of each calendar year. An employee who terminates employment with the County prior to November shall receive longevity on a pro-rated basis determined by the termination date.

### **3.7 WAGE POLICY**

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

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

Additional disciplinary actions may be taken for violations of sick leave, and/or vacation policy, up to and including termination of employment with Henry County.

### **3.8 TIMEKEEPING**

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

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

1. Employee's full name, as used for Social Security purposes, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records;
2. Address, including zip code;
3. Birth date if younger than 19;
4. Sex and occupation;
5. Time of day of week when employee's workweek begins, hours worked each day, and total hours worked each workweek;
6. Basis on which the employee's wages are paid;

7. Regular hourly rate;
8. Total daily or weekly straight-time earnings;
9. Total overtime earnings for the workweek;
10. All additions to or deductions from the employee's wages;
11. Total wages paid each pay period; and
12. Date of payment and the pay period covered by the payment.

IC 5-11-9-4 requires that all public sector employees maintain records showing which hours were worked each day by officers and employees. These employee service records are subject to audit as prescribed by the State Board of Accounts.

Every employee is responsible for accurately recording their time worked on County adopted timekeeping systems.

Employees shall accurately record the time they begin and end their work and the time they begin and end each meal period. Employees should also record the beginning and ending time of any split shift or departure from work for personal reasons. Employees using time clocks to record work hours, shall be required to clock in and out for unpaid meal periods or any departure from work for personal reasons.

Overtime work must always be approved by the department head before it is performed and is to be limited to emergency and special conditions creating its absolute necessity.

Any used accrued vacation time, sick/personal leave, compensatory time, or any other approved leave must be listed where indicated. At the end of the reporting period, the employee will sign the time record, verifying its accuracy. The supervisor will counter-sign the time record, indicating that the hours claimed were actually worked.

Tampering, altering, or falsifying time records or recording time on another employee's time record shall result in disciplinary action, up to and including termination of employment. Failure by an employee to submit a time record when required or submitting a falsified time record may result in disciplinary action.

For detailed instructions on how and when to complete time records, employees should consult with their elected official/department head.

### **3.9 WORK TIME RESTRICTED**

Non-exempt employees should report to work no more than seven (7) minutes prior to their scheduled starting time, or stay more than seven (7) minutes after their scheduled stop time, without prior authorization from their elected official/Department head. Deviations of up to seven (7) minutes will not have an impact on overtime, compensatory time or a reduction in pay calculations.

**3.10 ROUNDING**

Time is to be recorded to the quarter (1/4) hour, using the seven (7) minute rule (i.e. leeway of seven [7] minutes before and seven [7] minutes after scheduled start and stop times). All employee work commenced more than seven (7) minutes before the start time work hour will be paid on a quarter hour schedule; all employee work continued more than seven (7) minutes after the end of the last work hour will be paid on a quarter (1/4) hour schedule.

**3.11 MULTIPLE POSITIONS**

Non-exempt employees working in more than one (1) Henry County position shall count the combined hours worked in more than one (1) position in determining overtime obligations under the Fair Labor Standards Act (FLSA).

**3.12 PAYDAYS**

All employees are paid on the 1<sup>st</sup> and 15<sup>th</sup> of each month. Each paycheck will include earnings for all work performed through the end of the previous payroll period and will be paid on the scheduled payday.

**3.13 PAY DEDUCTIONS/GARNISHMENTS**

No payroll deduction will be made from an employee paycheck unless authorized by the employee or required by law. When decreed by court order or state law, including past due taxes, the County will deduct an amount determined by the court or the state from the gross wages of the employee. Employees are required to report changes in family status, address, or other information that could affect amount of deductions withheld. The County is legally required to make certain deductions from each employee's paycheck, including federal, state and local income taxes, retirement system contributions, court-ordered child support, and any other deductions required by law. The County must also deduct social security taxes on each employee's earnings, up to a specified limit called the social security "wage base." The County matches the amount of social security taxes paid by each employee.

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

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

**3.14 PAY CORRECTIONS**

The County takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. The County prohibits improper deductions from wages. Any employee who thinks that he/she has had incorrect deductions from his/her paycheck or was not paid the proper amount should give notice on the day of receipt of such pay or any day thereafter, in writing, to his/her Elected official/Department head with a copy of the notice sent to the Auditor.

The prompt reporting of errors is in everyone's best interest. All reports will be investigated. If it is determined that an improper deduction was made, the error will be corrected on the next payroll date.

**3.15 EMPLOYMENT TERMINATION**

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

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

**Resignation:** voluntary employment termination initiated by an employee. Henry County requests at least two (2) weeks' notice from the employee. Employees must provide a two (2) week notice to receive payment for any unused vacation time. The elected official/department head shall determine whether the employee may work out his/her notice.

**Discharge:** involuntary employment termination initiated by the County for disciplinary reasons. The County will provide appropriate due process protections, including notice and a hearing, where required to do so by law.

**Layoff:** involuntary employment termination initiated by the elected official or Department head on behalf of the County for non-disciplinary reasons.

**Retirement:** voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the County.

An employee's termination date shall always be the last day he/she physically worked in the office, with the exception of employees on FMLA; and may not be extended to include accrued and/or unused paid or unpaid time off.

All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified by the Auditor's Office in writing, of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

Prior to an employee's departure, an exit interview may be scheduled with the elected official/Department head and/or Human Resources.

### **3.16 RETURN OF COUNTY PROPERTY**

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. All property must be returned by employees to the elected official, department head or their designee on or before their last day of work. The County may take all action deemed appropriate to recover or protect its property.

### **3.17 OVERTIME COMPENSATION AND COMPENSATORY TIME**

Each County position is designated either as **NON-EXEMPT** or **EXEMPT** from federal and state wage and hour laws (such as the Fair Labor Standards Act [FLSA]); and employees holding such positions are treated accordingly:

Employees holding **NON-EXEMPT** positions, whether hourly or salaried, are entitled to overtime pay or compensatory time off under the specific provisions of federal and state laws.

Employees holding **EXEMPT** positions are excluded from specific provisions of federal and state wage and hour laws, and are not entitled to and shall not receive FLSA overtime compensation or FLSA compensatory time.

All County offices shall manage their budget so as not to exceed the fiscal year appropriation budget.

All overtime compensation shall be in the form of compensatory time unless approved by the elected official/department head for monetary compensation.

#### **3.17.1 Overtime – Non-exempt Employees**

This policy applies to all non-exempt employees of the County as determined by the County Council's designation of jobs as "non-exempt" under the FLSA.

Overtime is defined according to the provisions of the Fair Labor Standards Act (FLSA), work in excess of 40 hours in the workweek.

Overtime pay is based on actual hours worked. Time off on sick/personal leave, vacation leave, bereavement leave, holidays, or compensatory time will not be considered as hours worked for purposes of calculating overtime compensation.

All overtime hours of eligible (non-exempt) employees will be paid at one and one-half (1 ½) times the employee's base hourly rate. Non-exempt employees shall be paid straight time for hours worked up to forty (40) hours per week.

The calculation of overtime shall include base salary, longevity, and any certification pay. Overtime work subject to compensation must be approved in advance by the department head.

### **3.17.2 Overtime for Sheriff Merit Officers and Jail Officers**

Scheduling for Sheriff Merit Officers and Jail Officers will be done and based on a twenty-eight (28) day work period. Merit Officers and Jail Officers shall be compensated at the regular rate for all hours worked up to (171) hours in the twenty-eight (28) day work period. Any hours worked over one hundred seventy-one (171) hours, in the twenty-eight (28) day work period, will be compensated at the rate of time and one-half (1 ½) times the hours worked.

Canine Officers shall be compensated for time spent in the care, feeding, grooming, and other needs of the canine. Each Canine Officer shall be compensated one-half hour of Canine maintenance per work shift and one-half hour per day on non-work days, unless the canine is boarded. Canine Officers shall include canine maintenance in each work shift, not to exceed the regular scheduled hours. Exceptions must be approved by the supervisor. Canine officers shall be compensated at the regular rate for all hours worked, including canine maintenance, up to (171) hours in the twenty-eight (28) day work period.

Any overtime worked must be recorded in the timekeeping system.

### **3.17.3 Compensatory Time – Non-exempt Employees**

This policy applies to all non-exempt employees of the County as determined by the County Council's designation of jobs as "non-exempt" under the FLSA.

Employees shall be compensated non-FLSA compensatory time on an hour-for-hour basis for additional time worked up to forty (40) hours per workweek.

When FLSA compensatory time is used in place of monetary reimbursement, compensatory hours shall be awarded at a rate of one and one-half (1 ½) times the amount of approved hours for time worked over forty (40) hours in a workweek.

Earning FLSA compensatory time is based on actual hours worked. Sick/personal leave, vacation leave, bereavement leave, holidays and compensatory time shall not count as hours worked for purposes of calculating overtime. Use of FLSA compensatory time, in lieu of monetary overtime, must be determined in advance of working overtime and in advance of submission of payroll.

Accrued compensatory hours are paid upon termination of employment; however, the County retains the right to pay compensatory time at any time.

At their sole discretion, elected officials/department heads may schedule use of employee compensatory time.

#### **3.17.4 Compensatory Time – Sheriff Merit Officers and Jail Officers**

Scheduling for Sheriff Merit Officers and Jail Officers will be done and based on a twenty-eight (28) day period. Merit Officers and Jail Officers shall receive compensatory time at the regular rate for all hours worked up to (171) hours in the twenty-eight (28) day work period. Any hours worked over one hundred seventy-one (171) hours, in the twenty-eight (28) day period, will be compensated at the rate of time and one-half (1 ½) times the hours worked.

Canine Officers shall be provided compensatory time for time spent in the care, feeding, grooming, and other needs of the canine. Each Canine Officer shall receive one-half hour of compensatory time for Canine maintenance per work shift and one-half hour per day on non-work days, unless the canine is boarded. Canine Officers shall include canine maintenance in each work shift, not to exceed the regular scheduled hours. Exceptions must be approved by the supervisor. Canine officers shall receive compensatory time at the regular rate for all hours worked, including canine maintenance up to (171) hours in the twenty-eight (28) day work period.

Any overtime worked must be recorded in the timekeeping system.

#### **3.17.5 Maximum Compensatory Time Accrual**

Employees in non-public safety positions may accrue 240 compensatory time hours; monetary compensation is paid for hours in excess of 240 compensatory time hours.

Public safety employees (i.e. Sheriff Merit Officers and Jail Officers) may accrue 480 compensatory time hours; monetary compensation is paid in excess of 480 compensatory time hours.

Department heads may set lower compensatory time accrual limits.

**3.17.6 Overtime Approved in Writing**

Only overtime that is critical to complete essential office operations shall be authorized. All overtime must be approved in writing by the elected official/department head prior to the employees performing the work. Overtime is to be limited to emergency and special conditions creating its absolute necessity.

**3.17.7 Failure to Work Scheduled Overtime or Overtime without Authorization**

Failure to work scheduled overtime or overtime worked without prior authorization may result in disciplinary action, up to and including termination.

**3.17.8 Emergency Call-Out Overtime Pay Exception**

**Sheriff's Office**

Merit Police Officers and Corrections Officers that are off-duty and are called in by the Sheriff to work during an emergency will be compensated at the rate of one and one-half (1 ½) times for all time worked. Employees called in to work shall receive a minimum of four (4) hours call out pay at time and a half for reporting to work.

**Highway Department**

Highway employees that are off duty and are called in by the Superintendent to work during an emergency will be compensated at the rate of one and one half (1 ½) times for all time worked. Employees called in to work shall receive a minimum of four (4) hours call out pay at time and a half for reporting to work.

**3.18 FLEX TIME**

The County may utilize “time-off” or flexible hours for positions to avoid having employees work in excess of forty (40) hours in a work week. Flex-time scheduling shall be approved in advance by the elected official/department head. Any flex-time shall be used by the end of the following pay period.

**3.19 DECLARED EMERGENCY**

A local disaster emergency order for Henry County may be declared only by the County Commissioners. Indiana Code 10-4-1-3(3) defines “disaster” as occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause, including but not limited to, fire, flood, earthquake, emergency action to avert danger or damage, air contamination, drought, explosion, riot or hostile military or paramilitary action.

Upon issuance of an order declaring a local disaster emergency, the President of the Board of Commissioners shall promptly notify the media of the “Declared Emergency.”

When the County Commissioners issue a “Declared Emergency” due to conditions of a serious nature but do not close the Courthouse or other County Offices, employees are required to report to work. If an employee does not or cannot report to work on a “Declared Emergency” day, the employee may choose one of the following:

1. Take a vacation day if available.
2. Take a compensatory time day if available.
3. Take a sick/personal leave day if available.
4. Take a day without pay.

If an employee does not have vacation leave, compensatory time, or sick/personal leave available, pay for the time lost will be deducted automatically. Provisions for this policy shall not apply to employees on sick leave or any other prior approved leave.

When the County Commissioners close the Courthouse and County Offices, employees that are affected by the closure and who are not required to work, shall receive leave with pay. Employees in the Sheriff’s Office, Highway Department, and other emergency positions will be required to work during a “Declared Emergency” and shall be compensated hour for hour for all hours worked.

## **4. EMPLOYEE BENEFITS**

**The policies contained in this chapter and throughout the Henry County Personnel Policies Handbook apply to all Henry County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

Eligible employees of Henry County are provided a wide range of benefits. Some programs, such as Social Security, workers' compensation, and unemployment insurance, cover all employees in the manner prescribed by law. Eligibility for additional benefits is dependent upon employee classification.

Employees should contact their elected official/department head for information regarding benefit programs for which they may be eligible. Details of many of these programs can be found elsewhere in the personnel policies handbook.

Some benefit programs require contributions from the employee.

### **4.1 VACATION**

All regular full-time employees will begin to accrue vacation time upon becoming a full-time employee with the County. Vacation time shall be awarded on the employee's anniversary date, and shall accrue in the following manner:

<b>Years of Continuous Service</b>	<b>35-Hour Workweek</b>	<b>40-Hour Workweek</b>
1-5	70 Hours	80 Hours
6-10	105 Hours	120 Hours
11 and above	140 Hours	160 Hours

Vacation leave may not be taken in advance of being earned. Only continuous full-time employment shall be used in determining the amount of eligible earned vacation time for use.

Department heads may approve or disapprove vacation requests after considering the effect on department efficiency, business needs, and staffing requirements.

A previously separated employee who is re-hired accrues vacation leave based upon the date of re-hire.

Vacation leave must be used within the anniversary year accrued.

If vacation leave is not arranged and taken within the anniversary year accrued, the department head may in his/her sole discretion schedule the employee's vacation or pay it. No more than five (5) days unused vacation may be paid in lieu of time off with prior approval of the Henry County Commissioners and Henry County Council.

Vacation time shall be used in increments of one (1) hour.

Upon retirement or resignation, employees will be paid for unused vacation time that has been earned through the last day of work. Payment for accrued and unused vacation leave may be included in the employee's last regular pay check, if possible, or in a separate check. An employee's termination date may not be extended to accrue additional vacation leave. The employee's termination date shall always be the last day worked.

An employee terminated for disciplinary action shall not receive compensation for accrued and unused vacation leave.

Vacation leave shall be paid at the base rate at the time of which it is used.

#### **4.1.1 Sheriff's Office Employees**

Sheriff's Office full-time employees shall accrue vacation leave according to the Sheriff's policies and procedures.

#### **4.1.2 E-911 Dispatch**

All regular full-time Dispatch employees shall accrue vacation leave according to the Sheriff's policies and procedures.

### **4.2 HOLIDAYS**

Holidays are designated and subject to change by the Board of Commissioners. The holiday schedule may include flex days as designated by the Commissioners each calendar year.

Full-time employees shall receive regular pay according to scheduled hours for those holidays. Part-time and temporary employees shall not receive compensation for designated holidays.

Full-time employees recognized holiday that falls on a weekend will be observed on the preceding Friday or following required to work a designated holiday shall receive one (1) day of his/her choosing off work subject to approval of the employee's supervisor.

A full-time employee whose vacation period includes a holiday shall have an additional day to observe at his/her choosing, subject to approval of the employee's supervisor.

#### **4.2.1 Sheriff's Office Employees**

Sheriff's Office holidays shall equal to the number of designated holidays for County employees and be scheduled and/or approved by the Sheriff or supervisor.

### **4.3 SICKNESS/PERSONAL DAYS**

Sick leave may be allowed in cases of actual sickness or disability of the employee, or the employee's dependents, medical dental or eye examinations, or treatment for which arrangements cannot be made outside of normal working hours.

Full-time employees hired before January 1, 2013 shall be granted paid sick leave based on seven (7) hours [35-hour workweek] or eight (8) hours [40-hour workweek] accrued for each full calendar month of employment with the County.

Full-time employees hired after January 1, 2013 shall be granted paid sick leave based upon (3.5) hours [35-hour workweek] or (4) hours [40-hour workweek] accrued for each full calendar month of employment with the County.

Sick leave hours accrued but not used are carried over from one calendar year to the next up to a maximum of (560) hours [35-hour workweek] or (640) hours [40 hour workweek]. Sick leave may be used in one (1) hour increments.

In the event of retirement, employees hired prior to January 1, 2013, and have completed twenty (20) years of continuous service, will be paid for all unused sick days, with a maximum of (560) hours [35-hour workweek] or (640) hours [40 hour workweek], on their final paycheck.

Any employee hired after January 1, 2013 will have to complete twenty (20) years of continuous service to receive any monetary compensation for unused sick days, with a maximum payout of (560) hours [35-hour workweek] or (640) hours [40 hour workweek].

An employee desiring authorization for sick leave must request authorization from the department head at the earliest knowledge of the need for use of sick leave.

A department head may require information from the employee's medical provider documenting the need for sick leave prior to approval if the sick leave will exceed three (3) consecutive scheduled working days.

Up to (35) hours [35-hour workweek] or (40) hours [40-hour workweek] of accrued sick leave may be taken in each calendar year for personal business which may not meet the criteria for sick day leave; however, the employee must have prior approval of the department head to use sick leave under this circumstance.

#### **4.3.1 E-911 Dispatch**

Full-time employees hired before January 1, 2013 shall be granted paid sick leave based on 7.2 hours accrued for each full calendar month of employment with the County.

Full-time employees hired after January 1, 2013 shall be granted paid sick leave based upon 3.6 hours accrued for each full calendar month of employment with the County.

Sick leave hours accrued but not used are carried over from one calendar year to the next up to a maximum of (576) hours. Sick leave may be used in one (1) hour increments.

In the event of retirement, employees hired prior to January 1, 2013, and have completed twenty (20) years of continuous service, will be paid for all unused sick days, with a maximum of 576 hours on their final paycheck.

Any employee hired after January 1, 2013 will have to complete twenty (20) years of continuous service to receive any monetary compensation for unused sick days, with a maximum payout of (560) hours [35-hour workweek] or (640) hours [40 hour workweek].

#### **4.4 BEREAVEMENT LEAVE**

If an employee wishes to take time off due to the death of an immediate family member, the employee should notify his or her elected official or department head immediately.

Employees shall receive three (3) consecutive calendar days of leave without loss of pay commencing with the calendar date of death, upon the death of spouse, son, daughter, brother, sister, father, mother, grandchild, grandparents, stepson, stepdaughter, stepbrother, stepsister, stepfather, stepmother, step grandchild or step grandparents.

Employees shall receive one (1) day paid leave upon the death of grandparents-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law.

Bereavement leave shall be in conjunction with the time of death or date of funeral or memorial service, and must be used consecutively.

An employee may be granted at the sole discretion of the department head additional time for travel or personal reasons relating to the death, but the employee shall not be paid for such additional leave.

If the death of an immediate family member occurs while an employee is on vacation, bereavement leave shall not be counted as vacation time.

An employee shall be paid for bereavement leave only for the time the employee's work schedule would have required the employee to work.

#### **4.5 JURY DUTY AND COURT APPEARANCES**

Henry County encourages employees to fulfill their civic responsibilities by serving jury duty when required.

The employee shall notify the office holder or department head within twenty-four (24) hours after receipt of notice of selection for duty. The employee shall furnish a copy of the Summons and verification of services showing the date and time served, and the amount of pay received.

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

Henry County prevents the loss of income to an employee when summoned for jury duty.

Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence. The County will compensate for the difference between jury pay and their regular base salary.

Henry County encourages employees to appear in court for witness duty when subpoenaed to do so. If employees have been subpoenaed or otherwise requested to testify as witnesses by the County, they will receive full pay for the entire period of witness duty. Other court appearances will require use of vacation days or compensatory time.

If services as a juror are not required for the entire day, the employee is expected to return to work.

#### **4.6 FAMILY AND MEDICAL LEAVE ACT (FMLA)**

The County shall comply with all regulations as described in the Family and Medical Leave Act (FMLA) of 1993 including all subsequent revisions. This policy serves as a general description of employee's FMLA rights; therefore, in the event a conflict arises between this policy and applicable law, employees shall be granted all such rights allowed by law. Henry County shall adhere to the "General Notice Requirements" prescribed by the Department of Labor through the following actions:

1. Posting required FMLA information explaining provisions of the Act and procedures for filing complaints of violations of the Act with the Wage and Hour Division of the Department of Labor. This information shall be posted prominently where it can be readily viewed by employees and applicants for employment; and
2. Providing this general notice to each County employee by including the notice in the Personnel Policies Handbook or other written guidance to employees concerning employee benefits and leave rights. The general notice may be

distributed electronically as deemed appropriate by Henry County.

#### **4.6.1 Entitlement**

Eligible employees are entitled to twelve (12) weeks of unpaid FMLA leave for the following situations:

1. The birth of a son or daughter, and to care for the newborn child;
2. The placement with the employee of a son or daughter for adoption or foster care;
3. To care for the employee's spouse, son, daughter, or parent with a serious health condition; and
4. The employee's own serious health condition that makes the employee unable to perform the functions of one's position.

#### **4.6.1(A) Serious Health Condition Defined**

For purposes of FMLA, a "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care (an overnight stay in a hospital, hospice, or residential medical care facility), including any period of incapacity or any subsequent treatment in connection with such inpatient care, or a condition that requires continuing care by a licensed health care provider. This policy is intended to cover illnesses of a serious and long-term nature resulting in recurring or lengthy absences.

#### **4.6.1(B) Chronic or Long-term Health Condition Defined**

A chronic or long-term health condition generally results in a period of three (3) consecutive days of incapacity, with the first visit to the health care provider within seven (7) days of the onset of the incapacity and a second visit within thirty (30) days of the incapacity. Chronic conditions requiring periodic health care visits for treatment must take place at least twice a year.

#### **4.6.2 Eligibility**

An "eligible employee" is an employee of a covered employer who:

1. Has been employed by the employer for at least 12 months; and
2. Has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of leave.

Separate periods of employment with the County shall be counted towards the twelve (12) month requirement provided that the break in service does not exceed seven (7) years, unless the separate periods of employment are due to National Guard or Reserve military service obligations or where a written agreement exists concerning the employer's intention to rehire the employee after a break in service.

**4.6.2(A) Intermittent Leave or Reduced Leave Schedule**

Intermittent leave or leave on a reduced leave schedule must be medically necessary due to a serious health condition or a serious injury or illness. An employee shall advise the County, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable. The employee and Henry County shall attempt to work out a schedule for such leave that meets the employee's needs without unduly disrupting the County's operations, subject to the approval of the health care provider.

**4.6.3 Employee Notice Requirements**

**4.6.3(A) Foreseeable FMLA Leave**

An employee must provide the County at least thirty (30) days advance written notice before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a family member.

If thirty (30) days notice is not practicable, because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable – typically either the same day or the next business day of needing such leave.

Those employees who do not provide at least thirty (30) days notice for foreseeable leave, shall be required to explain the reason(s) why such notice was not practicable under the County's FMLA policy.

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

**4.6.3(a) Employee Failure to Provide Notice**

When the need for FMLA leave is foreseeable at least thirty (30) days in advance and an employee fails to give timely advance notice with no reasonable excuse, the employer may delay FMLA coverage until thirty (30) days after the date the employee provides notice. The need for leave and the approximate date leave would be taken must have been clearly foreseeable to the employee thirty (30) days in advance of the leave.

When the need for FMLA leave is foreseeable fewer than thirty (30) days in advance and an employee fails to give notice as soon as practicable under the particular facts and circumstances, the extent to which an employer may delay FMLA coverage for leave depends on the facts of the particular case.

**4.6.3(B) Unforeseeable FMLA Leave**

When the approximate timing of the need for leave is not foreseeable, an employee must provide notice to the County as soon as practicable under the facts and circumstances of the particular case. It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by the employer's usual and customary notice requirements applicable to such leave.

Notice may be given by the employee's "spokesperson" (e.g., spouse, adult family member, or other responsible party) if the employee is unable to do so personally.

**4.6.3(b) Employee Failure to Provide Notice**

When the need for FMLA leave is unforeseeable and an employee fails to give notice in accordance with the County's FMLA policy, the extent to which the County may delay FMLA coverage for leave depends on the facts of the particular case.

**4.6.3(C) Requesting FMLA Leave**

All requests for FMLA leave must be submitted, in writing, directly to the Elected Official/Department Head. Human Resources shall process all FMLA requests and make a recommendation to the elected official/department head for determinations of approval or denial of FMLA.

Employees should contact Human Resources or their elected official/department head to secure such forms and procedures used for requesting leave under the County's Family and Medical Leave policy.

#### **4.6.4 Employer Notice Requirements**

##### **4.6.4(A) Eligibility and Rights & Responsibilities**

When an employee requests FMLA leave, or when the County acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the County must notify the employee of the employee's eligibility to take FMLA leave within five (5) business days, absent extenuating circumstances.

Employee eligibility is determined, and notice shall be provided, at the commencement of the first instance of leave for each FMLA qualifying reason in the applicable twelve (12)-month period.

The County shall use the Department of Labor form **WH-381 (Notice of Eligibility and Rights & Responsibilities)** to satisfy requirements under this section.

##### **4.6.4(B) Designation Notice**

The employer is responsible in all circumstances for designating leave as FMLA-qualifying, and for giving notice of the designation to the employee.

When the County has enough information to determine whether the leave is being taken for a FMLA-qualifying reason (e.g., after receiving a certification), the County shall notify the employee whether the leave will be designated and will be counted as FMLA leave within five (5) business days absent extenuating circumstances.

Only one (1) notice of designation is required for each FMLA-qualifying reason per applicable twelve (12)-month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or intermittent or reduced schedule leave.

If the County determines that the leave will not be designated as FMLA-qualifying (e.g., if the leave is not for a reason covered by FMLA or the FMLA leave entitlement has been exhausted), the County shall notify the employee of that determination.

If the County has sufficient information to designate the leave as FMLA leave immediately after receiving notice of the employee's need

for leave, the County may provide the employee with the designation notice at that time.

If the information provided by the County to the employee in the designation notice changes (e.g., the employee exhausts the FMLA leave entitlement), the County shall provide, within five (5) business days of receipt of the employee's first notice of need for leave subsequent to any change, written notice of the change.

The County shall use the Department of Labor form **WH-382 (Designation Notice)** to satisfy requirements under this section.

#### **4.6.5 Certification**

Henry County shall require that an employee's leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position, be supported by a certification issued by the health care provider of the employee or the employee's family member.

Henry County shall give notice of a requirement for certification each time a certification is required. Employees shall be notified through form **WH-381 (Notice of Eligibility and Rights & Responsibilities)**.

Henry County shall provide an employee with the appropriate certification form at the same time the County provides an employee with form **WH-381 (Notice of Eligibility and Rights & Responsibilities)**.

The County shall use Department of Labor forms as follows: **WH-380-E (Employee's Serious Health Condition)** or **WH-380-F (Family Member's Serious Health Condition)**.

The employee must provide the requested and complete certification to the County within fifteen (15) calendar days after the County's request.

#### **4.6.5(A) Complete and Sufficient Certification**

The employee must provide a complete and sufficient certification to the County. The County shall advise an employee whenever the County finds a certification incomplete or insufficient, and shall state in writing what additional information is necessary to make the certification complete and sufficient. The employee shall have seven (7) calendar days to fix any such deficiency.

If the deficiencies specified by the County are not fixed in the resubmitted certification, the County may deny the taking of FMLA leave, in accordance with Federal law.

**4.6.5(B) Clarification and Authentication**

If an employee submits a complete and sufficient certification signed by the health care provider, the County may not request additional information from the health care provider. However, the County may contact the health care provider for purposes of clarification and authentication of the medical certification (whether initial certification or recertification) after the County has given the employee an opportunity to fix any deficiencies (see above).

To make such contact, Human Resources or designated official by the County Commissioners will be responsible for obtaining clarification and/or authentication.

Under no circumstances, may the employee's direct supervisor contact the employee's health care provider.

The County shall not ask health care providers for additional information beyond that required by the certification form. The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule must be satisfied when individually-identifiable health information of an employee is shared with the County by a HIPAA-covered health care provider.

**4.6.5(C) Second and Third Medical Opinion**

The County reserves the right to require a second medical opinion from an independent medical provider. The County shall pay for the second opinion and shall designate a provider who is not an employee of the County.

If the two (2) opinions conflict, the County shall pay for a third opinion. The opinion of the third provider is final and binding on both the County and the employee.

The County may deny FMLA leave to an employee who refuses or whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. The County shall provide the employee with a copy of second and/or third medical opinions within five (5) business days.

**4.6.5(D) Recertification**

The County may require an employee to report periodically during the leave period on the employee's leave status and the employee's intention to return to work.

The County may seek recertifications for leave taken due to an employee's own serious health condition or the serious health condition of a family member, no more than every thirty (30) days unless the employee requests an extension of leave, circumstances described by the previous certification have changed significantly, or the County receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.

Where the employee's need for leave due to the employee's own serious health condition, or the serious health condition of the employee's covered family member, lasts beyond a single leave year, the County shall require the employee to provide a new medical certification in each subsequent leave year.

The employee must provide the requested recertification to the County within fifteen (15) calendar days after the employer's request.

**4.6.5(E) Fitness-for-Duty Certification**

The County may require a fitness-for-duty certification before an employee returns to work from FMLA leave other than intermittent leave. The County shall notify an employee in form **WH-382 (Designation Notice)** whether a fitness-for-duty certification shall be required.

The cost of recertification shall be borne by the employee.

The County may delay restoration to employment until an employee submits a required fitness-for-duty certification.

**4.6.6 Calculation of FMLA Leave**

For purposes of calculating employee entitlement for a subsequent FMLA leave, the "twelve (12)-month period" is measured forward from the date when the employee's previous FMLA leave began. For example, under this method an employee is entitled to twelve (12) weeks of leave the first time FMLA leave is taken (e.g. March 7, 20016); the next twelve (12)-month period would begin the first time leave is taken after completion of that twelve (12)-month period ending on (March 6, 2017).

In situations where both a husband and wife work for the County and FMLA leave is requested and approved to care for a newborn child or a child newly placed for adoption or foster care, the employee(s) combined total leave is limited to twelve (12) weeks. Such leave must be taken within twelve (12) months from the date of birth or the date of placement.

An employee shall use any accrued paid leave (sick leave, compensatory time, and vacation days) for any part of the twelve (12) week period of such leave under the County's FMLA policy. Sick leave shall be used first, followed by compensatory time, and then vacation leave. Any holiday that occurs during an FMLA leave shall be paid.

Accruals for benefit calculations, such as vacation, sick leave, or holiday benefits, shall accrue during FMLA leave.

**4.6.6(A) Intermittent Leave or Reduced Leave Schedule**

Intermittent leave shall be counted in increments of one (1) hour.

**4.6.6(B) Health Benefits**

Any health plan, including self-insured plans, provided by the County will be continued for the employee on FMLA leave on the same terms that would have been provided if the employee had continued his or her work during the period that he or she was on approved FMLA leave. County employees are responsible for paying their share of the premium costs while on FMLA leave. If an employee chooses not to return to work for reasons other than a continuing serious health condition of the employee or the employee's family member, or a circumstance beyond the employee's control, the County shall require the employee to reimburse the employer the amount it paid for the employee's health insurance premium during the leave period.

**4.6.7 Employee Reinstatement**

On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence.

However, the County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate situations of intermittent leave.

If the employee fails to return to work, he or she shall repay the County's portion of the premium costs and any of the employee's portions that were not paid by the employee during the FMLA leave.

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

**While an employee is on FMLA leave for their own serious illness or injury, he/she shall not be engaged in outside employment.**

#### **4.6.8 Military Family Leave Entitlements**

Effective January 28, 2008, the National Defense Authorization Act for FY 2008 (NDAA) amended the FMLA to allow eligible employees to take up to twelve (12) weeks of job-protected leave in the applicable twelve (12)-month period for any "qualifying exigency" arising out of the active duty or call to active duty status of a spouse, son, daughter, or parent. The NDAA also amended the FMLA to allow eligible employees to take up to twenty-six (26) weeks of job-protected leave in a "single twelve (12)-month period" to care for a covered servicemember with a serious injury or illness.

These two new types of FMLA leave are known as the Military Family leave entitlements.

This policy supplements the County's FMLA policy and provides notice of employee rights to such leave. Except as mentioned below, an employee's rights and obligations to Military Family leave are governed by the County's existing FMLA policy.

Military Family leave runs concurrent with other leave entitlements provided under federal, state, and local law, such as Indiana Military Family leave.

#### **4.6.8(A) Employee Notice Requirements**

Employees seeking to use Military Caregiver leave **must** provide thirty (30) days advance notice of the need to take such leave for planned medical treatment for a serious injury or illness of a covered servicemember. If leave is foreseeable but thirty (30) days advance notice is not practicable, the employee must provide notice as soon as practicable – generally, either the same or next business day.

An employee must provide notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable.

When the need for Military Family leave is not foreseeable, the employee must provide notice to the County as soon as practicable

under the facts and circumstances of the particular case. Generally, it should be practicable to provide notice for unforeseeable leave with the time prescribed by the County's usual and customary notice requirements. Please see section "Requesting FMLA Leave" above.

**4.6.8(B) Entitlement**

Eligible employees are entitled to **twelve (12) weeks** of unpaid Military Family leave for the following situation:

1. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

Eligible employees are entitled to **twenty-six (26) weeks** of unpaid Military Family leave for the following situation:

1. To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

**4.6.8(C) Covered Active Duty Defined**

The term "covered active duty" means, in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country or international waters; and in the case of a member of a reserve component of the Armed Forces, duty during deployment of the member with the Armed Forces to a foreign country or international waters under a call or order to active duty pursuant to applicable law.

**4.6.8(D) Covered Servicemember Defined**

The term "covered servicemember" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury, illness, or condition that existed before the servicemember's active duty but was aggravated by service in the line of duty on active duty; or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury, illness, or condition that existed before the servicemember's active duty but manifested before or after becoming a veteran, and who was a member of the Armed Forces, including a member of the National Guard or

Reserves, at any time during the period of five (5) years preceding the date on which the veteran undergoes such medical treatment, recuperation, or therapy. The employee's first date of leave must occur within the five (5) year period; however, the employee may continue to take such leave throughout the "single 12-month period" of leave even if the leave extends beyond the five (5) year period.

**4.6.8(E) Qualifying Exigency Leave**

Eligible employees may take **up to a total of twelve (12) weeks** of unpaid Military Family leave during the normal twelve (12)-month period established by the County for FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent (the "covered military member") is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation.

Qualifying Exigency leave is available to a family member of a military member in the National Guard or Reserves or a retired military member of the Regular Armed Forces or Reserve; it **does not extend** to family members of military members in the Regular Armed Forces.

A call to active duty for purposes of leave taken because of a qualifying exigency refers to a Federal call to active duty. State calls to active duty are not covered unless under order of the President of the United States pursuant to applicable law in support of a contingency operation.

Such leave may commence as soon as the military member receives the call up notice. **This type of leave will be counted toward the employee's twelve (12)-week maximum of FMLA leave in a twelve (12)-month period.**

Qualifying exigencies include the following:

1. **Short-notice deployment:** Issues arising from a covered military member's short notice deployment (i.e., deployment on seven [7] or less days of notice) for a period of seven (7) days from the date of notification;
2. **Military events and related activities:** Events and 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;

3. **Childcare and related activities:** 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;
4. **Financial and legal arrangements:** Making or updating financial and legal arrangements to address a covered military member's absence;
5. **Counseling:** Attending counseling provided by someone other than a health care 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;
6. **Rest and recuperation:** Taking up to fifteen (15) days of leave to spend time with a covered military member who is on short-term temporary, rest, and recuperation leave during deployment;
7. **Post-deployment activities:** 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; and
8. **Additional activities:** Any other event that the employee and County agree is a qualifying exigency.

#### **4.6.8(a) Certification**

The first time an employee requests leave because of a qualifying exigency arising out of the active duty or call to active duty status of a covered military member, the County shall require the employee to provide a copy of the covered military member's active duty orders or other

documentation issued by the military which 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.

This information need only be provided to the County once. A copy of new active duty orders or other documentation issued by the military shall be provided to the County if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different covered military member.

The County shall use the Department of Labor form **WH-384 (Qualifying Exigency)** to satisfy requirements under this section.

**4.6.8(b) Verification**

If an employee submits a complete and sufficient certification to support his or her request for leave because of a qualifying exigency, the County shall not request additional information from the employee. However, if the qualifying exigency involves meeting with a third party, the County shall contact the individual or entity with whom the employee is meeting for purposes of verifying a meeting or appointment schedule and the nature of the meeting between the employee and the specified individual or entity. The employee's permission is not required in order to verify meetings or appointments with third parties, but no additional information may be requested by the County. The County also shall contact the appropriate unit of the Department of Defense to request verification that a covered military member is on active duty or call to active duty status; no additional information may be requested and the employee's permission is not required.

**4.6.8(F) Military Caregiver Leave**

Eligible employees who are a spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness may take **up to a total of twenty-six (26) weeks** of unpaid Military Family leave during a "single twelve (12)-month period" to care for the servicemember.

Eligible employees are entitled to Military Caregiver leave to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list.

Eligible employees **may not** take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list.

This is the only type of FMLA leave that may extend an employee's leave entitlement beyond twelve (12) weeks to a **combined total** of twenty-six (26) weeks of leave for any FMLA-qualifying reason during the "single twelve (12)-month period." However, only twelve (12) of the twenty-six (26) weeks total may be for a FMLA-qualifying reason other than to care for a covered servicemember.

The "single twelve (12)-month period" for leave to care for a covered servicemember with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12)-months later, regardless of the twelve (12)-month period established by the employer for other types of FMLA leave.

A husband and wife who are eligible for FMLA leave and are employed by the County shall be limited to a **combined total** of twenty-six (26) weeks of leave during the "single twelve (12)-month period" if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee's parent with a serious health condition, or to care for a covered servicemember with a serious injury or illness.

**4.6.8(c) Next of Kin Defined**

The "next of kin of a covered servicemember" is the nearest blood relative, other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered

servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of Military Caregiver leave under the FMLA.

**4.6.8(d) Designating Leave**

In the case of leave that qualifies as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition during the “single twelve (12)-month period,” the County shall designate such leave as leave to care for a covered servicemember in the first instance. Leave that qualifies as both leave to care for a covered servicemember and leave taken to care for a family member with a serious health condition during the “single twelve (12)-month period” will not be designated and counted as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition.

This section also applies to leave taken for other FMLA-qualifying reasons.

**4.6.8(e) Certification**

When leave is taken to care for a covered servicemember with a serious injury or illness, the County shall require an employee to obtain a certification completed by an authorized health care provider of the covered servicemember.

The County, if appropriate, shall seek authentication and/or clarification of the certification as stated above in the County’s FMLA policy. However, second and third opinions and recertifications, as outlined above in the County’s FMLA policy, are not permitted for leave to care for a covered servicemember.

The County shall require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember.

The County shall use the Department of Labor form **WH-385 (Serious Injury or Illness of Covered Servicemember)** to satisfy requirements under this section.

**4.6.8(f) ITOs and ITAs Certification**

The County, in place of the Department of Labor form WH-385, shall accept “invitational travel orders” (“ITOs”) or “invitational travel authorizations” (“ITAs”) issued to any family member to join an injured or ill servicemember at his or her bedside as sufficient certification under this policy. An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA.

During that time period, an eligible employee may take leave to care for the covered servicemember in a continuous block of time or on an intermittent basis. An eligible employee who provides an ITO or ITA to support his or her request for leave shall not be required to provide any additional or separate certification that leave taken on an intermittent basis during the period of time specified in the ITO or ITA is medically necessary. An ITO or ITA is sufficient certification for an employee entitled to take FMLA leave to care for a covered servicemember regardless of whether the employee is named in the order or authorization.

If an employee will need leave to care for a covered servicemember beyond the expiration date specified in an ITO or ITA, the County shall request that the employee have an authorized health care provider complete the Department of Labor form **WH-385 (Serious Injury or Illness of Covered Servicemember)**, as requisite certification for the remainder of the employee’s necessary leave period.

The County, if appropriate, shall seek authentication and/or clarification of the ITO or ITA as stated above in the County’s FMLA policy. However, second and third opinions and recertifications, as outlined above in the County’s FMLA policy, are not permitted during the period of time in which leave is supported by an ITO or ITA.

The County shall require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember.

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

#### **4.7 JOB RELATED TRAINING**

Employees may be provided leave with or without pay for approved training for up to ten (10) days per year. Requests must be submitted in writing at least ten (10) working days prior to intended departure.

Training applied for must be job related. In certain instances, for example, when licensing or certification is required, the County may advance course registration and material expenses. The County may provide partial or full reimbursement for required lodging, mileage, and meals during the training upon properly documented claims.

#### **4.8 EXTENDED LEAVE OF ABSENCE WITHOUT PAY**

Full-time employees who have completed 365 calendar days of service and have exhausted leave time under all other County leave policies may request a leave of absence without pay not to exceed (1440) hours [40-hour workweek] or (1260) hours [35-hour workweek] in a twelve (12) month period measured forward from the date when the leave begins.

Requests for unpaid leave shall be submitted in writing to the elected official/department head stating the reason for unpaid leave. This request shall be submitted to the County Commissioners for approval.

A leave of absence without pay is intended for employees who have exhausted their twelve (12) weeks of FMLA leave, and have an FMLA qualifying serious illness or injury.

Eligible employees should make requests for leave of absence without pay to their elected official/department head at least thirty (30) days in advance of foreseeable events and as soon as possible for unforeseeable events.

Subject to the terms, conditions, and limitations of the applicable plans, the County will continue to provide health insurance benefits for the full period of the approved leave of absence without pay, providing the employee at each pay period, tenders his/her co-pay portion of premiums to the Auditor. During the leave without pay, sick leave and vacation leave shall not accrue, and such employee shall not receive compensation for designated holidays.

If an employee fails to report to work promptly at the end of the approved leave period, the County will consider it a voluntary resignation.

#### **4.9 AMERICANS WITH DISABILITIES ACT (ADA)**

It is the policy of Henry County that qualified individuals with disabilities not be excluded from participating in or benefiting from the services, programs, or activities of the County.

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

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

The County will reasonably accommodate persons with a disability. Such reasonable accommodation may include: making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules, modifying equipment, or other similar accommodations.

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

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

Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave.

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

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

Members of the public, including individuals with disabilities and groups representing individuals with disabilities, are encouraged to submit suggestions to the County ADA Coordinator on how Henry County might better meet the needs of individuals with disabilities pursuant to this policy.

Any individual who believes he/she has received treatment inconsistent with the policies set forth above or any other requirement of the Americans with Disabilities Act (ADA), can file a complaint within ninety (90) days of the date of the alleged discriminatory act or practice with the County ADA Coordinator.

#### **4.10 MILITARY LEAVE**

Henry County is committed to protecting the job-related rights of employees absent on military leave. In accordance with federal and state law, including the Uniformed

Services Employment and Re-employment Rights Act (USERRA) of 1994, the County will not discriminate against any employee on the basis of that person's membership in or obligation to perform service for any of the uniformed services of the United States.

#### **4.10.1 Annual Training**

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

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

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

#### **4.10.2 Active Duty/Enlistment**

The Uniformed Services Employment and Re-employment Rights Act (USERRA) of 1994 grants special considerations and rights to employees that are either called to active military status or enlist in the armed forces. Active duty military leave will be unpaid.

USERRA requires employers to grant such employees reinstatement of the position held at the time of departure for military service, or in some cases to a position of equivalent or equal stature and pay provided the employee is discharged from service honorably.

The cumulative length of service that causes an absence from a position may not exceed five (5) years, except where provided by law.

USERRA also requires that returning eligible employees be granted seniority and benefits at the same level as if the employee had not left employment for service. Benefit time will continue to accrue while an employee is on military leave. Additionally, service members may (but are not required to) use accrued vacation while performing military duty.

Employees who are on active military duty leave and are under the County's health care plan may elect at their own cost to continue the health plan coverage

for up to twenty-four (24) months after the absence begins, or the period of active duty service, whichever is shorter.

Upon returning from a military leave of absence an employee will be reinstated to a Henry County position provided the employee is discharged from military status under honorable conditions, including providing fulfillment papers to his/her supervisor, and makes a request for reinstatement within thirty (30) days after release from active duty, or one (1) year after release from hospitalization due to military accident. The employee must also be qualified to perform the essential functions of the position for which he/she is being reinstated, and shall be required to provide medical release forms from the military.

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

#### **4.10.3 Indiana Military Family Leave**

Eligible employees that are a parent, spouse, grandparent, or sibling of a person who is ordered to active duty for a period exceeding eighty-nine (89) days may be allowed Military Family leave under qualifying circumstances.

In order for an employee to be eligible for Military Family leave, the employee must have worked for Henry County for the previous twelve (12) months and worked a minimum of fifteen hundred (1,500) hours during that period.

Eligible employees may take leave during either the thirty (30) days before active duty orders are in effect or during the period in which the person ordered to active duty has their orders terminated. Military Family leave may not exceed a total of ten (10) working days annually.

Employees must notify their elected official/department head thirty (30) days in advance of the days they intend to take Military Family leave, unless the person ordered to active duty receives deployment orders less than thirty (30) days in advance. Henry County may require verification of the military orders in order to approve Military Family leave.

Military Family leave is unpaid and employees are responsible for paying their own benefits while on such leave.

An employee may choose to substitute any earned paid vacation leave, or compensatory time available to the employee for any part of the ten (10) day period of Military Family leave.

Military Family leave runs concurrent with other leave entitlements provided under federal, state and local law, such as Military Family leave under FMLA.

#### **4.11 WORKERS' COMPENSATION**

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

While on workers' compensation disability, employee benefits shall accrue. Employee income received while on leave under this policy shall not exceed wages the employee would have normally received pre-major illness in-line-of-duty leave.

Claims will be reviewed by the insurance carrier and the Board of Commissioners. All accidents or injuries on the job no matter how small must be reported immediately to the employee's Department head or Supervisor. The Department head or Supervisor is responsible for completing the Incident Report within twenty-four (24) hours and submitting it to the Human Resources Office. Any employee required to visit a doctor due to the reported accident or injury will be subjected to a mandatory drug screen. No employee, after seeing a doctor, will be allowed to return to work without first securing that doctor's release.

**Employees should contact their elected official/department head to obtain information and forms regarding filing workers' compensation claims.** Initial reports are to be filed with the Human Resources Office. Medical certifications are required. Once completed, all such forms are to be filed directly with the insurance carrier.

As specified by Indiana workers' compensation statutes, when a compensable injury renders an employee unable to work, compensation for lost wages is paid starting on the eighth (8<sup>th</sup>) day. However, on the twenty-second (22<sup>nd</sup>) day of disability, the employee will receive compensation for the first seven (7) days.

The first weekly installment of compensation is due fourteen (14) days after the disability begins. Not later than fifteen (15) days from the date that the first installment is due, the employer/carrier must tender to the employee an Agreement of Compensation, along with compensation due.

If, however, the employer/carrier denies liability, a written notice of denial must be mailed within twenty-nine (29) days after the employer's knowledge of the alleged injury. The employer may obtain an additional thirty (30) day period if it establishes that the delay is due to an inability to obtain the medical information necessary to make a determination as to liability.

Certain injuries are excluded from Workers' Compensation coverage, including but not limited to employee intoxication, self-inflicted injuries, failing to sue safety appliances, committing a violation of work rules, failing to obey a reasonable written or printed

safety rule, and knowingly failing to perform a statutory duty.

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

While an employee is on workers' compensation leave, he/she shall not be engaged in outside employment.

During workers' compensation leave, employees may be required to submit periodic medical certifications on their serious health condition.

Before returning to work, the employee shall provide medical certification from a health care provider verifying that he/she may safely return to work.

For eligible employees, workers' compensation leave is considered Family and Medical Leave Act (FMLA) leave beginning with the first day of leave. All FMLA leave time used counts against the employee's twelve (12) week FMLA entitlement.

#### **4.12 EMPLOYEE INSURANCE**

The County currently offers to each full-time employee a health insurance plan. This can be reviewed in the Human Resources Office. At the time of adoption of these personnel policies, the County pays a portion of the premium of each employee's policy; the County contribution may be changed or eliminated at any time. Employees choosing a County offered health insurance plan must notify the Human Resources Office of any changes in number of dependents covered or marital status by filing a reclassification form. Refunds will be limited to the employee's share of one (1) month's premium.

In certain circumstance, employees on unpaid leave may be entitled to continued health insurance coverage; however, the payroll deductible portion of the premium must be paid by the employee. In the event the employee fails to pay his/her share of the premium timely, the County reserves the right to cancel coverage.

##### **4.12.1 Medical Retirement Plan**

All newly hired full time Henry County Employees and elected officials may participate in a medical retirement plan administered in conjunction with Henry County's current self-insured Medical Plan.

##### **4.12.1 (a) Employees hired prior to January 12, 2010**

Any full-time employee or elected official who has been employed by Henry County for 20 continuous years, and/or who had met the minimum years of service required to draw full benefits from INPRS, McCreedy & Keene, or

another retirement plan provided by Henry County may maintain their current medical insurance if the following criteria are met:

1. The employee or elected official has contributed into INPRS for a minimum of twenty (20) years;
2. The employee's or elected official's years of service, plus age, equal 85; and
3. The employee or elected official is entitled to full INPRS retirement benefits.

Any retired employee or elected official participating in the Henry County Health Care Plan may do so only until age of eligibility for Medicare. At that time, the retiree will participate in Medicare and Henry County will provide a Medicare supplement.

Upon the death of a Henry County retired employee or elected official, his/her spouse may continue on the retiree's medical plan until the age of eligibility for Medicare, receiving the same benefits as the original plan. At age of eligibility for Medicare, the spouse would be moved to Medicare and become eligible for the Medicare Supplement. If the spouse remarries, eligibility under this plan will be discontinued.

All current retired employees and elected officials of Henry County will be eligible for this plan, but must enroll during the initial implementation of the program. All future retired employees and elected officials of Henry County will be eligible for this plan, but must enroll at the time of retirement.

Any employee or elected official who retires from Henry County and becomes eligible for insurance through another employer will no longer be eligible for the benefits described above, except as provided by law.

**4.12.1 (b) Employees hired after to January 13, 2010**

Any full-time employee or elected official who has been employed by Henry County for 20 continuous years, after January 13, 2010 and has met the minimum years of service required to draw full benefits from INPRS, McCreedy & Keene, or another retirement plan provided by Henry County may maintain their current medical insurance.

Any full-time retired employee or full-time elected official participating in the Henry County Health Care Plan may do so only until age of eligibility for Medicare. At that time, the retiree will participate in Medicare and Henry County will provide a Medicare supplement.

Upon the death of a Henry County retired employee or elected official, his/her spouse may continue on the retiree's medical plan until the age of eligibility for

Medicare, receiving the same benefits as the original plan. At age of eligibility for Medicare, the spouse would be moved to Medicare and become eligible for the Medicare Supplement. If the spouse remarries, eligibility under this plan will be discontinued.

All current retired employees and elected officials of Henry County will be eligible for this plan, but must enroll during the initial implementation of the program. All future retired employees and full time elected officials of Henry County will be eligible for this plan, but must enroll at the time of retirement.

Any employee or elected official who retires from Henry County and becomes eligible for insurance through another employer will no longer be eligible for the benefits described above, except as provided by law.

#### **4.13 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY (HIPAA)**

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

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

All County HIPAA inquiries shall be directed to the Human Resources Office.

#### **4.14 BENEFITS CONTINUATION (COBRA)**

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

Under COBRA, the employee or beneficiary pays the full cost of coverage at the County's group rates. The County provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the employer's health insurance plan. The notice contains important information about the employee's rights and obligations.

All COBRA inquiries should be directed to the Human Resources Office.

**4.15 INDIANA PUBLIC RETIREMENT SYSTEM (INPRS)**

All full-time employees are covered by INPRS, a 401 (A) qualified retirement program established and maintained by the State of Indiana. INPRS pays benefits to covered workers or their dependents upon retirement, death, and in certain cases, serious illness or injury. The County contributes a percentage to the pension account. The amount the County contributes varies and is determined actuarially annually. The employee's contributions and accumulated interest credits are refundable when an employee terminates employment prior to being eligible for benefits. INPRS' Employer Financed Pension requires ten (10) years of service to become vested, and is paid by the County based on an employee's length of employment, average salary, retirement option selected and age at retirement.

**Questions concerning the program should be directed to the Human Resources Office and/or Indiana Public Retirement System at One North Capital, Suite 001, Indianapolis IN. 46204.**

**4.16 DEFERRED COMPENSATION**

The County offers a variety of deferred compensation programs to eligible employees. Employee's interested in participating should contact Human Resources for details.

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

Members pay on federal, state, or local income taxes on their contributions to the deferred compensation plan until they separate from the County employment and actually withdraw funds from their accounts. Regardless of age at separation, they may begin receiving payments immediately or may elect to delay the start of benefits to a later date. They may withdraw their accounts in a lump sum or in monthly payments over several years.

The Auditor will serve as the Plan Administrator and is authorized to make deductions from the pay of employees, who voluntarily participate, and make such arrangements as necessary to administer the plan. The County will provide for administrative expenses but will not contribute to the plan itself.

## **5. WORKING CONDITIONS**

**The policies contained in this chapter and throughout the Henry County Personnel Policies Handbook apply to all Henry County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

### **5.1 SAFETY**

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

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

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

If a workplace injury requires long term medical attention, the injured employee will follow the worker's compensation medical professional's decision on when to return to work, and eligibility for continuing employment. In the case of permanent disability due to job injury, a final release will be arranged, if appropriate.

### **5.2 BLOODBORNE PATHOGENS**

All employees will be offered Bloodborne Pathogen training and employees working in a high risk job will be offered a series of Hepatitis B vaccinations for their protection at no cost to the employees.

The Occupational Safety and Health Administration has determined that certain employees in the workplace face a significant risk to bloodborne pathogens due to their job duties. To ensure that County employees are aware of occupational exposure to bloodborne pathogens the County has developed an exposure control plan to minimize or eliminate employee contact with human blood or other bodily fluid which may contain bloodborne pathogens such as Hepatitis B virus and HIV. This control plan is available for use by all County employees and is located in Human Resources.

### **5.3 LACTATION SUPPORT**

Henry County shall provide a reasonable paid break time for an employee to express breast milk for her nursing child for one (1) year after the child's birth each time such employee has need to express the milk. It is the responsibility of the employee to inform her elected official, department head and/or designee of this need.

Henry County shall provide a room or other location, other than a bathroom, in close proximity to the work area, where employees can express their breast milk in privacy, which is shielded from view and free from intrusion from coworkers and the public, during any period away from their assigned duties.

The County shall make reasonable efforts to provide a refrigerator or other cold storage space for storing breast milk; or allow employees to store their breast milk in their own portable storage device until the end of their workday.

Except in cases of willful misconduct, gross negligence, or bad faith, Henry County is not liable for any harm caused by or arising from either of the following that occur on the County's premises:

- A. The expressing of employees' breast milk; or
- B. The storage of expressed milk.

### **5.4 USE OF COUNTY TELEPHONES, FAX MACHINES, AND COUNTY MAIL**

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

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

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

## **5.5 USE OF CELLULAR/MOBILE PHONES AND PAGERS**

The use of personal cellular/mobile phones and/or pagers during work hours should be limited in frequency and duration. Employees may use personal cellular/mobile phones during meal periods in locations that do not pose a disruption to others. Employees using personal or County-issued cellular/mobile phones or pagers excessively during work hours will be subject to appropriate disciplinary action.

Personal and County issued cellular/mobile phones should be turned off during meetings and training courses, except in circumstances when it is absolutely necessary to take an urgent business phone call. In these circumstances, it is courteous to alert others in attendance to the fact that such a call is expected.

The Internal Revenue Code (IRC) requires the taxable value for the use of County provided cellular/mobile phones be reported as additional compensation to employees.

### **5.5.1 Use Of Cellular Phones And Electronic Devices While Driving**

The use of cellular phones and electronic devices while driving may present a hazard to the driver, other employees, and the general public. This policy is meant to ensure the safe operation of County vehicles and equipment, and the safe operation of private vehicles while an employee is on work time conducting County business. This policy applies to all uses of cellular phones and communication devices, except for Police Officers, including, but not limited to, computers, text messaging, e-mail, electronic calendars, multi-media devices, and printers.

Employees shall adhere to all federal, state, and local rules and regulations regarding the use of cellular phones and electronic devices while driving.

Accordingly, employees shall not use cellular phones if such conduct is prohibited by law, regulation, or other ordinance.

Employees should not use hand held cellular phones for business purposes while driving, except for emergency personnel responding to emergency situations. Should an employee need to make or receive a business call while driving, he/she should locate a lawfully designated area to park and make or receive the call.

Employees may use hands-free cellular phones to make or receive business calls. Such calls should be kept short, and should the circumstances warrant (such as heavy traffic or inclement weather), the employee should locate a lawfully designated area to park to continue the call.

Employees, while operating commercial vehicles, as defined by the U.S. Department of Transportation, shall not engage in text messaging under Federal law.

## **5.6 USE OF INFORMATION TECHNOLOGIES**

### **5.6.1 Department Computers**

#### **5.6.1(A) Computer use and responsibility**

All County owned or provided computers including in car computers, associated equipment, software, and all information developed while on the job including information, data, and software downloaded, moved to or stored on personal external hard drive, flash drive, or other external storage devices and/or while using County facilities or resources that is the exclusive property of Henry County.

Employees shall not have any expectation of privacy with respect to any computer files/data or electronic communication conducted with or through any Henry County computer.

The County reserves the right to monitor the use of all Department computers, including the associated software, equipment, external storage devices, writeable media, and information contained on any external device, including, but not limited to, in and out going e-mail, messaging and Internet/Intranet usage to determine whether there has been a violation(s) of County policy, breach of security, or an unauthorized action(s) on the part of an employee, or for any other lawful purpose.

Internal audits of software and data may occur at any time.

All electronic business shall be conducted in a professional manner, consistent with all County and Department procedures; and

Accessing or transmitting unauthorized messages/materials such as: obscene language, images, or jokes; sexually explicit messages/materials; messages/materials that disparage any person, group, or classification of individuals; or solicitations pertaining to buying or selling is strictly prohibited whether or not a recipient has consented to or has requested such message/material. The provisions of this section do not prevent the access or transmittal of the above described material if done solely for legitimate County business purposes.

*De minimum* use of Department computers for reasonable and limited personal use is permitted.

*De minimum* means so insignificant that it does not give rise to a level of sufficient importance to be dealt with judicially.

Limited personal use does not include:

1. Social networking, i.e. Facebook, MySpace, etc.

2. Buying, selling, or trading of a personal or business nature, i.e., eBay, Overstock, etc.,
3. Any other action that would tend to discredit or reflect unfavorably upon the employee, Department, or any of its employees.

Employees who wish to use County computers to join or access professional business related networking sites shall request permission, through channels, from their appropriate office administrator.

**5.6.1(B) Non-Department software, programs, and games**

County employees shall not install software or programs onto Department computers. Only software that is owned, licensed, being evaluated, or approved by the County and installed by authorized employees is permitted.

The County Commissioners in cooperation with office Administrators may grant permission to install additional software to support or enhance specific job functions. Examples of such functions include, but are not limited to: cybercrime investigation, computer forensic and technical services.

Employees shall not use personal or third party software for business purposes without prior written approval, through channels, of the County Commissioners in conjunction with other office systems.

Games of any type are not authorized to be on any County computer unless such games are needed for a legitimate Department business. Employees shall not play unauthorized games using county computer, regardless of whether the game is installed on the computer itself or run from a CD or any other external storage device. Employees shall not play computer games while on duty, except as noted above.

Employees shall not circumvent. Or attempt to circumvent any system security measure, including software or computer security setting, on any County owned computer unless authorized by the office Administrator and County Commissioners.

No person shall copy, share, distribute, disclose, sub-license, modify, reverse engineer or sell any software that is the property of Henry County without prior written approval of the County Commissioners.

All county owned software shall be procured through the appropriate County procedures.

The use of County owned software on non-county owned equipment shall be permitted only with the written approval of the County Commissioners.

Any computer, computer peripheral (e.g. printer,, hard drives, burners, ect.) or IT-

related items purchased for Department use by an employee or outside persons or entity (e.g. a prosecutor's office, a grant, etc.) shall be approved by the County Commissioners, if value exceeds \$2,000.00.

Passwords and encryption keys are the property of the County and the individual employee. Passwords are confidential and shall not be shared with unauthorized persons. Employees shall immediately disclose the password or encryption key for any and all files, emails, applications, or other materials stored on County owned computer or storage device when directed to do so by the County Internet Supervisor.

### **5.6.2 Protection of Sensitive Information**

It is the responsibility of all employees to properly protect all sensitive information contained within a Department computer. Transportation or transfer of sensitive information, as defined below, on external drive, writeable media, wireless devices, or any other removable or portable device is prohibited without the use of proper approved encryption.

Sensitive information includes, but is not limited to, the following:

1. Material that is law enforcement sensitive;
2. Criminal investigative information that is not publicly disclosable;
3. Information that is not disclosable under Access to Public Records laws;
4. Grand Jury material;
5. Criminal intelligence information; and
6. Material that contains a Social Security Number, financial information, or any personal information that is protected from disclosure by law.

If electronic transmission of sensitive information is necessary; the following warning must be included:

*“Statement of Confidentiality: This message is intended only for the individual or entity to which it is sent and may contain information that is privileged, confidential, and protected from disclosure under applicable law. If you are not the intended recipient, or the agent responsible for delivering the message to the recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is prohibited. If you have received this message in error, please notify the sender immediately and destroy all copies of the original message.”*

Employees utilizing a computer containing sensitive information shall lock the computer when it is unattended.

Employees will only use Department issued or authorized encryption application, software, or schemes. In accordance with IOT policy, passwords will be at least five (5) characters in length and must contain a numeric or special character (\*, &, ^). The password will be

changed every 90 days and the account will be locked after five (5) unsuccessful attempts. The system will also not allow the three (3) previous passwords in history to be re-used.

Classified material shall be maintained and accessed in accordance with applicable law.

### **5.6.3 Care/Maintenance of Department Computers**

Employees provided with computers are personally responsible for the care and upkeep of the computer and associated equipment. Employees shall maintain the computer in its original condition and appearance, except for normal use and wear. Employees shall not affix stickers or otherwise alter the appearance of the computer, its lid, or case.

Employees shall use care in protecting County computers from unauthorized access, misuse, theft, damage, destruction, modification, or disclosure. If observed, Department employees shall report violations included in this procedure to their immediate supervisors.

Any equipment damage or loss shall be reported, in writing, to the County Commissioners and/or local law enforcement.

### **5.6.4 In-car Computers and Hand-held Devices**

In-car computers and hand-held devices (such as smartphones, personal data assistants, etc.) shall:

1. Be properly cared for and maintained by the employee to whom it is issued;
2. Not routinely be left in commissions during off-duty hours;
3. Be guarded from extreme heat, extreme cold, and theft; and
4. When not in use or when left unattended shall be locked or password protected (if possible).

While in a commission is in motion, the laptop screen shall normally be in the lowered position. Under exigent circumstances, an officer may conduct a vehicle license check while the vehicle is in motion. When doing such an inquiry, the officer shall:

1. Ensure the screen is placed solidly flat against the dashboard and/or mount support;
2. The laptop mount is parallel to the dash; and
3. Any entry made while in motion does not interfere with the safe operation of the commission.

Upon receiving notification of a wanted person or a stolen item (referred to as a "hit"), a follow up confirmation must occur before enforcement action is taken.

### **5.6.5 Use of Email, Internet, Intranet, and Sharepoint**

Upon notice of employee's last regular workday the County Commissioners will allow the employee to retain Department network and email access for up to 21 days. This procedure shall not apply if an employee is terminated or there are security related concerns.

Any inappropriate use of the County's email, Internet, Intranet, or other electronic services may result in the loss of access privileges and/or disciplinary action including termination. In the course of their duties, systems operator, managers, supervisors, and commanders shall monitor the use of the email, Internet systems, and may review the contents of applicable stored records.

#### **5.6.5A Email**

All County emails shall be written in a professional and courteous manner consistent with all County and Department procedures.

The County also reserves the right to disclose any electronic message(s) sent or received by an employee for use in an authorized investigation without prior notice to that employee.

Only authorized personnel may read messages sent to or received by another employee.

No employee shall misrepresent themselves or another person as the author of an email message ("spoofing" sender information), unless authorized to do so as part of an investigation.

**Business-sensitive, restricted, or confidential information** may be sent by email under the following conditions:

1. The information shall only be sent within the scope of an employee's official duties;
2. Proper care will be taken to ensure the information is sent to the proper recipient; and
3. All applicable emails or faxes shall include (at a minimum) the following notice:  
*"Statement of Confidentiality: This message is intended only for the individual or entity to which it is sent and may contain information that is privileged, confidential, and protected from disclosure under applicable law. If you are not the intended recipient, or the agent responsible for delivering the message to the recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is prohibited. If you have received this message in error, please notify the sender immediately and destroy all copies of the original message."*

#### **Retention of "official-business" related email correspondence.**

All email correspondence sent or received in an official capacity, while conducting County business shall be retained by the employee for:

1. A minimum of three (3) years from the date the email was sent or received; or
2. If the subject of the e-mail falls within existing Department records retention schedules, the e-mail shall be retained for the time period specified on the schedule.

Routine or casual correspondence, even when that correspondence is in regards to “official business” is not covered under this retention policy and may be deleted at any time.

#### **5.6.5B Use of Internet/Intranet/SharePoint**

Personnel shall not download programs from the Internet, unless authorized to do so.

Individuals authorized to download programs shall comply with copyright or licensing agreements.

The Internet shall be used to explore information useful to the Department.

If an employee, who does not have a legitimate Department business purpose, accesses an inappropriate or questionable Internet site, the employee shall immediately notify their immediate supervisor, by email, with a brief description of the content and the address of the accessed site.

Information obtained from the Department’s Intranet or SharePoint is for Department use only.

#### **5.6.C IDACS/NCIC**

Employees using devices that interfere with IDACS/NCIC must be IDACS certified and issued a user name unique to that employee. Users of that system shall create a unique password that shall remain confidential. No Department employee shall use the authorized user name and/or password of another person or agency to log into the system. Employees shall use due diligence to safeguard the issued user name and password and not share these with others.

All non-certified users will have six (6) months to complete the IDACS/NCIC training and pass the written test to become certified. Only authorized users shall access the IDACS/NCIC system.

IDACS and NCIC information shall be available to individuals who qualify to have the right and need to know the information.

## **5.7 SOCIAL MEDIA POLICY**

Social media can take many different forms, including internet forums, blogs and micro-blogs, online profiles, wikis, podcasts, pictures and video, instant messaging, music-sharing, and voice over IP to name just a few. Examples of social media applications are LinkedIn, Twitter, Facebook, MySpace, YouTube, Wikipedia, Yelp, Flickr, Second Life, Yahoo groups, Wordpress, Zoominfo---the list is endless.

### **5.7.1 Guidelines**

Ultimately employees are solely responsible for what they post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees, or otherwise adversely affects the public, and people who work on behalf of Henry County, or Henry County's legitimate business interest may result in disciplinary action up to and including termination.

Discussion debate and sharing one's opinion occur in many forms and forums including online conversations. Social media is defined as media designed to be disseminated through social interaction, created using highly accessible and scalable publishing techniques.

Given the growing popularity of online media, Henry County has developed a series of guidelines to assist its employees when engaging in such forums and discussions. The guidelines are intended to assist employees both when participating personally as well as when acting on behalf of Henry County.

### **5.7.2 Know and Follow County Policies and Work Rules**

Carefully read these policies in this personnel policies handbook, the County Equal Employment Opportunity Policy, Productive Work Environment Policy, Requests For Information Policy, Use of Information Technologies Policy, Sexual Harassment Policy, Business Ethics and Conflict of Interest Policy, Solicitation and Distribution Policy, Political Activity Policy, Workplace Violence Policy, and Confidentiality Policy.

Ensure that your postings are consistent with these policies, inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action, up to, and including termination.

### **5.7.3 Be Respectful**

Always be fair and courteous to fellow employees, County vendors, and the public on behalf of Henry County. Also, keep in mind that you are more likely to

resolve work-related complaints by speaking directly with your co-workers or the public rather than posting complaints to a social media outlet.

However, if you do post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, and threatening or intimidating, that disparage co-workers, County vendors, or the public, or that might constitute harassment or bullying. Examples of such conduct include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or County policy.

#### **5.7.4 Be Honest and Accurate**

Make sure you are honest and accurate when posting information and news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about Henry County, fellow co-workers, County vendors, or the public.

#### **5.7.5 Restrictions**

- a. Do not post confidential or propriety information about the County, co-workers, County vendors, or the public. Never violate federal law such as HIPAA (Health Insurance Portability and Accountability Act). Employees who share confidential information are subject to disciplinary action, up to, and including termination.
- b. Do not use the County of Henry logos or any other images or iconography on personal social media sites. Do not use the County's name to promote a product, cause, or political party or candidate.
- c. Do not state or imply that you speak for the County, for a County office or department, or for County officials. Be aware of your association with the County when using social networks.
- d. If you publish to a blog or some other form of social media, make it clear that whatever you say is your view or opinion by stating: "these are my personal views and opinions and not necessarily the views and opinions of your employer."
- e. Photographs posted on social media sites easily can be appropriated by others. Do not post pictures of County Department events, County employees, or citizens visiting County offices or departments without permission.

f. Do not post obscenities, slurs, or personal attacks that could slander or libel you or the County which could result in civil or criminal penalties.

g. Do not infringe on copyrights or trademarks.

#### **5.7.6 Respect Time and Property**

The County's computers and time on the job are reserved for work-related business. Employees may use personal cellular/mobile phones during break periods, including meal breaks in locations that do not pose a disruption to others.

#### **5.7.7 Think Twice Before Posting**

Privacy does not exist in the world of social media. Consider what could happen if a post becomes widely known. Search engines can turn up posts years after they are created and comments can be forwarded or copied. Exercise sound judgment and common sense, and if there is any doubt, DO NOT POST IT.

#### **5.7.8 Know That the Internet is Permanent**

Once information is published online, it is essentially part of a permanent record, even if that information is removed/deleted later, or an attempt is made to make it anonymous. If a complete thought, along with its context, cannot be squeezed into a character restricted space (such as Twitter), provide a link to an online space where the message can be expressed completely and accurately.

### **5.8 DRUG-FREE WORKPLACE**

The unlawful manufacture, dispensing, use, distribution, and/or being under the influence of a controlled substance or alcoholic beverage by employees of the County in the workplace are prohibited. Proper use of a drug authorized by prescription from a physician licensed to practice medicine is not a violation of this policy. Violation of this policy will be grounds for disciplinary sanctions, which may include, but shall not be limited to, immediate suspension without pay, termination of employment, and/or referral for prosecution. The dangers of unlawful use of drugs and/or the use of alcohol in the workplace include:

1. Injury to the use;
2. Injury to co-workers;
3. Injury to members of the public;
4. Damage to County property;
5. Damage to property of County employees;
6. Damage to property of members of the public;
7. Loss of efficiency;
8. Loss of work time, including absenteeism and tardiness;

9. Loss of work quality; and
10. Damage to workplace morale.

Employees are encouraged to make use of drug and alcohol counseling and rehabilitation programs offered by Comprehensive Mental Health Services (CMHS), Alcoholics Anonymous, Narcotics Anonymous, and The Mental Health Association in this community. Employees are encouraged to discuss their desire to participate in such programs with their supervisors and/or department heads that may assist the employees in contacting these or other counseling or rehabilitation programs. As a condition of continued employment, each employee shall abide by the terms of this policy. No later than five (5) days after conviction, the employee shall notify the department head and Board of Commissioners of any criminal drug statute conviction for a violation occurring in the workplace. After notification by the employee of such a conviction, or upon otherwise receiving notice of the conviction, the County shall:

1. Within ten (10) days, notify in writing any grantor federal or state agency whose grant agreement requires such notice; and
2. Within thirty (30) days, take appropriate personnel action against the employee and/or require the employee to satisfactorily participate in an approved drug or alcohol assistance or rehabilitation program.

#### **5.8.1 Substance Abuse Policy for Employees with Commercial Drivers License**

Employees are an extremely valuable resource for Henry County's business. Their health and safety is a serious concern of Henry County. Drug or alcohol use may pose a serious threat to employee health and safety. It is therefore, the policy of Henry County to prevent substance use or abuse from having an adverse effect on our employees. The County maintains that the work environment is safer and more productive without the presence of alcohol, illegal or inappropriate drugs in the body or on County property. Furthermore, employees have a right to work in an alcohol and drug-free environment and to work with employees free from the effects of alcohol and drugs. Employees who abuse alcohol or use drugs are a danger to themselves, their coworkers, and the County's assets.

The adverse impact of substance abuse by employees has been recognized by the federal government. The Federal Motor Carrier Safety Administration ("FMCSA") has issued regulations which require the County to implement a controlled substance testing program. The County will comply and require that a driver submit to alcohol and controlled substance tests administered in accordance with these regulations. The County is committed to maintaining a drug-free workplace. All employees are advised that remaining drug-free and medically qualified to drive are conditions of continued employment with the County.

Specifically, it is the policy of the County that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs uses as prescribed) by any employee while on County premises, engaged in County business, while operating County equipment, or while under the authority of the County is strictly prohibited. FMCSA states that mandatory testing must apply to every person who operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement.

The execution and enforcement of this policy will follow set procedures to screen body fluids (urinalysis), conduct breath testing, and/or search for alcohol and drug use all employee applicants and those employees suspected of violating this policy, those employees who are involved in a U.S. Department of Transportation ("DOT") reportable accident, and those employees who are periodically or randomly selected pursuant to these procedures. These procedures are designed not only to detect violations of this policy, but to ensure fairness to each employee. Every effort will be made to maintain the dignity of employees or applicants involved. Disciplinary action will, however, be taken as necessary.

Neither this policy nor any of its terms are intended to create a contract of employment or to contain the terms of any contract of employment. The County retains the sole right to change, amend or modify any term or provision of this policy without notice.

### **5.8.1A Administration Guide to Personnel Alcohol and Drug Testing Procedures**

#### **PURPOSE**

The purpose of this administrative guide is to set forth the procedures for the implementation of controlled substance and alcohol use and testing of employee applicants, current employees, and employees pursuant to the Henry County's Alcohol and Drug Abuse procedures. These procedures are intended as a guide only, and are in no way intended to alter any existing relations between Henry County and any employee.

Henry County's alcohol and drug program administrator (DER- Designated Employer Representative) designated to monitor, facilitate, and answer questions pertaining to these procedures is Human Resources.

#### **PROVISIONS**

##### **Applicability**

This policy applies to all County employees that utilize a Commercial Drivers License (CDL) in the course of their employment.

A valid CDL is required to operate the type of equipment listed below:

1. A vehicle having a Gross Vehicle Weight Rating (GVWR) as assigned by the manufacturer of 26,001 pounds or more; or
2. A combination vehicle having a Gross Combination Weight Rating of 26,001 or more.
3. A vehicle that is designed to transport 16 or more passengers, including the driver; or
4. A vehicle requiring a placard to transport hazardous materials.

**Prohibited Conduct**

The following shall be considered “prohibited conduct” for purposes of this policy.

1. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcoholic concentration of .04 or greater. An employee is considered to be performing a safety-sensitive function if he/she is actually performing, ready to perform, or immediately available to perform any of the following on-duty functions:
  - a. All time spent at a facility waiting to be dispatched;
  - b. All time inspecting, servicing, or conditioning any commercial motor vehicle at any time;
  - c. All driving time or time spent at the driving controls of a commercial vehicle in operation;
  - d. All time spent loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, including completion of any related paperwork, and remaining in readiness to operate the vehicle;
  - e. All time performing those duties required of an employee involved in a vehicle accident; or
  - f. All time spent repairing, assisting, or attending to a disabled motor vehicle;
2. No employee shall be on duty or operate a commercial vehicle while the employee possesses alcohol.
3. No employee shall use alcohol while performing safety-sensitive functions.
4. No employee shall perform safety-sensitive functions within four (4) hours after consuming alcohol.
5. No employee required to take a post-accident test shall consume alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident test, whichever occurs first.
6. No employee shall refuse to submit to a post-accident, random, reasonable suspicion, return-to-duty, or follow-up alcohol or drug test.

**Prescription Medication and/or Other Medication Use**

1. An employee is prohibited from reporting for duty or remaining on duty when the employee uses any controlled substance, except when the use is pursuant to the

written instruction of a physician who has advised the employee that the substance will not adversely affect his/her ability to safely perform duties. The employee must provide the County with proof of such medical advice. The County can decide if the employee can remain at work or on County premises and what work restrictions, if any, are deemed necessary.

2. Any employee who is using a prescribed drug or other medication, which is known or advertised as possibly affecting or impairing judgment, coordination or other senses, (including dizziness or drowsiness), or which may adversely affect the employee's ability to perform work in a safe and productive manner, must notify the County prior to starting work or entering any County premises. The County will decide if the employee can remain at work or on County premises and what work restrictions, if any, are deemed necessary.
3. Ingestion of products that contain hemp will not be an acceptable explanation for testing positive for marijuana.

### **Refusal to Test**

Refusal to submit to the types of drug and alcohol tests employed by the County will be grounds for refusal to hire employee/applicant(s) and to discipline exiting CDL employee(s). A refusal to test would include any of the following situations:

1. Failing to appear for any test within a reasonable time after being directed to do so.
2. Failing to remain at the testing site until the testing process is completed.
3. Failure to provide a breath sample, saliva sample or urine sample as directed.
4. Failure to permit, if the situation requires, the observation or monitoring of providing a urine specimen.
5. Failure to provide a urine, breath, or saliva specimen within required time frames may be considered refusal. If an employee cannot provide a sufficient quantity of urine or breath, he/she will be directed to be evaluated by a physician or the County's choice. If the physician cannot find a legitimate medical explanation for the inability to provide a specimen (either breath or urine), it will be considered a refusal to test. In that circumstance the employee has violated one of the prohibitions of the regulations.
6. Failure to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of a "shy bladder" or "insufficient breath" situation.
7. Failing or declining to take a second test as required by DOT regulations.
8. Failure to cooperate with any part of the testing process and/or conduct that would obstruct the proper administration of a test. (E.g., refusing to empty pockets when so directed by the collector, behaving in a confrontational way that disrupts the collection process).
9. Refusing to sign step two (2) of the alcohol testing form.
10. A report from the MRO that the employee has a verified adulterated or substituted test result.

## **Types of Tests**

Pursuant to regulations promulgated by the Department of Transportation (DOT), the County has implemented four circumstances for drug and alcohol testing: pre-employment (drug testing only), post-accident, random, and reasonable suspicion.

### **Pre-employment Testing**

As a condition of employment, the employee applicant shall provide the County with a written authorization for all previous employers within the past two (2) years to release drug and alcohol testing records, as the regulations require. Within thirty (30) days of performing a safety-sensitive function, DOT regulations require that the County obtain, to the extent available, certain drug and alcohol testing records from the employee's previous employers for the previous two (2) years. All applicants who are required to have or obtain a CDL must submit to a urine drug test unless a qualifying pre-employment exemption can be documented.

### **Random Testing**

The County conducts random drug and alcohol testing. The County will submit all employees' names to a random selection system. The random selection system provides an equal chance for each employee to be selected each time random selection occurs. Random selections will be reasonable spread throughout the year. The County will drug test, at a minimum, fifty (50) percent of the average number of employee positions in each calendar year or at a rate established by the DOT for the given year. The County will select, at a minimum, ten (10) percent of the average number of employee positions in each calendar year for random alcohol testing, or at the rate established by the DOT for the given year. Random selection, by its very nature, may result in employees being selected in a successive selections more than once a calendar year.

If an employee is selected at random, for either drug or alcohol testing, a County official will notify the employee. Once notified, the employee must proceed to the designated collection site immediately. If the employee does not go to the collection site as soon as possible after notification, such conduct may be considered a refusal to test.

### **Post-Accident Testing**

Following any accident, the employee must contact the County as soon as possible. The employee must submit to a Federal DOT drug and alcohol test any time he/she is involved in an accident where a fatality is involved, or the employee receives a citation for a moving violation arising from the accident that involved:

- Injury requiring medical treatment away from the scene, or
- One or more vehicles having to be towed from the scene.

The employee shall follow the instructions from the County or its representative to complete required testing.

For other accidents not covered by the DOT definition above, the County may require a non-regulated drug and alcohol test when:

- The employee's actions may have contributed or cannot be completely discounted as a contributing factor to an accident which results in damage over \$1000.00 or personal injury; or
- An incident results in a lost time injury.

Any time a post-accident drug or alcohol test is required, it must be performed as soon as practical. If no alcohol test can be made within eight (8) hours, attempts to perform an alcohol test shall cease. If no urine collection can be obtained for the purpose of post-accident drug testing within thirty-two (32) hours, attempts to make such collection shall cease. An employee is prohibited from consuming alcohol between the time of the accident and the test.

In the event that federal, state, or local officials conduct breath or blood tests for the use of alcohol and/or urine tests for the use of controlled substances following an accident, employees must comply with law enforcement personnel request. The County may request testing documentation from such agencies, and may ask the employee to sign a release allowing the County to obtain such test results.

In the event an employee is so seriously injured that the employee cannot provide a sample of urine, breath or saliva at the time of the accident, the employee must provide necessary authorization for the County to obtain hospital records or other documents that would indicate the presence of controlled substances or alcohol in the employee's system at the time of the accident.

### **Reasonable Suspicion Testing**

Reasonable suspicion for requiring an employee to submit to drug and/or alcohol testing shall be deemed to exist when an employee manifests physical, behavioral, speech or performance symptoms or reactions commonly attributed to the use of controlled substances or alcohol. Such employee conduct must be witnessed by a supervisor who is trained in compliance with Part 382.603 of the Federal Motor Carrier Safety Regulations.

A supervisor observing such conditions will take the following actions immediately:

1. Confront the employee involved, and keep under direct observation until the situation is resolved.
2. Secure the DER's concurrence to observations. After supervisor's discussion of the circumstances with the DER, the DER shall make

arrangements to observe or talk with the employee. If the DER believes, after observing or talking to the employee, that the conduct or performance problem could be due to substance abuse, the employee will be immediately required to submit to a breath test or urinalysis. If the employee refuses to submit to testing for any reason, the employee will be informed that continued refusal will result in disqualification from performing any safety-sensitive function AND termination from employment for refusal.

3. Employees will be asked to release any evidence relating to the observation for further testing. Failure to comply will subject the employee to termination of employment. All confiscated evidence will be receipted for with signatures of both the receiving supervisor, as well as the provider.
4. The DER shall, within 24 hours or before the results of the controlled substance test are released, document in writing the particular facts related to the behavior or performance problems that led to the reasonable suspicion test and maintain this documentation in appropriate DOT files.
5. The DER shall remove or cause the removal of the employee from the County owned vehicle and ensure that the employee is transported to an appropriate collection site and thereafter to the employee's residence, or where appropriate, to a place of lodging. Under no circumstances will that employee be allowed to continue to drive a County vehicle or his/her vehicle until a confirmed negative test result is received.

### **Controlled Substance Testing Protocol**

#### **Urine Collection Procedures**

1. The testing procedure starts with the collection of a urine specimen.
2. Collection procedures will follow the specific guidelines set forth by the U.S. Department of Transportation as outlined in the published collection procedures guidelines.
3. Employees will be directed to empty their pockets and display the contents to the collector.
4. Employees will be allowed privacy during the collection process except as noted in number 5 below.
5. Observed collections are required by DOT if:
  - a. The specimen is determined invalid and there is no medical explanation.
  - b. The collector observes evidence of an employee's attempt to tamper with the specimen.
  - c. The temperature of the specimen is out of range.
  - d. The specimen appears to have been tampered with.

6. As part of the collection process, the specimen provided will be split into two portions; a primary specimen and a secondary (split) specimen.
7. If the employee is unable to provide 45 ml of urine, the DOT “shy bladder” rule will apply. The employee will have up to 3 hours to provide the required 45 ml, and may consume up to 40 ounces of fluids during this time period. The employee will be required to be monitored during the waiting period.
8. After collection, the specimen will be submitted to a SAMHSA certified laboratory for testing.

### **Laboratory Procedures**

Drug testing will be performed through urinalysis. Urinalysis will test for the presence of drugs and/or metabolites of the following controlled substances: marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

The SAMHSA certified laboratory will perform initial screenings on all primary specimens. In the event that the primary specimen tests positive, a confirmation test of that specimen will automatically be performed. If the confirmatory test is positive it will be reported to the Medical Review Officer (MRO) as a positive.

### **Validity Testing**

The laboratory must also perform validity testing on each specimen received. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted. The following will be measured: creatinine level, specific gravity, and Ph. In addition, all specimens will be tested for known adulterants. An initial validity test is performed first, followed by a confirmation test if required.

All laboratory results will be reported by the laboratory to a MRO designated by the County or its agents.

### **MRO Procedures**

1. All tests results will undergo a review process by the MRO.
2. Negative test results will be reported directly to the County by the MRO.
3. Positive, adulterated, or substituted results will be handled in the following manner by the MRO:
  - a. Before reporting a positive, adulterated, or substituted test result to the County, the MRO will attempt to contact the employee to discuss the test result.
  - b. The employee is required to discuss the result with the MRO. The employee will be allowed to explain and

- present medical documentation to explain any permissible use of a drug.
- c. For adulterated or substituted results, the employee must demonstrate that he/she did produce or could have produced urine, through physiological means, a specimen meeting the creatinine and specific gravity criteria of a substituted or adulterated specimen.
  - d. If the MRO is unable to contact the employee directly, the MRO will contact the DER designated in advance by the County, who shall, in turn, contact the employee and direct the employee to contact the MRO. Upon being so directed, the employee shall contact the MRO immediately or, if the MRO is unavailable, at the start of the MRO's next business day.
  - e. If, after failing to contact the MRO within 72 hours after being instructed to do so by the DER, or if the employee cannot be contacted at all within ten (10) days, or the employee expressly declines the opportunity to discuss the test, the MRO may verify the test as positive, or a refusal.
  - f. In the MRO's sole discretion, a determination will be made as to whether a result is verified as positive, negative, or considered a refusal.
  - g. After any verified positive or refusal to test determination, the employee may petition the MRO to reopen the case for reconsideration.
4. If a specimen is reported Negative and diluted by the laboratory, the MRO will report this information to the DER. The County policy will require an immediate recollect for another test. The result of this test will stand as the final result.

#### **Medical Information Disclosure**

Pursuant to DOT regulations, if, in the MRO's opinion, any information provided may mean a medical disqualification or represent a safety hazard, such as the use of certain prescription drugs, the MRO must disclose this to the employer. Individual test results for employee applicants and employees will be released to the County and will be kept strictly confidential unless consent for the release of the test result has been obtained. Any individual who has submitted to drug testing in compliance with this procedure is entitled to receive the results of such testing upon written request.

#### **Safeguards for the integrity of the drug testing process**

1. The collector must obtain photo identification from the donor or identification by supervisor prior to administering the test.

2. The employee will be asked to wash his/her hands.
3. The donor signs the chain of custody form signifying the correctness of data for test reporting.
4. Electronic communication of test results from the laboratory into the MRO reporting system with no external human intervention.
5. The specimen container and specimen bottles are individually wrapped and unwrapped in donor's presence.
6. After the specimen is provided in a reasonable time, the collector inspects it for sufficient volume, temperature, and signs of tampering. If a specimen is not provided, the employee will be referred to a MRO to determine whether there is a valid medical reason. If there is, the employee must still attempt to provide a specimen each time his/her name is drawn.
7. After the specimen is given to the collector, the remaining collection procedures are conducted in donor's view.
8. The specimen bottles and shipping container are sealed with tamper evident seals.
9. The donor will be asked to sign the seals covering the specimen bottles identifying they were sealed in donor's presence.
10. The specimen bottle seals match the identifying seals on the chain of custody form.
11. The laboratory will check the specimen bottle upon receipt to insure the seal has not been broken. If the seal has been broken the laboratory will report the test as cancelled.
12. Blind sample submission through the laboratory for quality control.
13. A collector who has completed the qualification training as mandated in CFR Part 40 as amended will perform the collection.

#### **Split Specimen Testing Protocol**

An employee may request that the "split" portion of his/her specimen be tested at a different SAMHSA laboratory if he/she was notified by the MRO that his/her test result was positive, adulterated, or substituted. The request must be made to the MRO within 72 hours of being notified of a verified positive, adulterated, or substituted result. The MRO will arrange for all procedures to be done in accordance with split specimen testing procedures.

The cost of a split specimen test will be the responsibility of the employee. The County will withhold the amount of the cost of testing the split from the employee's pay unless other arrangements are acceptable to both the employee and the County. If the employee makes a times request (within 72 hours) to the MRO for the split portion to be tested, the MRO shall immediately make arrangement with the laboratory to initiate the process.

### **Alcohol Testing Protocol**

Alcohol tests will be conducted by a trained Breath Alcohol Technician (BAT) or Screening Test Technician (STT). Screening tests may be done using an evidential breath testing device (EBT) or non-evidential screening device approved by the National Highway Traffic Safety Administration. Confirmatory tests will be done by a trained BAT using an evidential breath testing device. The employee shall report to the alcohol testing site as notified by the County. The employee shall follow all instructions given by the alcohol technician.

If the result of a screening test is a breath alcohol concentration (BAC) of less than 0.02, no further testing is authorized. Any initial test indicating a BAC of .02 or greater will be confirmed on an EBT operated by a BAT. The confirmation test will be performed no sooner than fifteen (15) minutes and no later than thirty (30) minutes following the completion of the initial test. In the event the confirmation test indicates a BAC of .020 to .039, the employee shall be removed from duty for twenty-four (24) hours or until his/her next scheduled on-duty time, whichever is longer. Employees with tests indicating a BAC of .04 or greater are considered to have engaged in prohibited conduct, which will result in termination of employment. All alcohol tests shall be performed just prior to, during, or just after performing a safety sensitive function.

### **Alcohol Testing Safeguards for Employee's Protection**

1. The BAT must obtain the donor's photo identification prior to administering the test.
2. An individually wrapped mouthpiece will be opened and inserted into the EBT for the donor's test.
3. The National Highway Traffic Safety Administration approves the EBT that is used.
4. Calibration checks are frequently performed to insure the EBT is working efficiently.
5. If the screening test indicates a 0.02 or greater, a confirmation test will be administered.
6. An Air blank will be administered prior to the confirmation test with a 0.000 reading.
7. An individually wrapped mouthpiece will be inserted for the confirmation test.
8. The BAT has completed the required training course in the correct operation of the EBT.

### **Educational Materials**

The County shall provide educational materials that explain the requirements of Part 382.601 of the Federal Motor Carrier Safety Regulations, consequences of violating the regulations, and the County's policies and procedures with respect to meeting

these requirements. The materials supplied to the employees may include information on additional County policies with respect to the use or possession of alcohol or controlled substances, for example, the consequences for an employee found to have specified alcohol or controlled substances level based on the County's authority independent of Part 382.601 of the Federal Motor Carriers Regulations. Materials will also be provide concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life.

Employees are required to attend an educational meeting(s) to discuss the County's policies and procedures and to review all materials covered by this procedure. Each employee is required to sign a statement (certificate of receipt) certifying that he/she has received a copy of these materials described in Part 382.601 of the Federal Motor Carrier Regulations. The County shall provide these materials to each employee prior to the start of alcohol and controlled substance testing and to each employee subsequently hired or transferred into a position requiring driving a commercial vehicle.

### **TERMINATION OF EMPLOYMENT FOR POSITIVE TEST (ZERO TOLERANCE)**

Any employee who has a positive test for alcohol (.04 BAC or greater) or controlled substances or has refused to test is considered in violation of this policy, AND WILL BE IMMEDIATELY REMOVED FROM SAFETY-SENSITIVE DUTY AND TERMINATED FROM EMPLOYMENT.

Such employee shall be provided with the names, addresses, and telephone numbers of qualified substance abuse professionals.

### **CONFIDENTIALITY AND RELEASE OF INFORMATION**

Under no circumstances, unless required or authorized by law, will alcohol or drug testing information or results for any employee or applicant be released without written request OR WRITTEN CONSENT from the employee.

The County may release information as follows:

1. Copies of the results of alcohol or drug testing to an identified person provided the employee has provided written consent.
2. Copies of information requested by the Secretary of Transportation, any DOT agency, or any State or local official with regulatory control over the County or any of its employees.
3. The results of post-accident testing when requested by the National Transportation Safety Board as part of an accident investigation.
4. Legal proceedings to include:

- Lawsuits (e.g., wrongful discharge action).
- Grievances (e.g., an arbitration concerning disciplinary action taken by the employer).
- Administrative proceedings (e.g., an unemployment compensation hearing) brought on by, or on behalf of, an employee and resulting from a positive DOT drug test or alcohol test or a refusal to test (including, but not limited to, adulterated, or substituted test results).
- Criminal or civil actions to the decision maker in the proceeding (e.g., the court in the lawsuit).

When information is released in accordance with the provisions above, the employee will be notified of the release. Employees are entitled, upon written request, to obtain copies of any records pertaining to their use of alcohol or controlled substances, including any records pertaining to their alcohol or controlled substance tests.

### **RESPONSIBILITY**

A. Employee

All County employees that hold a valid CDL are responsible for abiding by this procedure as a condition of their employment.

B. Management Officials and Supervisors

All supervisors and County officials are responsible for being alert to employee conduct that raises a reasonable suspicion that an employee is using or is under the influence of alcohol or controlled substance while on duty or otherwise performing County business.

### **5.9 SMOKING**

All buildings and vehicles occupied by any agency of the County are nonsmoking areas, except for those areas specifically designated as smoking areas. This policy applies equally to all elected officials/department heads, employees, and visitors. “no smoking” signs are posted in County facilities except where designated.

### **5.10 USE OF EQUIPMENT AND VEHICLES**

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

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

others. The elected official/department head can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job. Employees operating County vehicles shall maintain the ability to legally operate assigned vehicles.

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

The misuse or theft of County materials, equipment, and/or property is not acceptable. Improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, may result in disciplinary action, including discharge.

Employees who operate County vehicles are required to notify their elected officials/department head in the event that their driver's license is suspended or revoked.

Employees who operate a County vehicle or operate a personal vehicle for County business are required to keep a copy of their valid driver's license, and proof of insurance and insurance liability for personal vehicle, on file with Human Resources.

#### **5.11 TAKE HOME VEHICLES**

The Internal Revenue Code (IRC) requires the taxable value for the use of County provided vehicles be reported as additional compensation to employees. The County and employee must timely report personal use as a wage. Such reports are processed by Human Resources. Police vehicles are considered non-personal use vehicles. Police officers are required to use the vehicle for commuting and personal use is incidental to use for law-enforcement purposes. Personal use of County vehicles, other than commuting, for travel outside of Henry County is prohibited (e.g. vacation use).

#### **5.12 PERSONAL USE OF COUNTY PROPERTY AND FACILITIES**

To minimize unnecessary expenses, prevent the loss of valuable work time, and prevent lowered morale, personal use of County facilities, vehicles, and equipment is prohibited. This policy applies to all employees and restricts the personal use of County facilities, including bulletin boards, vehicles, and equipment.

#### **5.13 APPEARANCE OF WORK AREAS**

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

## **5.14 BUSINESS TRAVEL**

Henry County elected officials/department heads are responsible for authorizing employee business travel and reimbursement of travel expenses including overnight lodging, meal costs, and transportation. All such reimbursements are subject to approval and appropriate documentation being submitted to the Auditor's Office.

The expense for which an employee seeks reimbursement must have been budgeted in departmental budgets or else specifically approved by the elected official/department head. Employees must provide original and itemized receipts to receive reimbursement.

Overnight accommodations are not allowed for one (1) day meetings, conferences, and/or conventions within fifty (50) miles of Henry County, Indiana, excluding statutorily mandated expenses. When an elected official/department head hosts district meetings those employees who participated in such meetings will be furnished lunch or dinner at the expense of Henry County.

Henry County shall not pay for a person's meal more than once. This includes, but is not limited to, meals included in registration fees or by hotels in the room charge. If a person in travel status received a meal without charge, then the meal allowance must be reduced. Meal expenses are not allowed for meals during normal duty hours for routine employees duties requiring travel.

Mileage shall be determined from the County Courthouse or employee's residence whichever is the shortest distance. Employees attending the same event are encouraged to ride share transportation.

Meal allowance and mileage rates are subject to change as approved and adopted by the County Commissioners. An employee attending an approved one-day training, seminar, conference, or other work-related business will be paid a one day meal allotment up to twelve dollars (\$12).

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

### **5.14.1 State Called Meetings/Conferences**

The County shall reimburse County employees for a State called meeting or conference specified by statute or the State Board of Accounts. Reimbursement for state called meetings/conferences will be for:

1. Lodging for each night preceding session attendance not less than the lodging allowance equal to the lesser of the cost of a standard room rate at the hotel where the session is held; or the actual cost of lodging paid.

Receipts must be submitted to the Auditor's office prior to reimbursement within ten (10) calendar days from date the expense occurred or from the date the billing is received.

2. Cost of meals for each day, not to exceed thirty (\$30.00) per day. No payment will be made for meals other than for an individual county employee participating in the approved, business-related function. Gratuity will be allowed up to eighteen percent (18%). Alcoholic beverages will not be reimbursed.

Receipts must be submitted to the Auditor's office prior to reimbursement within ten (10) calendar days from date the expense occurred or from the date the billing is received.

3. Federal mileage rate.
4. Parking at meeting/conference site.

Receipts must be submitted to the Auditor's office prior to reimbursement within ten (10) calendar days from date expense occurred or from the date the billing is received.

#### **5.14.2 Other Meetings/Conferences/Conventions**

All non-state called meetings paid from the Commissioners' budget must first be approved by the Commissioners. The following costs for such meetings will be allowed:

1. Cost of lodging. Cost of additional persons in a hotel room other than County employees required to attend meeting/conference/convention (i.e. spouse, friend, etc.) will not be reimbursed.

Receipts must be submitted to the Auditor's office prior to reimbursement within ten (10) calendar days from date expense occurred or from the date the billing is received.

2. Cost of meals for each day, not to exceed thirty dollars (\$30.00) per day. No payment will be made for meals other than for an individual county employee participating in the approved, business-related function. Gratuity will be allowed at the rate of eighteen percent (18%). Alcoholic beverages will not be reimbursed.

Receipts must be submitted to the Auditor's office prior to reimbursement within ten (10) calendar days from date the expense occurred or from the date the billing is received.

3. Federal mileage rate.

### **5.14.3 Other Travel Costs**

Other travel costs which may be claimed are as follows:

1. Parking fees while conducting official business.
2. Official long-distance calls made from room with notation to whom the call was made and reason.
3. Airline costs with prior approval of the Department Head/Elected Official.
4. Rental cars with prior approval of the Department Head/Elected Official.
5. Toll charges while conducting official County business.
6. Registration fees for meeting/conference/convention/seminar related to individual's job.

Reimbursements will not be made for in-room dry bar, in-room movies, room service, or valet parking unless self-parking is not available.

## **5.15 COUNTY CREDIT CARDS**

Henry County Officials and Department Heads are hereby authorized to obtain and use a credit card for use in carrying out the official functions of that office, and other purpose. The Elected Official/Department Head shall control the use of such credit card, and when the use of the card has been accomplished, maintain custody of the card.

The elected official/department head shall maintain an accounting system or log including the names and positions of individuals requesting use of such card, the estimated amounts to be charged, the fund and account numbers to be charged, and the date the card is issued and returned. If a card is lost or stolen, the employee should report the missing card immediately to the elected official/department head.

The credit card cannot be used to bypass the county's accounting system. The elected official/department head shall timely submit claim for payment of such charges, together with receipts or paid bills documenting the purchase, in the manner of other claims. The elected official/department head shall personally pay any interest to penalty incurred due to late submission of claims or late furnishing of documentation.

Violations of this policy shall be subject to disciplinary action, up to and including termination.

**5.16 INDIANA INTERNAL CONTROL STANDARDS POLICY**

Indiana Code 5-11-1-27(e) provides that through the compliance guidelines authorized under IC 5-11-1-24 the State Board of Accounts (SBOA) shall define the acceptable minimum level of internal control standards for internal control systems of political subdivisions, including the following: (1) Control Environment. (2) Risk Assessment. (3) Control Activities. (4) Information and Communication. (5) Monitoring.

IC 5-11-1-27(g) requires that the Henry County Board of County Commissioners must adopt the minimum internal control standards as defined by SBOA. Additionally, the Commissioners must ensure that employees receive training concerning the internal control standards and procedures adopted by the County.

The Henry County Commissioners have adopted the internal control standards as defined by SBOA under IC 5-11-1-27(e). Personnel training of employees shall be evidenced through a certification process. The Personnel Policy Committee will be responsible for developing and overseeing the administration of the internal control standards policy, training, and certifications.

At the time of submission of the annual report, the County Auditor must certify that the minimum internal control standards have been adopted and that personnel who are not otherwise on leave status have received training regarding these standards and procedures.

Apart from the required certification to be filed by the County Auditor, elected officials, appointees, and employees must sign the Internal Control Training Certification form for Elected Officials, Appointees, and Employees as evidence for their training. These certifications are to be maintained by Henry County on-site.

**5.17 POLITICAL ACTIVITY**

County employees are prohibited from using their county position and/or time during working hours for political activity. No employee paid partially or wholly from federal funds is eligible to run for office in a partisan election or to solicit funds for such and election, pursuant to the Hatch Act and related laws.

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

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

## **6. PERSONAL CONDUCT**

**The policies contained in this chapter and throughout the Henry County Personnel Policies Handbook apply to all Henry County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

### **6.1 EMPLOYEE CONDUCT AND WORK RULES**

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

Violations of standards of conduct by employees will be grounds for disciplinary action including discharge. Individual circumstances, performance, and work record may be considered in making disciplinary decisions.

### **6.2 ATTENDANCE AND PUNCTUALITY**

Employees are to be on time for work and are not to depart prior to scheduled hours, unless change is granted by employee's supervisor.

Employees must notify their supervisor before the start of the employee's work day or shift when the employee will be absent or tardy. Excessive tardiness or absenteeism is not acceptable.

Excessive absenteeism is defined as exceeding one's authorized leave. For example, an employee who has accumulated and been authorized to use six (6) sick days and two (2) personal days, may be subject to discharge if he/she is absent a ninth (9<sup>th</sup>) day. Absences under the Family Medical Leave Act and other absences required by statute are not considered excessive absenteeism.

An employee who fails to report to work for two (2) consecutive days/shifts without proper notification will be considered to have voluntarily resigned his or her position.

### **6.3 PERSONAL APPEARANCE**

Employees must maintain good personal hygiene. It is the desire of the County that all employees who represent Henry County maintain a well-groomed, appropriately clothed image at all times. While the County does not maintain a dress code, the office holder or department head may enact rules establishing appropriate dress for his/her office. It should be understood that as a representative of the County, attire should be suitable for the assigned work.

Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees may not be compensated for the time away from work. If the behavior is repeated, the employee is subject to the Progressive Disciplinary Process outlined in this Handbook.

#### **6.4 SEXUAL HARASSMENT/HOSTILE WORK ENVIRONMENT**

Everyone who works for the County is entitled to a workplace free from sexual harassment and intimidation. The County is committed to maintaining a work environment that is free of discrimination and harassment. In keeping with this commitment, we will not tolerate any form of sexual harassing conduct that affects tangible job benefits, that interferes with an individual's work performance, or that creates an intimidating, hostile, or offensive working environment by anyone, including any supervisor, co-worker, vendor, client, or citizen, and will take corrective action against offenders, including discipline or discharge.

The County encourages any employee to raise questions he/she may have regarding the sexual harassment policy with his/her immediate supervisor, the Board of Commissioners, or the County Attorney.

##### **6.4.1 Definition of Sexual Harassment/Hostile Work Environment**

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

- a. Unwelcome sexual advances.
- b. Physical or verbal conduct of a sexual nature, or joking, that is sex-oriented and considered unacceptable by another individual. Examples of conduct of a sexual nature include: flirtations, advances or propositions, verbal abuse of a sexual nature, leering, touching, pinching, assault, or coerced sexual acts, or suggestive, insulting; obscene comments or gestures; written, photo, cartoon, or electronic displays in the workplace of sexually suggestive objects or pictures. This includes commenting about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" that are clearly unwanted and considered offensive by others, or any other tasteless sexually-oriented comments or actions that offend others.
- c. Any verbal or non-verbal communication expressing or implying that participation in sexual contact is a condition of employment, promotion or preferential treatment.

- d. Printed or electronic display or transmission of sexually-explicit images, messages and cartoons is not allowed. Other violations include, but are not limited to, ethnic slurs, racial comments, jokes, or anything that may be construed as harassment or showing disrespect for others.
- e. Conduct with sexual implication that has the purpose or the effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment is considered sexual harassment.

All behavior described above is unacceptable in the workplace itself and in other work-related settings such as business trips and business-related social events.

#### **6.4.2 Reporting a Complaint**

Complaints should be directed to department elected official/department heads and/or a "confidential" written letter to the Board of Commissioners or County Attorney.

While the County encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his/her behavior is unwelcome, the County also recognizes that power and status disparities between an alleged harasser and a target may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, the following steps should be followed in reporting a sexual harassment complaint.

In order to take a corrective action, the County must be aware of sexual harassment or related retaliation. Therefore, any employee who experiences sexual harassment should contact his/her elected official/department head immediately. If unresolved, or in the event the harassment is alleged against the elected official/department head, the employee is advised to obtain and submit a sexual harassment complaint form to Human Resources. The best time to register a complaint is **immediately** after the act occurs. An employee's job will not, in any way, be threatened by truthfully reporting any acts of sexual harassment as described above.

Any elected official/department head who has witnessed or becomes aware of an alleged occurrence of sexual harassment or retaliation, or receives a complaint of sexual harassment involving a person within that elected official/department head's purview is required to take prompt corrective action and to report the incident to Human Resources. Failure of an elected official/department head to immediately take corrective action or to report the incident to Human Resources shall constitute misconduct subject to disciplinary action.

### **6.4.3 Description of Misconduct**

An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint of sexual harassment.

Verbal reports of sexual harassment must be recorded in written form either by the complainant or the individual(s) designated to receive complaints, and be signed by the complainant. Individuals who believe they have been or currently are being harassed should maintain a record of objectionable conduct to effectively prepare and corroborate their allegations.

While the County encourages individuals to keep written notes in order to accurately record offensive conduct or behavior, it must be recognized that, in the event that a lawsuit develops from the reported incident, the confidentiality of the complainant's written notes may not be recognized under Indiana law and the notes may have to be disclosed.

County elected officials/department heads and Human Resources have copies of the County sexual harassment complaint form. Employees are directed to obtain, complete, and submit this form to initiate a formal complaint.

### **6.4.4 Time Frame for Reporting Complaints**

The County encourages a prompt reporting of complaints so that rapid response and appropriate action may be taken. However, due to the sensitivity of these problems and because of the emotional toll such misconduct may have on an individual, no limited time frame will be instituted for reporting sexual harassment complaints. Late reporting of complaints will not in and of itself preclude the County from taking remedial action.

### **6.4.5 Protection against Retaliation**

The County will not in any way retaliate against individuals who report sexual harassment or against anyone who participates in a resulting investigation, nor permit any elected official/department head or employee to do so. Retaliation is a serious violation of this policy and should be reported **immediately**.

Any person found to have retaliated against another individual for the good faith reporting of sexual harassment will be subject to the same disciplinary action provided for sexual harassment offenders.

### **6.4.6 Investigating the Complaint**

Any allegation of sexual harassment that is reported will be promptly investigated in as discreet a manner as possible to protect the privacy of persons involved. The County will use its best efforts to maintain confidentiality throughout the

investigatory process to the extent practical and appropriate under the circumstances; however, confidentiality is not guaranteed. The alleged harasser will be notified of the nature of the complaint made against him/her.

Upon completing the investigation of a sexual harassment complaint, the County will communicate its decision over the outcome of the investigation to the complainant and the alleged harasser. If the Human Resources Deputy and the County Attorney determine that harassment occurred, they will determine appropriate disciplinary action. The complainant will be informed if disciplinary action is taken.

In determining whether alleged conduct constitutes sexual harassment, the County will look at the investigative file as a whole and the totality of the circumstances, such as the nature of the conduct and the context in which the alleged incidents occurred.

The determination of whether disciplinary action is to be taken will be made from the facts, on a case-by-case basis.

#### **6.4.7 Identification of Investigators**

Complaints will be investigated by the elected official/department head in conjunction with Human Resources and/or investigators selected by the County Commissioners. In addition, other individuals may be included in reviewing the investigation and outcome at the discretion of the County Commissioners.

#### **6.4.8 False Accusations**

Henry County also recognizes that careful consideration must be given to questions regarding whether a particular action or incident is purely personal or social without any discriminatory employment effect. False accusations of sexual harassment can have devastating effects on the lives and reputations of innocent women and men. Therefore, the County may discipline, up to, and including termination of employment, those employees who are proved to have intentionally, maliciously and wrongly accused others of sexual harassment.

#### **6.4.9 Sanctions**

Individuals found to have engaged in misconduct constituting sexual harassment, creating a hostile work environment, or related retaliation will be severely disciplined, up to and including termination of employment.

Additional action may include: referral to counseling, withholding of a promotion, reassignment, demotion, temporary suspension without pay, or termination.

Although the County's ability to discipline a non-County employee harasser is limited, any County employee who has been subjected to sexual harassment by a non-County employee at the workplace or work-related setting should file a complaint so that action may be taken.

#### **6.4.10 Maintaining a Written Record of the Complaint**

The County will maintain a complete written record of each complaint and how it was investigated and resolved. Written records shall be maintained by Human Resources with copies to the County Attorney. If disciplinary action was taken, a record shall be maintained in the offender's personnel file.

#### **6.4.11 Prevention**

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

Sexual harassment violations will result in severe disciplinary action.

### **6.5 COMMISSION OF A FELONY OR UNLAWFUL ACT**

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

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

Whenever an employee is cited for an infraction while on duty or arrested for any misdemeanor or felony while on duty, the employee shall report this matter, in writing, to their elected official/department head within twenty-four (24) hours of the arrest or citation. Failure to report in accordance with this policy shall be considered a violation of the personnel policies subject to disciplinary actions, up to, and including termination.

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

Citations for moving traffic violations or arrests for misdemeanors or felonies which occur during an employee's off-duty or on-duty hours must be reported to the elected official/ department head in writing within five (5) calendar days of receiving the citation or the arrest, if employee drives a vehicle for the County.

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

An employee who is cited for an infraction or arrested for any misdemeanor or felony, whether the citation or arrest happened while the employee was on duty or not, may be suspended without pay pending an administrative investigation and/or the disposition of any charges filed against the employee.

The investigation will be used to determine if the accused employee is in violation of the personnel policies and to determine if disciplinary action is warranted, up to, and including termination.

The determination as to whether an employee shall be suspended will be based upon the nature and circumstances of the alleged offense and the impact the charges may have on the employee's ability to adequately perform their job duties and/or remain in compliance with the County's personnel policies.

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

If the employee is on a leave of absence pending administrative investigation and/or the disposition of any charges, and the employee is not found to have been in violation of the personnel policies, he/she shall be returned from suspension and if suspended without pay shall be reimbursed.

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

Any employee found guilty, admitting guilt, or pleading no contest or *nolo contendere* of/to a felony on or after the date of the employment application may be subject to immediate dismissal.

## **6.6 GIFTS OR GRATUITIES**

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

## **6.7 GHOST EMPLOYMENT**

Henry County is committed to providing efficient and lawful services to its citizens and to maintaining public trust. Therefore, “ghost employment” is a violation of County policy and of Indiana Code 35-44.1-1-3. Ghost employment is a Class D felony.

A public servant who knowingly or intentionally hires an employee for a governmental entity and fails to assign the employee any duties, or assigns duties not related to the operation of the governmental entity, is committing ghost employment.

Additionally, a public servant employed by a governmental entity knowing that he/she has not been assigned any duties to perform for the entity and accepts property (compensation) from the entity, or a public servant who knowingly or intentionally accepts property (compensation) from the entity for the performance of duties not related to the operation of the entity, commits ghost employment.

Examples of violations of this policy include, but are not limited to, performing work on public property that is not job related, authorizing or receiving payment for time not worked, and authorizing or receiving payment for leave time not authorized by County paid leave policies. Violations of this policy shall result in disciplinary action, up to, and including termination, in addition to potential prosecution under IC 35-44.1-1-3.

## **6.8 BUSINESS ETHICS/CONFLICT OF INTEREST**

The County recognizes and respects the rights of individual employees to engage in activities outside the organization that do not in any way conflict with, or reflect poorly on the County. A County employee who knowingly or intentionally obtains a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the County commits a Class D felony, unless a financial disclosure form is approved in advance and filed as required by Indiana Code 35-44.1-1-4.

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

Employees having a substantial financial interest in a company/corporation that might benefit from conducting business with the County must file a conflict of interest statement with the

County Clerk and County Auditor, with a copy submitted to the State Board of Accounts. If deemed by an authoritative official to be in the best interest of the County, those employees shall either divest themselves of such interest or be discharged from County employment.

## **6.9 SOLICITATION AND DISTRIBUTION**

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

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

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

## **6.10 SECURITY OF PREMISES**

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

Employees of a penal facility (Henry County Jail) or other County facilities (such as a restricted area of the Henry County Justice Center), except for law enforcement officers, employees working at the Henry County Jail and or Justice Center shall not bring firearms or ammunition into the County Jail and or a restricted area of the Henry County Justice Center.

All Henry County employees have the opportunity to carry and possess a firearm in their work space while working for Henry County Government. This will only be approved if the employee has received and maintains a valid personal carry handgun permit, issued by the State of Indiana and approval of the employee's Elected Official or Department Head. This policy applies to all active employees, except those employees working in (the Henry County Jail) or a restricted area of the Henry County Justice Center or is prohibited by a court order.

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

## **6.11 WORKPLACE VIOLENCE**

The safety and security of Henry County employees, customers, suppliers, and visitors is very important. It is the intent of the County to provide a workplace for all employees

which is free of violence. Threats, threatening behavior, acts of violence, or any related conduct which disrupts another's work performance or the organization's ability to execute its mission will not be tolerated.

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

- A. "Intimidation" includes, but is not limited to, stalking or engaging in actions intended to frighten, coerce, or induce duress.
- B. "Threat" is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the person communicating the threat has presented the ability to carry it out and without regard to whether expression is contingent, conditional, or future.
- C. "Physical attack" is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, throwing objects, firing a weapon, causing an explosion of hazardous materials, or discharge of hazardous substances.
- D. "Property damage" is intentional damage to property which includes property owned or leased by the County, employees, visitors, or vendors.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on County-owned or leased property may be removed from the premises. Additionally, possession of illegal firearms, weapons, and other dangerous or hazardous devices or substances are strictly prohibited on County property without proper authorization as specified in *Section 6.10 Security of Premises of this Personnel Policy Handbook*.

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

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

Employees are responsible for notifying their elected official/department heads, security personnel, or Human Resources of any threats which they have witnessed, received, or have been told that another person has witnessed or received.

Employees should also report any behavior they have witnessed which they regard as threatening or violent when the behavior is job related or might be carried out on County-owned or leased property or in connection with County employment.

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

If an emergency exists, contact Law Enforcement at 911 and notify your elected official/department head.

If not an emergency, employees should inform their elected official/department head. If the elected official/department head is unavailable or if the nature of the complaint is such that the employee does not believe he/she can discuss it with the elected official/department head, the employee may bring concerns to Human Resources.

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

#### **6.12 CONFIDENTIALITY/REQUESTS FOR INFORMATION**

Occasionally, employees of the County are contacted by outsiders for information about current or former employees, or about the organization's policies, practices, or projects. All such requests shall be referred to the elected official/department head.

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

#### **6.13 EMPLOYEE CONDUCT**

**Behavior of Employees.** In regulating the behavior of its employees, the County has classified offenses as first, second, and third level offenses based upon their seriousness. These classifications are provided only to illustrate the procedures that will generally be followed in respect to such conduct.

This classification system should not be construed to in any way limit the County's discretion in exercising discipline as it finds appropriate based on the severity of the misconduct or the totality of the circumstances.

The following conduct is prohibited and will subject the individual involved to disciplinary action, up to and including termination. **This list of examples is merely illustrative of the kinds of conduct that will not be permitted. It is not intended to be all inclusive or to in any way limit rules, guidelines, and restrictions set out elsewhere in this handbook.**

### **GROUP I OFFENSES**

Examples of, but not limited to, the following:

1. Tardiness or failure to report for duty within a reasonable time according to the attendance policy.
2. Reporting to work clothed or groomed in an unclean or inappropriate manner.
3. Neglect or carelessness in recording work time.
4. Failure to cooperate with other employees as required by job duties.
5. Distracting the attention of others, unnecessarily shouting, demonstrating, or otherwise causing a disruption on the job.
6. Malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.
7. Unauthorized use of telephone, FAX, mail, e-mail, or internet for personal use.
8. Unsatisfactory work or failure to maintain required standard of performance.
9. Unauthorized breaks.
10. Littering or otherwise contributing to unsanitary conditions.
11. Failure to report accidents, injury, or equipment damage.

### **GROUP I DISCIPLINE**

First Offense	Documented oral warning
Second Offense	Documented written warning (copy given to individual)
Third Offense	(1) to (3) work shift(s) suspension without pay
Fourth Offense	Termination of employment

### **GROUP II OFFENSES**

Examples of, but not limited to, the following:

1. Leaving the job or work area during working hours without authorization.
2. Threatening, intimidating, coercing, or interfering with subordinates or other employees.
3. Obligating Henry County for any expense, service, or performance without authorization.
4. Sleeping during working hours.
5. Reporting for work or working while unfit for duty.
6. Excessive absenteeism according to the attendance policy.
7. Unauthorized use of County property or equipment.
8. Willful failure to sign in or out when required.
9. Failure to report for overtime work after being scheduled to work according to overtime policy.
10. Failure to make required reports.
11. Failure to report accidents, injury, or equipment damage.
12. Solicitation on County premises without authorization.
13. The making or publishing of false, vicious, or malicious statements concerning employees, supervisors, the County, or its operations. Making threatening

- remarks to supervisors or others.
14. Refusing to provide testimony in court during an accident investigation or during any type of public hearing.
  15. Giving false testimony during a complaint investigation or hearing.
  16. Unauthorized posting, removal, or alteration of notices or signs from bulletin boards.
  17. Distributing or posting written or printed matter of any description on County premises unless authorized.
  18. Unauthorized presence on County property.
  19. Disregard of department rules.
  20. Use of abusive or threatening language toward supervisors or other employees.
  21. Discourteous treatment of the public.

### **GROUP II DISCIPLINE**

First Offense	Documented written warning
Second Offense	Documented written warning and/or (1) to (3) work shift (s) suspension without pay
Third Offense	Termination of Employment

### **GROUP III OFFENSES**

Examples of, but not limited to, the following:

1. Being in possession of or drinking alcoholic beverages on the job.
2. Neglect in the performance of assigned duties or in the care, use or custody of any County property or equipment. Abuse or deliberate destruction in any manner of County property, tools, equipment, or the property of employees.
3. Punching, signing, or altering other employees time cards, time sheets, or unauthorized altering of own time card or sheet.
4. Falsifying testimony or reports when accidents are being investigated, falsifying or assisting in falsifying or destroying any County records or reports, including work performance reports, or giving false information or withholding pertinent information called for in making application for employment.
5. Making false claims or misrepresentations in an attempt to obtain any County benefit.
6. Performing private work on County time.
7. Violation of the sexual harassment/hostile work environment policy.
8. Stealing or similar conduct, including destroying, damaging, or concealing any property of the County or of other employees.
9. The use of controlled substances or the sale of controlled substances.
10. Fighting or attempting to injure other employees, supervisors, or persons.
11. Carrying or possession of dangerous items and/or firearms on County property at any time without proper authorization.
12. Knowingly exposing others to hazardous conditions, such as communicable diseases, which may endanger other employees or the public.
13. Misuse or removal of County records or information without prior authorization.

14. Instigating, leading or participating in any illegal walkout, strike, sit down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the County's work stations.
15. Dishonesty or any dishonest action. Some examples of what is meant by "dishonesty" or "dishonest action" are as follows: theft, pilfering, opening desks assigned to other employees without authorization, theft and pilfering through lunch boxes, tool kits, or other property of the County or other employees without authorization, inserting slugs in vending machines without paying the proper charge therein, making false statements to secure an excused absence or to justify an absence or tardiness, making or causing to be made inaccurate or false reports concerning any absence from work. The foregoing are examples only and do not limit the terms "dishonesty" or "dishonest action."
16. Insubordination by refusing to perform assigned work or to comply with written or verbal instruction of the supervisors.
17. Disclosure of confidential information.
18. Failure to disclose at the time of employment the past conviction or a misdemeanor and/or felony if reasonably related to the employee's duties or the public trust.
19. Violation of the Drug-Free Workplace policy and/or failure to submit to a blood test, urinalysis, or Breathalyzer examination.
20. Failure to maintain certifications required of the position, such as driver's license.
21. Refusing to provide testimony in court during an accident or any other job related investigation, or during any type of public hearing.
22. Failure to follow safety and health regulations.
23. Violation of attendance policies.
24. Smoking in prohibited areas.
25. Commission or an alleged commission of felonious acts.
26. Certain misdemeanor violations, especially traffic violations or accidents involving county vehicles.

### **GROUP III DISCIPLINE**

First Offense	Any appropriate discipline, up to and including termination of employment.
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## **7. PROBLEM RESOLUTION**

**The policies contained in this chapter and throughout the Henry County Personnel Policies Handbook apply to all Henry County Government employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

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

These procedures provide for open discussion and speedy resolution of issues of serious concern to any employee who thinks that Henry County's policies have been violated, or who believes that he/she has been treated unfairly. A complaint is an employee's expressed dissatisfaction with what that employee believes, rightly or wrongly, to be unfair treatment or a mistake in the administration of a rule, plan, or County policy. **This section does not apply to disciplinary actions taken by elected officials/department heads having the authority to take disciplinary actions.**

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

### **STEP 1: Elected Official/Department Head (Oral complaint)**

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

### **STEP 2: Elected Official/Department Head (Written complaint)**

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

### **STEP 3: Board of Commissioners**

If a satisfactory solution is not reached at Step 2, the Board of Commissioners shall hear the complaint, and render a decision within five (5) days of the hearing.

## **SEVERABILITY**

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

## **INDEMNIFICATION**

In the event that a department head, elected official, or any other County employee becomes a defendant, either in his/her representative capacity or individually in any litigation arising out of the administration of this policy, the County and/or its insurers shall defend the employee of that action and pay any judgment entered in the action provided by the County, so long as the elected official, department head or County employee has made a good faith effort to comply with the terms and conditions set out in this handbook.

## **ENABLING ORDINANCES**

This handbook shall be approved by Ordinance passed by the Board of Commissioners of Henry County. The terms and conditions of this handbook shall be incorporated by reference in the Salary Ordinance approved annually by the Henry County Council and the terms and conditions set out herein shall be deemed a condition of compensation under that Ordinance.

## **AMENDMENTS**

This handbook may be amended from time to time by an Ordinance in substantially the same form approved by the Board of Commissioners of Henry County. Any amendments shall be distributed to each department of the County and shall be conspicuously posted throughout the offices of the County after their passage.

## **EMPLOYEE ACKNOWLEDGMENT FORM**

The Henry County Personnel Policies Handbook adopted by the County Commissioners on January 27, 2016, describes important information about employment with Henry County Government. I understand that I should consult Human Resources regarding any questions not answered in the handbook.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the County Commissioners have the ability to adopt any revisions to the policies in this handbook.

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

\_\_\_\_\_  
**EMPLOYEE'S SIGNATURE**

\_\_\_\_\_  
**DATE**

\_\_\_\_\_  
**EMPLOYEE'S NAME (TYPED OR PRINTED)**

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