

## **Welcome!**

Dear Elkhart County Employee:

Whether you are a new employee or an employee who has worked for the County for many years, we are delighted you are a member of our team.

To assist you in your career with the County, the Human Resources Department has prepared this handbook. It is designed to help you learn what is expected of you, what resources are available to you and what benefits you can expect from County employment. We hope you find the handbook helpful and informative.

Please take time to read this handbook carefully. The more you know about your job and various policies and benefits, the more likely you will remain a satisfied and valuable employee in your department. Informed employees look forward to successful careers.

We would like to encourage you in your efforts and advise you that, collectively, all of our employees are very much appreciated. Please accept our best wishes for a satisfying career and continued success with Elkhart County.

**The Elkhart County Commissioners**

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Effective January 1, 2023

## **Introduction**

This employee handbook provides employees with a summary of valuable information. It acquaints employees with the County's expectations for their job performance, as well as many applicable policies. Each individual department may also have additional policies and procedures which are specific to its employees. Health, Dental and other benefit related information may be found in the Elkhart County Employee Benefit Guide.

The information in this handbook is also available in the Policy and Procedure Manual adopted by the Elkhart County Commissioners and the Elkhart County Council. This manual is your Department Head or supervisor's resource guide as well as the Human Resource Department.

The contents of this handbook do not replace nor affect the provisions contained in the Policy and Procedure Manual which shall control in the case of conflict. This handbook is not a contract, and the contents should not be misinterpreted. You may refer questions to your supervisor or Department Head. Unless otherwise modified by a written contract, all provisions outlined in the Policy and Procedure Manual and this handbook apply to all employees employed by Elkhart County Government.

Each heading in this handbook has a reference number, which is intended to assist you and your supervisor to access and review additional information regarding each policy found in the Policy and Procedure Manual. Please understand and be patient with us as we continue to review and revise the Policy and Procedure Manual and update your handbook. While we hope the information contained herein is helpful and informative for you, additional information will be coming as we proceed with this process.



## **1.01 Purpose**

The County, in providing information and guidance to employees, has established policies and procedures, in compliance with applicable State and federal laws, to encourage a fair and consistent work environment.

Management and supervisory employees are responsible for maintaining a working knowledge of all current policies and procedures, appropriately and consistently interpreting and administering policies, keeping employees informed and seeking guidance from Human Resources when questions, concerns, or other issues arise.

## **2.01 Matters of Interpretation**

For purposes of policy interpretation, a number of definitions have been developed. While the list below is not all-inclusive (additional definitions are included in the Policy and Procedure Manual), it does include definitions important to most employees.

- A. "At-Will Employment" – The County is an "at-will" employer, meaning employment can be terminated at any time, with or without cause, by either the employee or the County. There is no property or liberty interest in employment with the County and there should be no expectation of continued employment unless a person obtains a position as an elected official or is granted tenure by the statutes of Indiana.
- B. "Classified Position" shall mean any position classified under the County's Position/Job Classification System.

- C. "Non-Classified Position" shall mean any position not presently classified under the County's Position/Job Classification System.
- D. "Department Head or Elected Official" shall mean a specific individual assigned the overall operational and administrative responsibilities for a department in County government.
- E. "Full-time Employee" is an employee who normally works a regular schedule of at least thirty (30) hours per week, twelve (12) months per year in a position which has been approved and designated by the County Council on County Form #144 as being a full-time position.
- F. "Regular Part-time Employee" shall mean an employee who normally works a regular schedule of at least twenty (20) hours but less than thirty (30) hours per week, twelve (12) months per year, in a position which has been approved and designated by the County Council on County Form #144 as being a regular part-time position provided however that effective January 19, 2022 the Regular Part-time Employee position has been eliminated for all employees hired after January 18, 2022. All employees hired after January 18, 2022 and who work less than a regular schedule of a Full-Time Employee (as defined in this section) shall be classified as "Seasonal Temporary and Other Part-time Employees" and will be only entitled to

benefits, if any, for a Seasonal, Temporary and Other Part-time Employee. All employees hired before January 19, 2022, as a Regular Part-time Employee shall remain classified as Regular Part-time Employee until the earlier of the following: (1) employee resigns from that position (even if employee continues to remain an employee of the County), (2) employee retires, or (3) employee is released. Once the employee resigns, retires or is released, the position will need to be filled as Seasonal, Temporary and Other Part-time Employee.

- G. "Seasonal, Temporary and Other Part-time Employees" shall mean before January 19, 2022, employees who work a regular schedule of less than twenty (20) hours per week or who do not normally work a regular schedule twelve (12) months each year and on January 19, 2022 shall mean all employees who are not classified as a Full-Time Employee (as defined in this section). These employees are not in a specific position approved by the County Council but are paid from funds approved and designated by the County Council on County Form 144 as being for part-time employees and are at or under the rate identified.

- H. "Work Hours" shall mean hours actually worked by an individual employee as an employee of the County. Work hours are recorded and certified by Department Heads and Elected Officials on the County standard attendance report for non-exempt employees. Work hours may include break periods, if granted, and the actual time spent in required training. Work hours do not include meal periods (except for Patrol Officers); time spent "on-call" but not worked; travel time to and from work; vacation time, sick time or compensatory time off.
  
- I. "Excess Hours" shall mean hours worked in any work week less than forty (40) but which exceed the non-exempt employee's regular work schedule for those employees with a standard work period of one (1) week and shall mean hours worked in the work period less than eighty-six (86) but which exceed the non-exempt employee's regular work schedule for those employees with a fourteen (14) day work period.
  
- J. "Overtime Hours" shall mean all hours worked by a non-exempt employee in excess of forty (40) hours in any work week for those employees with a standard work period of one (1) week or in excess of eighty-six (86) hours in the work period for those employees with a fourteen (14) day work period.
  
- K. "Exempt" shall mean an employment status

where the employee is exempt from both the minimum wage and overtime pay requirements of the Fair Labor Standards Act (FLSA). Employees fall within this category if they meet the designations of Executive, Administrative, or Professional under FLSA, are designated as exempt by the County, and are reported as such on the County Form 144.

- L. "Non-Exempt" shall mean an employment status where the employee is covered by the wage and overtime pay requirements of the FLSA. Employees fall within this category if they do not meet exemption guidelines under FLSA, are designated as Non-Exempt by the County, and are reported as such on the County Form 144.

## **2.02 QUESTIONS OF INTERPRETATION**

Any questions an employee may have concerning the interpretation of any policies in this Employee Handbook should be directed to their immediate supervisor and/or their respective Department Head/Elected Official. The supervisor and/or Department Head/Elected Official may, in turn, seek assistance from the Director of Human Resources. In some situations or where a deviation from policy may be warranted, the Director of Human Resources may seek a review and discussion from the Board of Commissioners. Any determination made by the Commissioners on matters of interpretation or deviation shall be final and controlling.

### **3.01 EQUAL EMPLOYMENT OPPORTUNITY**

Elkhart County is an equal employment opportunity employer. As such, discrimination and/or harassment based on race, color, age, gender, religion, sex, gender, national origin, disability, genetic information, military status or any other basis protected by federal, state or local law are prohibited, and it is the responsibility of all Department Heads and Elected Officials to be sensitive to, encourage and ensure the compliance of all employees at all levels of County government. All employees of Elkhart County should expect and be assured of working in an environment free of discrimination and/or harassment.

Employees are encouraged to present suggestions or concerns, and expected to report complaints, related to discrimination or harassment to their immediate supervisor, Department Head, Elected Official, the Assistant Director of Human Resource or the County's EEO Officer (Director of Human Resource).

The Elkhart County Board of Commissioners, with support from the Elkhart County Council, has adopted and periodically updates an EEO/Affirmative Action Plan which is available for review in the Human Resource Department.

Although the focus here is on sexual harassment; age, race, disability, etc., could be substituted and viewed similarly. Sexual harassment is conduct of a sexual nature that makes someone uncomfortable or embarrassed. Even when a person's actions are not "intended" to offend or intimidate, their conduct may still be "perceived" as harassment.

In addition to inappropriate physical contact, sexual comments or jokes, the display of objects or pictures, any behavior that could unreasonably interfere with a person's work performance or create an intimidating, hostile or offensive work environment may be viewed as sexual harassment. All forms of gender harassment are included. Men can also be sexually harassed by women or other men. Women can be sexually harassed by other women as well. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. The Equal Employment Opportunity Commission notes that sexual harassment is sexual attention that is unwelcome and unwanted. While supervisors are responsible for monitoring the behaviors of their employees and report anything that they are aware of, all employees are also responsible for ensuring the work environment is free from all forms of sexual harassment.

### **What if an employee feels he or she is a victim of harassment?**

If an employee feels they or a co-worker are the victim of discrimination or harassment because of gender (sexual harassment), race, color, age, sex, religion, national origin, disability, genetic information or military status, they are encouraged to appropriately explain to the offending person that their behavior is not welcome and should be stopped.

However, if an employee is not comfortable in confronting the person or if the harassing behavior continues, the employee should report the behavior to their supervisor, Department Head or Elected Official. If the supervisor, Department Head or Elected Official does not satisfactorily address or correct the behavior or the employee is uncomfortable reporting the harassment to their supervisor, Department Head or Elected Official, the employee should report their concerns to the Human

Resource Department. Reported complaints will be reviewed on a case-by-case basis and, when appropriate, investigated.

### **Sexual Misconduct**

Sexual Misconduct means any actual or attempted criminal sexual conduct as defined by the State of Indiana criminal law, including sexual assault, sexual abuse, sexual exploitation, indecent or sexual solicitation, or public indecency. Sexual Misconduct does not include sexual harassment.

It is the express policy of the County to encourage victims of sexual misconduct, and their parents or guardians in the case of minors, to come forward with such claims.

Sexual abuse of a minor is a crime. Any case of known or suspected child abuse must be reported immediately in compliance with state law reporting requirements to the Indiana Department of Child Services Child Abuse and Neglect Hotline at 1-800-800-5556.

Officials, employees, volunteers and other representatives of the County are required to report any known or suspected incidents of Sexual Misconduct according to applicable state law. They must also report to their Department Head or Elected Official, direct supervisor, or the Designated Child Abuse Counselor (identity of counselor maintained in the Human Resource Department).

Any official, employee, volunteer or other representative of the County who is determined, after an investigation, to have engaged in Sexual Misconduct in violation of the policy will be subject to disciplinary action, up to and including discharge, or any other available legal action. The County

will discipline any individual who retaliates against any person who reports alleged Sexual Misconduct or who retaliates against any person who testifies, assists or participates in an investigation, proceeding, or hearing related to a Sexual Misconduct complaint. False accusations regarding Sexual Misconduct will not be tolerated, and any person knowingly making a false accusation will likewise be subject to disciplinary action, up to and including discharge, or such other legal action as available.

*Director of Human Resources (EEO Officer)*

*or*

*Assistant Director of Human Resources*

535-6725

### **3.02 WORKPLACE VIOLENCE**

Elkhart County is committed to creating and maintaining a work environment free of violence. An atmosphere of courtesy, understanding and mutual respect toward others, including public officials, department managers, supervisors, co-workers and the general public, are intrinsic to the existence of a safe and healthful workplace. Elkhart County prohibits violence or threats of violence and any such behavior will be subject to disciplinary action up to and including discharge from employment. Civil and/or criminal prosecution may, when appropriate, also be pursued

Elkhart County prohibits intentional acts of violence, intimidating or threatening acts of violence or reckless behavior without regard for outcome, which by intent, action or result causes harm to another person or to County property.

Examples of violent acts and threats of violence include, but are not limited to; any intentional act of physically hitting or assaulting another individual, any threat, behavior or action which a reasonable person would perceive to have the potential to harm or endanger their own safety (including a threat from a domestic partner), harm or endanger the safety of others, result in an act of aggression (fighting, stalking, verbal abuse), sabotage another employee's work product, harmfully mis-use County equipment or property, or cause destruction or damage of County equipment or property.

An employee who observes experiences or is otherwise aware of a violent act or threat of violence, which a reasonable person would perceive as having the potential for physical harm, has a duty to report their concerns.

If an imminent situation exists, the employee should seek assistance from another responsible person, building security, the 911 Center, Sheriff's Office or other law enforcement agency.

Once the imminent situation has been resolved, or as soon as reasonably possible, the employee should also advise their respective department head/elected official or immediate supervisor and advise the Director of Human Resources.

All allegations of violence, threats of violence or acts of violence will be taken seriously and will be investigated by either the Sheriff's Office or another law enforcement or investigative agency. The Director of Human Resource may be involved in investigations which involve sexual or other forms of harassment by or of an employee. A report of findings and recommendations will be prepared and provided to the Board of Commissioners and the respective

Department Head or Elected Official and others as deemed appropriate by the County.

Any employee who applies for or obtains a protective or restraining order against a spouse, significant other, or someone stalking or otherwise threatening the employee which lists any or all County facilities as being protected areas must provide their supervisor and/or department head/elected official a copy of the application or order. In addition, the employee is encouraged to present a photo of the person which can be provided to or copied for security personnel and/or other employees as needed.

The County, while diligent in its efforts to provide a safe work environment, does not and cannot guarantee personal security. Even when all appropriate precautions and actions are taken, violence can still occur. Therefore, the County does not assume and specifically disclaims responsibility for the harmful, violent, or criminal acts of any person.

Elkhart County prohibits employees while on duty from possession of a deadly weapon in any building or vehicle or on their person, unless exempted by the Board of Commissioners in writing or as described below. Building includes any office, facility, garage, warehouse, jail, or other structure, accessible to or used by persons or individuals, to include employees, agents or representatives of the County. Deadly weapon means a loaded or unloaded firearm, an electronic stun weapon, stun gun, taser or equivalent or any equipment, device, substance or other material that in the matter it is used, or would ordinarily be used or as threatened to be used is readily capable of causing serious bodily injury to an individual, to include the individual possessing the item.

Law enforcement officers while on or off duty are exempted from this policy, as are retired law enforcement officers who are still employed by Elkhart County Government, provided certain requirements are met (ask your supervisor to review policy 3.02 with you in the policy and procedure manual.)

### **3.04 RECRUITMENT AND SELECTION**

Each person seeking employment with Elkhart County is treated equally in the recruitment and selection process. Elkhart County selects candidates who possess the necessary qualifications without regard for an individual's race, color, age, gender, religion, sex, gender, national origin, disability, genetic information, military status or any other basis protected by federal, state or local law.

Job Vacancy Notices are posted on the County website. The postings provide information about County job opportunities including minimum qualifications needed, location of position, rate of pay and closing date for the receipt of applications.

Employees within the same department as the open position should submit a letter of interest to the appropriate supervisor.

Employees from other departments must complete and submit to the Human Resource Department an application for employment which indicates their current employment status with the County including job title, department, supervisor, and rate of pay.

Department Heads/Elected Officials, or a designated manager or supervisor will review both employee and non-

employee applications and determine which candidates to interview and subsequently select to fill the job vacancy.

### **3.05 ETHICAL BEHAVIOR**

Employees are, in the eyes of the public, representatives of Elkhart County Government. The conduct of each employee while at work should be professional, exhibit a high level of integrity and honesty and reflect positively on Elkhart County. All actions must be impartial, fair and non-discriminatory. No one may use their position for personal gain including access to information not otherwise available or in transacting business which could be in conflict with official duties.

No employee may use County time, County property, or County facilities for personal or political use, including electronic and or social media equipment.

Employees are not to accept money, gifts, favors or items of value that exceeds \$55; that could tend, or be perceived, to influence a decision or the discharge of their job responsibilities. Anyone being solicited to receive money, gifts, favors or items of value should immediately advise their respective Department Head/Elected Official or otherwise disclose the solicitation. Elkhart County adheres to the guidelines set by the conflict of interest statutes.

Employees are not to engage in, accept private employment or provide a private service when such may be incompatible with, in conflict with or could impair their independent judgment in making decisions or performing their job responsibilities.

While employees may make or solicit political contributions to/from others and campaign on behalf of

another individual, such actions may not be conducted during work time or in the work setting. All political or campaign-related activities must be conducted on other than County property. In addition, direct solicitation of employees by a person in a position of authority is prohibited as is the solicitation of political contributions, in exchange for political actions or favors, from entities that have a business relationship with Elkhart County Government.

Solicitation of employees by individuals or organizations is prohibited except for not-for-profit organizations who have requested and received written authorization to do so from the Board of Commissioners.

### **3.06 EMPLOYEE CONDUCT**

While the work rules noted below are not all inclusive, they are considered general standards for employee conduct.

1. Violence in the workplace is prohibited (Note Section 3.02) including a prohibition on the possession of a deadly weapon except for law enforcement officers.
2. The safety and security of all County facilities is of vital importance. Employees are expected, at all times, to be vigilant in their attention to suspicious and unusual behaviors, mail, packages, e-mails, telephone calls, etc. Suspicious items, behaviors, or communications should be brought to the attention of an immediate supervisor and others when directed.
3. The misappropriation, theft, misuse or personal use of County owned vehicles, equipment, tools, materials or other property is prohibited and violations will result in termination of employment.

4. The County is a “zero tolerance” employer with regard to illegal drugs and is committed to providing employees with a drug-free workplace. All employees are subject to drug testing when injured in a work-related accident or when reasonable suspicion exists. Any employee who drives (personal or County-owned vehicle) during the course of their work and is arrested for a drug-related or alcohol violation, must report the violation to their immediate supervisor.
5. If an employee refuses or fails to obey a reasonable request or directive from their supervisor which does not endanger or place at risk the safety of an employee or the public and which challenges the authority of the supervisor, the employee will be considered insubordinate and subject to disciplinary action.
6. While employees may voluntarily participate in political activities, they may not do so during work time or within the work environment (Note Sections 3.05 and 3.06).
7. Universal precautions must be used by all employees who have the potential for direct contact with blood or other body fluids (Note Exposure Control Plan Guidelines).
8. Any employee who is HIV positive or affected by AIDS or other communicable disease or other life-threatening illness must be treated with compassion, consideration and understanding. Other employees shall not harass or otherwise discriminate against such an employee and shall work with the employee if the relevant illness is not casually transmitted in ordinary social or occupational settings.

9. Dereliction of Duty may subject the employee to disciplinary action up to and including termination of employment. The following acts or omissions will constitute dereliction of duty, including but not limited to:
- Failing to report known violations of Elkhart County policies and procedures.
  - Being absent from work without approval. This may be extended to include failure to report to duty on time or leaving a place of assignment without authorization.
  - Knowing violation of a reasonable and uniformly enforced rule of Elkhart County, including a rule regarding attendance.
  - Sleeping while on duty.
  - Damaging Elkhart County property through willful negligence.
  - Failing to complete or being absent from required training requirements.
  - Falsification of an employment application or other documentation.
  - Displaying a reluctance to perform a job or assigned duties properly, or acting in a manner to bring discredit upon Elkhart County or the employee. Encouraging others not to properly perform their duties by words or actions.
  - Conduct endangering safety of employee or coworkers.
  - An unwillingness or inability to perform assigned tasks as provided by the employee's job description.
  - Failure to conform consistently to work standards established for the employee's rank, grade, position or job description.

- Failure to perform supervisory, administrative, or decision making responsibility in an acceptable or suitable manner as provided in the employee's job description or the Policy and Procedure Manual.
- Repeated poor evaluations.
- A breach of duty reasonably owned to Elkhart County by conduct that establishes that the employee: damaged Elkhart County's trust and confidence in the employee's ability to effectively perform the job; willfully failed to meet Elkhart County's reasonable expectations; a course of action that the employee knew or should have known would negatively impact Elkhart County's financial interests; demonstrated an intentional or substantial disregard for Elkhart County's interests; intentionally or knowingly injured or attempted to injure Elkhart County's financial interests; intentionally chose a course of action that pitted the employee's interests against Elkhart County's interests to the detriment of Elkhart County and/or showed carelessness or negligence to such a degree or with such recurrence as to cause damage to Elkhart County's interests.

### **3.07      EMPLOYEE WORK SCHEDULES**

The Board of Commissioners is responsible for the establishment of the specific days and hours of operation of all County facilities. While exceptions may exist, they are subject to the review and authorization of the Board. Each Department Head or Elected Official is, on the other hand, responsible for the scheduling of employee work hours to cover the designated hours of operation to provide services to the public.

The standard work week for many full-time County employees is thirty-six (36) hours. However, some full-time employees work regular authorized schedules of 30 hours, 37.5 hours or 40 hours per week. Employees are paid on a bi-weekly basis with the bi-weekly pay period commencing at 12:00 a.m. Sunday and ending at 12:00 midnight on the second Saturday following. An employee receives compensation generally on the second Friday following the end of the pay period.

Each Department Head/Elected Official or a designated supervisor is responsible for monitoring and recording employee work hours, and submitting a record of each employee's worked and/or other payable hours to the Auditor's Office (Payroll) every two weeks at the close of the bi-weekly pay period. The Auditor's office maintains the official record of each employee's accrued sick time and vacation time. If a department participates in the practice of compensatory time (Note Section 5.04), the Department Head/Elected Official is responsible for maintaining each employee's record of compensatory time earned and taken.

Employees are expected to abide by the County's guidelines for attendance and tardiness and recognize the needs of their department and the importance of timely and regular attendance. The County's guidelines allow for some flexibility although each department may have additional department-specific guidelines.

1. An employee is considered absent if he or she is not present for work as scheduled, regardless of cause.
2. If an employee must be absent for any reason, he or she should request written approval in advance, whenever possible, from their

supervisor using the County's Request for Time Away From Work form. When prior approval cannot be secured, as may be the case in an unexpected illness or emergency situation, the employee should notify their supervisor prior to the beginning of their scheduled work day or as soon thereafter as possible. Each department may, at their discretion, determine when an employee must provide notification. Absent a specific department policy, notification should be made at least one-half ( $\frac{1}{2}$ ) hour prior to the beginning of the employee's shift.

3. Excused absences which will not be used to determine "excessive" absenteeism including approved time off for FMLA or Special Leave, funeral or bereavement time, jury duty, military leave and vacation, sick, or compensatory time taken with prior approval.
4. Non-FMLA sick time (multiple consecutive days should count as one absence), time taken for illness which, if requested, cannot be substantiated by the employee, and time taken by an employee who fails to call or otherwise advise their supervisor of their absence will be used in the computation of excessive absenteeism. In addition, vacation and/or sick time taken without prior approval may be used in the computation of excessive absenteeism.
5. Recognizing that circumstances may sometimes be unique and there may be some situations which justify an employee's failure

to advise their supervisor of an absence, in most instances un-excused absences and excessive absenteeism will result in disciplinary action.

6. Discipline for an un-excused absence or excessive absenteeism may include:
  - An initial verbal warning. Continued un-excused absence or uncorrected excessive absenteeism may result in a written Formal Action Notice.
  - A Department Head/Elected Official may, at their discretion, choose to not pay an employee for missed work time or mandate that an employee use available vacation time.
  - A Formal Action Notice may be given to an employee who fails to obtain prior approval or fails to notify their supervisor of an absence on two (2) or more separate occasions.
  - An employee will be considered as having given their unwritten voluntary resignation and will not be paid for all otherwise available time off (accrued vacation time, holiday pay, etc. – Note Section 4.01) if they fail to notify their supervisor of their absence from work on three (3) consecutive work days.
  
7. Supervisors may also give special attention to and take disciplinary action when absenteeism patterns are observed including:
  - Absences, vacation time off without prior approval or calling in sick on a scheduled day before or after a scheduled

weekend or scheduled holiday. Such behavior prior to or after a recognized holiday will result in the employee being denied pay for the holiday.

- Absences related to calling in sick as sick time is accrued, especially where sick days are used one day at a time.

Special provisions are made by State statute for employees who are volunteer firefighters and are absent due to their response to an emergency fire call although the employee must provide their supervisor with prior notification of this status and, if requested, certification that an absence was due to the discharge of their emergency firefighting activities.

An employee is considered tardy whenever they are late to work when scheduled or late returning from break time without prior supervisory approval. At a minimum, three (3) or more times tardy in a two (2) week period should result in disciplinary action.

### **CLOSING OF COUNTY OFFICES**

The Board of Commissioners only may authorize the closing of any County offices or facilities for any reason. When an office or facility is officially closed the following guidelines shall apply:

- Employees who are paid on an hourly basis will not be paid if they do not work when the offices are closed and paid only for the hours actually worked if they choose to work. At the discretion of the Department Head/Elected Official the hourly employee may be allowed to take vacation time, floating holiday or

available compensatory time, if available, for any scheduled hours they do not work because of the facility closing.

- Salaried employees who do not work when an office or facility is closed will be credited with leave time and paid for the day or portion thereof. A salaried employee who chooses to work when the office is closed will receive their regular pay only but will not receive additional pay or time off.
- In no event may sick time be used for time missed during an office or facility closing without a doctor's verification.

### **3.08 DISCIPLINE/CORRECTIVE ACTION**

When an employee's behavior is considered to be inappropriate or unacceptable, disciplinary action may become necessary to alert the employee that corrective action is needed. Discipline/corrective action should be impartial, fair and consistent.

Discipline/corrective action may involve a verbal conversation with the employee by their supervisor or be conveyed by a written document (Formal Action Notice) when the inappropriate or unacceptable behavior continues following a verbal discussion or the behavior is of a more serious nature.

In some situations, a supervisor may prepare a written memo to the employee, as a form of discipline, which acknowledges what behaviors need to be corrected. A memo may be written and used as the focus of a conversation with the employee or to follow up on a verbal conversation to address a concern.

With inappropriate or unacceptable behavior, which a supervisor finds to be significant or ongoing, an employee should receive a Formal Action Notice as a first written warning. A second Formal Action Notice, as a second written warning, may include a suspension of one (1) to five (5) days. If a third Formal Action Notice becomes necessary, in most situations, the employee's employment with the County would be terminated.

**NOTE: The County reserves the right to provide an employee with a suspension or to terminate their employment at any step in the disciplinary process.**

A Formal Action Notice should provide the employee with a clear indication of what policy may have been violated, what the inappropriate or unacceptable behavior is, and what is expected from them as corrective action.

During the Performance Appraisal process, any discipline/corrective action taken during the rating period is generally noted with an assessment by the supervisor of any progress, or lack of progress, the employee has had in correcting the behavior.

While most discipline/corrective actions may consist of a meeting by the supervisor with an employee, at the discretion of the supervisor, a witness may also be present. A witness is generally another supervisor or a representative from the Human Resource Department.

As a part of the discipline/corrective action process, a supervisor may recommend the employee seek assistance from the County's Employee Assistance Provider (EAP). The supervisor may, when termination of employment could be the next step in the discipline/corrective action process,

refer the employee as a “job jeopardy” referral. Refusal to attend or participate with EAP will not be used as grounds for termination although failure to take decisive corrective action will be used.

Termination of employment is the strongest disciplinary action that can be taken and may be imposed for a first-time violation or for repeated uncorrected inappropriate or unacceptable behavior. The following, although not all-inclusive, is a list of violations for which immediate termination may be warranted:

- Physical or threatened violent behavior.
- Testing positive for a controlled substance or refusing to be tested when requested following an accident or for reasonable suspicion.
- Theft or misappropriation of County property.
- Willful misuse or destruction of a County vehicle, equipment, property or material.
- Conviction of a felony.
- Documented habitual poor performance.

An employee may appeal any discipline /corrective action documented on a Formal Action Notice through the County’s grievance procedure (Note Section 3.09).

### **3.09 EMPLOYEE GRIEVANCE**

A “grievance” is defined as the procedure whereby an employee may dispute or formally complain regarding some aspect of their employment, including disciplinary action, performance review, promotion and transfer decisions, etc.

An employee should present their grievance, in writing, to their immediate supervisor within five (5) working days

from the time of the occurrence or the action, or when the employee learned of the action giving rise to their grievance.

An employee's written grievance should clearly state the basis of their grievance and what they are seeking as an outcome to resolve the grievance.

The employee's supervisor should try to meet with the employee and/or otherwise try to resolve the employee's concern within three (3) working days.

If the supervisor is unable to meet or respond within the three days, the employee should be advised of the need for additional time and a reasonable time in which they can expect a response. Once a response has been received and if the employee is not satisfied with the resolution provided, they may grieve to the next higher supervisory authority up to, but not beyond, the Department Head/Elected Official who oversees their department.

A Department Head/Elected Official has ten (10) calendar days in which to respond to the employee and their decision is final.

### **3.10 PERFORMANCE APPRAISAL**

The County's appraisal of its employees is conducted by individual supervisors, with review by the respective Department Head/Elected Official, and is intended to meet the following objectives:

- To assess, maintain, and improve employee performance.
- To provide an objective and fair means to recognize and measure individual performance in accordance with each employee's job description.

- To allow fair and impartial personnel decisions.
- To identify training needs and career development counseling.

Performance appraisal of all full-time and regular part-time classified employees is generally conducted one time each year on or near their effective date of position/anniversary date.

Newly hired or newly promoted employees may receive a performance appraisal following three (3) and/or six (6) months in their job although concerns with performance deficiencies, attendance/tardiness issues or other inappropriate or unacceptable behaviors will be addressed as needed and failure of the new employee to take immediate corrective action may lead to disciplinary action which may include their termination of employment.

Each employee's performance appraisal should note any employee achievements or other recognitions during the rating period as well as any disciplinary actions, if applicable, and progress achieved. Training and performance needs should also be identified and a plan of action (goals and objectives) identified to assist the employee and the supervisor to assess performance during the new performance appraisal period.

### **3.11 LEAVES OF ABSENCE**

#### **Basic Leave Entitlement**

The Family and Medical Leave Act ("FMLA") requires the County to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care or child birth;
- To care for the employee's child after birth, or placement for adoption or foster care;

- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

### **Military Family Leave Entitlements**

Eligible employees with a spouse, son, daughter, or parent on covered active duty or call to covered active duty in a regular or reserve component of the Armed Forces with deployment to a foreign country may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces (including a member of the National Guard or Reserves) who has a serious injury or illness incurred in the line of duty on active duty (or existed before the beginning of active duty and was aggravated by service in the line of duty on active duty) that may render the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list. A covered service member is also a veteran who is undergoing medical treatment, recuperation, or therapy, for a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred in the line of duty (or existed before the beginning of the active duty and was aggravated by service in the line of duty) on active duty in the Armed Forces 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 that medical treatment, recuperation, or therapy.

### **Benefits and Protections**

During FMLA leave, the County must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

### **Eligibility Requirements**

Employees are eligible if they have worked for the County for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the County within 75 miles.

### **Definition of Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or

incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

### **Use of Leave**

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

### **Substitution of Paid Leave for Unpaid Leave**

Employees may choose or the County may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must comply with the County's normal paid leave policies.

### **Employee Responsibilities**

Employees must provide 30 days advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practicable and generally must comply with the County's normal call-in procedures.

Employees must provide sufficient information for the County to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. Employees also must inform the County if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to

provide a certification and periodic recertification supporting the need for leave.

### **County Responsibilities**

The County must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employee's rights and responsibilities. If they are not eligible, the County must provide a reason for the ineligibility. The County must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the County determines that the leave is not FMLA-protected, the County must notify the employee.

### **Unlawful Acts by Employers**

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

### **Enforcement**

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement, which provides greater family or medical leave rights.

### **Special Leave of Absence**

An employee who is not eligible for FMLA leave may request a Special Leave. A Special Leave may be for a minimum of two (2) weeks up to and including a maximum of one (1)

year. Special Leaves are limited to two (2) in any five (5) year time span; provided, however, that this limitation is not applicable to leaves involving a serious health condition of the employee that makes the employee unable to perform the functions of the position of such employee. Each request for a Special Leave is subject to careful review and consideration. Whenever possible, the County will attempt to meet the personal needs of the individual however, the County can make no guarantee that the employee will be reinstated to employment at the conclusion of a Special Leave.

### **3.12 PERSONNEL RECORDS**

The Human Resource Department is responsible for the development and maintenance of an official personnel file on every employee and appropriate measures are taken to protect the privacy and confidentiality of employee files to the extent possible.

The official personnel file of each employee should include records related to employment actions (Application for Employment, tax forms, performance appraisals, disciplinary actions, and documents related to promotions, transfers, and other changes in compensation, etc.) and other non-sensitive documents.

In compliance with HIPAA, FMLA, and GINA, health-related, genetic, and insurance information is kept in a separate confidential employee file.

Information contained in an employee's personnel file may be reviewed by the employee, by appointment, during normal business hours and in the presence of a representative of the Human Resource Department.

Information contained in an employee's personnel file may be reviewed by the employee's Department Head/Elected Official or designated supervisor. A summary of information may also be made available to a Department Head/Elected Official or designated supervisor with a legitimate interest in the information such as determining an employee's qualifications for a promotion or transfer.

Release of information contained in the Employee Personnel File generally may not be allowed to third parties except by official court order or subpoena, in compliance with relevant State or federal statutes, or upon the legally compliant written authorization of the employee and approval of the Director or Assistant Director of Human Resources.

### **3.13 EMPLOYEE TERMINATION**

Elkhart County recognizes that no liberty or property interest in employment exists for employees, that various conditions or reasons may exist which necessitate the termination of an employee, and that an orderly termination process best serves both the employee and the County.

A two (2) week written notice of their intent to resign must be given by the employee to their immediate supervisor and their Department Head/Elected Official.

An employee who meets appropriate pension eligibility requirements and plans to retire must notify the Human Resource Department and their supervisor, in writing, no less than one (1) month prior to their expected last day of work.

Failure to provide proper notice will result in the employee's loss of otherwise available terminal vacation pay.

Failure to provide proper notice will result in the employee's loss of an otherwise available partial sick time payment, if all other qualifications are met per policy (section 4.02)

No unused floating holiday pay will be paid upon termination of employment.

The employee must continue to report to work during the notice period the use of vacation time, sick time or floating holidays will not be considered as time toward the notice period obligation. Failure to work during the notice period will result in the employee's loss of otherwise available vacation pay or partial sick time payment.

Failure of an employee to notify their supervisor on three (3) consecutive workdays may also be deemed as the employee's unwritten voluntary resignation (termination) and the forfeiture of all accrued paid time off.

At their discretion, the Department Head/Elected Official may accept the employee's resignation at the time the notice is given or at any time prior to the end of the notice period. The employee's last day worked will be considered their date of termination.

A discharge is a permanent separation of employment. An employee discharged for cause will not be paid any severance pay, including accrued vacation time or partial sick time payment (Note Section 4.01 and 4.02).

An employee who was discharged or resigned without proper notice from any County department may be considered ineligible for rehire.

An employee who has retired from one County department and is seeking to be rehired by another department or an applicant who has worked for any other governmental agency shall begin to accrue seniority and benefits as a new employee.

### **Retirement**

A retirement is a voluntary, permanent separation initiated by an employee who meets appropriate pension eligibility requirements. Retiring employees must notify the Human Resource Department, their supervisor and Department Head or Elected Official no less than one month prior to the last expected day of work.

Accumulated vacation, sick time or floating holidays cannot be considered as time toward the notice requirement.

### **Release**

A release is a permanent separation from employment initiated by the County due to an "at will" dismissal, lack of work, re-organization, or completion of a temporary project. Affected employees are notified in writing two calendar weeks in advance of the termination date if reasonably possible.

### **Resignation**

A resignation is a voluntary permanent separation initiated by the employee. A minimum of two weeks' notice must be given, in writing, to the Department Head or Elected Official and the designated supervisor.

Accumulated vacation, sick time or floating holidays cannot be considered as time toward the notice requirement.

### **3.14 EXIT INTERVIEW/ SEPARATION QUESTIONNAIRE**

Terminating employees are encouraged to schedule an exit interview with their Department Head/Elected Official or with a representative of the Human Resource Department.

The overall goal and focus of the exit interview is on the maintenance and/or improvement of the relationship the County has with its employees and the services the County provides to the citizens of Elkhart County.

An exit interview is an opportunity for the terminating employee to express their thoughts regarding their employment with the County, including their department, supervisor and/or management, and other topics the employee feels the need to discuss.

While employee confidentiality will be protected to the extent possible, information shared by an employee, including the completion of a separation questionnaire, is subject to the preparation of an interview report which may be reviewed by other third parties including the employee's Department Head/Elected Official, the Board of Commissioners or others as the County deems appropriate.

### **3.15 ELECTRONIC AND SOCIAL MEDIA USE & ACCESS**

The term "electronic media" means all hardware components, standard and customized software programs, peripheral equipment, and network apparatus, wiring and connections pertaining to any electronic device including but

not limited to: computer systems, telephone systems, radio systems, and audio and visual recording systems (e.g. internal and external e-mail systems, internet connections, answering machine equipment and voicemail.

The term “social media” includes all forms of online media without regard to whether the media is informational only, includes user-generated content or allows user participation. This includes but is not limited to websites, social and professional networking sites, web logs (blogs) and micro blogging sites, tagging websites, image and video sharing sites, wikis, virtual worlds, web bulletin boards and new and information aggregation sites.

The electronic and social media provided by the County is the property of the County and is maintained for the purpose of conducting County business. An employee’s use of County provided electronic media and social media must be consistent with the employee’s job responsibilities and for legitimate County business. Employee’s may only access County electronically or physically stored information, whether by a County provided electronic media or otherwise, to the extent necessary and appropriate for the employee to perform County work within the scope of the employee’s duties. To the extent such information accessed is confidential or otherwise non-disclosable to the public, employees must maintain the confidentiality and integrity of such information without improper disclosure. Similarly, employees must safeguard all access (e.g.: passwords, physical keys, ID badges) to County owned or used electronic media and social media to prevent improper access or use thereof.

The County reserves the right to access, analyze and examine hardware, software, stored information, emails,

messages, activity records or other media used by the employee, with or without the permission of the employee.

All employees are responsible for assisting in monitoring and maintaining the security of the County's electronic media and social media. An employee who observes or suspects a breach of security should report their observation to their supervisor, Department Head/Elected Official, and/or the designated systems administrator.

If an employee's use of electronic or social media is believed to be threatening to the security and/or stability of the County's network, service/access may be immediately interrupted and denied.

Electronic media are not to be used to create any offensive or illegal messages or perform any illegal acts. Among those which are considered offensive or illegal are any messages which contain: sexual implications, racial slurs, gender-specific comments, negative stereotyping or other offensive information which addresses someone's, or is otherwise sent in connection with someone's race, color, national origin, religion, gender, age, genetic information, disability or any other factor protected by federal or state law; written or graphic material, or other acts that are harassing, threatening, intimidating or create a hostile environment; written or graphic material that is defamatory, libelous or other unlawful statements.

Electronic media are not to be used to send (upload) or receive (download) pornographic materials, copyrighted materials, trade secrets, proprietary financial information, confidential files or similar materials without prior authorization. Electronic media operated by the County must be free of partisan political statements and or identification of political affiliation, except to the extent required by law.

Information stored on electronic media should only be deleted in compliance with the County's record retention policies and federal and state law. Unless in an employee's authorized job responsibilities, employees are not authorized to retrieve or read any e-mail messages that are not sent to them nor should they attempt to gain access to another employee's messages. Employees are forbidden to use and or install any hardware or software programs, without the consent of the County's Chief Information Officer, and contrary to the defined limits of their use as provided in the contracts and licenses the County has with hardware and software program providers.

While some Department Heads/Elected Officials allow their employees to use electronic or social media for reasonable limited personal use, each employee should determine from their supervisor how "reasonable limited personal use" is defined within their department. Reasonable limited personal use is not to interfere with the work of the employee or any other employees nor is it to be performed within normal work hours.

An employee found in violation of the County's electronic and social media policy may be subjected to disciplinary action up to and including immediate termination.

### **3.16 PROTECTION OF HEALTH INFORMATION**

The County, in compliance with security, privacy standards, and requirements of the Health Insurance Portability and Accountability Act (HIPAA), adheres to the minimum necessary standard when requesting, using or disclosing protected health information.

The Assistant Director of Human Resources is the designated privacy official for the County and is responsible for the development and implementation of the policies and procedures related to protected health information and receiving complaints.

### **3.17 EMPLOYMENT OF EMPLOYEE FAMILY MEMBERS (ANTI-NEPOTISM)**

Elkhart County recognizes that the employment of family members in the same department or line of authority has the potential to cause serious conflicts, charges of favoritism or inequitable consideration, or non-work related conflicts being brought into the work environment.

While the employment of a Family Member may be allowed in some circumstances, individuals who are Family Members may not be employed by Elkhart County in a position that results in one Family Member being in the Direct Line of Supervision (as defined below) of the other Family Member.

“Direct Line of Supervision” means an Elected Official, public official, or employee in a position with the authority to affect the terms and conditions of another employee’s employment, including work assignments, compensation, advancement, performance appraisals, grievances, and decisions related to hiring and termination.

For this policy, family members include: spouse; parent or step-parent; child or step-child, including adopted child; grandchild or step-grandchild, including an adopted grandchild; brother, sister, stepbrother, stepsister, including a brother or sister related by half-blood; niece or nephew; aunt or uncle; or daughter-in-law or son-in-law.

Family relationships which exist prior to the adoption of this policy (7/1/2012) will not be considered in violation of this policy unless there is a change of position or break in employment for either family member.

In the event a family member is employed in a department, division or unit of County government prior to another family member being elected or serving a term in an elected office who would have direct line of supervision of the family member:

Every effort should be made to reassign or provide for the non-elected employee's transfer to another department, division or unit of government. If no such transfer can be executed, certain restrictions and policies will apply.

A department, division or unit of County government may enter into a contract or renew an existing contract for procurement of goods and services or for public work contracts with an individual who is a family member of an elected official, or a business entity which is wholly or partially owned by a family member of an elected official, provided a full disclosure is filed with the County Commissioners for approval at their public meeting. If approved, it must then be filed within fifteen (15) days with the Clerk of the Elkhart Circuit Court and the State Board of Accounts.

### **3.18 VEHICLE AND BUSINESS EXPENSES**

#### **Use of Personal Vehicle**

- A copy of a valid driver's license, including renewals when applicable, must be kept on file in the Commissioners' office for any employee required to travel as a customary function of their job with Elkhart County.

- Once an employee has reached their work site, any required travel between work sites, from point of departure to point of meeting, training or other official duties, and the return trip to the normal work site is reimbursable.
- Travel from home before work and the return trip home at the end of the workday is considered a normal incident of employment and is not reimbursable.
- To receive mileage reimbursement, an employee must complete a log of miles traveled on a County Mileage Claim which must be submitted to their supervisor and/or Department Head/Elected Official for authorization.
- Because mileage reimbursement is intended to reimburse the employee for all expenses related to the use of their personal vehicle, including insurance, any damage incurred or citations received in travel related to County business or job-related training are the responsibility of the employee.
- An employee who has their driver's license suspended or revoked, for any reason, will also have all County-related driving privileges suspended and will not be reimbursed for mileage during the suspension.

#### Use of County-Owned Vehicle

- Only properly licensed employees or authorized maintenance/repair technicians may operate a County-owned vehicle. Employees are required to have a copy of a valid driver's license, including renewals when applicable, on file in the Commissioners' office.

- A County-owned vehicle is not to be used for personal business or other personal travel other than, when applicable, travel from home before work and the return trip and for travel related to job responsibilities. A County-owned vehicle also may not be used for political or campaign purposes, including transportation of signs or other political paraphernalia. (Note Section 3.05)
- Use of a County-owned vehicle and any associated equipment is for use by the employee only and not by others, including family members.
- Except as noted in the Sheriff's Office General Orders, a County-owned vehicle may not leave Elkhart County except for County business or job-related training and then only with the prior written approval of the employee's Department Head/Elected Official.
- An employee on vacation or an extended leave of absence is required to make arrangements with their respective Department Head/Elected Official for availability and secure storage of their County-owned vehicle so as to make it available, if needed, by another authorized driver.
- An employee who drives a County-owned vehicle shall not be reimbursed for mileage, however, receipts for fuel, oil, tolls, and other legitimate job-related travel and vehicle expenses may be submitted using a County "claim form" for reimbursement.
- The care and operation of a County-owned vehicle by an employee should be considered a privilege and subject to review and appraisal as any other job behavior. Therefore,

inappropriate or unacceptable operation and/or care of a County-owned vehicle is subject to discipline/corrective action and may involve, but is not limited to, a suspension of all driving privileges for a period of 3 to 30 days for a first offense and up to 120 days for a second offense.

- The driver and all passengers of the vehicle are required to wear properly fastened seat belts at all times. Employees will not operate County vehicles while barefoot or shirtless. Neat and presentable clothing is required.
- An employee who has their driver's license suspended or revoked, for any reason, will also have all County-related driving privileges suspended and will not be allowed use of a County-owned vehicle during the suspension.
- In the case of a serious violation of the law (DUI, etc.) or the County's vehicle policy by an employee, the County vehicle may be impounded until such time as a formal review regarding corrective action can be held and a final decision made.

#### Travel, Lodging, Meal and Other Expense Reimbursement

The following guidelines apply to additional travel expenses whether using a personal vehicle, County-owned vehicle or other forms of travel by an employee.

- Travel within the State of Indiana or any of the four (4) contiguous states for County business or job-related training will not require the prior approval of the Board of Commissioners.
- Travel beyond Indiana and the four (4) contiguous states shall require the prior approval of the Board of Commissioners and the County Council. Request must be

submitted, by written memo and a completed “claims form” indicating actual or estimated costs at least 30 days prior to departure.

- Reimbursement will be allowed for travel-related expenses, including air fares (at “coach rates” only), toll and parking fees, taxi fares, tips and rental cars, if necessary, when associated with County business or job-related training. All charges must be accompanied by a receipt. A detailed written statement may be considered when no receipt is submitted, if the amount is limited.
- If the distance is such that mileage reimbursement would exceed the airfare coach rate, the latter will be paid. Or if an employee chooses to fly by private aircraft, travel reimbursement will be based on the estimated mileage from point of departure to point of arrival and return.
- Reimbursement for lodging expenses, up to \$175 per night, shall be supported by an itemized receipt issued by the hotel or motel. Only the rate charge for single occupancy shall be reimbursed if a room is shared by a non-employee or a person not on County-business. Room sharing is encouraged when two or more County employees are attending the same meeting. The County will not reimburse room and sales tax. A tax-exempt form may be obtained from the Auditor’s office and taken with the employee to the hotel along with a check for payment.
- A per diem allowance for meals and incidental expenses (“M&IE”) incurred when an employee is traveling away from the employee’s home overnight on approved

County business or job related training may be made if the County reasonably believes that the M&IE will be incurred. The M&IE will be based on the federal standard per diem rate for M&IE as periodically updated at <https://www.gsa.gov/travel/plan-book/per-diem-rates>. The applicable federal standard per diem rate will be in effect January 1 of the applicable year and remain in effect for all employees until December 31 of the same year. On the first and last day of travel, employees are only eligible for 75 percent of the total M&IE standard rate. M&IE must be properly substantiated within 60 days after the expense is paid or incurred. Excess reimbursements or advances, including advancements or reimbursements that the employee fails to substantiate, must be returned by the employee to the County within 120 days after the expense is paid or incurred.

- Reimbursement for alcoholic beverages, entertainment cover charges or similar expenses will not be reimbursed.
- Reimbursement for tips and gratuities will be allowed in reasonable amounts. 20% is the maximum reimbursable gratuity.
- Prepayment for lodging, meals and travel may be allowed by the County Auditor if the request is made and approved by the respective department head/elected official prior to departure, within the normal time frames of expense reimbursement. An itemized report of all expenses, including receipts, must be returned to the County Auditor within five working days following

return, including return of excess or unused funds.

### **3.19 EMPLOYEE TRAINING**

Elkhart County provides employees and supervisors with training opportunities which may include on-the-job training, mandatory and non-mandatory workshops and seminars, or training provided by the Human Resource Department. Training may also be obtained from other agencies.

Training on some specific topics will be mandatory for some employees and all supervisors and attendance will be tracked and reported annually to the respective Department Head or Elected Official. This training history will be addressed and included in the appraisal of employee and supervisor performance.

- Employees and supervisors, who, by the nature of their job, qualify for the Hepatitis B vaccine, must attend training on Universal Precautions during new employee orientation.
- Employees and supervisors whose job descriptions note they must be CPR and/or AED certified, must attend training every other year to remain certified.
- Employees and supervisors whose job descriptions note they must have basic first aid training must attend training every other year.
- In addition to training on suspicion-based drug testing, all supervisors must attend training every two years on mandatory topics as designated and outlined in the Policy and Procedure Manual.

### **3.20 EMPLOYEE IDENTIFICATION CARDS**

Elkhart County provides each individual County employee with a picture identification card which must be worn and visible upon entry into any County facility and during the course of their employment on a daily basis to distinguish the employee from the general public.

At the Department Head or Elected Official's discretion, all employees in a department may either be issued an identification card, which displays their first and last name, or their first name only, along with their department name.

An identification card is prepared for all full-time and regular part-time employees on their first day of employment and for part-time or seasonal employees by arrangement with the Human Resource Department along with the completion of other required paperwork prior to the employee reporting to their assigned job site.

Employees will be charged a replacement fee for lost or stolen cards but will not be charged a fee when a new card is prepared due to a change of surname or for transfer to another department. The old identification card must be surrendered and the fee, if applicable, paid prior to the new card being issued.

An employee who chooses to resign or otherwise terminate their employment with the County must surrender their identification card to their supervisor, department head or the Human Resource Department.

### **3.21 Pre-Employment Criminal History Checks**

Elkhart County has established guidelines for the retrieval and review of criminal history information, following a conditional offer of employment, as part of the hiring process of all candidates seeking employment with Elkhart County. There are two (2) levels of background investigation.

### **3.22 REMOTE WORK**

Elkhart County will allow remote work arrangements on a case by case basis where Elkhart County determines in its sole discretion that services can be safely and productively performed in a home environment.

Remote work is a voluntary work alternative that may be appropriate for some employees and some jobs. It is not an entitlement, it is not a county-wide benefit, and it in no way changes the terms and conditions of employment with Elkhart County.

Employees must have the permission of their department head or elected official for remote work, except as otherwise required by law.

Employees interested in remote work should speak with their department head or elected official and ask them to review policy 3.22, in the Policy and Procedure Manual. A request to work remotely should be in writing, using the Temporary Remote Work Agreement form and submitting it to the employee's department head or elected official and if the department head or elected official approves, it will be forwarded to the Human Resources Department for review of eligibility and suitability.

Upon completion of the review of eligibility and suitability, the Human Resources Department will submit the request to work remotely with their recommendation to the Commissioners for approval, which approval may be granted or denied in their sole discretion. If the request is approved, the employee and the Elected Official/Department Head will sign the Temporary Remote Work Agreement.

Elkhart County may terminate the remote work arrangement at any time in its sole discretion.

### **3.23 REMOTE ACCESS**

It is the responsibility of County employees, contractors, vendors and others with approved remote access privileges to County's network to ensure that their remote access connection is given the same consideration as the user's on-site connection to County and follows all applicable County policies and procedures, including but not limited to Section 3.15 Electronic and Social Media use and Access.

All remote work from home for employees or approved users not issued County laptops must be approved in advance by the County IT Department. Only County owned laptops and approved third party computers will be given access to the County VPN software.

Passwords for all County laptops, any other device used to connect to the County network by County employees, and approved third party computers must meet the IT Department protocols and standards in effect from time to time.

No County owned computer or other device may be used by anyone else for any purpose, including family members.

Employees and all approved users must follow all IT Department protocols established from time to time, including but not limited to multi-factor authentication, network standards, wi-fi settings and anti-virus software.

At no time should any County employee provide their login or email password to anyone, including but not limited to co-workers and family members.

The County employee is responsible to ensure that anyone using a personally-owned computer or other device with access to the County external email does not violate any County policies and does not perform illegal activities. The County employee bears responsibility for the consequences should the access be misused.

County employees must exclusively use their County email accounts when performing County work and must not use non-County email accounts (e.g. gmail, Hotmail, Yahoo, AOL).

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

#### **4.01 VACATION**

The County provides full and regular part-time employees with paid vacation time.

##### **Non-Exempt (hourly) Employees:**

Time is accrued to employees based upon length of continuous employment and the number of authorized regularly scheduled hours the employee works each pay period. All vacation requests must have the approval of the Department Head or Elected Official before they can be

taken. The minimum use allowed for vacation leave for non-exempt employees is .5 hours (or 30 minutes). Additional time off may be taken in half-hour increments.

Accruals for new employees will start with the first paycheck they work a minimum of 36 hours in the pay period; however, new employees are not eligible to take any paid vacation until they have completed six months of employment.

Vacation time may be accumulated up to one and one half times the employee's annual vacation accrual. The employee is paid for any unused vacation leave upon termination, if the termination is after six months and is caused by resignation with sufficient notice, retirement with sufficient notice, or release by the County.

Accrual of vacation leave is as outlined in the schedule below with all accruals shown in hours:

a. Regular schedule of a fourteen (14) day work period.

During Years	Pay Period Accruals	Annual Accruals	Maximum Accruals
1-3	3.231	84	126
4-5	3.877	100	151
6-10	4.847	126	189
11-15	5.816	151	226
16-20	6.785	176	264
21+	7.754	201	302

b. Regular schedule of 80 hours per bi-weekly pay period.

During Years	Pay Period Accruals	Annual Accruals	Maximum Accruals
1-3	3.077	80	120
4-5	3.693	96	144
6-10	4.616	120	180
11-15	5.539	144	216
16-20	6.462	168	252

	21+	7.385	192	288
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c. Regular schedule of 75 hours per bi-weekly pay period.

	During Years	Pay Period Accruals	Annual Accruals	Maximum Accruals
	1-3	2.885	75	112
	4-5	3.462	90	135
	6-10	4.327	112	168
	11-15	5.193	135	202
	16-20	6.058	157	236
	21+	6.924	180	270

d. Regular schedule of 72 hours per bi-weekly pay period.

	During Years	Pay Period Accruals	Annual Accruals	Maximum Accruals
	1-3	2.77	72	108
	4-5	3.324	86	129
	6-10	4.154	108	162
	11-15	4.985	129	194
	16-20	5.816	151	226
	21+	6.647	172	259

e. Regular schedule of 60 hours per bi-weekly pay period.

	During Years	Pay Period Accruals	Annual Accruals	Maximum Accruals
	1-3	2.308	60	90
	4-5	2.77	72	108
	6-10	3.462	90	135
	11-15	4.154	108	162
	16-20	4.847	126	189
	21+	5.539	144	216

- f. Regular part-time schedule of 40 through 59 hours per bi-weekly pay period.

	During Years	Pay Period Accruals	Annual Accruals	Maximum Accruals
	1-3	1.539	40	60
	4-5	1.847	48	72
	6-10	2.308	60	90
	11-15	2.770	72	108
	16-20	3.231	84	126
	21+	3.693	96	144

Exempt (salaried) Employees:

Time is accrued for exempt (salaried) employees based upon the length of continuous employment. All vacation requests must have the approval of the Department Head or Elected Official before they can be taken. The minimum use allowed for vacation leave for exempt employees is one-quarter (1/4) day. Additional time off may be taken in quarter day increments.

New employees may begin accruing vacation time during their third month of employment. They are not eligible to take any paid vacation until they have completed six months of employment.

Vacation time may be accumulated up to one and one half times the employee's annual vacation accrual. The employee is paid for any unused vacation leave upon termination, if the termination is after six months and is caused by resignation with sufficient notice, retirement with sufficient notice, or release by the County.

Full-time exempt employees accrue vacation days according to the following schedule:

- a. During the first three (3) years of employment, employees will accrue .833 days of vacation per month for a maximum of ten (10) days per year.
- b. During the fourth (4<sup>th</sup>) and fifth (5<sup>th</sup>) years of employment, employees will accrue one (1) day of vacation per month.
- c. During the sixth (6<sup>th</sup>) through the tenth (10<sup>th</sup>) years of employment, employees will accrue one and one quarter (1.25) days of vacation per month.
- d. During the eleventh (11<sup>th</sup>) through the fifteenth (15<sup>th</sup>) years of employment, employees will accrue one and one-half (1.5) days of vacation per month.
- e. During the sixteenth (16<sup>th</sup>) through twentieth (20<sup>th</sup>) years of employment, employees will accrue one and three-quarter (1.75) days of vacation per month.
- f. Beginning with the twenty-first (21<sup>st</sup>) year of employment, employees will accrue two (2) days of vacation per month.

#### **4.02 SICK LEAVE**

The County recognizes employees occasionally become ill, and provides paid sick leave for doctor appointments, injuries, illnesses or pregnancy of the employee. Employees must notify their supervisor as specified by department procedures and may be required to submit a doctor's statement.

Those who do not fulfill these responsibilities cannot receive paid sick leave. Employees may also use sick leave when an injury, illness or emergency involving a family member requires the employee to care for such family members.

Non-exempt (hourly) full-time actively employed employees will accrue sick leave depending on their authorized work schedule.

Accrual of sick leave is as outlined in the schedule below with all accruals shown in hours:

Auth. Bi-weekly Work Schedule	Per Pay Period Accruals	Annual Accruals
14 day work period	3.877	100
80	3.693	96
75	3.462	90
72	3.324	86
60	2.770	72

Regular part-time, non-exempt, actively employed employees will accrue sick leave at the rate of 1.847 hours per pay period.

The minimum use allowed for sick leave is .5 hours (or 30 minutes). Additional time off may be taken in half-hour increments.

Exempt employees will accrue one (1) day of sick leave and regular part-time exempt employees will accrue one-half (.5) day of sick leave at the close of each month they are actively at work or on a paid leave of absence. Sick days may be used in segments as small as one-fourth of a day.

Employees must use all accumulated sick leave before taking any unpaid time.

Unused sick leave may be accumulated with no maximum, but no more than 13 (thirteen) consecutive work weeks may be taken per occurrence. Unused sick leave will not be paid to an employee upon termination, with the

exception of a partial payment to full time and regular part time employees with at least 20 years of consecutive service, who meet certain requirements as laid out in the policy and procedure manual.

#### **4.03 HOLIDAYS**

The County Commissioners are responsible for adopting the holiday schedules. Holidays are recognized as special days and normal office operations are suspended. New employees may receive this benefit as soon as their employment begins.

The holiday benefit applies to both full and regular part-time employees.

Full-time employees receive one (1) day's pay, based on their regularly scheduled work hours, provided that the employee works or is on approved paid leave the scheduled day before and after the approved holiday. Regular part-time employees receive up to four (4) hours, provided that employee works or is on approved paid leave the scheduled day before and after the approved holiday.

An employee who works on a designated holiday for his or her employee group will be paid for the hours worked, including overtime when applicable, and may either receive holiday pay or be granted, at the discretion of his or her supervisor and within appropriate staffing guidelines, another day off with pay in the two-week pay period in which the designated holiday falls for that employee's group.

#### **FLOATING HOLIDAYS**

Full-time and Regular Part-time employees are allowed floating holiday(s) during a calendar year when the County

Commissioners adopt one or more into the holiday schedule. Floating holidays may be taken with supervisor approval.

Full-time employees receive one (1) day's pay, based on their regularly scheduled work hours. Regular part-time employees receive up to four (4) hours pay, based on their regularly scheduled work hours. Floating holidays may only be taken in whole day increments. Unused floating holidays will be forfeited at the end of the year and will not be paid to an employee during their notice period or upon termination for any reason.

#### **4.04 BEREAVEMENT LEAVE**

The County grants employees a reasonable amount of bereavement leave without loss of pay when a death occurs in the employee's immediate family. "Immediate family member" means a spouse, domestic partner, parent, step-parent, child, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother, step-brother, brother-in-law, sister, step-sister, sister-in-law, aunt, uncle, niece, nephew (for aunt, uncle, niece or nephew such relation to the employee or the employee's spouse), grandparent, spouse's grandparent, grandchild, or other relative living in the employee's residence. Half-relations (half-brother, half-sister etc) are considered the same as full relation for this policy. Child or grandchild means a biological, adopted or foster child or grandchild of the employee, the employee's spouse or the employee's domestic partner; a stepchild or step grandchild of the employee; a legal ward of the employee; or a minor for whom the employee stands in loco parentis.

Supervisors may approve bereavement leave up to three (3) days, depending upon factors such as which family member passes away, the employee's responsibility for making funeral arrangements, the distance involved, or other related circumstances.

## **FUNERAL TIME**

The County grants employees a reasonable amount of funeral time off without loss of pay when staffing permits to attend the funeral services of a family member, personal friend, co-worker, or other County employee.

Funeral time off is generally for a period of several hours, but in no event will the funeral time off exceed one (1) day.

Bereavement leave and funeral time off may be combined but in no event will the combined uses exceed a total of three (3) days.

### **4.05 JURY TIME**

Elkhart County provides employees with paid time off, less any court stipend (jury pay), when called for jury duty. The employee's supervisor must be informed as soon as possible in order for arrangements and verification of jury duty requirements to be made.

## **ELECTION DAY POLL WORKERS**

Elkhart County provides employees with paid time off, less any poll worker pay, for employees who wish to work the polls on election day. The employee's supervisor must be informed as soon as possible in order for arrangements and verification requirements to be made.

### **4.06 MILITARY TIME**

All employees are entitled to a leave of absence from their respective job responsibilities, in addition to regular available vacation time, without loss of time or pay to serve as a member of the National Guard or a reserve component

in the military service on training duties as provided by Indiana statute.

An employee must notify their supervisor in advance of any anticipated training time and must provide verification/certification of their duty orders. The period of time without loss of pay shall not exceed fifteen (15) days on an annual calendar year basis. For purposes of this paragraph, a day is defined as an eight (8) hour work period of a regularly scheduled workday. Accordingly, employees may be entitled up to 120 hours of paid time off for National Guard or reserve training.

An employee called to and actually on active duty is also entitled to receive their base salary or wages for up to ten (10) days, including holiday pay if applicable, but in no event greater than a maximum of eighty (80) hours of paid time, to assist them and their family to make the transition. To receive active duty pay, the employee must provide their supervisor and/or the Human Resource Department with a copy of their active duty call up documents within seven (7) days before or after their expected report for active duty date.

In addition, all provisions set forth in the Uniformed Services Employment and Reemployment Rights Act (USERRA) shall be provided to all employees who take a leave of absence for training and/or are called to active duty.

#### **4.07 & 4.08 BENEFITS**

##### **Liability Protection**

The County is self-insured against claims of liability for individuals performing work on its behalf. Specific information is available upon request through the office of the County Commissioners.

## **Unemployment Insurance**

Elkhart County participates in the Indiana State Unemployment Insurance program assisting qualified former employees during periods of unemployment. Entitlement to this insurance is in accordance with applicable state laws.

## **Group Insurance Benefits**

The County offers insurance coverage to its full-time employees, and the County Commissioners authorize the County to pay a portion of the premiums for most coverages. Employee cost for coverage differs depending upon the options selected. An employee may select any combination of:

1. Medical Insurance
2. Dental Insurance
3. Vision Insurance
4. Long-Term Disability Insurance
5. Life Insurance

Whether an employee wants single or dependent coverage also affects the cost, both to the employee and to the County. Once coverage is in effect, employee costs are deducted directly from paychecks, be it pre-tax (through the Cafeteria Plan) or after-tax (regular deductions).

Further information on benefits can be found in the Employee Benefit Guide that is distributed at new employee orientation and yearly at or before open enrollments.

## **Continuation of Benefits at Termination**

The County provides for employees who are separated from service to continue the following benefits:

1. Group insurance coverages end on the employee's last day at work.

- a. Medical and dental insurance may be continued through the provision of COBRA (Consolidated Omnibus Budget Reconciliation Act of 1995).
  - b. Retiring employees who meet retiree eligibility requirements may continue coverage through the provision of the policy on retiree insurance.
  - c. Life insurance may be converted and/or prorated (carried as an individual policy).
  - d. Long-term disability coverage ends on the employee's last day at work.
2. Employee Assistance Program and Section 125-Cafeteria Plan may be continued through the provision of COBRA (Consolidated Omnibus Budget Reconciliation Act of 1995).

COBRA must be elected in order to claim medical reimbursement for eligible expenses incurred after the date of termination.

#### **4.09 CAFETERIA PLAN**

All full and regular part-time employees are able to take advantage of the Cafeteria Plan. The County may provide full-time employees with a county contribution of a specific dollar amount each year, and regular part-time employees receive half that amount. This County contribution is paid in accordance with the number of full quarters the employee has worked in the preceding year. The employee must be employed on January 1<sup>st</sup>, in order to receive the county contribution for the new plan year. Employees must also re-enroll in the plan each year during open enrollments, in order to receive the County contribution. In addition to the County contribution, employees are able to put a portion of their wages, pre-tax, into the plan for health savings account funding, for reimbursement of qualified medical, dental and

vision expenses; group insurance premiums and life insurance premiums.

#### **4.10 INPRS**

When hired, most employees become members of the Indiana Public Retirement System (INPRS), formerly known as PERF. Most full-time or regular part-time employees working at least one thousand hours per year are eligible for participation in INPRS. The cost of INPRS is three percent of the employee's salary. Deductions are made automatically from paychecks and forwarded to INPRS in the employee's name. For INPRS covered employees, the County pays a variable percentage into the retirement fund. The employee is considered vested in PERF after ten (10) years.

#### **SOCIAL SECURITY**

In addition to INPRS, the County participates in the Social Security program. Contributions for employee retirement are made by both the employee and the County. This is done through Federal Insurance Contributions Act (FICA) taxes.

#### **DEFERRED COMPENSATION 457(b)**

Deferred Compensation is a voluntary retirement program allowing employees to defer a portion of their income before taxes through special tax laws for use in building a savings account for retirement. A 457(b) deferred compensation plan is a retirement plan offered by Elkhart County, created to allow public employees like you to put aside money from each paycheck toward retirement. A deferred compensation plan can help bridge the gap between what you have in your pension and Social Security, and how much you will need in retirement.

Deferred Compensation offers advantages other types of saving plans do not offer:

1. Automatic payroll deductions,
2. Funding options,
3. Investment opportunities.

#### **4.11 CONTINUATION OF BENEFITS AT TERMINATION**

It is the policy of the County to provide information on continuation of benefits at termination of employment. Contact the Human Resource Department for more information on COBRA rights, and for information on other benefits that may be available to you.

#### **4.12 EMPLOYEE ASSISTANCE PROGRAM**

The County recognizes each employee not only has responsibilities at work, but also at home. At times distractions, difficulties, or even crises at home can interfere with work. The Employee Assistance Program (EAP) provides an opportunity to employees and their families who feel the need for assistance in such troubling circumstances.

The EAP provides up to ten visits per year at no charge to employees, spouses and immediate family members, that are living in the household of the employee, to see an EAP counselor. Also, if the employee or a family member voluntarily contacts the EAP for assistance, no one in Elkhart County will know, unless they reveal it themselves. All services are offered confidentially.

The County's EAP provider, New Avenues, can be contacted at 1-800-731-6501.

#### **4.14 DONATION OF VACATION/SICK TIME TO CO-WORKER**

It is the policy of the County to provide full-time and regular part-time employees with a serious health condition the opportunity to receive donated vacation/sick time from other employees under certain circumstances. Certain criteria must be met by both the employee donating time and the employee receiving donated time (ask your supervisor to review policy 4.14 with you in the policy and procedure manual).

#### **4.15 EMPLOYEE LACTATION SUPPORT**

All new mothers returning to work following the birth of an infant child and who have chosen to breastfeed their new infant should advise their immediate supervisor and or department head of the need for an accommodation. Employees will be provided paid break times and a private place to express breast milk for their infant, as well as a place to refrigerate their breast milk. The employee is responsible for appropriately marking the breast milk and is responsible for removing the breast milk from the refrigerator at the end of the workday. The County is not responsible for the inadvertent disposal, sabotage or spoiling of the expressed breast milk.

#### **5.01 WAGE ESTABLISHMENT**

Compensation for employees is set during the budgetary process and in accordance with the County Salary Ordinance and County policies and procedures.

### **5.03 JOB DESCRIPTION/EFFECTIVE DATE OF POSITION**

Elkhart County maintains job descriptions for all employees in classified positions and for others as needed. Job descriptions reflect the major focus of a position and describe, in general terms, the duties and responsibilities of a position and the minimum hiring qualifications and requirements. A supervisor may also develop and provide an employee with a task list to supplement the County job description. Clarification of specific job tasks or job expectations should be directed to the employee's immediate supervisor.

An employee's effective date of position (EDOP) is the date of full-time or regular part-time hire or the date they enter a new position.

### **5.04 EXEMPT VS. NON-EXEMPT STATUS**

Whether an employee's position is exempt (paid bi-weekly salary) or is non-exempt (paid on an hourly basis) is determined by guidelines set forth in the Fair Labor Standards Act (FLSA).

Exempt employees are expected to work a minimum of forty (40) hours per week, generally consisting of five (5) eight (8) hour work days, and may work in excess of 40 hours per week without being entitled to additional compensation (excess hours, overtime, etc.), and do not have the ability to earn or take compensatory time off. All vacation and sick time is earned in days vs. hours and may only be taken in 1/4 day (0.25) increments.

Non-exempt employees are compensated based on their actual hours worked, and may routinely work a 36 hour, 37½

hour, or 40 hour work week. All vacation and sick time is earned in hours and may only be taken in one-half hour increments.

**PAY PERIODS, OVERTIME, AND COMPENSATORY TIME**

The County pay dates are set up on a bi-weekly basis and generally involve twenty-six (26) pay periods annually. Unless otherwise approved by the County Council, work periods are seven (7) days.

An employee is required to receive prior supervisory approval for all excess and overtime hours worked.

Payment of overtime is calculated and paid only for hours actually worked and excludes vacation time, sick time, and holiday time which is paid at the employee's base rate.

Non-exempt employees will earn their base rate of pay for all hours worked up to 40 hours in a work week and may earn overtime (1½ times their base rate of pay) for hours worked in excess of 40 hours in a work week. Employees with a fourteen (14) day work period will earn their base rate of pay for all hours worked up to eighty-six (86) hours in their work period and may earn overtime for hours worked in excess of 86 hours in their work period. Non-exempt employees may earn and accrue compensatory time off if their department head has authorized compensatory time for the department.

Excess hours and overtime may be earned and accrued as compensatory time in lieu of compensation when a written agreement is in place signed by both the employee and the respective Department Head/Elected Official. Compensatory time is earned at a straight time rate for

hours worked up to 40 hours per week and at one and one half times for hours worked in excess of 40 (except for those employees that work a fourteen (14) day work period, who will earn compensatory time at a straight time rate for hours worked up to 86 hours in the work period and at one and one half times for hours worked in excess of eighty-six (86) hours in the work period).

Employees may only use paid time off (e.g.: sick leave and vacation time) that has been accrued. Negative balances are not permitted. Employees must use all accumulated eligible paid time available to them, including paid sick leave, vacation time, compensatory time and floating holidays before taking any unpaid leave.

### **IMPROPER DEDUCTIONS FROM SALARY**

The County recognizes that no deductions should be taken from the salaries of its exempt employees, other than for certain limited legally permissible exceptions. If you believe that any improper deduction has been made from your salary, please report the matter immediately to the Human Resources Department or to your department head. The County will promptly investigate all complaints of paycheck errors. The County will reimburse you for any improper deductions and make a good-faith commitment to avoid recurrence of the error.

### **5.05 CAREER DEVELOPMENT**

In an effort to provide employees with an opportunity for growth and development, some departments have developed and formalized programs for career development. Each program provides defined requirements for education, experience and performance, and often involves advanced training and certification requirements as well. Career

development also provides guidelines for supervisors in career counseling and the identification of both on-the-job and formal training needs for each employee.

## **6.02 GENERAL SAFETY POLICY**

Included in the Policy and Procedure Manual is a General Safety Policy for the County. The General Safety Policy makes all employees primarily responsible for their own safety on the job. Employees also have a responsibility to their fellow workers and the public to perform all duties in a safe manner. The General Policy also states specific responsibilities for all employees:

1. Employees must be thoroughly knowledgeable and comply with all safety rules relating to their duties.
2. Employees must properly operate and maintain assigned vehicles/equipment and report any defects in the equipment, safety guards, or devices.
3. Employees must work in a safe manner and maintain safety awareness.
4. Employees should report all accidents, injuries and unsafe conditions and/or equipment immediately.
5. Employees must wear proper clothing and required protective clothing and equipment.
6. Employees should be in a proper physical condition to safely perform work.

## **AIDS AND OTHER COMMUNICABLE DISEASES**

The County is committed to maintaining a safe and healthy work environment for all employees. The County treats Acquired Immune Deficiency Syndrome (AIDS), Human Immunodeficiency Virus (HIV) and other communicable diseases the same as other illnesses in terms of employee policies and benefits.

The County requires all employees to be accurately informed about such diseases and provides necessary training.

## **WORKERS COMPENSATION**

The County provides coverage for work-related illness and injuries through a self-insured Workers Compensation program. In order to receive this compensation, employees must report any accident or illness to their immediate supervisor as soon as practical.

The supervisor shall, in turn, report the injury, time, nature of the incident, and any related information to Human Resources. The Human Resource Department may conduct an investigation concerning the circumstance surrounding the accident, and make recommendations to prevent reoccurrence. The Human Resource Department or supervisor will direct the employee to the appropriate medical provider for treatment. Any questions regarding treatment or compensation should be referred to Human Resources.

### **7.01 & 7.02 SUBSTANCE ABUSE TESTING**

Elkhart County is a zero tolerance employer with regard to illegal drugs; positive test results for any evidence of illegal drugs will result in the termination of the employee or an applicant for a position not being hired.

In recognition of the County's policy on substance abuse and its commitment to a drug-free work environment, the following circumstances will warrant that a test for alcohol/illegal substances be performed.

- Employees or non-employees seeking to be hired into designated positions which require a pre-employment drug test.
- When the employee is in a work-related incident which involves:
  - a motor vehicle with estimated damage exceeding \$1000
  - any damage to County property when the estimated damage may be in excess of \$1000
  - personal injury to themselves or to others that requires professional treatment (certain exceptions apply, see policy and procedure manual).
- When an employee is required to take a work-related physical examination.
- When a supervisor has reason to suspect an employee is impaired in the work place due to substance abuse. Reasonable suspicion testing must be supported by specific objective facts, reasonable inferences and a written statement setting forth the work place behavior witnessed by at least one supervisor.
- When an employee, by the nature of their job, is required to hold or maintain a Commercial Driver's License (CDL) in recognition and compliance with Department of Transportation regulations which require these employees to be periodically and randomly subject to drug and/or alcohol testing.

An employee not active in an incident or in the actions leading to an incident will be exempt from testing (example:

a passenger in a vehicle or an accident occurring while a vehicle is legally parked).

The County reserves the right to search, with or without the employee's consent, all areas and property over which the County maintains full or joint control with the employee.

Refusal to submit immediately to an alcohol and/or drug analysis when requested by management will constitute insubordination which, alone, will form the basis for disciplinary action, including the termination of employment.

For purposes of this policy, the following definitions apply:

A "work-related incident" means any incident occurring while the employee is on County time, or involving County-owned equipment or motor vehicles.

Substance abuse includes being under the influence (in any detectable amount) of alcohol, legal drugs, or illegal drugs, including medical marijuana.

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohols that could be used as intoxicants.

Illegal drugs means any controlled substance the possession of which is unlawful under Indiana Code § 35-48-4 et seq. The term "illegal drugs" does not mean the use of controlled substances pursuant to a valid prescription or other use authorized by law. Illegal drugs also means any drug which (a) is not legally obtainable, or (b) which is legally obtainable but has not been legally obtained.

Impaired means an alcohol concentration equivalent to at least five-hundredths (.05) gram of alcohol or greater per 100 milliliters of the person's blood or per 210 liters of the person's breath, or any evidence of illegal drugs. Impaired also includes legal drugs when use poses safety or health risks to the individual or others in the workplace.

Employees are expected to:

- Strictly comply with the County's policy on substance abuse and a drug free work place (Ask your supervisor to periodically review with you Section 3.06, paragraph III.4. of Policy & Procedure Manual).
- Submit immediately to requests for alcohol and/or drug analysis when requested by their immediate supervisor or a Department Head or Elected Official.
- Notify their supervisor, before beginning work, when taking any medications or legal drugs, which may interfere with the safe and effective performance of duties or operation of County equipment or a vehicle.
- Provide within twenty-four (24) hours of request a current valid prescription, in the employee's name and dated prior to the incident, for any drug or medication identified when a drug screen/analysis is positive.
- The County has a confidential Employee Assistance Program (EAP) to assist any employee who voluntarily seeks help for an alcohol or drug problem. The County's policy on

substance abuse is not intended to discourage the voluntary self-reporting of substance abuse by employees for purposes of obtaining assistance through the EAP, provided such voluntary self-reporting occurs prior to a situation or occurrence giving rise to a requirement or request for testing.

## **QUESTIONS**

If you have any further questions about the contents of this handbook please ask your Department Head or Elected Official, or the Human Resource Department.