# PERSONNEL
# POLICIES HANDBOOK

## HOWARD COUNTY, INDIANA

### ADOPTED BY THE
### HOWARD COUNTY COMMISSIONERS

November 18, 2013

WAGGONER • IRWIN • SCHEELE
& ASSOCIATES INC

Management Consulting Services Since 1979

118 South Franklin Street Muncie, Indiana 47305 765.286.5195

**ORDINANCE NO. 2013-** BCCO-30

**HOWARD COUNTY BOARD OF COMMISSIONERS**

**AN ORDINANCE ADOPTING THE COUNTY OF HOWARD, INDIANA PERSONNEL POLICIES HANDBOOK**

WHEREAS the County of Howard, Indiana is an Equal Opportunity Employer, and

WHEREAS it is the intent of Howard County, Indiana to comply with applicable federal and State of Indiana employment laws and regulations, and

WHEREAS the County of Howard, Indiana provides Howard County employees with information about established terms and conditions of employment and employee benefits.

**NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED BY THE COUNTY OF HOWARD, INDIANA BOARD OF COMMISSIONERS THAT:**

The attached County of Howard, Indiana Personnel Policies Handbook is hereby adopted this 18 day of November, 2013; and shall be in full force and effect upon and after adoption; and shall supersede and repeal existing oral or written personnel policies and procedures.

**BOARD OF COMMISSIONERS**
**HOWARD COUNTY, INDIANA**

Brad Bray

Tyler Moore

Paul Wyman

**ATTEST:**

Martha Lake, Auditor

# 1. HOWARD COUNTY PERSONNEL POLICIES HANDBOOK

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

## 1.1 USE AND REVISION OF PERSONNEL POLICIES HANDBOOK

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

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

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

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

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



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## 1.2 EXCEPTIONS AND SPECIAL CONDITIONS

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

The County recognizes that, so long as the requirements of state and federal laws are met, the Sheriff has the authority to set policy for the operation of his department, and the Sheriff's Merit Board has the authority to set department rules and policies as provided in IC 36-8-10-3, et seq. Consequently, unless a provision of this Handbook specifically includes merit officers (e.g., Section 4.18 providing limited health care coverage for certain merit officer), the provision of this Employee Handbook do not apply to the operation of the Howard County Sheriff's Department or to Howard County merit officers, except with respect to state of federal employment laws (e.g., FMLA, FLSA, ADA, OSHA, Workers Comp, etc.) which are covered by this Handbook and administered by the Howard County Personnel Department to insure compliance. Further, this Handbook shall not apply to merit officers in those instances where it grants rights or benefits to County employees not required by state or federal employment law (e.g., the right to use sick days in conjunction with FMLA leave; reference section 4.6 of Handbook.)

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

## 1.3 "HOWARD COUNTY" DEFINED

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

## 1.4 PERSONNEL ADMINISTRATION COMMITTEE

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



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1. Reviewing an employee complaint in connection with the problem resolution procedures in this Handbook and providing recommendations as may be warranted; and

2. Monitoring personnel policies and procedures and making revisions, additions, and deletions as deemed necessary;

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

The Howard County Personnel Administration Committee shall serve yearly and be comprised of five (5) members. The members of the Personnel Administration Committee shall be: one (1) County Commissioner (appointed by the County Commissioners), two (2) County Council members (appointed by the County Council), the County Personnel Administrator, and the County Auditor by virtue of office.

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

## 1.5 EQUAL EMPLOYMENT OPPORTUNITY

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

This policy applies to all terms, conditions, and privileges of employment, including, but not limited to, hiring, probation, training, promotion, transfer, compensation, benefits, assistance, layoff, recall, employee facilities, discharge, and retirement.

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

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

## 1.6 MANAGEMENT RIGHTS

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



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

## 1.7 PRODUCTIVE WORK ENVIRONMENT

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



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## 1.8 AUTHORIZED ALIEN STATUS AND CITIZENSHIP

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

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 from present documentation establishing identity and employment eligibility within the first three (3) days of employment. Former employees who are rehired must also complete the form if they have not completed an I-9 with Howard County within the past three (3) years, or if their previous I-9 is no longer retained or valid.

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

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

## 1.9 E-VERIFY

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

## 1.10 ELIGIBILITY FOR LOCAL PUBLIC BENEFITS

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



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# 2. EMPLOYMENT POLICIES

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

## 2.1 RECRUITMENT

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

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

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

Information regarding vacancies or new positions shall be publicly posted on bulletin boards located in all County Government buildings for at least five (5) working days. The County encourages internal promotion and transfer whenever possible.

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

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

## 2.2 EMPLOYMENT APPLICATIONS

All applicants are required to complete and sign a County application ("Application"), as well as any other forms required for statistical purposes or deemed necessary to process the Application. The Application shall be maintained by the Personnel Administrator in the Howard County Personnel Office and made available to elected officials, department heads and applicants for use.



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The Application shall request only the information necessary for rational decision making and only questions specifically related to occupational standards shall be asked. An additional application form is needed for employment at the Howard County Sheriff's Department and the Kinsey Youth Center. The Howard County Sheriff's Department and Kinsey Youth Center will maintain their own application in their facility.

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

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

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

## 2.3 APPLICANT TESTING

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

## 2.4 PRE-EMPLOYMENT INTERVIEWS

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



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## 2.5 CONDITIONAL OFFER OF EMPLOYMENT

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

## 2.6 OFFER OF EMPLOYMENT

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

The Offer of Employment will outline:

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

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

## 2.7 EMPLOYEE MEDICAL EXAMINATIONS

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

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

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



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test prior to being hired by the County at the County's expense.

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

## 2.8 EMPLOYMENT STATUS

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

**FULL-TIME PUBLIC RETIREMENT (FTPR)** employees are those who are not in a Trainee/D-team, FTA, PT, or ST, or CP status and who are regularly scheduled to work the County's full-time schedule of thirty-five (35) or more hours per week. FTPR employees are eligible for the following benefits, subject to the terms, conditions, and limitations of each benefit program: County's benefit package*, Vacation Leave, Holidays, Sick Leave, Bereavement Leave, Personal Hours, Worker's Compensation, and Social Security benefits. For the purposes of clarification throughout the handbook, these employees will be referred to as FTPR employees.

**CORRECTION OFFICER TRAINEE – DISPATCHER TRAINEE (Trainee) – KINSEY CENTER D-TEAM (D-Team)** are those employees not in a FTPR, FTA, PT, ST, or CP status. Trainee/D-Team employees are those who are hired in 24/public safety positions in a temporary training status and may be assigned to work a full or part-time schedule. Trainee/D-Team employees may be in this status up to twelve (12) continuous months from their date of hire. If Trainee/D-Team employees have not been hired as Full-Time Public Retirement (FTPR) employees within twelve (12) months from their date of hire, hours of work shall be reduced to twenty eight (28) or less hours per week.

Trainee/D-Team employees are eligible for legally mandated benefits such as Worker's Compensation, Social Security benefits, and County health insurance, subject to the terms, conditions, and limitations of benefit programs. Trainee/D-Team employees are ***not*** eligible for the following benefits: Vacation Leave, Holidays, Sick Leave, Bereavement Leave, Personal Hours, and retirement programs. For the purposes of clarification throughout the handbook, these employees will be referred to as Trainee/D-Team employees.



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**FULL-TIME AFFORDABLE CARE ACT (FTA)** employees are those who are not assigned to a FTPR, Trainee/D-Team, PT, ST, or CP status. FTA employees are regularly scheduled to work thirty (30) hours per workweek, but less than thirty five (35) hours per workweek. FTA employees are eligible for legally mandated benefits such as Worker's Compensation, Social Security benefits, and County health insurance, subject to the terms, conditions, and limitations of benefit programs. FTA employees are ***not*** eligible for the following benefits: Vacation Leave, Holidays, Sick Leave, Bereavement Leave, Personal Hours, and retirement programs. For the purposes of clarification throughout the handbook, these employees will be referred to as FTA employees.

**PART-TIME (PT)** employees are those who are not assigned to a FTPR, Trainee/D-Team, FTA, ST, or CP status. Part-time employees shall not work more than twenty-eight (28) hours per week. Any exception must have elected official or department head prior approval with notice to the Personnel Department. Such exceptions are limited to mandatory certification training required of the position, or a fluctuating work schedule to meet a business necessity. In any event Part-Time employees shall not work more than one-hundred twenty-two (122) hours in a calendar month.

Part-time employees retain that status until expressly notified of a change. While part-time employees do receive all legally mandated benefits such as Workers' Compensation and Social Security benefits subject to terms, conditions, and limitations of each benefit program. PT employees are ***not*** eligible for the following benefits: Vacation Leave, Sick Leave, Bereavement Leave, Personal Hours, Health Insurance, and retirement programs. For the purposes of clarification throughout the handbook, these employees will be referred to as PT employees.

**SEASONAL/TEMPORARY (ST)** employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project, and who are not assigned to a FTPR, Trainee/D-Team, FTA, PT, or CP status. It is the policy of the County that a Seasonal/Temporary employee who works for one hundred twenty (120) days in a calendar year shall not be rehired by the County without a minimum of six (6) months separation period between season/temporary engagements. Seasonal/Temporary employees retain that status until notified of a change. While Seasonal/Temporary employees receive all legally-mandated benefits such as Workers' Compensation and Social Security benefits, ST employees are ***not*** eligible for the following benefits: Vacation Leave, Holidays, Sick Leave, Bereavement Leave, Personal Hours, Health Insurance, and retirement programs. For the purposes of clarification throughout the handbook, these employees will be referred to as ST employees.

**CONTRACT PROFESSIONALS (CP)** are those professionals who perform ongoing services for the County under special contract, including the County Attorney/Coordinator and Assistant County Attorney. CP employees are those not assigned to a FTPR, Trainee/D-Team, FTA, PT, or ST status. They may be eligible for the County life insurance program, Indiana Public Retirement System (INPRS), and the Indiana Deferred



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Compensation Program (IDCP). Additionally, if their contract so provides, they are eligible for the County health insurance plan upon such terms as are specified in their contract.*

***County's Benefit Package:** County life insurance program, Indiana Public Retirement System (INPRS), Boston Mutual Life Insurance, AFLAC, Indiana Colonial, Edward Jones Investments, County Health Clinic, and the County health insurance plan.

## 2.9 EMPLOYMENT REFERENCE CHECKS

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

When employment reference checks are requested by other employers of past or current County employees, the County will respond in writing only to those reference check inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held. Employees and former employees shall be provided copies of past performance records upon request; and must acknowledge receipt of the records in writing. Written consent signed by the employee will be required for all other employment history.

Requests by elected officials/department heads for reference, background, and/or credit checks on applicants should be directed to the Personnel Administrator. **Notice Authorization and Release for Criminal Background Check forms** are available in the Personnel Office.

## 2.10 APPLICANT/PERSONNEL FILES

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

The County shall maintain six (6) separate personnel records concerning the employee's employment history. Those shall be the employee's personnel file, performance file, medical file, I-9 file, FMLA file, and CDL File.

1. **Personnel File:** The employee's personnel file shall contain the employee's employment application, emergency information sheet, employment data information sheets concerning history of employment, insurance enrollment forms, retirement enrollment forms, educational



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accomplishments, change in address and beneficiary forms, and records of training. This file shall be maintained in the Personnel office. Certain documents in this file shall be deemed confidential and released only to persons on a need-to-know basis.

2. **Performance File:** The employee's performance file shall contain documentation of performance and salary increases, disciplinary records, results of drug tests, and other documentation concerning disciplinary actions, including grievances, absences, tardiness, and other related data. This file shall be maintained in each elected office or department.

3. **Confidential Medical File:** The employee's confidential medical file shall contain all medical information, including health insurance, disability information, worker's compensation issues, and other medically related information. This file shall be maintained in the Personnel office.

4. **I-9 File:** The I-9 file shall contain the I-9 form. This file shall be maintained in the Personnel office.

5. **FMLA File:** The FMLA file shall contain FMLA documents. This file shall be maintained in the Personnel office.

6. **CDL File:** The CDL file is maintained by the Highway Department.

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

## 2.11 ACCESS TO PERSONNEL FILES

The information contained in an employee's personnel and performance files shall be available to the employee and elected official and/or department head having direct supervisory control of the employee, Personnel Office, County Attorney, and County Commissioners. The employee's confidential medical file shall be maintained under the control of the Personnel office and shall be available to the employee, County Attorney, and County Commissioners. The Personnel Office shall not provide any information pursuant to a subpoena or court order sooner than ten (10) calendar days after the date of receipt. Within five (5) calendar days of the receipt of the subpoena, the County Attorney shall notify the affected employee(s) of the subpoena to permit the employee(s) to seek any appropriate judicial relief.

The employee's performance file and confidential medical files shall be deemed personnel records and exempt under the Indiana Public Records Law.



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Personnel files are property of the County, and access to the information they contain is restricted, except as provided in IC 5-14-3-1 et seq. Access to an employee's personnel file shall be limited to the Personnel Administrator and the elected official/department head to which the employee is directly responsible.

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

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

## 2.12 PERSONNEL INFORMATION CHANGES

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

## 2.13 ORIENTATION/EXIT INTERVIEWS

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

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

## 2.14 PROBATIONARY PERIOD

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



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

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

When an employee is transferred from Trainee/D-Team, FTA, or PT to FTPR employment, the ninety (90) days probationary period can be waived if the employee has already worked for ninety (90) days and the elected official/department head determines the probationary period is not required for the job position, this is for job performance only. The pay remains at the ninety percent (90%) wage, and benefits will be based on the full-time hire date.

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

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

Upon satisfactory completion of the probation period, employees enter the employment status under which they were hired (reference Section 2.8 Employment Status). Such a change in status in no way alters the employee's "at-will" employment relationship with the County.

## 2.15 PERFORMANCE EVALUATION

Elected officials/department heads and employees are strongly encouraged to discuss job performance and goals on an informal, regular basis. Additional formal performance reviews may be conducted to provide both elected officials/department heads and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. These evaluations may be used as part of the salary determination process.



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

Performance appraisals shall be confidential and shall be made available only to the employee appraised, their elected official/department head, the Personnel Administrator, and to a prospective elected official/department head if a transfer or promotion is being considered, and the County Attorney and County Commissioners in the event of a complaint arising out of the administration of personnel policies. The original evaluation must be kept by the elected official/department head.

The performance of all employees should be evaluated on an annual basis by each elected official and/or department head.

## 2.16 OUTSIDE EMPLOYMENT

An employee may hold a job with another organization as long as he/she, in the opinion of the County, satisfactorily performs his/her job responsibilities with the County. In addition, the employee must notify the elected official/department head of outside employment. Employees should consider the impact that outside employment may have on their ability to efficiently perform their work, as well as any conflicts of interest that may arise. All employees will be judged by the same performance standards and will be subject to the employer's scheduling demands, regardless of any existing outside work requirements.

Employees who are provided Family and Medical Leave under the County's FMLA policy for their own serious illness or injury shall not be engaged in outside employment while on FMLA.

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

County employees may not accept financial benefits that would reasonably tend to influence decisions or encourage that employee to disclose confidential County information. Any offers of money, services, benefits, favors, or other possible conflicts should be reported to elected official/department heads and/or the County Commissioners.



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

The Personnel Office or Auditor has a form available for use.

## 2.17 FULL-TIME TO ELECTED OFFICIAL EMPLOYMENT

In the event that a full-time employee is elected to a full-time Howard County elective office he/she shall be compensated for any unused vacation or compensatory time earned as a regular full-time employee. Such employee's sick days will be frozen and available for use in the event the elected official returns to a non-elected full-time position without any interruption in County employment. Also, if such elected official returns to a non-elective full-time position his/her time in elective office shall count as years of service for the purpose of determining the amount of eligible vacation time or other benefits based on years of service with the County.

## 2.18 REQUESTS FOR INFORMATION

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

## 2.19 LAYOFF AND RECALL

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

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

Whenever a reduction is necessary, the County will determine the classifications in which the layoffs shall occur and the number of employees to be laid off in each department. Determinations on which employees will be laid off will include employee qualifications, length of continuous service, and operational needs of the County. Compensation for an



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employee separated due to a layoff will be made on the next scheduled payday. The final check will include vacation and compensatory leave time, as appropriate.

Each recalled employee shall be allowed ten (10) calendar days from the date of receipt of a certified letter explaining the recall to return to work.

Any recalled employees needing more than the ten (10) days to report to work must have written approval from their elected official/department head. Any employee accepting or declining reinstatement to the same classification from which the layoff or displacement initially occurred shall be removed from eligibility for further recall.

## 2.20 NEPOTISM

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

An elected official or department head that is in violation of this policy may be subject to penalties for perjury which is a class D felony with up to three (3) years prison sentence. The County's failure to adopt policies under Indiana Code 36.1.20.2 (Nepotism) will result in the Department of Local Government Finance not approving the County's budget or any additional appropriations for the ensuing calendar year until the State Board of Accounts certifies the County is in compliance.

### 2.20.1 Definitions

A. **Employed:** an individual who is employed by the County on a full-time, part-time, temporary, intermittent or hourly basis. The term does not include an individual who holds only an elected office. The term includes an individual who is a party to an employment contract with the County. The performance of the duties of a precinct election officer (as defined in IC 3-5-2-40.1) that are imposed by IC 3 is not considered employment by the County.

B. **Direct line of supervision:** an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement or performance evaluation. The term does not include the responsibilities of the County Council or Board of County Commissioners to make decisions regarding salary ordinances, budgets or personnel policies of the County.



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C. **Relative:** any of the following:

1. Spouse;
2. Parent or step parent;
3. A child or step child;
4. Brother, sister, step brother or step sister;
5. A niece or nephew;
6. An aunt or uncle; or
7. A daughter-in-law or son-in-law.

An adopted child of an individual is treated as a natural child of the individual. The terms "brother" and "sister" shall include a brother or sister by half blood (a common parent).

### 2.20.2 Nepotism Prohibited

Individuals who are relatives shall not be employed by the County in a position that results in one relative being in the direct line of supervision of the other relative.

An individual shall not be promoted to a position if the new position would cause their relative to be in the direct line of supervision of the individual.

### 2.20.3 Exceptions to Prohibition Against Nepotism

This policy does not abrogate or affect an employment contract with the County that an individual is a part to and is in effect on the date the individual's relative begins service of a term of an elected office of the County.

This policy does not apply to individuals who are employed by the County on the date the individual's relative begins serving a term of an elected office in the County and the individual is in the direct line of supervision of the newly elected official.

This policy does not apply to a spouse of the County Sheriff employed by the County as Prison Matron for the County under IC 36-8-10-5.

This policy does not apply to an individual who served as County Coroner, is currently ineligible to serve due to term limits under Article 6 Section 2(b) of the Constitution of the State of Indiana, has received certification under IC 36-2-14-22.3, and whose successor in the office of County Coroner is a relative.

### 2.20.4 Impact of Resolution of Individuals Employed by County on July 2, 2012

An individual who is employed by the County on July 1, 2012, is not subject to this policy unless the individual has a break in employment with the County. The



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following are not considered a break in employment with the County:

A. The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation.

B. The individual's employment with the unit is terminated following by immediate reemployment by the unit, without loss of payroll time.

### 2.20.5 Certification by Elected Officers of the County

Each elected officer of the County shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this policy. An elected officer shall submit the certification to the Board of County Commissioners not later than December 31 of each year.

## 2.21 ELECTIVE OFFICER AND COUNTY EMPLOYMENT RESTRICTED

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

## 2.22 CONTRACTING WITH THE COUNTY

### 2.22.1 Definitions:

A. **Elected official**: a County Commissioner or County Council member

B. **Relative:** any of the following:

1. Spouse;
2. Parent or step parent;
3. A child or step child;
4. Brother, sister, step brother or step sister;
5. A niece or nephew;
6. An aunt or uncle; or
7. A daughter-in-law or son-in-law.

An adopted child of an individual is treated as a natural child of the individual. The terms "brother" and "sister" shall include a brother or sister by half blood (a common parent).



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### 2.22.2 Application to Certain Contracts

The County may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with an individual who is a relative of an elected official or a business entity that is wholly or partially owned by a relative of an elected official only if disclosure requirements under this policy are satisfied.

Contracts in existence at the time the term of office of the elected official begins are not affected until those contracts are renewed.

### 2.22.3 Disclosure of Contracts with Relatives

An elected official whose relative enters into a contract with the County shall file a full disclosure of that contract.

Disclosure statements must be in writing, describe the contract or purchase to be made by the county, describe the relationship that the elected official has to the individual or business entity that contracts or purchases, and be affirmed under penalty of perjury.

Disclosure statement must be submitted to the Board of County Commissioners and be accepted by the Board in a public meeting prior to final action on the contract or purchase.

Disclosure statement must be filed not later than fifteen (15) days after final action on the contract or purchase with the State Board of Accounts, and the Howard County Clerk of the Circuit Court.

### 2.22.4 Actions by Board of Commissioners or Appropriate Agency

The Board of County Commissioners or an appropriate agency of the County designated by the Board of County Commissioners shall make a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered or make a certified statement of the reasons why the vendor or contractor was selected.

### 2.22.5 Certification by Elected Officers of the County

Each elected officer of the County shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this policy. An elected officer shall submit the certification to the Board of County Commissioners not later than December 31 of each year.



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



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# 3. SALARY ADMINISTRATION

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

## 3.1 NORMAL WORK WEEK

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

## 3.2 WORK HOURS

The Board of County Commissioners establishes regular work hours for County Offices. The Sheriff establishes regular work hours for the Sheriff's Department. Most County offices will be open to the public between the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday. The Board of Commissioners may change the regular work hours upon one (1) week's notice to each department head.

Lunch breaks will be up to one (1) hour in length and scheduled at the discretion of the elected official/department head. Employees may be relieved of all duties and be free to leave their posts during their lunch. Certain offices close during the lunch period. Two (2) fifteen (15) minute break periods are allowed, provided that only one (1) is used per one-half (1/2) day, before and after lunch periods. Break periods are not to be used for late arrivals, extended lunch or for early dismissals, and are to be taken in a manner that is not disruptive to department work operations.

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



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The normal work pattern for full-time employees, except in designated departments, shall be seven (7) hours per day, with a one (1) hour unpaid meal period, for a normal week's work of thirty five (35) hours to be completed in five (5) days, Monday through Friday. If an employee is scheduled to work twelve (12) hours per day, they may be entitled to an additional one-half (1/2) hour non-paid lunch. Each elected official/department head will have an opportunity to establish a flexible beginning and ending time for his or her department's workday. The work hours commonly used are:

| | |
|---|---|
| Highway Department | 7:00 a.m. – 3:00 p.m. |
| Sheriff's Department (Administration) | 8:00 a.m. – 4:00 p.m. |
| Community Corrections (Administration) | 8:00 a.m. – 4:00 p.m. |
| Courthouse, Government Center | 8:00 a.m. – 4:00 p.m. |
| Administration Center | 8:00 a.m. – 4:00 p.m. |
| Courthouse Maintenance | 7:00 a.m. – 3:00 p.m. (1st shift) |
| Courthouse Maintenance | 3:30 p.m. – 11:30 p.m. (2nd shift) |
| Kinsey Youth Center (Administration) | 8:00 a.m. – 4:00 p.m. |
| Juvenile Probation | 8:00 a.m. – 4:00 p.m. |
| Prosecutor's Office | 8:00 a.m. – 4:00 p.m. |

**Kinsey Youth Center**

Normal office hours for Administrative staff are from 8:00 a.m. to 4:00 p.m., Monday through Friday, with one (1) hour unpaid for lunch. Supervisory personnel will be assigned different hours by the department head. Other administration personnel may work flex hours as approved by the department head. Non-exempt hourly employees are scheduled for eight (8) hour shifts including paid meal time, and will be compensated at one and one-half (1 ½) times their rate for hours beyond forty (40) hours worked in the scheduled work week which is Friday through Thursday.

## 3.3 JOB CLASSIFICATION

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

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



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## 3.4 POLITICAL POSITIONS

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

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

## 3.5 COMPENSATION

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

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

**Probationary Employee Wages:** All new hire employees, regardless of status, will serve a probationary period within their job. This period will not be less than ninety (90) calendar days. During this ninety (90) calendar day period, the employee shall be paid at a rate of pay not to exceed ninety percent (90%) of the regular pay for that position. After the ninety (90) calendar day probationary period and until the end of the first year of employment, the employee shall be paid at a rate of pay not to exceed ninety-five (95%) of the regular pay. After the end of the first year of employment all employees shall be paid one hundred percent (100%) of the salary for that position. Any salary changes made at budget time will become effective January 1st of the following year. Each elected official or department head will be responsible to monitor all rate increases, with the assistance of the Personnel Office.

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

Department heads and all nurses appointed or hired during their ninety (90) calendar day probation period shall be paid at a rate of pay not to exceed ninety-five percent (95%) of the regular pay for that position. After the ninety (90) calendar day probationary period ends the employee shall be paid one-hundred percent (100%) of the salary for that position.

If an employee is transferred or promoted he/she will serve a new ninety (90) calendar day probationary period. That probationary period will be for job performance only, if the employee has been employed for one full year. Benefits will not be affected and pay rate will be paid at one-hundred percent (100%) of that newly promoted or transferred position.



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If an employee is receiving ninety percent (90%) or ninety-five percent (95%) of their pay rate, they will be increased to the same percentage of the newly promoted or transferred position.

## 3.6 WAGE POLICY

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

(a) Unauthorized time away from work shall be subtracted from existing leave time in the following order: vacation days, accrued compensatory time, personal days and sick days.

(b) If a non-exempt employee has no existing leave time as described above, unauthorized time from work shall be docked from his/her wages on an hourly basis.

(c) The penalty for exempt employees paid at a salary rate shall be computed by the normal work days in a year divided into the gross yearly salary.

(d) An employee cannot be granted time off without pay, if they have remaining time accrued. Such as vacation days, personal days, sick days, or compensatory time.

(e) The wages of an elected official cannot be docked, as set by law.

## 3.7 TIMEKEEPING

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

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

1. Employee's full name, as used for Social Security purposes, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records;
2. Address, including zip code;
3. Birth date if younger than 19;
4. Sex and occupation;



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5. Time of day of week when employee's workweek begins, hours worked each day, and total hours worked each workweek;
6. Basis on which the employee's wages are paid;
7. Regular hourly rate;
8. Total daily or weekly straight-time earnings;
9. Total overtime earnings for the workweek;
10. All additions to or deductions from the employee's wages;
11. Total wages paid each pay period; and
12. Date of payment and the pay period covered by the payment.

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

Every employee is responsible for accurately recording time worked. Employees should accurately record the time they begin and end their work, the time they begin and end each meal period, and the time they begin and end any split shift or departure from work for personal reasons. Overtime work must always be approved **before** it is performed.

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

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

## 3.8 WORK TIME RESTRICTED

Non-exempt employees should report to work no more than seven (7) minutes prior to their scheduled starting time, nor stay more than seven (7) minutes after their scheduled stop time, without prior authorization from their elected official/department head. Deviations of up to seven (7) minutes will not have an impact on overtime, compensatory time or a reduction in pay calculations. Consistent non-compliance with scheduled work hours will be considered in employee evaluations.



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## 3.9 ROUNDING

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

## 3.10 MULTIPLE POSITIONS

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

## 3.11 PAYDAYS

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

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

## 3.12 PAY DEDUCTIONS/GARNISHMENTS

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

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

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



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## 3.13 PAY CORRECTIONS

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

## 3.14 EMPLOYMENT TERMINATION

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

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

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

**Discharge:** involuntary employment termination initiated by the County for disciplinary reasons.

**Layoff:** involuntary employment termination initiated by the County for non-disciplinary reasons.

**Retirement:** voluntary employment termination initiated by the employee meeting County retirement criteria, such as age and length of service.

The County may schedule exit interviews at the time of employment termination to afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the County, or return of County-owned property. Suggestions, complaints, and questions may also be expressed. Exit interviews may be scheduled with the Personnel Administrator, if requested.

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

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



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always be the last day worked; and may not be extended to include accrued and/or unused paid or unpaid time off.

## 3.15 RETURN OF COUNTY PROPERTY

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

## 3.16 OVERTIME COMPENSATION AND COMPENSATORY TIME

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

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

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

### 3.16.1 Overtime

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

Overtime compensation is paid to all non-exempt employees in the form of monetary reimbursement or compensatory time, in accordance with federal and state wage and hour restrictions. Calculating overtime pay is based on actual hours worked; paid leave time (vacation, sick leave, holidays, personal leave, bereavement, compensatory time-off) shall not count as hours worked.

Employees who work overtime without receiving prior authorization from the elected official/department head may be



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subject to disciplinary action, up to, and including termination of employment.

Non-public safety employees eligible for overtime shall be paid straight time for additional hours worked up to forty (40) hours per week. They shall be paid at a rate of one and one-half (1 ½) times the hourly wage for all approved hours worked in excess of forty (40) in a normal workweek.

Public safety employees eligible for overtime shall be paid at a rate of one and one-half (1 ½) times the hourly wage for all approved hours worked in excess of forty (40) in a normal workweek.

### 3.16.2 Compensatory Time

It is the policy of the County that FTPR non-exempt employees are eligible for compensatory time. FTA, PT, and ST non-exempt employees are not eligible for compensatory time and shall be monetarily compensated for all time worked.

A. Non-FLSA Compensatory Time:

Non-exempt employees will receive non-FLSA compensatory time on an hour-for-hour basis for additional approved hours worked up to forty (40) in a normal work week.

B. FLSA Compensatory Time:

When compensatory time is used in place of monetary reimbursement; compensatory hours shall be awarded at the rate of one and one half (1 ½) hours for all hours worked over forty (40) in a normal work week. Calculating compensatory time is based on actual hours worked; paid leave time (vacation, sick leave, holidays, personal leave, bereavement, compensatory time-off) shall not count as hours worked. Use of compensatory time must be determined in advance of submission of the payroll.

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



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### 3.16.3 Maximum Compensatory Time Accrual

During each calendar year, non-exempt County employees may accrue up to a total of fifty (50) hours of combined Non-FLSA and FLSA compensatory times; additional overtime hours above fifty (50) will be compensated monetarily at the rate of one and one-half (1 ½) from office or department budgets at the time earned. However, all compensatory hours between forty (40) hours to fifty (50) hours shall be used by the end of the calendar year. If compensatory hours over forty (40) are not used by the end of the calendar year, the employees will be paid for such time the following January at the previous year's pay rate.

The maximum amount of compensatory hours that may be carried over to the next calendar year shall not exceed forty (40) hours.

At the end of each quarter during the calendar year officeholders and department heads shall report employee compensatory time totals to the Personnel Department.

Elected officials are encouraged to schedule use of compensatory time as soon as possible to avoid accrual beyond the stated limit that would require monetary payment.

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

This policy applies to all non-exempt employees of the County as determined by the County Council's designation of jobs for compliance with the Fair Labor Standards Act. Elected officials and department heads shall provide the Auditor's office with an accurate and current record of compensatory time with each payroll.

A. Exempt Employees Non-FLSA Compensatory Time:

Exempt employees may earn Non-FLSA compensatory time at the rate of one (1) hour earned for each hour worked over thirty-five (35) in a workweek, hours and may be taken with the approval of the elected official or department head. Compensatory time will be granted as long as it does not adversely effect the operation of the department. Employees may accrue a limit of fifty (50) compensatory



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hours. NO exempt employee will receive over-time payment in monetary form. If an exempt employee terminates employment for any reason he/she will not be compensated for any unused compensatory time.

### 3.16.4 Overtime/Compensatory Time Approved in Writing

All overtime compensation or compensatory time shall be approved in writing by completing an **Overtime Authorization form** and submitting to the employee's elected official/department head. Documentation shall be maintained in the department of the employee.

Overtime Authorization forms are available for use in the Personnel Office.

### 3.16.5 Failure to Work Scheduled Overtime or Overtime without Authorization

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

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

## 3.17 JOB CLASSIFICATION/PAY SYSTEM MAINTENANCE

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

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



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## 3.18 FLEX TIME

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

## 3.19 EMERGENCY CLOSING

Periodic emergencies, such as severe weather or power failures, can disrupt County operations, sometimes requiring closing of a work facility. When such an emergency occurs during non-working hours, local radio and/or television stations will be asked to broadcast notification of the closing. The President of the County Commissioners will make the decision to suspend County Government operations with the exception of those essential service departments. The elected official/department head of those employees working in essential service departments will determine the work schedule of their employees during the period of time the declared suspension is in effect. Essential Service Departments shall include: The Sheriff's Office, Criminal Justice Center, Kinsey Youth Center, Highway, County Home, and Building Maintenance.

When operations are officially closed for emergency conditions, the time off from scheduled work will be paid. The closing of work facilities does not normally apply to employees in essential public safety operations. If an employee is unable to make it to work for their scheduled workday while County Government operations are not officially closed, the employee must use a vacation day, compensatory time, or a personal day if they choose to be paid for the day of work missed.

During weather emergencies when County facilities are closed, employees who are required to work shall be paid at their regular rate.

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

However, if a full-time employee does not report to work on a day in which the facility is later closed, time missed will be charged as compensatory time, personal leave, vacation, or approved sick leave time (if applicable). If a part-time employee cannot report to work, time missed will not be paid.



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# 4. EMPLOYEE BENEFITS

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

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

## 4.1 VACATION BENEFITS

Vacation leave for FTPR employees shall be earned as follows:

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

**Anniversary Date Following 1 Year of Service Vacation Earned**

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

2. FTPR employees earn vacation leave based on continuous employment as indicated in the schedule below. Vacation leave will be granted January 1st of each year after completion of schedule above.



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| Years of Service as of January 1st of Current Year | Vacation Earned |
|---|---|
| 1 year but less than 3 years | 8 days |
| 3 years but less than 6 years | 10 days |
| 6 years but less than10 years | 15 days |
| 10 years but less than 20 years | 20 days |
| 20 years and over | 25 days |

3. Employees whose anniversary dates fall in the category of three (3), six (6), ten (10), and twenty (20) years of employment will earn their additional vacation days pro-rated on the 1st of the month of their full-time date of hire.

**Example:** Employee hired on May 10th - will have completed six (6) years. The employee will earn ten (10) days on January 1st and four (4) days on May 1st.

**Example:** Employee hired on October 29th - will have completed twenty (20) years. The employee will earn twenty (20) days on January 1st and one (1) day on October 1st.

**Years of Service**

| Full Time Anniversary Month | 1 year but less than 3 years | 3 years but less than 6 years | 6 years but less than 10 years | 10 years but less than 20 years | 20 years and over |
|---|---|---|---|---|---|
| **January** | 2 | 5 | 5 | 5 | 5 |
| **February** | 2 | 5 | 5 | 5 | 5 |
| **March** | 2 | 5 | 5 | 5 | 5 |
| **April** | 2 | 4 | 4 | 4 | 4 |
| **May** | 2 | 4 | 4 | 4 | 4 |
| **June** | 2 | 3 | 3 | 3 | 3 |
| **July** | 1 | 3 | 3 | 3 | 3 |
| **August** | 1 | 2 | 2 | 2 | 2 |
| **September** | 1 | 2 | 2 | 2 | 2 |
| **October** | 1 | 1 | 1 | 1 | 1 |
| **November** | 0 | 0 | 0 | 0 | 0 |
| **December** | 0 | 0 | 0 | 0 | 0 |

4. No employee will be granted vacation leave in advance of vacation leave being earned.

5. Vacation leave is granted on a calendar year basis.

6. A FTPR employee may take any portion of or all of their earned vacation leave any time during the year provided they comply with other provisions of these policies.



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7. A FTPR employee will receive their regular rate of pay for approved use of vacation leave.

8. PT, ST, Trainee/D-Team, and FTA employees are not eligible for vacation leave.

9. A FTPR employee who has not completed one year of service shall not be eligible for vacation leave pay if employment is terminated.

10. To take vacation leave, employees should request advance approval (as soon as possible after the first of the year) from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

11. Vacation leave may be taken in one-half (1/2) or one (1) whole day increments, except when used during FMLA which is one (1) hour minimum increments.

12. In the event a holiday falls while an employee is on vacation, the employee will not be charged a vacation day for that holiday.

13. An employee's termination date may not be extended to include unused vacation time. The employee's termination date shall always be the last day worked.

14. Employees are encouraged to use available paid vacation time.

15. Employees may not carry unused time forward to the next calendar year.

16. It should be noted that vacation time is earned in one year and taken in the following year. You must be employed with Howard County actively on January 1st of each year to be eligible for your earned vacation time from the previous year. Upon termination or resignation, employees will only be compensated for any unused vacation time they earned on January 1st of that current year.

17. **Vacation Buy Back-24 Hour a Day/ 7 Day a Week Operations- Criminal Justice Center, Kinsey Youth Center and Howard Haven Residential Center**

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



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## 4.2 HOLIDAYS

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

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

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

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

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

At the discretion of the elected official/department head, an eligible employee who works on a recognized holiday may receive pay at one and one-half (1 ½) time his/her straight-time rate for the hours worked on the holiday provided the employee meets the requirements as designated under Section 3.16 Overtime. **If an employee works a holiday and is paid time and a half (1 ½), those hours will not be included in the total hours worked for the week for purposes of additional overtime payment.**

In order to be paid for holidays described above, an employee shall have worked as a full-time employee on his/her scheduled workday immediately preceding the holiday and his/her scheduled workday immediately following the holiday, unless excused for vacation leave, compensatory time, or personal leave. **An employee's termination date shall not be extended to include payment for any additional holiday pay. An employee's termination date shall be the last day actually worked.**

Public Safety employees who work on a County recognized holiday will be granted another day off to be used at the employee's discretion. Public Safety employees on a four (4) on and two (2) off schedule who are on one of their "off" days on a County recognized holiday



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will be granted another day off to be used at the employee's discretion. The Sheriff may opt to pay time and one half (1 ½) for any hours worked on a County recognized holiday in lieu of granting another day off to be used at a future time.

The department heads of the Howard Haven Home and Howard County Health Department will determine if their employees who work on a County recognized holiday will be granted another day off to be used at the employee's discretion or they may opt to pay time and one half (1 ½) for any hours worked on a County recognized holiday in lieu of granting another day off to be used at a future time. This will also apply to any administrative office that may choose to work on a County recognized holiday.

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

Part-time Employees who are employed with the Criminal Justice Center and Howard Haven Residential Center that are required to work on a holiday shall be eligible for holiday pay. The employee must complete their probationary period to be eligible. This classification of employees will be compensated at the rate of one and one half (1 ½) times their hourly rate for hours worked on the following holidays. Hourly employees who do not work on a holiday will not receive holiday pay. The recognized holiday schedule for part-time hourly employees will be as follows:

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

### 4.2.2 Kinsey Youth Center

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

The recognized holiday schedule for **full-time** and **part-time hourly** employees will be as follows. This classification of employees will be compensated at the rate of one and one half (1 ½) times their hourly rate for hours worked on the following holidays. Hourly employees who do not work on a holiday will not receive holiday pay.

| | | |
|---|---|---|
| New Year's Day | Fourth of July | Friday following Thanksgiving |
| Easter | Labor Day | Christmas Eve Day |
| Memorial Day | Thanksgiving Day | Christmas Day |



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## 4.3 FAMILY AND MEDICAL LEAVE ACT (FMLA)

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

1. Posting required FMLA information explaining provisions of the Act and procedures for filing complaints of violations of the Act with the Wage and Hour Division of the Department of Labor. This information shall be posted prominently where it can be readily viewed by employees and applicants for employment; and

2. Providing this general notice to each County employee by including the notice in the Personnel Policies Handbook or other written guidance to employees concerning employee benefits and leave rights. The general notice may be distributed electronically as deemed appropriate by Howard County.

### 4.3.1 Entitlement

Eligible employees are entitled to twelve (12) weeks of paid/unpaid (depending on terms and conditions described below) FMLA leave for the following situations:

1. The birth of a son or daughter, and to care for the newborn child;

2. The placement with the employee of a son or daughter for adoption or foster care;

3. To care for the employee's spouse, son, daughter, or parent with a serious health condition; and

4. The employee's own serious health condition that makes the employee unable to perform the functions of one's position.

#### 4.3.1(A) Serious Health Condition Defined

For purposes of FMLA, a "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care (an overnight stay in a hospital, hospice, or residential medical care facility), including any period of incapacity or any subsequent treatment in connection with such inpatient care, or a



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condition that requires continuing care by a licensed health care provider. This policy is intended to cover illnesses of a serious and long-term nature resulting in recurring or lengthy absences.

### 4.3.1(B) Chronic, Permanent, or Long-term Health Condition Defined

For purposes of FMLA, a "chronic serious health condition" requires periodic visits, defined as at least twice a year, for treatment by a health care provider, or by a nurse under direct supervision of a health care provider. Such condition continues over an extended period of time, including recurring episodes of a single underlying condition, and may cause episodic rather than a continuing period of incapacity.

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, represents a "permanent or long-term health condition." The employee or family member, with such condition, must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

This policy is intended to cover chronic, permanent, and long-term health conditions as defined by the FMLA.

### 4.3.2 Eligibility

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

1. Has been employed by the employer for at least 12 months; and

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

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

### 4.3.2(A) Intermittent Leave or Reduced Leave Schedule

Intermittent leave or leave on a reduced leave schedule must be medically necessary due to a serious health condition or a serious injury or illness.



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An employee shall advise the County, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable.

The employee and Howard County shall attempt to work out a schedule for such leave that meets the employee's needs without unduly disrupting the County's operations, subject to the approval of the health care provider.

### 4.3.3 Employee Notice Requirements

#### 4.3.3(A) Foreseeable FMLA Leave

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

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

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

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

#### 4.3.3(a) Employee Failure to Provide Notice

When the need for FMLA leave is foreseeable at least thirty (30) days in advance and an employee fails to give timely advance notice with no reasonable excuse, the employer may delay FMLA coverage until thirty (30) days after the date the employee provides notice.

The need for leave and the approximate date leave would be taken must have been clearly foreseeable to the employee



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thirty (30) days in advance of the leave.

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

### 4.3.3(B) Unforeseeable FMLA Leave

When the approximate timing of the need for leave is not foreseeable, an employee must provide notice to the County as soon as practicable under the facts and circumstances of the particular case.

It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by the employer's usual and customary notice requirements applicable to such leave.

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

#### 4.3.3(a) Employee Failure to Provide Notice

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

### 4.3.3(C) Requesting FMLA Leave

**All requests for FMLA leave must be submitted, in writing, directly to the Personnel office. The Personnel Administrator or Benefits Representative shall make a determination of approval or denial of FMLA. Such requests shall be supported by medical certification on FMLA forms provided by the County.**

When an employee seeks leave due to a FMLA-qualifying reason for which the County has previously provided the employee FMLA-protected leave, the employee **must** specifically reference either the qualifying reason for leave or the need for FMLA leave.



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Employees are directed to contact their elected official/department head for their need for FMLA leave.

### 4.3.4 Employer Notice Requirements

#### 4.3.4(A) Eligibility and Rights & Responsibilities

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

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

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

#### 4.3.4(B) Designation Notice

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

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

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



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If the County has sufficient information to designate the leave as FMLA leave immediately after receiving notice of the employee's need for leave, the County may provide the employee with the designation notice at that time.

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

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

### 4.3.5 Certification

Howard County shall require that an employee's leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position, be supported by a certification issued by the health care provider of the employee or the employee's family member. Initial certification requests by the County shall be at the employee's expense. For leave to care for a seriously ill child, spouse, or parent, the certification must include an estimate of the amount of the employee's time that will be needed to care for the child, spouse, or parent.

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

Howard County shall provide an employee with the appropriate certification form at the same time the County provides an employee with form **WH-381 (Notice of Eligibility and Rights & Responsibilities)**. The County shall use Department of Labor forms as follows: **WH-380-E (Employee's Serious Health Condition)** or **WH-380-F (Family Member's Serious Health Condition)**.

At the time the County requests certification, the County shall also advise the employee of the anticipated consequences of the employee's failure to provide adequate certification.

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



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### 4.3.5(A) Complete and Sufficient Certification

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

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

### 4.3.5(B) Clarification and Authentication

If an employee submits a complete and sufficient certification signed by the health care provider, the County may not request additional information from the health care provider. However, the County may contact the health care provider for purposes of clarification and authentication of the medical certification (whether initial certification or recertification) after the County has given the employee an opportunity to fix any deficiencies (see above). To make such contact, the Personnel Department or designated official by the County Commissioners will be responsible for obtaining clarification and/or authentication. Under no circumstances, may the employee's direct elected official/department head contact the employee's health care provider.

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

### 4.3.5(C) Second and Third Medical Opinion

The County reserves the right to require a second medical opinion from an independent medical provider. The County shall pay for the second opinion, including reasonable "out-of-pocket" travel expenses, and shall designate a provider who is not an employee of the County. If the two (2) opinions conflict, the County shall pay for a third opinion, including reasonable "out-of-pocket" travel expenses.



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The opinion of the third provider is final and binding on both the County and the employee.

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

### 4.3.5(D) Recertification

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

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

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

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

Any recertification requested by the County shall be at the employee's expense.

### 4.3.5(E) Fitness-for-Duty Certification

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



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The cost of the certification shall be borne by the employee, and the employee is not entitled to be paid for the time or travel costs spent in acquiring the certification.

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

### 4.3.6 Calculation of FMLA Leave

Howard County shall allow up to twelve (12) weeks unpaid leave in a twelve (12) month calendar year (January through December) for the situations outlined in section 4.3.1, except the Military Family Leave which will be allowed up to twenty-six (26) weeks of unpaid leave in a twelve (12) month calendar year (January through December).

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

All accrued sick leave and compensatory time shall be used during leave taken under the Howard County's FMLA policy. Employees may use any available vacation or personal leave time during the FMLA leave. Accruals for benefit calculations, such as vacation, sick, or holiday benefits, shall not be affected by taking FMLA leave.

#### 4.3.6(A) Intermittent Leave or Reduced Leave Schedule

Intermittent leave may be calculated using one (1) hour increments. An employee's FMLA leave entitlement may not be reduced by more than the amount of leave actually taken, except as provided under the Family and Medical Leave Act.

#### 4.3.6(B) Health Benefits

When an employee is on leave as provided for in this policy, all insurance coverage shall be maintained as if the employee were actively employed. The employee would still be responsible for his/her portion for the health premiums. The Personnel Administrator will notify the employee of their premiums due in writing after they return to work. Insurance coverage provided as required herein during the course of a leave is not to be counted as COBRA coverage. If the employee does not return to work for the County or returns for less



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than thirty (30) days, all benefit premiums paid by the employer are eligible to be recovered by the employee as described in and allowed by the Federal Act as amended from time to time.

### 4.3.7 Employee Reinstatement

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

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

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

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

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

### 4.3.8 Military Family Leave Entitlements

The National Defense Authorization Act for FY 2008 and 2010 (NDAA) amended the FMLA to allow eligible employees to take up to twelve (12) weeks of job-protected leave in the applicable twelve (12)-month period for any "qualifying exigency" arising out of the covered active duty or call to covered active duty status of a spouse, son, daughter, or parent.

The NDAA also amended the FMLA to allow eligible employees to take up to twenty-six (26) weeks of job-protected leave in a "single twelve (12)-month period" to care for a covered servicemember with a serious injury or illness. These types of FMLA leave are known as the Military Family leave entitlements.

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



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Military Family leave runs concurrent with other leave entitlements provided under federal, state, and local law, such as Indiana Military Family leave under Indiana Code 22-2-13.

### 4.3.8(A) Employee Notice Requirements

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

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

When the need for Military Family leave is not foreseeable, the employee must provide notice to the County as soon as practicable under the facts and circumstances of the particular case.

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

### 4.3.8(B) Entitlement

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

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

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

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



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### 4.3.8(C) Covered Active Duty Defined

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

### 4.3.8(D) Covered Servicemember Defined

The term "covered servicemember" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or condition that existed before the servicemember's active duty but was aggravated by service in the line of duty on active duty; or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness or condition that existed before the servicemember's active duty but manifested before or after becoming a veteran, and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five (5) years preceding the date on which the veteran undergoes such medical treatment, recuperation, or therapy. The employee's first date of leave must occur within the five (5) year period; however, the employee may continue to take such leave throughout the "single 12-month period" of leave even if the leave extends beyond the five (5) year period.

### 4.3.8(E) Qualifying Exigency Leave

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

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



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

Qualifying exigencies include the following:

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

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

3. **Childcare and related activities:** Certain childcare and related activities arising from the covered active duty or call to covered active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the covered active duty or call to covered active duty of the covered military member;

4. **Financial and legal arrangements:** Making or updating financial and legal arrangements to address a covered military member's absence;

5. **Counseling:** Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the covered active duty or call to covered active duty status of the covered military member;



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6. **Rest and recuperation:** Taking up to fifteen (15) days of leave to spend time with a covered military member who is on short-term temporary, rest, and recuperation leave during deployment;

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

8. **Additional activities:** Any other event that the employee and County agree is a qualifying exigency.

**4.3.8(a) Certification**

The first time an employee requests leave because of a qualifying exigency arising out of the covered active duty or call to covered active duty status of a covered military member, the County shall require the employee to provide a copy of the covered military member's covered active duty orders or other documentation issued by the military which indicates that the covered military member is on covered active duty or call to covered active duty status, and the dates of the covered military member's covered active duty service. This information need only be provided to the County once. A copy of new covered active duty orders or other documentation issued by the military shall be provided to the County if the need for leave because of a qualifying exigency arises out of a different covered active duty or call to covered active duty status of the same or a different covered military member.

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

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



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### 4.3.8(b) Verification

If an employee submits a complete and sufficient certification to support his or her request for leave because of a qualifying exigency, the County shall not request additional information from the employee.

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

### 4.3.8(F) Military Caregiver Leave

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

Eligible employees may not take leave under this provision to care for military members on the permanent disability retired list.

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

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



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employer for other types of FMLA leave.

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

**4.3.8(b) Next of Kin Defined**

The "next of kin of a covered servicemember" is the nearest blood relative, other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of Military Caregiver leave under the FMLA.

**4.3.8(c) Designating Leave**

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

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



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### 4.3.8(d) Certification

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

The County, if appropriate, shall seek authentication and/or clarification of the certification as stated above in the County's FMLA "regular" policy.

However, second and third opinions and recertifications, as outlined above in the County's FMLA "regular" policy, are not permitted for leave to care for a covered servicemember.

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

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

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

### 4.3.8(e) ITOs and ITAs Certification

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

During that time period, an eligible employee may take leave to care for the covered servicemember in a continuous block of time or on an intermittent basis. An eligible employee who provides an ITO or ITA to support his or her request for leave shall not be required to provide any



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additional or separate certification that leave taken on an intermittent basis during the period of time specified in the ITO or ITA is medically necessary.

An ITO or ITA is sufficient certification for an employee entitled to take FMLA leave to care for a covered servicemember regardless of whether the employee is named in the order or authorization.

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

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

The Personnel Administrator or Benefits Specialist shall require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember.

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

## 4.4 PERSONAL LEAVE OF ABSENCE WITHOUT PAY

A personal leave of absence without pay may be granted for various reasons, such as newborn infant, child or family care. FTPR employees, who have exhausted their twelve (12) weeks of FMLA leave, may be granted an unpaid leave of absence for an FMLA qualifying serious illness or injury. Any full-time employee after one (1) year of employment with the County is eligible. If granted, such personal leaves may be granted for a period of up to six (6) months; but may in special circumstances, and with approval of the Personnel Director in conjunction with the department head and Board of Commissioners,



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be granted an additional leave up to six (6) months. The personal leave must be requested in writing by the employee by completing an Application for Leave of Absence, and must receive prior approval of the department head or elected official if the leave is to exceed (30) days.

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

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

## 4.5 AMERICANS WITH DISABILITIES ACT (ADA)

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

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

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

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

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



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employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave. Further, disabled individuals cannot pose a direct threat to the safety of themselves or others. Generally, a "direct threat" means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation. Employees requesting an ADA accommodation must secure ADA forms **(Reasonable Accommodation Request form)** from the Personnel Office. It is the employees' responsibility to complete and return such forms as specified.

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

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

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

## 4.6 SICK LEAVE BENEFITS

Howard County provides paid sick leave benefits to all eligible FTPR employees for periods of temporary absence due to the employee's own illness or disability, medical appointments that must be arranged during working hours, illness or disability of a FTPR employee's immediate family member or to supplement Worker's Compensation to approximate employee's normal pay. All FTPR employees shall be allowed seven (7) hours of sick time on the first (1st) of each month. An employee must have been employed twelve (12) months before entitlement begins and given seven (7) hours per month beginning the first of the month following date of hire and completion of one year, and may accumulate up to two hundred-ten (210) sick hours.

FTPR employees who work eight (8) hour shifts will be granted eight (8) hours of sick time and may accumulate up to two hundred-forty (240) sick hours.

Immediate family member means spouse, or minor child.

Sick time shall be used during FMLA leaves.

a. FTA, PT, Trainee/D-Team, CP, and ST employees are *not* eligible to accrue sick leave.
b. No employee will be granted sick time in advance of sick time being earned.
c. An employee will receive his/her regular rate of pay for approved use of sick leave.



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d. Sick leave may not be used to supplement or add to vacation leave; however, vacation leave may be used to supplement sick leave.

e. Sick leave may be taken in half-hour increments.

f. A FTPR employee who leaves the employment of the County will not be compensated for unused sick leave.

g. Employees who are unable to report to work due to illness or injury should notify their elected official/department head before the scheduled start of their workday; if possible. The elected official/department head must also be contacted on each additional day of absence.

h. If an employee is absent for three (3) or more consecutive days due to illness or injury, the County shall require a physician's statement verifying the disability and its beginning and expected ending dates. Such verification may be requested for other sick leave absences and may be required as a condition of paying sick leave benefits.

i. Howard County employees shall not be allowed to donate their earned sick days, vacation days, or compensatory time to another Howard County employee.

j. Sick leave benefits will be calculated based on the employee's base pay rate.

k. Sick leave benefits are intended solely to provide income protection in the event of an illness, injury or FMLA, and may not be used for any other absence.

l. Employees will not be paid for unused sick leave benefits while they are employed.

### 4.6.1 KINSEY YOUTH CENTER/JUVENILE PROBATION:

**Full-time professional and support staff** are eligible for periods of temporary absence due to the employee's own illness or disability, medical appointments that must be arranged during working hours, illness or disability of a full-time employee's immediate family member or to supplement Worker's Compensation to approximate employee's normal pay. All full-time employees shall be allowed seven (7) hours of sick time each month. An employee must have been employed twelve (12) months before entitlement begins and given seven (7) hours per month beginning the first of the month following date of full-time hire and completion of one (1) year and may accumulate up to one hundred seventy-five (175) sick hours. After the maximum one hundred seventy-five (175) sick hours have been "banked", the employee will earn seven (7) hours that may be taken as personal hours if not used as sick hours.

**Full-time hourly staff** employees who work eight (8) hour shifts will be granted eight (8) hours of sick time and may accumulate up to two hundred-ten (210) sick hours. After the maximum two hundred-ten (210) sick hours have been "banked", the employee will earn eight (8) hours that may be taken as personal hours if not used as sick hours.



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Kinsey Youth Center/Juvenile Probation employees shall follow the sick time rules as outlined above in Section 4.6.1.

## 4.7 MILITARY LEAVE

A military leave of absence will be granted to all County employees, except those occupying temporary positions, to attend scheduled drills or training or if called to active duty with the U.S. armed services.

Employees who are members of a Reserve Unit or National Guard Unit will be granted leave for the annual training period, and are entitled to civilian (County) and military pay up to fifteen (15) days a year when on training duties pursuant to proper orders issued by appropriate military authority.

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

Employees on two (2) week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time. Employees on longer military leave must notify the employer of the intent to return to employment in accordance with all applicable state and federal laws.

### 4.7.1 Active Duty/Enlistment

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

USERRA requires employers to grant such employees reinstatement of the position held at the time of departure for military service, or in some cases to a position of equivalent or equal stature and pay provided the employee is discharged from service honorably. The cumulative length of service that causes an absence from a position may not exceed five (5) years, except where provided by law.

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



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Employees who are on active military duty leave and are under the County's health care plan, may elect at their own cost to continue the health plan coverage for up to twenty-four (24) months after the absence begins, or the period of active duty service, whichever is shorter.

Upon return from military leave, in accordance with current law, the returning employee is entitled to be reinstated in their former position or to a comparable one. Every reasonable effort will be made to return eligible employees to their previous position. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service, such as job seniority rights.

## 4.8 BEREAVEMENT LEAVE

Eligible FTPR employees are entitled to paid bereavement leave. A FTPR employee wishing to take time off for the death of a family member should notify his/her elected official/department head immediately. Such days shall be in conjunction with the time of the death or date of funeral or memorial service.

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

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

FTA, PT, Trainee/D-Team, CP, and ST employees are *not* eligible for paid bereavement leave.

## 4.9 JURY DUTY

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

FTA, PT, Trainee/D-Team, CP, and ST employees shall receive no wages for time spent on jury duty, but shall be entitled to retain any compensation received for such service.

Employees must show the jury duty summons to their elected official/department head as soon as possible so that the elected official/department head may make arrangements to



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accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits. Either the County or the employee may request an excuse from jury duty if, in the employer's judgment, the employee's absence would create serious operational difficulties.

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

Each seven (7) hour FTPR employee will be allowed up to twenty-eight (28) personal hours per calendar year, with the hours to be used at the employee's discretion. Each eight (8) hour FTPR employee will be allowed up to thirty-two (32) personal hours per calendar year, to be used at their discretion.

Probationary employees will be granted personal hours following their ninety (90)-day probationary period on a pro-rated basis in their current year of hire. They will be granted twenty-eight (28) personal hours per calendar year the following January. See schedule below:

| | **7 Hour Employees** | **8 Hour Employees** |
|---|---|---|
| **Months Hired:** | **Hours earned** | **Hours earned** |
| January or February | 28 hours | 32 hours |
| March or April | 21 hours | 24 hours |
| May or June | 14 hours | 16 hours |
| July, August, or September | 7 hours | 8 hours |

FTPR employees hired in October, November, or December of the current year will receive twenty-eight (28) personal hours upon completion of their ninety (90)-day probationary period to take the following year.

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

Personal hours must be taken within the calendar year and shall not be carried over to the next calendar year. **Personal leave is granted in one (1) hour increments.**

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

An eligible FTPR employee will receive his/her regular rate of pay for approved use of personal hours.

- FTA, PT, Trainee/D-Team, CP, and ST employees are *not* eligible for personal hours.



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## 4.11 WORKER'S COMPENSATION

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

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

All applicable forms are available with your department head. Employees should contact the Personnel Administrator or their department head to obtain information regarding this benefit. Medical certifications are required. Once completed, all such forms are to be filed directly with the County Personnel Administrator.

Certain injuries are excluded from workers' compensation coverage, including, but not limited to, employee intoxication, self-inflicted injuries, failing to use safety appliances, committing a violation of work rules, failing to obey a reasonable written or printed safety rule, and knowingly failing to perform a statutory duty.

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

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

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

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

## 4.12 EMPLOYEE INSURANCE

The County provides a medical insurance program for FTPR, Trainee/D-Team, CP, and FTA employees.



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The employee pays a weekly portion of the cost as set by the Board of County Commissioners. All eligible employees must work their full-time schedule in order to maintain the percentage of premiums paid by the county.

If an employee takes unpaid leave time, not including the Family and Medical Leave Act, he/she will be required to pay one hundred (100%) of all premiums for healthcare. You may contact the Personnel Office for more information.

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

The waiting period to become eligible for medical insurance is the first of the month following sixty (60) days of employment. Specific details regarding eligibility and coverage are available in the Personnel office.

## 4.13 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY (HIPAA)

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

Howard County has designated the Personnel Administrator as the County's "privacy official" who is responsible for developing and implementing privacy policies and procedures. The Personnel Administrator is the contact person who is responsible for receiving complaints regarding compliance.

All County HIPAA inquiries shall be directed to the Personnel Administrator.

## 4.14 BENEFITS CONTINUATION (COBRA)

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

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



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Coverage may be continued for eighteen (18) months, and in some circumstances, up to three (3) years. The County provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the employer's health insurance plan. The notice contains important information about the employee's rights and obligations.

## 4.15 DEFERRED COMPENSATION

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

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

## 4.16 INDIANA PUBLIC RETIREMENT SYSTEM (INPRS)

All FTPR and professional contract County employees, except Deputy Sheriffs who are covered under the Sheriff Retirement Program, are covered by INPRS, as set forth in Howard County Council Ordinance 1999-HCC-39 and 1999-HCC-45, a retirement program established and maintained by the State of Indiana. INPRS pays benefits to covered workers or their dependents upon retirement, death, and in certain cases, serious illness or injury. The County contributes a percentage to the pension account. The amount the County contributes varies and is determined actuarially annually. The employee's contributions and accumulated interest credits are refundable when an employee terminates employment prior to being eligible for benefits. INPRS Employer Financed Pension requires ten (10) years of service to become vested, and is paid by the County based on an employee's length of employment, average salary, retirement option selected and age at retirement. Questions concerning the program should be directed to: Indiana Public Retirement System, One North Capital, Suite 001, Indianapolis, IN 46204.

## 4.17 RE-EMPLOYMENT

Former employees who separated from County employment in good standing may be considered for re-employment. A previously terminated employee who is re-employed shall be considered a new employee from the date of reemployment, and shall not be credited with previous service for the purpose of paid leave benefits.



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## 4.18 HEALTH INSURANCE FOR RETIRED EMPLOYEES

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

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

**Definitions:**

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

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

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

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

### 4.18.1 Statutory Benefits

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

### 4.18.2 Premium

Except as provided in Definitions above, Howard County shall not pay any part of the premium for the coverage provided in Section 4.18.1 above.



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### 4.18.3 Procedures

The eligible retired employee desiring coverage under Section 4.18.1 above must file a written request for such insurance coverage with the Personnel Administrator within ninety (90) days after his/her retirement date and shall follow the written procedures prescribed by the Howard County Auditor for collection and payment of the premium.

### 4.18.4 Partial Premium Payments

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

### 4.18.5 Procedures

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



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# 5. WORKING CONDITIONS

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

## 5.1 SAFETY

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

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

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

In a medical emergency, the employee should follow the worker's compensation procedures in Section 4.11 of this handbook.

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

## 5.2 USE OF COUNTY TELEPHONES, FAX MACHINES, AND COUNTY MAIL

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



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

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

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

## 5.3 USE OF CELLULAR PHONES AND ELECTRONIC DEVICES WHILE DRIVING

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

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

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

Employees, while driving a classified commercial vehicle, shall not send or read received text messages on personal or County-issued cellular phones.

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

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

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



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## 5.4 USE OF COUNTY COMPUTERS, INTERNET, AND ELECTRONIC MAIL (E-MAIL)

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

### 5.4.1 Unacceptable Uses of the Internet and County E-mail

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

1. Viewing, transmitting, retrieving or storing material that may in any way be considered obscene, pornographic or sexually explicit; provided that this shall not prohibit Kinsey Center employees from viewing or transmitting such material in the course of treatment pursuant to established Kinsey Center policy.
2. Transmitting any messages containing derogatory, harassing or inflammatory remarks about an individual or group's race, color, religion, national origin, age, disability, or other characteristic or attribute not related to their job performance.
3. Transmitting any abusive, profane or offensive language.
4. Transmitting any information which the employee knows or has reason to believe may be false, misleading or libelous.
5. Sending or posting any chain letters, jokes, solicitations, or advertisements not directly related to some business purpose or activity.



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6. Using the County's e-mail system or Internet access for any political or religious causes or activities; provided that shall not prohibit the employees of Voters Registration from performing their official duties.
7. Using the County's e-mail system or Internet access for personal gain, including the solicitation of, or engagement in, any non-company business.
8. Using the County's e-mail system or Internet access for any other purpose which is illegal, may damage the County's reputation or is otherwise contrary to the County's best interest.

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

### 5.4.2 Communications

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

Personal "disclaimers" in electronic messages are insufficient.

### 5.4.3 Exclusive Property

All equipment, services and technologies provided to employees as part of Howard County's computer system constitute the exclusive property of Howard County. Similarly, all information composed, transmitted, received or stored via the County's computer system is also considered the property of Howard County. As such, all such information is subject to disclosure to management, law enforcement and other third parties, with or without notice to the employee.

Accordingly, employees must ensure that all information communicated via the County's computer system is accurate, appropriate, ethical, and serves a legitimate business purpose.



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### 5.4.4 Computer Software Licensing

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

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

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

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

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

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

### 5.4.5 Copyright Issues

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

### 5.4.6 Email Monitoring

Howard County routinely monitors employee usage patterns for its e-mail and Internet communications. The reasons for such monitoring include cost



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

### 5.4.7 Violations

Any employee (except elected officials) who abuses the privilege of using the County's e-mail system or Internet access is subject to discipline, up to, and including termination. Employees may also be held personally liable for any violation of this policy or misuse of the County's computer system. If necessary, the County also reserves the right to advise appropriate legal officials of any illegal violations.

### 5.4.8 Reporting Child Pornography

An employee who witnesses child pornography being distributed or residing on County property, computers, networks, or information technologies resources must immediately report such incident to the County Commissioners. This also applies to employee-owned computers or information technologies resources which are brought and/or used on County property. The employee shall immediately inform their elected official/department head who will take appropriate action and immediately report such issue to the County Commissioners.

Child pornography shall be defined as any visual depiction or description of a child, less than eighteen (18) years of age, engaged in sexually explicit conduct, including nudity of any such child. Child pornography, whether made or produced by electronic, mechanical, or other means, may be expressed through a picture, drawing, photograph, negative image, undeveloped film, motion picture, videotape, digitized image, or any other pictorial representation.

The managing, producing, sponsoring, presenting, exhibiting, and/or creating of child pornography is a violation of County policy and of Indiana Code 35-42-4-4. Such violation shall result in disciplinary action, including immediate termination.

An employee who makes available to another employee a computer, knowing that the computer's fixed drive or peripheral device contains matter that depicts or



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describes sexual conduct by a child less than eighteen (18) years of age commits child exploitation as defined by Indiana law.

Questions regarding this policy should be directed to the County Commissioners.

## 5.5 SOCIAL MEDIA POLICY

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

### 5.5.1 Guidelines

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

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

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

### 5.5.2 Know and Follow County Policies and Work Rules

Carefully read these policies in this personnel policies handbook, the County Equal Employment Opportunity Policy, Productive Work Environment Policy, Request For Information Policy, Use of Computers and E-Mail Policy, Internet Policy, Use of Cellular/Mobile Phone and Pagers Policy, Sexual Harassment Policy, Business Ethics and Conflict of Interest Policy, Solicitation and Distribution Policy, Political Activity Policy, Workplace Violence Policy, and Confidentiality Policy.



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

### 5.5.3 Be Respectful

Always be fair and courteous to fellow employees, County vendors, and the public on behalf of Howard County. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or the public rather than posting complaints to a social media outlet.

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

### 5.5.4 Be Honest and Accurate

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

### 5.5.5 Restrictions

a. Do not post confidential or propriety information about the County, co-workers, County vendors, or the public. Never violate federal law such as HIPAA (Health Insurance Portability and Accountability Act). Employees who share confidential information are subject to disciplinary action, up to, and including termination.

b. Do not use the County of Howard logos or any other images or iconography on personal social media sites. Do not use the County's name to promote a product, cause, or political party or candidate.

c. Do not discuss your job responsibilities for the County on the Internet. Do not state or imply that you speak for the County, for a County office or



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department, or for County officials. Be aware of your association with the County when using social networks, and do not identify yourself as a County employee.

d. If you publish to a blog or some other form of social media, make it clear that whatever you say is your view or opinion by stating: "these are my personal views and opinions and not necessarily the views and opinions of your employer."

e. Photographs posted on social media sites easily can be appropriated by others. Do not post pictures of County Department events, County employees, or citizens visiting County offices or departments.

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

g. Do not infringe on copyrights or trademarks.

### 5.5.6 Respect Time and Property

The County's computers and time on the job are reserved for work-related business. Employees may use personal cellular/mobile phones during break periods, including meal breaks in locations that do not pose a disruption to others. Employees using cellular/mobile phones or pagers during office hours will be subject to appropriate disciplinary action up to and including termination.

### 5.5.7 Think Twice Before Posting

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

### 5.5.8 Know That the Internet is Permanent

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



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## 5.6 DRUG-FREE WORKPLACE

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

The County shall maintain a drug-free work place in accordance with The Drug-Free Workplace Act of 1988, and the State of Indiana Drug-Free Workplace Executive Order No. 90-5 of 1990. Failure to comply with this law could jeopardize government funds received by the County. The unlawful manufacture, possession, distribution, transfer, purchase, sale, use, or being under the influence of alcoholic beverages or illegal drugs while on County property, while attending business-related activities, while on duty, or while operating a vehicle or machine leased or owned by the County is strictly prohibited and may lead to disciplinary action, including suspension without pay or discharge. When appropriate, the County may refer the employee to approved counseling or rehabilitation programs.

Any employee while on official County business, or when serving as a representative of the County, who is convicted of a drug-related crime while in that capacity must notify the County within five (5) days of the conviction.

The Howard County Board of Commissioners, the Howard County Council, the elected officials and department heads of Howard County is required to notify the appropriate government funding agency within ten (10) days of the conviction. Appropriate personnel action including possible discipline, up to, and including termination, and/or participation in a drug abuse assistance or rehabilitation program, may result after notice of the conviction is received.

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

The County recognizes that employees may wish to seek professional assistance in overcoming drug or alcohol problems. Please contact the Personnel Administrator for more information about the benefits potentially available under the employee medical benefit plans and any possible referral sources.

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



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### 5.6.1 Drug Testing

The County is committed to providing a safe, efficient, and productive work environment for all employees. In keeping with this commitment, employees and job applicants may be asked to provide body substance sample (e.g., blood, urine, saliva, hair, or other body substances) to determine the prohibited use of alcohol or controlled substances, including, without limitation, marijuana, cocaine, opiates, amphetamines, barbiturates, and phencyclidine (PCP).

The County will protect the confidentiality of all drug test results. This section also applies to Circuit Court employees at the Kinsey Youth Center and Juvenile Probation Department who are governed by Section 5.6.3. Drug tests may be conducted in the following situation:

#### 5.6.1(A) Pre-Employment Testing

Howard County will not employ individuals known to use illegal drugs or misuse prescription drugs. All prospective new employees shall be subject to drug and alcohol testing at the County's expense. Offers of employment shall be contingent on passing the pre-employment drug and alcohol screen. Applicants who refuse to complete the test, test positive, or refuse to complete related documentation will not be hired by the County. Applicants will be asked to list any legally prescribed drugs taken at the time of the test and will be asked to provide physician authorization for those drugs.

#### 5.6.1(B) Reasonable Suspicion

At the time an elected official/department head requests an employee provide a sample for testing, the elected official/department head shall provide the employee with a written statement setting forth work place behavior witnessed by at least one of the employee's supervisors relied upon by the requesting authority in coming to a conclusion that there is a reasonable suspicion that the employee may be under the influence of a drug or alcohol. If the employee refuses to submit such a sample upon request, then accompanied by said written statement, the County will interpret such refusal as a violation of the County's work rules, and the employee's refusal of the test shall be subject to the County's progressive discipline policy. This section also applies to Circuit Court employees at the Kinsey Youth Center and Juvenile Probation Department, who are governed by Section 5.7.3.



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### 5.6.1(C) Post-Shooting

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

### 5.6.1(D) Post-Accident

Post-accident testing occurs when an employee is involved in an accident on County property or operating County equipment in the pursuit of County business resulting in:

1. the death or injury of a County employee or member of the general public; or
2. damage to public or private property and/or equipment while operating a vehicle or equipment owned by or leased by the County.

The County reserves the right to order post-accident tests, as it deems appropriate, based on the totality of the circumstances surrounding the accident. Post-accident tests may include screens for both drugs and alcohol. This section also applies to Circuit Court employees at the Kinsey Youth Center and Juvenile Probation Department who are governed by Section 5.6.3

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

## 5.6.2 Federal Motor Carrier Safety Regulations/Safety-Sensitive Positions Drug & Alcohol Policy

Section 5.6.2 shall apply to an employee who is required to hold a commercial driver's license in order to operate a vehicle or equipment as part of his/her employment with the County.

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



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It is also the policy of the County to comply with and abide by all laws and regulations that have been established by PART 382-CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING of the Federal Motor Carrier Safety Regulations, U.S. Department of Transportation (DOT), Federal Highway Administration (FHWA). In complying with these regulations, the County hereby institutes a comprehensive controlled substance and alcohol testing, training and record keeping program for employees in positions that have been classified as safety sensitive. In accordance with DOT/FHWA regulations, included in this classification of safety-sensitive positions are all positions which require an employee to operate a commercial motor vehicle and/or hold a Commercial Driver's License (CDL).

Information and training concerning the specific provisions of this policy will be provided to all employees and supervisors of employees holding safety sensitive positions contained within, and are on file in the department and may be reviewed upon request.

### 5.6.3 Kinsey Youth Center/ Probation Random Drug Testing

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

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

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

## 5.7 SMOKING

In keeping with the County's intent to provide a safe and healthful work environment, the use of any tobacco products in County buildings and within eight (8) feet from facility doors is prohibited This policy applies equally to all elected officials/department heads, employees, and visitors. "No smoking" signs are posted in County facilities except where designated.

## 5.8 USE OF EQUIPMENT AND VEHICLES

County equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using County property, including telephones, employees



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are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Employees should promptly notify the elected official/department head if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting could prevent deterioration of equipment and possible injury to employees or others. The elected official/department head can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job. Employees operating County vehicles shall maintain the ability to legally operate assigned vehicles.

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

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

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

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

## 5.9 TAKE HOME VEHICLES

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

## 5.10 PERSONAL USE OF COUNTY PROPERTY AND FACILITIES

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



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## 5.11 APPEARANCE OF WORK AREAS

The County expects the work areas of all employees to be well organized, clean, and attractive. These qualities promote health, productivity, safety, good morale, and customer respect. This policy applies to all employees; failure to comply may result in disciplinary action.

## 5.12 BUSINESS TRAVEL

The County will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location, as set forth in Howard County Resolution 1998; as amended.

## 5.13 BLOODBORNE PATHOGENS

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

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

## 5.14 LACTATION SUPPORT

Howard County shall provide a reasonable paid break time for an employee to express breast milk for her nursing child for one (1) year after the child's birth each time such employee has need to express the milk.

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

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

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



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County's premises:

A. The expressing of employees' breast milk; or

B. The storage of expressed milk.

## 5.15 INTERNAL EMERGENCY PLANS

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

## 5.16 RECYCLING

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

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

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

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

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

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



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## 5.17 POLITICAL ACTIVITY

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

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

## 5.18 EMPLOYEE PARKING

The Howard County Board of Commissioners shall furnish each full-time County employee a reserved parking space to ensure that parking spaces will be available to those visiting downtown Kokomo.

The Board of Commissioners shall assign each full-time County employee a specific numbered parking space in one of the County-owned or City-owned parking lots in the downtown area, and provide a decal evidencing such assignment.

Once assigned a parking space, each full-time County employee shall park in that space at all times he/she is performing his job responsibilities for Howard County. Provided, however, an employee may park temporarily in a non-assigned parking space if a circumstance or event beyond his/her control prevent parking in the assigned space and this fact is immediately reported to his/her supervisor. The employee shall promptly move to his/her assigned space once the circumstance or event is resolved.

Violation of this policy will result in discipline, up to, and including termination.



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# 6. PERSONAL CONDUCT

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

## 6.1 EMPLOYEE CONDUCT AND WORK RULES

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

## 6.2 ATTENDANCE AND PUNCTUALITY

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

Elected official/department heads are to keep accurate records of all employee absences, including designation of whether elected official/department head notification was provided by the employee.

## 6.3 PERSONAL APPEARANCE

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

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



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## 6.4 SEXUAL HARASSMENT/HOSTILE WORK ENVIRONMENT

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

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

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

a. Unwelcome sexual advances.

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

c. Any verbal or non-verbal communication expressing or implying that participation in sexual contact is a condition of employment, promotion or preferential treatment.

d. Printed or electronic display or transmission of sexually-explicit images, messages and cartoons is not allowed. Other violations include, but are not limited to, ethnic slurs, racial comments, jokes, or anything that may be construed as harassment or showing disrespect for others.

e. Conduct with sexual implication that has the purpose or the effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment is considered sexual harassment.

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



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### 6.4.2 Reporting a Complaint

Complaints should be directed to department elected official/department heads and/or a "confidential" written letter to the Personnel Administrator.

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

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

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

### 6.4.3 Description of Misconduct

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

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

While the County encourages individuals to keep written notes in order to accurately record offensive conduct or behavior, it must be recognized that, in the



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event that a lawsuit develops from the reported incident, the confidentiality of the complainant's written notes may not be recognized under Indiana law and the notes may have to be disclosed.

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

### 6.4.4 Time Frame for Reporting Complaints

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

### 6.4.5 Protection against Retaliation

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

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

### 6.4.6 Investigating the Complaint

Any allegation of sexual harassment that is reported will be promptly investigated in as discreet a manner as possible to protect the privacy of persons involved. The County will use its best efforts to maintain confidentiality throughout the investigatory process to the extent practical and appropriate under the circumstances; however, confidentiality is not guaranteed. The alleged harasser will be notified of the nature of the complaint made against him/her.

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



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

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

### 6.4.7 Identification of Investigators

Complaints will be investigated by the Personnel Administration and/or investigators selected by the County Commissioners. In addition, other individuals may be included in reviewing the investigation and outcome at the discretion of the County Commissioners.

### 6.4.8 False Accusations

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

### 6.4.9 Sanctions

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

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

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

### 6.4.10 Maintaining a Written Record of the Complaint

The County will maintain a complete written record of each complaint and how it was investigated and resolved. Written records shall be maintained by the Personnel Administrator with copies to the County Attorney. If disciplinary



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action was taken, a record shall be maintained in the offender's personnel file.

### 6.4.11 Prevention

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

Sexual harassment violations will result in severe disciplinary action.

## 6.5 COMMISSION OF A FELONY OR UNLAWFUL ACT

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

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

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

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

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

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

An employee who is cited for an infraction or arrested for any misdemeanor or felony, whether the citation or arrest happened while the employee was on duty or not, may be



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suspended without pay pending an administrative investigation and/or the disposition of any charges filed against the employee.

The investigation will be used to determine if the accused employee is in violation of the personnel policies and to determine if disciplinary action is warranted, up to, and including termination.

The determination as to whether an employee shall be suspended will be based upon the nature and circumstances of the alleged offense and the impact the charges may have on the employee's ability to adequately perform their job duties and/or remain in compliance with the County's personnel policies.

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

If the employee is on a leave of absence pending administrative investigation and/or the disposition of any charges, and the employee is not found to have been in violation of the personnel policies, he/she shall be returned from suspension and if suspended without pay shall be reimbursed.

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

Any employee found guilty, admitting guilt, or pleading no contest or *nolo contendere* of/to a felony on or after the date of the employment application may be subject to immediate dismissal.

## 6.6 GIFTS OR GRATUITIES

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



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## 6.7 GHOST EMPLOYMENT

Howard County is committed to providing efficient and lawful services to its citizens and to maintaining public trust. Therefore, "ghost employment" is a violation of County policy and of Indiana Code 35-44.1-1-3. Ghost employment is a Class D felony.

A public servant who knowingly or intentionally hires an employee for a governmental entity and fails to assign the employee any duties, or assigns duties not related to the operation of the governmental entity, is committing ghost employment.

Additionally, a public servant employed by a governmental entity knowing that he/she has not been assigned any duties to perform for the entity and accepts property (compensation) from the entity, or a public servant who knowingly or intentionally accepts property (compensation) from the entity for the performance of duties not related to the operation of the entity, commits ghost employment.

Examples of violations of this policy include, but are not limited to, performing work on public property that is not job related, authorizing or receiving payment for time not worked, and authorizing or receiving payment for leave time not authorized by County paid leave policies. Violations of this policy shall result in disciplinary action, up to, and including termination, in addition to potential prosecution under IC 35-44.1-1-3.

## 6.8 BUSINESS ETHICS/CONFLICT OF INTEREST

The County recognizes and respects the rights of individual employees to engage in activities outside the organization that do not in any way conflict with, or reflect poorly on the County. A County employee who knowingly or intentionally obtains a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the County commits a Class D felony, unless a financial disclosure form is approved in advance and filed as required by Indiana Code 35-44.1-1-4.

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

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



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## 6.9 SOLICITATION AND DISTRIBUTION

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

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

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

## 6.10 SECURITY OF PREMISES

Howard County wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the County prohibits the control, possession, transfer, sale or use of such materials on its premises. However, effective on July 1, 2010 Ind. Code 34-28-7 allows employees who may lawfully possess a firearm to bring firearms and ammunition onto County property as long as the firearm and ammunition are locked in a glove box or trunk or stored out of plain sight in the employee's personal locked vehicle. Except for law enforcement officers, firearms and ammunition are prohibited in County-owned vehicles that are driven by County employees or in such County vehicles that an employee is a passenger.

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

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

### 6.10(a) Deadly Weapons Forbidden

"Deadly weapon" has the definition provided by Section 35-41-1-8 of the Indiana Code. No employee shall possess a deadly weapon in any Howard County Government building without having received written permission from the Howard County Sheriff.

Any employee who enters any Howard County Government building or the parcels of property contiguous thereto, consents to a search of their person,



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

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

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

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

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

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

## 6.11 WORKPLACE VIOLENCE

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

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

A. "Intimidation" includes, but is not limited to, stalking or engaging in actions intended to frighten, coerce, or induce duress.
B. "Threat" is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the person communicating the threat has presented the ability to carry it out and without regard to whether expression is contingent, conditional, or future.



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C. "Physical attack" is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, throwing objects, firing a weapon, causing an explosion of hazardous materials, or discharge of hazardous substances.
D. "Property damage" is intentional damage to property which includes property owned or leased by the County, employees, visitors, or vendors.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on County-owned or leased property may be removed from the premises. Additionally, possession of illegal firearms, weapons, and other dangerous or hazardous devices or substances are strictly prohibited on County property without proper authorization as specified in *Section 6.10 Security of Premises of this Personnel Policy Handbook.*

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

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

Employees are responsible for notifying their elected official/department heads, security personnel, or the County Personnel Administrator of any threats which they have witnessed, received, or have been told that another person has witnessed or received.

Employees should also report any behavior they have witnessed which they regard as threatening or violent when the behavior is job related or might be carried out on County-owned or leased property or in connection with County employment.

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

If an emergency exists, contact the police department at 911 and notify your elected official/department head.

If not an emergency, employees should inform their elected official/department head. If the elected official/department head is unavailable or if the nature of the complaint is such that the employee does not believe he/she can discuss it with the elected official/department head, the employee may bring concerns to the County Personnel Administrator.



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

## 6.12 CONFIDENTIALITY/REQUESTS FOR INFORMATION

Occasionally, employees of the County are contacted by outsiders for information about current or former employees, or about the organization's policies, practices, or projects. All such requests shall be referred to the Personnel Administrator.

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

## 6.13 EMPLOYEE CONDUCT

An employee's job performance and personal conduct directly impact the County's ability to achieve its mission of service to the community. Therefore, the following work rules and principles of employment are adopted as guidelines for monitoring behavior and exercising disciplinary actions.

Howard County employees are expected to follow procedures and guidelines set forth by the County and the employee's office/department policies.

### 6.13.1 Progressive Discipline

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

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

In determining the level of discipline the elected official or department head shall consider the following:

a. The severity and totality of the violation.
b. The employee's history of violations of any rule.
c. The effect of the present and prior violations upon the employee's performance of his/her job.



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d. The effect of the present and prior violations upon productivity of the employee's department.
e. Any other relevant considerations.

### 6.13.2 Work Rules Violations

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

1. Tardiness.
2. Late reporting for work without justified explanation.
3. Unauthorized absenteeism.
4. Reporting to work with unclean or inappropriate clothing or grooming.
5. Failure to cooperate with other employees as required by job duties.
6. Distracting the attention of others, unnecessarily shouting, demonstrating or otherwise causing a disruption on the job.
7. Malicious mischief, horseplay or other undesirable conduct, including use of profane or abusive language.
8. Loafing.
9. Littering or otherwise contributing to unsanitary conditions on County property.
10. Failure to secure facility and equipment when responsible.
11. Failure to notify authorized management before the regular show up time when unable to report for duty.
12. Leaving work area without authorization.
13. Unauthorized overtime.
14. Excessive absenteeism.
15. Failure to perform duties or fulfill job requirements as assigned or in a satisfactory manner.
16. Failure to report for overtime work without good reason after being scheduled to work.
17. Discourteous treatment of the public.
18. Failure to make required reports.
19. Unauthorized personal use of County equipment and supplies.
20. Failure to comply with purchasing procedures.
21. Unauthorized posting, removal, or alteration of notices or signs.
22. Failure to report mechanically defective conditions of equipment and/or failure to perform preventative maintenance on equipment or vehicles used by employee.



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23. Abandoning or leaving unattended any County-owned vehicle, equipment or tools anywhere away from shops, garages and authorized storage sites, except as directed by supervisory personnel.
24. Damage or abuse of County equipment or property.
25. Unauthorized sleeping during working hours.
26. Bringing children to work during your normal working hours except for brief periods of time and without prior approval of office holder.
27. Mandatory requests for donations for gifts or charities.
28. Refusal to take or failure to pass any examination required for the job.
29. Unauthorized absences and/or absent without calling in for three (3) consecutive work days.
30. Failure to give medical certifications and/or doctor's excuse in a timely manner.
31. Disobeying a reasonable order from a supervisor to perform assigned work or to comply with written or verbal instructions.
32. Clocking another employee's time card/signing/completing another employee's time sheet with or without authorization.
33. Failure to sign in or out when required.
34. Making false or unfounded claims for injury, compensation, illnesses, leave or disability.
35. Knowingly concealing a communicable disease, which may endanger other employees or the public.
36. Disclosure of confidential information.
37. Unlawful or negligent handling of public moneys.
38. Obligating Howard County for any expense, service or performance without authorization.
39. Making or publishing of false, vicious or malicious statements or information concerning any employee (including oneself. Example: filing an incomplete employment application with intent to conceal material information), supervisors, the County, or its operations.
40. Falsifying or destroying any County records.
41. Sexual harassment.
42. Theft or dishonesty while on County property or while on County time.
43. Directing a subordinate or fellow employee to perform in a manner contradicting County procedures.
44. Personal conduct at work which is dangerous to others or self.
45. Threats of violence.
46. Fighting on County property or time unless the employee can prove that fighting was in self-defense.
47. Except as provided in Section 6.10 or unless previously authorized by appropriate County officials, possession of any deadly weapon while on duty, county property or county job site.
48. Reporting for work under the influence and/or using or possession of alcohol or controlled substances while on duty.



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49. Discovery of opened containers of alcohol or discovery of controlled substances in or on County property under the employee's control, except if prescribed by a physician.
50. Failure to submit oneself to a blood test, urinalysis, or breathalyzer exam, pursuant to the Substance Abuse Policy.
51. Selling or participating in the distribution of illegal goods, services, drugs or narcotics on County property or while on County time.
52. Refusing to provide testimony in court during an accident investigation or during any type of public hearing when such investigation or public hearing is related to the employee's job duties.
53. Giving false testimony during a complaint or grievance investigation or hearing when such investigation or public hearing is related to the employee's job duties.
54. Failure to disclose, at time of employment, the past conviction of a misdemeanor and/or felony.
55. Conviction of a misdemeanor and/or felony.
56. Failure to follow safety regulations when safety of an employee or others is involved.
57. Failure to immediately report a personal accident or injury while on County time and/or involving County equipment or property.
58. Driving a County vehicle with a suspended license.
59. When authorization is required, unauthorized use, removal, or participation in the use or removal of County property, funds, equipment, tools, facilities, supplies, furnishing County records, documents, papers, or copies thereof and/or other County property.
60. Violation of IC 35-44.1-1-4, failure to disclose conflict of interest of employee or member of employee's immediate family having a monetary interest/business interest or deriving a profit in any matter directly related to the employee's official duties and the discharge of those duties. This includes having a personal interest in a business, which supplies goods and services to the County.
61. Violation of Employee Parking policy set forth in Section 5.19 of this Handbook.



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# 7. PROBLEM RESOLUTION

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

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

The following procedures provide for open discussion and speedy resolution of issues of serious concern to any employee who thinks the County's policies have been violated, or who believes that he/she has been treated unfairly. A complaint is an employee's expressed dissatisfaction with what that employee believes, rightly or wrongly, to be unfair treatment, or a mistake in the administration of a rule, plan, or County policy. **This section does not apply to disciplinary actions taken by elected officials/department heads having the authority to take disciplinary actions.**

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

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

If an employee has a complaint, it should be first discussed with the elected official/department head. The employee should schedule a time to discuss the situation with the elected official/department head. Every effort should be expended to resolve the issue satisfactorily at this meeting.

**STEP 2: Elected official/department head (Written Complaint)**

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

**STEP 3: Personnel Administrator/ Personnel Administration Committee.**

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



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

**STEP 4: Elected Official/Department Head**

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



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## SEVERABILITY

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

## INDEMNIFICATION

In the event that a department head, elected official, or any other County employee becomes a defendant, either in his/her representative capacity, or individually in any litigation arising out of the administration to this policy, the County and/or its insurers, shall defend the employee of that action, and pay any judgment entered in the action provided by the County, so long as the elected official, department head, or County employee has made a good faith effort to comply with the terms and conditions set out in this handbook.

## ENABLING ORDINANCE

This employee handbook shall be approved by Ordinance passed by the Howard County Board of Commissioners. The terms and conditions of this employee handbook shall be incorporated by reference in the Salary Ordinance approved annually by the Howard County Council and the terms and conditions set out herein shall be deemed a condition of compensation under that ordinance.

## AMENDMENTS

This handbook may be amended from time to time in substantially the same form approved by the Howard County Board of Commissioners. Any amendments shall be distributed to each employee of the County.



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# EMPLOYEE ACKNOWLEDGMENT FORM

The Howard County Employee Handbook describes important information about employment with the County of Howard, and I understand that I should consult the Personnel Administrator regarding any question not answered in the handbook.

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

I understand the descriptive materials contained in this handbook are only summaries. Any discrepancies between these summaries and the terms of the actual plans will be governed by the terms of the underlying, more detailed policies and procedures. Any questions regarding summaries, their underlying policies and procedures and any discrepancies between them should be directed to the Personnel Administrator.

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

_____ _____

**EMPLOYEE'S SIGNATURE** **DATE**

_____

**EMPLOYEE'S NAME (TYPED OR PRINTED)**

_____

**EMPLOYEE'S DEPARTMENT**



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