

Vigo County



Employee Handbook 2017

VIGO COUNTY PERSONNEL POLICIES HANDBOOK

September 12, 2017

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1. PERSONNEL POLICIES HANDBOOK

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

1.1 USE AND REVISION OF PERSONNEL POLICIES HANDBOOK

This Vigo County Personnel Policies Handbook is designed to provide you with information regarding benefits, responsibilities, procedures, and a summary of personnel policies established by the Commissioners. You should read, understand, and comply with all provisions of the policy. The policies and procedures explained in this Handbook constitute those implemented by the Commissioners as a guide for the actions of employees and supervisors. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

This Handbook does not grant an entitlement or an expectation of employment or continued employment. This Handbook is not and does not create property interests or a contract, express or implied, guaranteeing employment or employment for any specific duration. All County employees are and will remain employees at will. The employee or the County may terminate the employment relationship at any time, for any reason, with or without cause or notice. If and when a contract of employment for a specific duration is intended, it will be separately entered into, in writing, and signed by appropriate Department Head, elected office holder or otherwise. As public servants, we are mindful of our obligations to all citizens to provide quality service and courteous treatment.

No employee handbook can anticipate every circumstance or question about policies. The benefits, responsibilities, procedures, and policies described in this Handbook are subject to change, modification, and revision at the sole discretion of the Commissioners to meet the needs of the County and the workforce. Notice of any changes, modifications, or revisions to this handbook will be issued. If you have any questions regarding benefits, responsibilities, procedures, and/or policies, please ask your supervisor for assistance.

While Vigo County believes these policies are accurate, they are only summaries, and any discrepancies between these summaries (such as insurance policies) shall be governed by the actual terms of the underlying, more detailed plan documents.

1.2 EXCEPTIONS AND SPECIAL CONDITIONS

The elected office holders in the County function independent of the County Executive, i.e., the Board of County Commissioners (Commissioners) to the extent the elected office holders have duties and authority established by State statutes. Each elected office holder is solely responsible for the operation of his/her office consistent with statutory

requirements, and for any appointed deputies for which the elected office holder is given responsibility under statutory provisions.

Except with respect to terms relating to compensation and benefits provided by the County, this handbook does not apply to Elected Officials, the Sheriff's Merit Board employees, the Juvenile Magistrate, or other special employees designated by the elected officials. It is the sincere hope employees of the Judiciary will utilize the handbook as a guiding document in their decision making process. Non-merit employees must follow the handbook.

1.3 DEFINITIONS

In this personnel policy, the "County" shall be defined to mean the Vigo County Board of County Commissioners, the Vigo County Council, the Elected Officials of Vigo County, and/or agency and Department Heads acting individually or in conjunction with each other within their areas of assigned responsibility to said individuals, or as defined by applicable statute, constitutional provision, ordinance, case law, or resolution.

The term "responsible Elected Official" shall be defined to mean an official elected by the public and charged with specific duties and responsibilities by statute or constitution. It includes Commissioners, Council Members, Auditor, Clerk, Recorder, Surveyor, Prosecuting Attorney, Coroner, Treasurer, County Assessor, and Township Assessors.

The term "Department Head" shall be defined to mean an individual, board, or commission appointed by Elected Officials and charged with the authority by statute or delegation by the appointing official to manage a department of county government or a set of employees within a department.

The term "supervisor" shall be defined to mean not a Department Head, nor a chief deputy, but a person given leadership over employees.

1.4 PERSONNEL ADVISORY COMMITTEE

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

1. Reviewing employee complaints in connection with the problem resolution procedure in the Vigo County Personnel Policies Handbook and providing advisory recommendations as warranted.
2. Monitoring personnel policies and procedures and making recommendations for revisions, modifications, additions, and deletions as deemed necessary.

3. Assisting is the development and implementation of the classification structure for salaries.

The Vigo County Personnel Advisory Committee shall serve yearly and be comprised of three (3) members. The members of the Personnel Advisory Committee shall be one (1) County Commissioner appointee, one (1) County Council appointee, and the Human Resources Director. The County Attorney serves as legal counsel to this Committee.

1.5 EQUAL EMPLOYMENT OPPORTUNITY

Vigo County is an equal employment opportunity employer and will not discriminate against any employee or applicant for employment in a manner that violates the law. Vigo County promotes equal employment opportunity to all qualified persons without regard to race, color, age, religion, national origin, sexual orientation or gender identity, political affiliation, disability, or any other protected classification. It is the intent of the Board of Commissioners that equal employment is provided in employment, promotion, wages, benefits, provision of services, and all other privileges, terms, and conditions of employment. All position notices, postings, advertisements, and recruiting literature shall contain the phrase "An Equal Opportunity Employer."

Any person employed by the County who believes that he or she has been a victim of some form of discrimination should report the incident immediately to (1) his/her supervisor and/or responsible Elected Official, (2) the Human Resources Department, or (3) EEO Officer. If the supervisor, Department Head, or responsible Elected Official is the subject of the complaint, the matter may be reported to another supervisor, Department Head, chief deputy, Human Resources Department, EEO Officer, or a Commissioner.

Persons submitting complaints of discrimination are assured that a thorough investigation of such complaints will be conducted. Information collected during such an investigation will be considered confidential and will not be disclosed to persons not involved directly in conducting the investigation and determining what action, if any, to take in response to the complaint. No adverse action will be taken against any employee because he or she reports an incident of discrimination unless it is found that the report was made in bad faith.

If, following a complaint of discrimination, an investigation reveals that some act of discrimination has occurred; the person who has violated the above described prohibition of discrimination will be subject to sanctions or penalties up to and including termination. The sanction or penalty administered under this policy will depend on all circumstances, including the offending employee's prior work record and the specifics regarding the nature of the violation. If the offender is not an employee of the County, reasonable

measures will be taken to the extent that the County can exercise control over the problem.

1.6 MANAGEMENT RIGHTS

Vigo 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:

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 and implement 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, 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, 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 County property and personnel.
15. The right to adopt, modify, change, enforce, or discontinue any existing rules, regulations, procedures, and policies.
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 right to determine the location, establishment, and organization of new departments, divisions, subdivisions, or facilities thereof, and the relocation

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 Vigo County to maintain a productive work environment. Verbal or physical conduct by any supervisor or employee which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment will not be tolerated. Employees should refrain from bringing their children to the workplace for extended periods of time. Periodic visits for short durations (less than 30 min) are not prohibited, but planning for providing care for a child for an extended period of time during normal working conditions is not realistic or permitted.

1.8 AUTHORIZED ALIEN STATUS AND CITIZENSHIP

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

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

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Board of Commissioners. Employees may raise questions or complaints about immigration law compliance without fear of reprisal. I-9 Forms are maintained by the Human Resources Department.

1.9 E-VERIFY

The Human Resources Department 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

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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 Human Resources Department as required by law.

2. EMPLOYMENT POLICIES

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

2.1 RECRUITMENT

This section does not apply to positions for Department Heads, statutory appointments by the County Commissioners or positions or services provided by contract. Each responsible Elected Official, Department Head, and/or supervisor shall notify the Human Resources Department promptly of an actual or projected vacancy. The responsible Elected Official, Department Head, and/or supervisor will determine if the vacancy is to be filled; whether the position is to be filled as a full-time, part-time, or temporary/seasonal position; assure that County procedures are followed; and determine if the position is funded with appropriations by the County Council.

When appropriations are met, the Human Resources Department will prepare a vacancy announcement outlining the essential and nonessential functions, responsibilities, job requirements, job title, location, salary range, and the time, place, and manner for making application. The vacancy shall also state that the County is "An Equal Opportunity Employer." The Human Resources Department shall publicly post the announcement within County facilities for a minimum of fourteen (14) calendar days and will remain posted until the position closes on the on-line application system. The Human Resources Department shall post the announcement on official job boards, the County website, or other conspicuous places, and may be made known to present employees by such other means as is deemed appropriate. The County encourages internal promotion and transfer whenever possible.

Position vacancies may also be the subject of outside recruiting, newspaper advertising, or such other means as the Human Resources deems reasonable and appropriate to create a pool of applicants from which selection may be made.

2.2 EMPLOYMENT APPLICATIONS

With the approval of the Commissioners, the Human Resources Department shall develop and maintain an electronic job application. All persons desiring employment with Vigo County are required to apply through the Human Resources Department. The responsible Elected Officials, Department Heads, and/or supervisors should not accept applications and/or create department applications. In addition, applications will only be accepted for current job vacancies. The application of the person selected will be made part of his/her

personnel file.

Applications for County employment shall request only information necessary for rational decision making. Only questions specifically related to occupational standards shall be asked. All applicants are required to complete and sign a Vigo County Employment Application on-line, verifying that the information contained therein is true. Vigo County relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment.

Any misrepresentations, falsifications, or material omissions in any of this information or data may result in exclusion of the individual from further consideration for employment, or if the person has been hired, termination of employment.

Placement of an employment application with the County does not mean that an applicant will be interviewed. Equal consideration will be given to all applicants based on qualifications listed for the job.

2.3 APPLICANT TESTING

All applicants will be rated on the basis of their education, training, experience, oral interviews, and the results of any examinations required for the position being filled. Applicant tests including, but not limited to, basic skills written tests, mechanical or physical agility, and psychological tests may be used by the County in the selection process for certain positions. 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 administrative officer making the employment decision. The Human Resources Department may inform applicants of their status, may provide reference checks, and may notify applicants of rejection. Once the administrative officer has made the employment decision, the Human Resources Director will offer the position.

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, drug/alcohol screening, or requirements and reference and criminal background checks. Applicants who receive a conditional offer of employment are not employees of the County unless they receive an official letter of employment. Vigo 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 form.

The Offer of Employment form will outline:

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

The Offer of Employment is contingent on satisfactory proof of permission to work in the United States, and the receipt of satisfactory references.

The Offer of Employment shall be signed by the applicant and authorized official, and submitted to the Human Resources Department with a copy provided to the Auditor's Office, before the applicant is considered an employee of Vigo County. The Offer of Employment form will be maintained in the personnel file.

2.7 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 and health prior to hiring, or anytime during the course of employment with the County.

After a conditional offer of employment has been extended, applicants may be required to undergo a pre-employment medical examination by a health professional of the County's choice, at the County's expense.

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

Information on an employee's medical condition or history shall be kept in a confidential

medical file that is separate from other employee information. Medical information shall be maintained by the Human Resources Department. Access to this information will be limited to the employee, Elected Official/Department Head of the employee, designated employees responsible for processing insurance and workers' compensation claims, and others on a need-to-know basis.

Any individual who is offered employment must submit to a drug screen at a designated location under procedures that will be provided to the individual. The County will pay for the cost of the drug screen. The offer of employment is conditional upon the individual receiving a negative test result.

2.8 EMPLOYMENT STATUS

It is the intent of the county to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. Employee is defined as an individual who is carried on County payroll records as an active employee and who receives wages through the County payroll.

For the purpose of salary and benefit administration and labor law compliance, each employee is designated as either non-exempt or exempt from federal and state wage hour laws. Non-exempt employees are paid on an hourly basis and are covered by the overtime requirements of the Fair Labor Standards Act (FLSA) and who must receive compensation at one and one half times his/her normal rate of pay for all hours actually worked in excess of forty (40) hours during a single workweek. Exempt employees are employees who are not covered by the overtime requirements of the FLSA because he/she is a salaried employee working in a professional, executive, administrative, or other exempt capacity as defined in the FLSA.

According to the U.S. Department of Labor, Indianapolis Office, the position of Chief Deputy is considered exempt by the guidelines set under the Fair Labor Standards Act.

In addition to the above categories, each employee will belong to one other employment category:

Full-Time Public Retirement (FTPR) employees are those who are not in a part-time or temporary status and who are regularly scheduled to work at the County's full-time schedule of at least thirty-five (35) hours or more per workweek. FTPR employees are eligible for the County's benefit package, subject to the terms, conditions, and limitations of each benefit program. FTPR employees are eligible for the following benefits: Vacation Leave, Holidays, Sick Leave, Bereavement leave, Personal Leave, Worker's Compensation, Social Security benefits, Health Insurance, and Indiana Public Retirement

System.

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

Part-Time (PT) employees are those who are not assigned to full-time, temporary, or probationary status and who are regularly scheduled to work less than thirty (30) hours per workweek. However, part-time employees may be required to work additional hours based on staffing and business needs of the County. Part-time employees retain that status until expressly notified of a change. While part-time employees do receive all legally mandated benefits such as Worker's Compensation, and Social Security benefits subject to the terms, conditions, and limitations of each benefit program, they are not eligible for any other County benefit programs.

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

2.9 INTRODUCTORY PERIOD

The introductory period shall be regarded as an integral part of the examination process. It shall be utilized to permit the newly hired employee to become familiar with the job; to permit the Department Head and/or supervisor to observe the new hire's work; to permit the most effective adjustment of a new hire to his/her position; and to permit the Department Head and/or supervisor to decide whether the new hire should be retained. The normal introductory period shall be six (6) months in duration.

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

During the introductory period, employees are eligible for those benefits that are required by law, such as workers' 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.

2.10 EMPLOYMENT REFERENCE CHECKS AND CRIMINAL BACKGROUND CHECKS

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

For employment reference checks requested by outside employers of past or current County employees, the County will respond in writing only to those reference check inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held. No employment data will be released without written authorization and a release signed by the individual who is the subject of the inquiry.

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

Credit checks should be directed to the Human Resources Department.

2.11 PERSONNEL FILES

Vigo County maintains an employee service record as prescribed by the Indiana State Board of Accounts. The official copy of this record will be kept and maintained in the Human Resources Department. These records are permanent records of the County and all records will be maintained according the Human Resources Department's retention schedule as prescribed by the State of Indiana.

The County maintains seven (7) separate personnel records concerning the employee's employment history.

1. **Personnel File:** The employee's personnel file shall contain personnel policy handbook acknowledgement, completed application, job description, performance evaluations, disciplinary actions, acceptance/termination letters, attendance records, reference checks, and trainings/education accomplishments/awards. This file shall be maintained by the Human Resources Department.

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2. **Payroll File:** This file shall contain documentation such as W4, WH4, contact information sheet/employee profile, direct deposit form/banking information, identification copies, INPRS information, deferred compensation company information, unemployment forms and information, child support/garnishment information, and court orders. This file shall be maintained by Payroll Deputy with copies in the Human Resources Department as needed.
3. **Medical File:** The employee's medical file shall contain all medical information, including health insurance enrollment and beneficiary forms, medical related information, drug screen results, and supplement insurance companies forms. This file shall be maintained by the Human Resources Department.
4. **CDL File:** CDL files will be maintained as a separate file for CDL employees by the Human Resources Department with copies in the Highway Department. This file shall be verified through BMV testing each calendar year.
5. **E-verify:** This file shall contain E-verify and background check information. This file shall be maintained in the Human Resources Department.
6. **FMLA and Worker's Compensation Files:** These files shall contain Family Medical Leave and/or Worker's Compensation documentation. These files shall be maintained by the Human Resources Department.
7. **I-9 File:** This file shall contain the I-9 form. This file shall be maintained in the Human Resources Department.

2.12 ACCESS TO PERSONNEL FILES

Access to confidential personnel files shall be limited to the employee, the Elected Official/Department Head of the employee, County Auditor, County Attorney, Human Resources Department, and other persons authorized by the County Attorney on a need-to-know basis. The Human Resources Department shall not provide any information pursuant to a subpoena or court order sooner than ten (10) calendar days after the date of receipt of the subpoena or court order.

Within five (5) calendar days of the receipt of a subpoena, the County Attorney shall notify the affected employee(s) of the receipt to permit the employee(s) to seek any appropriate judicial relief from the subpoena.

With reasonable advance notice, an employee may review material in his/her file in the presence of Human Resources Department personnel. Upon request, the County will

provide the employee copies of any documents contained in his/her personnel file. Employees shall be responsible for Vigo County copy fees that apply.

No information deemed confidential under Indiana Code 5-14-3-4 shall be provided to any person concerning the employment of an employee.

2.13 PERSONAL INFORMATION CHANGES

It is the responsibility of each employee to promptly notify the County of any changes in personal data. Personal mailing addresses, telephone numbers, marital status, number and names of dependents, 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 status reports should be accurate and current at all times. Any unreported changes in personal status may impact eligibility under the County's benefits plans.

2.14 ORIENTATION/EXIT INTERVIEWS

Once employed by the County, the Human Resources Department personnel, and Elected Official/Department Head shall conduct an informal orientation to familiarize the new employee with the County. The Human Resources Department shall provide the new employee with a written or electronic copy of the **Vigo County Personnel Policies Handbook** and can require an acknowledgement of receipt to be executed by the new employee.

Upon termination of the employment relationship with an employee, exit interviews should be scheduled with the Human Resources Department, and Elected Official/Department Head.

The purposes of the exit interview include:

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

2.15 PERFORMANCE APPRAISALS

Appraising the performance and productivity of each employee is necessary for the employee to know the quality of his/her work, and whether he/she is meeting expected performance levels. Appraisals are equally important to management in identifying

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training needs or promotional opportunities; for identifying future manpower needs; for providing additional documentation for disciplinary actions; and for providing a basis for judging performance. Appraisals also help to differentiate between the performances of individual employees, thus forming the cornerstone of success for any compensation system involving the merit concept. An evaluation form is available through Human Resources Department or it can be downloaded off the County website.

Each office shall evaluate each employee at least once during each twelve (12) months of employment. The purposes of the evaluation are to:

1. Advise the employee how he/she is performing and areas that may need improvement.
2. Help to determine whether the employee will have or has the potential to succeed in his/her assigned job.

Temporary, seasonal, and part-time employees should also be given the benefit of evaluations as time permits. Such evaluations when performed should be conducted in the same manner as those for full-time employees and should be filed in the employee's personnel file.

Exceptions to the annual review as a matter of policy are as follows:

1. The performance of employees on an introductory period shall be evaluated at ninety (90) days and at the end of the period. The purpose of this review is to evaluate the progress and performance of new employees.
2. The performance of employees on performance probation shall be evaluated as provided below.

An employee may be placed on performance probation if a written evaluation of his/her work performance indicates that his/her work performance is below the acceptable standard. At the time an employee is placed on performance probation, the responsible Elected Official, Department Head, and/or supervisor shall establish with the employee the goals to be accomplished by the employee and time period in which the employee's attainment of goals and work performance shall be re-evaluated. Failure by the employee to successfully complete his/her performance probationary period, shall result in demotion or termination by the responsible Elected Official, Department Head, or the supervisor. At the end of the performance probationary period, whether successfully completed or unsuccessfully completed, a written evaluation shall be prepared. Employees on performance probation have all the rights of other

employees within the same classification.

The formal performance appraisal shall be conducted by the Department Head or supervisor who is responsible for the oversight of the employee. The evaluating responsible Elected Official, Department Head, and/or supervisor should:

1. Review the employee's job description. The employee should be rated on how he/she fulfilled the duties and responsibilities set forth in the job description, and also any special assignments not specifically mentioned.
2. Review the employee's accomplishment of goals or objectives previously agreed upon between the employee and responsible Elected Official, Department Head, and/or the supervisor.
3. Complete the Performance Evaluation Form, sign it and if applicable forward it to the person or entity to whom the Department Head and/or supervisor is responsible.
4. The responsible Elected Official, Department Head, and/or supervisor shall discuss the appraisal with the employee and ask him/her to sign the evaluation report, indicating that the appraisal has been discussed. If the employee refuses to sign or a signature cannot be obtained, the evaluator must indicate such on the form.
5. The employee has the right to disagree and comment on the evaluation form, but the evaluation cannot be the basis for filing a formal grievance.
6. The responsible Elected Official, Department Head, and/or supervisor shall file the completed Employee Evaluation Form in the employee's personnel file in the Human Resources Department.

2.16 CONFLICT OF INTEREST/OUTSIDE EMPLOYMENT

2.16.1 Conflict of Interest

Employees have an obligation to conduct business within guidelines that prohibit

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actual or potential conflicts of interest. This policy establishes only the framework within which Vigo County wishes the business to operate.

The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact the Vigo County Commissioners for more information or questions about conflicts of interest.

An actual or potential conflict of interest occurs when an employee is in a position to influence a contractual decision that may result in a personal gain for that employee or for a relative as a result of Vigo County's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

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

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

The following paragraphs apply to all public officials and employees of Vigo County, Indiana.

No officers or employees of the county shall neither solicit nor accept gratuities, favors, or anything of monetary value from Consultants, potential Consultants, or parties to subagreements, unless in accordance with this Conflict of Interest Policy. The aforementioned prohibition does not include gratuities, favors, or anything of monetary value under \$250.00. Any financial interest under \$250.00 shall be considered not substantial in accordance with the Code of Federal Regulations.

This policy conforms to the standards set forth in the Code of Federal Regulations and by the Indiana Department of Transportation. A "Consultant" is defined as an individual or firm providing engineering and design related services as a party to a contract with a recipient or subrecipient of federal assistance.

2.16.2 Outside Employment

Employees may hold outside jobs as long as they do not impact the assigned duties or diminish the employee's efficiency in performing his/her primary work obligation.

All employees are required to disclose immediately to their Department Heads and/or supervisors any outside employment they are engaged in that may conflict or have the appearance of a conflict with their duties related to employment with Vigo County and complete the requirements of state statute IC 35-44-1-3.

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

2.17 NEPOTISM

Effective July 1, 2012 Indiana Code 36-1-20.2 specifies that relatives may not be employed by the County in positions that result in one relative being in the direct line of supervision of the other relative. The County also prohibits relatives from occupying positions in the same line of authority within the organization.

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

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

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

Indiana Code defines relative to include a spouse; a parent or step-parent; a child or step-child; a brother, sister, step-brother, or step-sister; a niece or nephew; an aunt or uncle; a daughter-in-law or son-in-law; an adopted child; and a brother or sister by half blood.

Each elected office holder of the County shall annually certify in writing that the officer is in compliance with the nepotism policy under Indiana Code 36-1-20.2. Such certification

must be submitted to the County Commissioners not later than December 31 of each year.

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

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

2.18 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.

Fire protection services provided under mutual aid agreements are excluded. An employee or volunteer who assumes or holds an elected office on January 1, 2013 may continue to hold the office and be employed by the County or serve as a volunteer firefighter until the expiration of the term of office.

2.19 CONTRACTING WITH THE COUNTY

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

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

If a contract is entered into with a relative the appropriate agency of the County shall

make a certified statement that the contract amount or purchase price was the lowest amount or price offered or make a certified statement of the reasons why the vendor or contractor was selected. Contracts in existence prior to July 1, 2012 are excepted.

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

2.20 FULL-TIME TO ELECTED OFFICIAL EMPLOYMENT

In the event that a full-time employee is elected to a full-time Vigo 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. This policy shall apply to all former elected officials who are serving in a full-time position with Vigo County.

2.21 REQUESTS FOR INFORMATION

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

2.22 LAYOFF AND RECALL

Vigo 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. Transfer of work load responsibilities;
4. Job abolishment; and/or
5. Reorganization.

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A reduction in force (RIF) must be at the direction of the Commissioners and/or responsible Elected Official. A RIF plan must provide a mechanism to fairly and objectively determine what positions must be deleted in the event of a reduction in funding or other legitimate reason. The plan will generate a list of the positions that will be affected by the reduction. If specific segments or activities can be identified as being no longer affordable or necessary, then those positions will be eliminated and the employees who occupy those positions will be reassigned or laid off.

If the same functions or activities will still continue, but not as frequently, then grouping of positions based on similarities of responsibilities, job duties, salary range, and job title will occur, and those unnecessary positions will be eliminated and the employees who occupy those eliminated positions will be reassigned or laid off.

All employee benefits will terminate as of the time of layoff. Insurance coverage will be available under COBRA provisions. Any employee laid off as part of a RIF will be paid for all accumulated vacation time. Any accumulated compensatory time will be paid for all non-exempt employees only.

Any employee recalled in any County position within ninety (90) days after layoff will have previously accrued sick time reinstated to them and previous years of employment added to their recall date for purposes of accruing vacation leave benefits. Reinstatement in the group insurance will be governed by the terms of the insurance plan.

If an employee does not accept an offered recall within three (3) business days, the employee will be terminated and considered to have voluntarily terminated employment due to lack of work.

If an employee is not recalled within ninety (90) calendar days of layoff, the employee will be considered involuntarily terminated due to lack of work.

3. SALARY ADMINISTRATION

The policies contained in this chapter and throughout the Vigo County Personnel Policies Handbook apply to all Vigo 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 Tuesday at 12:01 a.m. and ends on Monday at 12:00 midnight. The work week is subject to change by the Board of County Commissioners.

3.2 WORK HOURS

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

The normal hours for full-time employees covered by this Handbook consists of thirty-five (35) hours worked in five (5) consecutively scheduled eight (8) hour days, with one (1) hour for lunch each day. However, each responsible Elected Official, Department Head, and /or supervisor will establish the work hours of the employees within a department or office to accommodate the needs of that office or department. Each employee must perform the county's work a minimum of seven (7) hours each day, exclusive of authorized breaks.

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

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

The work hours which are commonly used are:

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

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Prosecutor's Office: A regular workday begins at 8:00 a.m. to 4:00 p.m. Monday through Friday unless otherwise approved by the Prosecutor or Chief Deputy Prosecutor. A normal week's work will consist of eight (8) hours per day and thirty five (35) hours per week, unless stated differently. Employees shall have a one (1) hour unpaid meal period each workday. All Deputy Prosecutors shall serve on a rotating on-call schedule. The Elected Prosecutor is entitled to shift the regular work hours of his/her office to meet office needs.

Courts: The Elected Judges set the normal work hours of their employees in accordance with the needs of the Court. All employees are required to work a minimum of 35 hours per workweek.

Building Maintenance: Employees shall work one (1) of the four (4) following shifts: 6:00 a.m. to 2:00 p.m.; 7:00 a.m. to 3:00 p.m.; 8:00 a.m. to 4:00 p.m.; or 2:00 p.m. to 10:00 p.m. on Monday through Friday. Full-time employees shall have a one (1) hour unpaid meal period each workday.

Highway Department: A regular workday begins at 6:30 a.m. to 5:00 p.m. Monday through Thursday during summer hours, and 7:30 a.m. to 4:00 p.m. Monday through Friday during winter hours. Office administration shall work 7:00 to 5:00 p.m. Monday through Thursday during summer hours, and 8:00 a.m. to 4:00 p.m. Monday through Friday during winter hours. Office Administration (those on a 35 hour work week) have a one (1) hour unpaid meal period each workday. 40 hour Employees shall have a ½ hour unpaid meal period each workday.

The designated Superintendent of the Highway will set emergency work and hours. An emergency shall exist when a condition creates danger of injury to the public or property damage, or in the event of an emergency due to implement weather or highway

Community Corrections: A regular workday for administrative staff begins at 8:00 a.m. to 4:00 p.m. Monday through Friday with a one (1) hour unpaid meal period each workday. Full-time custodial staff shall work a twelve (12) hour workday with one (1) hour paid meal period each workday. Part-time custodial staff shall work a ten (10) hour workday with thirty (30) minutes paid meal period each workday.

In departments which are open twenty-four (24) hours a day where employees of those departments are required to not leave the work area during lunch hours will have a forty (40) hour work week instead of the thirty-five (35) hour work week.

Employees working a forty (40) hour work week that are given the privilege to leave the building, are expected to be available if or when an emergency would occur. Employees

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from these areas including employees out in the field should carry and have on devices where contact can be made immediately for unexpected emergencies.

E-911/Dispatch/Emergency Communications:

The Director reserves the right to change/alter/shift schedules/assignments as necessary for the efficient operation of the Department.

A regular workday for the Director shall begin at 8:00 a.m. to 4:00 p.m. Monday through Friday with a one (1) hour unpaid meal period each workday. Administrative/Clerical staff shall work 7:30 a.m. to 3:30 p.m. Monday through Friday with a one (1) hour unpaid meal period each workday. Part-time clerical staff shall work 6:30 a.m. to 2:30 p.m. on Tuesday, Wednesday, and Thursday.

Dispatchers shall work a rotating shift of 6:00 a.m. to 6:00 p.m., 6:00 p.m. to 6:00 a.m., or 11:00 a.m. to 11:00 p.m. Dispatchers shall work two (2) days on, two (2) days off, and 3 days on, on a rotating basis per workweek.

In departments which are open twenty-four (24) hours a day where employees of those departments are required to not leave the work area during lunch hours will have a forty (40) hour work week instead of the thirty-five (35) hour work week.

Employees working a forty (40) hour work week that are given the privilege to leave the building, are expected to be available if or when an emergency would occur. Employees from these areas including employees out in the field should carry and have on devices where contact can be made immediately for unexpected emergencies.

Group Homes:

The Director reserves the right to change/alter/shift schedules/assignments as necessary for the efficient operation of the Department.

A regular workday for the Executive Director begins at 7:00 a.m. to 3:00 p.m. Monday through Friday with a one (1) hour unpaid meal period each workday. Treatment Caseworker/Director, Program Director, Therapeutic Family Casemanager, After Care/IL Caseworker, Secretary, Assistant Secretary, and Maintenance Director positions begin at 8:00 a.m. to 4:00 p.m. Monday through Friday with a one (1) hour unpaid meal period each workday. Nightguards shall work 10:00 p.m. to 6:00 a.m. with the opportunity to eat onsite. Youth Care Specialists shall work on a rotating 24 hour schedule from 9:00 a.m. to 9:00 a.m., two (2) days on, two days off, three days on, two days off and are required to

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eat with the residents.

In departments which are open twenty-four (24) hours a day where employees of those departments are required to not leave the work area during lunch hours will have a forty (40) hour work week instead of the thirty-five (35) hour work week.

Employees working a forty (40) hour work week that are given the privilege to leave the building, are expected to be available if or when an emergency would occur. Employees from these areas including employees out in the field should carry and have on devices where contact can be made immediately for unexpected emergencies.

Jail/Sheriff:

The Sheriff reserves the right to change/alter /shift schedules/assignments as necessary for the efficient operation of the Sheriff's Office and County Jail.

In departments which are open twenty-four (24) hours a day where employees of those departments are required to not leave the work area during lunch hours will have a forty (40) hour work week instead of the thirty-five (35) hour work week.

Employees working a forty (40) hour work week that are given the privilege to leave the building, are expected to be available if or when an emergency would occur. Employees from these areas including employees out in the field should carry and have on devices where contact can be made immediately for unexpected emergencies.

Merit Deputies: Merit Deputies shall work one of the following three (3) shifts: 6:45 a.m. to 3:00 p.m.; 2:45 p.m. to 11:00 p.m.; or 10:45 p.m. to 7:00 a.m. Deputies shall work a four (4) day on, two (2) day off schedule.

Correctional Officers: Correctional Officers shall work one (1) of the following three (3) shifts: 12:00 a.m. to 8:00 a.m.; 8:00 a.m. to 4:00 p.m.; or 4:00 p.m. to 12:00 a.m. Officers shall work a five (5) days on, two (2) day off schedule.

Juvenile Justice Center: A regular workday for the Director and Assistant Director shall be 8:00 a.m. to 4:00 p.m. Monday through Friday with a one (1) hour unpaid lunch. The Office Manager shall work 5:00 a.m. to 1:00 p.m. on Monday and Friday; and 8:00 a.m. to 4:00 p.m. Tuesday, Wednesday, and Thursday. Detention Officers and Shift Supervisors shall work rotating schedules of eighty (80) hours during a two week pay period.

In departments which are open twenty-four (24) hours a day where employees of those departments are required to not leave the work area during lunch hours will have a forty (40) hour work week instead of the thirty-five (35) hour work week.

Employees working a forty (40) hour work week that are given the privilege to leave the building, are expected to be available if or when an emergency would occur. Employees from these areas including employees out in the field should carry and have on devices where contact can be made immediately for unexpected emergencies.

3.3 JOB DESCRIPTIONS

Vigo County positions, except those of Elected Officials, have been described in job descriptions. Elected Officials and Department Heads assign the duties and responsibilities specified in Department job descriptions. The County Council adopts the County's official job descriptions. Copies of job descriptions are available in each office or department, and provided to each employee. County job descriptions are maintained in the Human Resources Department.

3.4 JOB CLASSIFICATION/PAY SYSTEM MAINTENANCE

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

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

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

Highway management will determine which highway employees deserve and meet the "A" classification. By possessing the necessary qualifications, requirements, and the willingness to go beyond the expectations, an "A" classification highway employee shall receive \$.71 more per hour.

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.

The compensation of County employees is based on the duties and responsibilities of the various positions. Each responsible Elected Official, Department Head and/or supervisor shall prepare and maintain a current list of positions within the office or department, the

essential functions of each of those positions, and the salary range applicable to each of those positions.

For hiring and transfer purposes, the salary ranges should be applied as follows:

1. Those employees being hired or transferred into a position who have relatively little or no background experience shall be hired in no less than the minimum range.
2. Those employees being hired or transferred into a position who have prior experience may be hired at a rate above the minimum with approval of county council.

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, 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 not reporting to work without a justified excuse shall be computed by the normal work days in a year divided into the gross yearly salary.
- (d) An employee cannot be granted time off without pay if they have remaining time accrued; such as vacation days, sick days, or compensatory time.
- (e) The wages of an Elected Official cannot be docked, as set by law.

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

3.7 TIMEKEEPING

Under the Fair Labor Standards Act (FLSA), a federal statute passed by the U.S. Congress

and enforced by the U.S. Department of Labor, and Family and Medical Leave Act (FMLA) the County must keep accurate records of all actual hours worked by its employees.

Responsible Elected Officials, Department Heads and/or supervisors must turn in actual hours to the Payroll Department on a pay period basis including the notation for vacation, sick, personal, compensation, or unpaid time.

The record must include accurate information about the employee and data about hours worked and wages earned. Employers are required to maintain the following records:

1. Employee's full name, as used for Social Security purposes, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records;
2. Address, including zip code;
3. Birth date if younger than 19;
4. Sex and occupation;
5. Time of day of week when employee's workweek begins, hours worked each day, and total hours worked each workweek;
6. Basis on which the employee's wages are paid;
7. Regular hourly rate;
8. Total daily or weekly straight-time earnings;
9. Total overtime earnings for the workweek;
10. All additions to or deductions from the employee's wages;
11. Total wages paid each pay period; and
12. Date of payment and the pay period covered by the payment.

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

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.

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 EMPLOYEE ATTENDANCE REPORT

FLSA exempt and non-exempt employees shall record their name on their employee attendance report as it appears on his/her Social Security card and their appropriate department name. Any used accrued vacation time, sick leave, compensatory time, personal leave, or any other approved leave must be listed where indicated.

The Elected Official, Department Head and/or supervisor shall review the attendance report before submitting it for payroll processing according to the established schedule.

If corrections or modifications are made to the attendance report, both the employee and the supervisor must verify the accuracy of the changed by initialing the attendance report.

Failure by an employee to submit a completed employee attendance report when required or submitting a falsified attendance report may result in disciplinary action.

3.11 PAYDAYS

County employees are paid by direct deposit bi-weekly on Friday (subject to change). All required deductions for federal, state, and local taxes, and all authorized voluntary deductions, such as health insurance contributions, will be withheld automatically from the paycheck.

3.12 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. Employees are responsible for review of their paycheck for errors. Any employee who thinks that he/she has had incorrect deductions from his/her paycheck or was not paid the proper amount should give notice on the day of receipt of such pay or any day thereafter, in writing, to his/her Elected Official/Department Head with a copy of the notice sent to

the Auditor. The responsible Elected Official, Department Head and/or supervisor will take the steps necessary to correct any error.

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

3.13 PAY DEDUCTIONS/GARNISHMENTS

The assignment of wages or a garnishment order is regarded as a serious matter. Employees are expected to manage their personal financial matters to avoid the intervention of legal authorities or to necessitate withholding of wages by the County.

No payroll deduction will be made from an employee paycheck unless authorized by the employee or required by law. When decreed by court order or state law, including past due taxes, the County will deduct an amount determined by the court or the state from the gross wages of the employee. The County shall impose a processing fee for making deductions due to garnishment order, judgment for child support, or other related garnishments according to IC 24-4.5-5-105. Employees are required to report changes in family status, address, or other information that could affect amount of deductions withheld. The County is legally required to make certain deductions from each employee's paycheck, including federal, state and local income taxes, retirement system contributions, court-ordered child support, and any other deductions required by law. The County must also deduct social security taxes on each employee's earnings, up to a specified limit called the social security "wage base." The County matches the amount of social security taxes paid by each employee.

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

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

3.14 OVERTIME COMPENSATION AND COMPENSATORY TIME

For determination of overtime compensation, employees are defined as exempt or non-exempt employees under the Fair Labor Standards Act (FLSA).

Overtime under the FLSA is defined as time worked in excess of forty (40) hours in a work week. County employees are regularly scheduled for thirty-five (35) hours in a seven (7) day workweek. No overtime payment is required unless a non-exempt employee works in

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excess of forty (40) hours during the workweek or unless payment is required or authorized by salary ordinance from county council.

Employees holding **EXEMPT** positions are ones who meet the test for the executive, administrative, professional, or other exemption and is excluded from specific provision of federal and state wage and hour laws, and are not entitled to FLSA overtime compensation or FLSA compensatory time off.

According to the U.S. Department of Labor, Indianapolis Office, the position of Chief Deputy is considered exempt by the guidelines set under the Fair Labor Standards Act and is not entitled to overtime pay.

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.

Non-exempt employees shall be paid at their regular rate of pay for the first forty (40) hours worked in a workweek and at one and one-half times (1 ½) their regular hourly rate of pay for all hours worked in excess of forty (40) hours during a workweek.

“Hours worked” means time actually spent on the job. It does not include hours away from work due to vacation, personal time, compensatory time, sickness, or holiday (even when these days are compensated).

3.14.1 Overtime

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.

A. Overtime - Sheriff Merit Officers and Jail Officers

Sheriff Merit Officers shall be paid at one and one-half (1 ½) times their regular hourly rate of pay for all hours worked in excess of eight (8) hours in an eight (8) hour workday.

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Jail Officers shall be paid at their regular rate of pay for the first forty (40) hours worked in a workweek and at one and one-half times (1 ½) their regular hourly rate of pay for all hours worked in excess of forty (40) hours during a workweek.

B. Emergency Call-Out

Irrespective of the foregoing provisions, if the public safety department of Vigo County Government, including, but not limited to, Vigo County Emergency Management, and Vigo County Sheriff's Merit Officers, receive a call indicating an immediate response outside of normal business hours is necessary to deal with an emergency situation; the Department Head of the responding department, or the responsible Elected Official shall authorize the required personnel to respond and resolve the emergency situation which required immediate attention. It is the responsibility of the employee to notify their elected official/department head if they are not fit for duty in response to an emergency situation. All employees responding to an emergency call out shall be compensated for a minimum of two (2) hours at the rate of one and one-half (1.5) times their normal rate of pay, regardless of whether or not they have actually worked forty (40) or more hours, for an emergency call-out.

Those employees of the public safety department of Vigo County Government who are required to respond to an immediate emergency situation occurring outside of normal business hours, as established by the Department Head or the responsible Elected Official, shall be compensated at the rate of one and one-half (1 ½) times their normal rate of pay, regardless of whether or not they have actually worked forty (40) hours in the workweek.

Complete and accurate records of actual hours worked in responding to the immediate emergency situation must be maintained. Such records of actual hours worked shall be maintained by the responsible Department Head and, if requested, turned over to the responsible Elected Official and verified by the designated responsible Department Head. No overtime may be paid as compensatory time off

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or as additional wages, unless the overtime is supported by such documentation.

This policy shall not apply to routine overtime situations occurring in the public safety departments of Vigo County. Therefore, for those routine overtime situations the policy requiring forty (40) "hours worked," as defined in the handbook, in a workweek, before any overtime is paid shall apply.

A non-exclusive list of examples: auto-accident requiring immediate clean up, obstruction in the roadway, and dangerous roadway conditions; all occurring outside of normal business hours.

C. Emergency Call-Out: Maintenance Personnel

If the maintenance department of receives a call indicating an immediate response outside of normal business hours is necessary to deal with an emergency situation; the Department Head or the responsible Elected Official shall authorize the required personnel to respond and resolve the emergency situation which required immediate attention. It is the responsibility of the employee to notify their elected official/department head if they are not fit for duty in response to an emergency situation.

Maintenance Department employees who are required to respond to an immediate emergency situation occurring outside of normal business hours, as established by the Department Head or the responsible Elected Official, shall be compensated for a minimum of two (2) hours at the rate of one and one-half (1 ½) times their normal rate of pay, regardless of whether or not they have actually worked forty (40) hours in the workweek.

D. Emergency Call-Out: Highway Department Personnel

If the highway department receives a call indicating an immediate response outside of normal business hours is necessary to deal with an emergency situation; the Department Head or the responsible Elected Official shall

authorize the required personnel to respond and resolve the emergency situation which required immediate attention. It is the responsibility of the employee to notify their elected official/department head if they are not fit for duty in response to an emergency situation.

Highway Department employees who are required to respond to an immediate emergency situation occurring outside of normal business hours, as established by the Department Head or the responsible Elected Official, shall be compensated for a minimum of two (2) hours at the rate of one and one-half (1 ½) times their normal rate of pay, regardless of whether or not they have actually worked forty (40) hours in the workweek.

3.14.2 Compensatory Time

Compensatory time in lieu of monetary overtime may be given for hours in excess of forty (40) hours worked in a workweek for a non-exempt employee with prior approval from the Elected Official/Department Head.

Paid holidays and/or accrued leave time are not to be used in the calculation of compensatory time.

Part-time and seasonal/temporary non-exempt employees are not eligible for compensatory time and shall be monetarily compensated for all time worked.

Compensatory time off may be earned or taken in as little as 1/2 hour increments or as deemed appropriate by the Elected Official or Department Head.

An employee shall be permitted to use compensatory time within a reasonable period after it is requested if to do so would not unduly disrupt the operations of the department.

At their sole discretion, Elected Officials/Department Heads may schedule use of employee compensatory time.

A. Non-FLSA Compensatory Time:

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Compensatory time may be accrued in lieu of being paid overtime for all non-exempt employees, on an hour-for-hour basis for additional hours worked up to forty (40) hours per 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.

Use of compensatory time must be determined in advance of submission of payroll.

C. Compensatory Time Sheriff Merit Officers and Jail Officers

Sheriff Merit Officers shall be paid at one and one-half (1 ½) times their regular hourly rate of pay for all hours worked in excess of eight (8) hours in an eight (8) hour workday.

Jail Officers shall be paid at their regular rate of pay for the first forty (40) hours worked in a workweek and at one and one-half times (1 ½) their regular hourly rate of pay for all hours worked in excess of forty (40) hours during a workweek.

3.14.3 Maximum Compensatory Time Accrual

During each calendar year, non-exempt County employees may accrue forty (40) compensatory hours; monetary compensation is paid for hours in excess of forty (40) compensatory time hours at the rate of one and one-half (1 ½) time the hourly wage at the time earned.

Upon adoption of this policy, employees with accrued compensatory time hours over forty (40) shall use the excess hours by September 1, 2018.

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

Elected Officials and Department Heads are required to monitor the accrual of compensatory time, and ensure employees schedule use of compensatory time with the Elected Official/Department Head's prior approval. All compensatory time shall be approved in advance of accrual or use.

Payment for accrued compensatory time upon termination of employment shall be calculated at the average rate of pay for the final three (3) years of employment, or the final regular rate received by the employee, whichever is higher.

Upon termination of employment, employees are entitled to payment of the unused balance of their accrued compensatory time. Payment for accrued and unused compensatory time at termination may be included in the employee's last regular earnings paycheck, if possible, or in a separate check.

3.14.4 Overtime/Compensatory Time Approved in Writing

Complete and accurate records of actual hours worked for all non-exempt employees must be maintained. Such records of actual hours worked shall be maintained by the responsible Elected Official or by the employee and verified by the designated responsible Elected Official. No overtime may be paid as compensatory time off or as additional wages unless the overtime is supported by such documentation.

3.14.5 Failure to Work Scheduled Overtime or Overtime without Authorization

Any such overtime must be approved by responsible Elected Official before it is worked unless otherwise set by salary ordinances. Any non-exempt employee working more than forty (40) hours in a normal workweek without the prior approval, or failing to work scheduled overtime shall be terminated.

3.15 FLEX TIME

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

3.16 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.

If the County offices are closed by order of the Commissioners, full-time employees will receive their regular daily salary or wage for that day. If a part-time employee is scheduled to work the day the Commissioners have closed the County offices, his/her hours shall be rescheduled. 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 or personal leave if they choose to be paid for the day of work missed.

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.

Employees on vacation at the time of an emergency closing will be charged with their vacation time as previously scheduled.

In addition, there will be non-exempt employees from departments or offices, which must provide public safety services during emergencies. Essential Service Departments shall include: The Sheriff’s Office, Jail, E-911, Highway Department, Group Homes, and the Building Maintenance Department. During emergencies, employees of these departments or offices will be expected to report for duty. Non-exempt employees that are called in to work due to “emergency” situations will be compensated at time and one half (1 ½) for the time worked outside of their normal schedule.

“Emergency” situations include weather related emergencies and other such matters of public safety deemed appropriate by an Elected Official or Department Head.

3.17 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 including, but not limited to during the

orientation period.

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine.

To separate employment in good standing an employee shall not be terminated for disciplinary reason, and shall submit a resignation in writing stating any reason(s) for resignation to his/her Elected Official and/or Department Head at least two (2) weeks before the effective date of the resignation. Such notice is not provided by the use of accrued vacation or sick leave. Failure to comply with this provision will be entered on the service record of an employee and result in denial of future employment with the County.

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

3.17.1 Resignation:

A County employee officially separates his/her employment on the last day he/she works. Accrued leave benefits shall be calculated as of the last working day. Prior to leaving County employment, the employee should verify that the County has a correct address on file and contact INPRS to obtain necessary information to either receive the employee's deduction or to begin retirement. INPRS refunds will not be issued until at least thirty (30) days after the employee's separation day. Insurance coverage is available under COBRA upon separation.

3.17.2 Re-employment:

Former employees who have separated employment with the County in good standing may be considered for re-employment. Employees with a break in service with the County for the purpose of computation of longevity as it relates to the salary, if the time the employee was not employed by the County is less than half the time employed prior to the break in service. The employee shall not accumulate any benefits during the period of separation.

3.17.3 Compulsory Resignation:

An employee who without valid reason fails to report to work for three (3) consecutive work days without authorized leave shall be separated from the payroll by order of the Commissioners and/or responsible Elected Official and reported as

a termination.

3.17.4 Layoffs:

Except in the circumstance where the County Council fails to fund positions, an involuntary separation based on the needs of the County to restructure or reduce its workforce may be considered a layoff referred to as a reduction in force (RIF). A RIF must be at the direction of the Commissioners and/or responsible Elected Official. A RIF plan must provide a mechanism to fairly and objectively determine what positions must be deleted in the event of a reduction in funding or other legitimate reason. The plan will generate a list of the employees who will be affected by the reduction. If specific segments or activities can be identified as being no longer affordable or necessary, then those position will be eliminated and the employees who occupy those positions will be reassigned or laid off.

If the same functions or activities will still continue, but not as frequently, then grouping of positions based on similarities of responsibilities, job duties, salary range, and job title will occur, and those unnecessary positions will be eliminated and the employees who occupy those eliminated positions will be reassigned or laid off.

All employee benefits will terminate as of the time of layoff. Insurance coverage will be available under COBRA provisions. Any employee laid off as a part of a RIF will be paid for all accumulated vacation time. Any accumulated compensatory time will be paid for all non-exempt employees only.

Any employee recalled in any County position within ninety (90) days after layoff will have previously accrued sick time reinstated to them and previous years of employment added to their recall date for purposes of accruing vacation leave benefits. Reinstatement in the group insurance will be governed by the terms of the insurance plan.

If an employee does not accept an offered recall within three (3) business days, the employee will be terminated and considered to have voluntarily terminated employment due to lack of work.

If an employee is not recalled within ninety (90) calendar days of layoff, the employee will be considered involuntarily terminated due to lack of work.

3.17.5' Loss of Job Requirement:

As allowed by law, any employee who is unable to adequately perform the essential

duties and responsibilities of his/her position, because of loss of a necessary license or other requirement, may be terminated. The employee may apply for an open position if qualified or apply for the same position if the necessary license or other requirement is reinstated.

3.17.6 Discharge, Involuntary Termination:

Discharges or involuntary terminations are separations by the Elected Official or Department Head with the approval of the Commissioners, except for departments with governing boards. Notice of the termination will be in writing and maintained in the employee's personnel file. If the termination is based on a reason, the reason will be noted in the written notice of termination.

When a decision has been made to terminate an employee, the employee will be notified of such decision by a written notice of responsible Elected Official.

Arrangements for final paychecks will be made and information regarding insurance coverage and other information relative to employment will be explained.

At the time of notification, the responsible Elected Official and/or Department Head will escort the employee from the County building or work location. The employee will need to make arrangements with the responsible Elected Official and/or Department Head to acquire personal belongings.

3.17.7 Retirement:

Retirement occurs when an employee concludes his/her working career with Vigo County through the retirement process; meeting the age, length of service, and any other criteria for retirement from the County.

3.17.8 Death:

When an employee dies, his/her final compensation, accumulated annual leave and any other monetary benefits shall be provided to his/her beneficiary or his/her estate.

3.18 RETURN OF 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 the employee on or before his/her last day of work, or promptly upon request if the employee does not return to work, including identification, credit cards, keys, cell phones, laptops and manuals, to

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the responsible Elected Official or Department Head and/or supervisor.

4. EMPLOYEE BENEFITS

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

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

Employees should contact the Human Resources Department for information regarding benefit programs for which they may be eligible. Details of many of these programs can be found elsewhere in the personnel policies handbook.

Some benefit programs require contributions from the employee.

4.1 VACATION

All regular full-time employees will begin to accrue vacation allowance upon completion of their first full year of employment. Annual vacation is accrued by anniversary year, and shall be determined according to the following chart:

	35 Hour Workweek	40 Hour Workweek
Years of Full-time Service Completed	Number of Hours Awarded on Anniversary	Number of Hours Awarded on Anniversary
1	35	40
2-4	70	80
5	105	120
6	112	128
7	119	136
8	126	144
9	133	152
10+	140	160

Annual vacation up to a maximum of seventy (70) hours (35 hour workweek), or eighty (80) hours may be carried over to the following year.

Vacation time shall be paid at the regular, straight time rate at the time of which it is used.

Vacation time shall be used in increments of one-half (1/2) day, except when used for intermittent FMLA when the minimum increment may be one (1) hour.

Authorization for the use of accrued vacation leave is always subject to the needs of the office or department in which the employee works. Acceptable patterns for use of accrued vacation may vary depending on the nature of the work.

All vacation leave shall be approved by the Elected Official and/or Department Head at least three (3) days prior to the day upon which the vacation commences.

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

Upon separation from County employment, an employee will be paid for any accrued vacation leave for the year if the employee has worked continuously as a full-time employee for more than one (1) year, has voluntarily resigned, and has given at least two (2) weeks notice.

4.2 PERSONAL LEAVE

Full-time employees working a thirty-five (35) hour work week shall receive seven (7) personal hours four (4) times per calendar year in January, April, July, and October. Employees in the Highway, Jail, Juvenile Justice, and E-911 departments, who work a forty (40) hour work week receive eight (8) personal hours four (4) times per calendar year in January, April, July, and October.

Employees shall accrue personal leave during the introductory period as defined in section 2.9 beginning the first day of the month following hire date, but such leave will not be paid during the first six (6) months of employment. Any absences during the introductory period are not paid.

At the end of the introductory period newly hired employees that are full-time working a thirty-five (35) hour work week will be credited with fourteen (14) personal hours. Newly hired employees that work in the Highway, Jail, Juvenile Justice, and E-911 departments and work a forty (40) hour work week will be credited with sixteen (16) personal hours.

Personal leave may be used only in the calendar year in which they are accrued. Accrued but unused personal leave will be forfeited. Personal leave shall be used in increments of one-half (1/2) day except when used during FMLA which is one (1) hour increments.

Personal leave may not be used to supplement or add to vacation leave, but vacation leave may be used to supplement or add to personal leave.

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

Accrued but unused personal leave will not be paid for at the time the employee leaves employment with the County.

4.3 HOLIDAYS

The Board of Commissioners will establish a holiday schedule each year and post it prior to the beginning of the next year.

Depending upon the needs of the office or department, some employees may be required to work on regularly designated holidays. Employees who are required to work on a holiday shall receive compensation for hours worked or comparable time off another day.

All full-time employees shall receive their regular daily salary or straight-time hourly wage for each of the holidays, providing the employee works the entire day before and the entire day after the holiday.

Depending on the needs of the office or department and creating no hardship, employees may request leave to take a personal day or vacation day and be in pay status. Being in pay status would not include unpaid days, sick days, or call-ins. Any holiday that occurs during an FMLA leave shall be paid.

Holidays which occur during vacation, shall not be charged against accrued vacation time.

Part-time and temporary/seasonal employees will not be paid for holidays unless they actually work that day and shall then be paid at the regular rate of pay.

4.3.1 Jail Division Employees

Employees of the Jail Division may receive paid compensation for holidays in lieu of days off at the discretion of the Sheriff. Full-time employees receiving paid compensation shall receive their regular daily salary or straight time hourly wage (based on regular hours paid and excluding overtime hours) for each of the approved holidays.

Paid compensation for holidays shall be paid in the pay period for which the holiday occurs.

4.4 SICK LEAVE

Sick leave shall be used for an employee, spouse, parent or step-parent, or dependent's medical appointment, disability or illness that necessitates the employee's absence from work in increments of half or full days, except when used for intermittent FMLA when the minimum increment may be one (1) hour.

Full-time employees who work a thirty-five (35) hour work week shall receive seven (7) hours of sick leave in the following months: February, March, May, June, August, September, November, and December, for a total of up to fifty-six (56) hours per calendar year. Employees in the Highway, Jail, Juvenile Justice, and E-911 departments, who work a forty (40) hour work week shall receive eight (8) hours of sick leave in February, March, May, June, August, September, November, and December for a total of up to sixty-four (64) hours per calendar year.

Employees shall accrue sick leave during the introductory period as defined in section 2.9 beginning the first day of the month following hire date, but such leave will not be paid during the first six (6) months of employment. Any absences during the introductory period are not paid.

At the end of the introductory period newly hired employees working a thirty-five (35) hour work week will be credited with twenty-eight (28) sick hours. Newly hired employees that work in the Highway, Jail, Juvenile Justice, and E-911 departments and work a forty (40) hour work week will be credited with thirty-two (32) sick hours.

Employees working a thirty-five (35) hour work week may carry over from year to year a maximum of two hundred fifty two (252) accrued but unused sick hours. Employees in the Highway, Jail, Juvenile Justice, and Communications departments that work a forty (40) hour work week may carry over from year to year a maximum of two hundred eighty eight (288) accrued but unused sick hours.

Sick leave may not be used to supplement or add to vacation leave, but vacation leave may be used to supplement or add to sick leave.

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

Accrued but unused sick leave will not be paid for at the time the employee leaves employment with the County.

Sheriff Merit Officers may accrue up to ninety (90) days of sick leave, and shall be paid for up to forty-five (45) days upon separation of employment.

Employees shall be required to provide a physician's certification of illness and ability to resume work if the sick leave has been for three (3) consecutive days or more.

Abuse of sick leave may lead to disciplinary action, including termination. An example of abuse of sick leave would be repeated and unsubstantiated use of sick time on a Monday, or a Friday, or on the day before or after a vacation period.

4.5 BEREAVEMENT LEAVE

The purpose of bereavement leave is to provide an employee with time to attend the funeral of a family member and to handle personal affairs related to the death of a family member.

Bereavement leave shall be granted to full-time, part-time, temporary, and seasonal employees and must be arranged with the employee's Elected Official and/or Department Head.

Full-time employees may be granted up to three (3) working days with pay in the event of a death of an immediate family member.

Part-time, seasonal, and temporary employees may be granted up to three (3) working days without pay in the event of a death of an immediate family member.

An immediate family member means the employee's spouse, father, father-in-law, step-father, mother, mother-in-law, step-mother, child or stepchild, brother or brother-in-law, sister or sister-in-law, grandmother or grandfather, grandchild, aunt or uncle, niece or nephew.

Bereavement leave shall be in conjunction with the time of death or date of funeral or memorial service, and must be used consecutively. The employee's Elected Official or Department Head may ask the employee to supply the name and relationship of the deceased and the name of the funeral home that handles the arrangements.

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

Bereavement leave shall be paid for days absent from the employee's regular schedule only.

Arrangements for time off must be made with the employee's responsible Elected Official, Department Head, or supervisor concerning the attendance of a funeral for other relatives and such time off will be charged to vacation leave, personal days, or time off without pay.

4.6 JURY DUTY AND COURT APPEARANCES

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

Employees shall notify his/her Elected Official and/or Department Head within twenty-four (24) hours after receipt of notice to attend.

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

Full-time County employees will be paid their regular wages for time served on jury or witness duty.

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

4.7 FAMILY AND MEDICAL LEAVE ACT (FMLA)

The County shall comply with all regulations as described in the Family and Medical Leave Act (FMLA) of 1993 including all subsequent revisions. This policy serves as a general description of employee's FMLA rights; therefore, in the event a conflict arises between this policy and applicable law, employees shall be granted all such rights allowed by law. Vigo 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 Vigo County.

4.7.1 Entitlement

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

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

4.7.1(A) Serious Health Condition Defined

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

4.7.1(B) Chronic or Long-term Health Condition Defined

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

4.7.2 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.

4.7.2(A) Intermittent Leave or Reduced Leave Schedule

Intermittent leave or leave on a reduced leave schedule must be medically necessary due to a serious health condition or a serious injury or illness. An employee shall advise the County, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable. The employee and Vigo 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.

4.7.3 Employee Notice Requirements

4.7.3(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.

4.7.3(a) Employee Failure to Provide Notice

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

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

4.7.3(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.

4.7.3(b) Employee Failure to Provide Notice

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

4.7.3(C) Requesting FMLA Leave

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

Employees should contact the HR department to secure such forms and procedures used for requesting leave under the County's Family and Medical Leave policy.

4.7.4 Employer Notice Requirements

4.7.4(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.

4.7.4(B) Designation Notice

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

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

Only one (1) notice of designation is required for each FMLA-qualifying reason per applicable twelve (12)-month period, regardless of whether

the leave taken due to the qualifying reason will be a continuous block of leave or intermittent or reduced schedule leave.

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

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

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

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

4.7.5 Certification

Vigo 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.

Vigo 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)**.

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

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

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

4.7.5(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.

4.7.5(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 Auditor or designated official by the County Commissioners will be responsible for obtaining clarification and/or authentication.

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

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

4.7.5(C) Second and Third Medical Opinion

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

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

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

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

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

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

4.7.5(E) Fitness-for-Duty Certification

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

The cost of recertification shall be borne by the employee.

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

4.7.6 Calculation of FMLA Leave

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

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

An employee *shall* use any accrued paid leave (such as sick leave, compensatory time, personal leave, and vacation leave) for any part of the twelve (12) week period of such leave under the County's FMLA policy. Any holiday that occurs during an FMLA leave shall be paid.

Accruals for benefit calculations, such as vacation, sick leave, personal days, or holiday benefits, shall not be affected by taking FMLA leave if the employee remains in paid status.

4.7.6(A) Intermittent Leave or Reduced Leave Schedule

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

4.7.6(B) Health Benefits

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

4.7.7 Employee Reinstatement

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

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

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

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

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

4.7.8 Military Family Leave Entitlements

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

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

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

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

4.7.8(A) Employee Notice Requirements

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

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

When the need for Military Family leave is not foreseeable, the employee must provide notice to the County as soon as practicable under the facts and circumstances of the particular case. Generally, it should be practicable to provide notice for unforeseeable leave with the time prescribed by the County’s usual and customary notice requirements. Please see section “Requesting FMLA Leave” above.

4.7.8(B) Entitlement

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

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

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

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

4.7.8(C) Covered Active Duty Defined

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

4.7.8(D) Covered Service member Defined

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

4.7.8(E) Qualifying Exigency Leave

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

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

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

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

Qualifying exigencies include the following:

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

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informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member;

3. **Childcare and related activities:** Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
4. **Financial and legal arrangements:** Making or updating financial and legal arrangements to address a covered military member's absence;
5. **Counseling:** Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;
6. **Rest and recuperation:** Taking up to fifteen (15) days of leave to spend time with a covered military member who is on short-term temporary, rest, and recuperation leave during deployment;
7. **Post-deployment activities:** Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member; and
8. **Additional activities:** Any other event that the employee and County agree is a qualifying exigency.

4.7.8(a) Certification

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The first time an employee requests leave because of a qualifying exigency arising out of the active duty or call to active duty status of a covered military member, the County shall require the employee to provide a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service.

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

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

4.7.8(b) Verification

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

4.7.8(F) Military Caregiver Leave

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

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

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

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

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

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

4.7.8(c) Next of Kin Defined

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

4.7.8(d) Designating Leave

In the case of leave that qualifies as both leave to care for a covered service member 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 service member in the first instance. Leave that qualifies as both leave to care for a covered service member 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 service member and leave to care for a family member with a serious health condition.

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

4.7.8(e) Certification

When leave is taken to care for a covered service member 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 service member.

The County, if appropriate, shall seek authentication and/or clarification of the certification as stated above in the County’s FMLA policy. However, second and third opinions

and recertification's, as outlined above in the County's FMLA policy, are not permitted for leave to care for a covered service member.

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

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

4.7.8(f) ITOs and ITAs Certification

The County, in place of the Department of Labor form WH-385, shall accept "invitational travel orders" ("ITOs") or "invitational travel authorizations" ("ITAs") issued to any family member to join an injured or ill service member 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 service member in a continuous block of time or on an intermittent basis. An eligible employee who provides an ITO or ITA to support his or her request for leave shall not be required to provide any additional or separate certification that leave taken on an intermittent basis during the period of time specified in the ITO or ITA is medically necessary. An ITO or ITA is sufficient certification for an employee entitled to take FMLA leave to care for a covered service member regardless of whether the employee is named in the order or authorization.

If an employee will need leave to care for a covered service member 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 Service member)**, as requisite certification for the remainder of the employee's necessary leave period.

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

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

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.

4.8 AMERICANS WITH DISABILITIES ACT (ADA)

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

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

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

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

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

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

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

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

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

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

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

4.9 MILITARY LEAVE

Vigo County is committed to protecting the job-related rights of employees absent on military leave. In accordance with federal and state law, including the Uniformed Services Employment and Re-employment Rights Act (USERRA) of 1994, the County will not discriminate against any employee on the basis of that person's membership in or obligation to perform service for any of the uniformed services of the United States.

4.9.1 Annual Training

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

Subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible, the employer will continue to provide health

insurance benefits for the full term of the annual training period.

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

4.9.2 Active Duty/Enlistment

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

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

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

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

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

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

Employees on such leave must notify Vigo County of the intent to return to

employment in accordance with all applicable state and federal laws.

4.9.3 Indiana Military Family Leave

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

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

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

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

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

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

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

4.10 WORKERS' COMPENSATION

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

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

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

Employees should contact their Elected Official/Department Head to obtain information and forms regarding filing workers' compensation claims. Initial reports are to be filed with the Human Resources Department. Medical certifications are required. Once completed, all such forms are to be filed directly with the insurance carrier.

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

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

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

Certain injuries are excluded from Workers' Compensation coverage, including but not limited to employee intoxication, self-inflicted injuries, failing to 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.

For eligible employees, workers' compensation leave may be considered Family and Medical Leave Act (FMLA) leave beginning with the first day of leave depending on the circumstances of the incident which caused the leave. All Vigo County employees will be permitted to participate in whichever program entitles them to the most benefits depending on the circumstances of the leave. Nothing in this section entitles an employee to any leave unless they meet all the eligibility requirements required for the respective leave.

4.11 EMPLOYEE INSURANCE

Medical insurance is available for full-time employees and is paid partially by the County and partially by the employee. Specific details regarding eligibility and coverage are available in the Human Resources Department.

A full-time **New hire** employee shall become eligible to apply for medical insurance when hired, effective the first day of the month following thirty (30) days of employment.

All full-time employees and their eligible dependents are subject to any standards, policies, or restrictions set forth in any medical insurance program or medical contract, including a self-insurance program, approved by the Commissioners.

Payment of the employee portion of the insurance premium shall be made by payroll deduction except during the period an employee is on a leave without pay in which circumstance the employee should make arrangements for payment of the employee portion of the premium by contacting the Payroll Deputy in the Auditor's Office.

4.12 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY (HIPAA)

Vigo 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.

Vigo County has designated the HR Director as the County's "privacy official" who is responsible for developing and implementing privacy policies and procedures; and the HR Director is the contact person who is responsible for receiving complaints regarding compliance.

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

4.13 BENEFITS CONTINUATION (COBRA)

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

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

All COBRA inquiries should be directed to the HR department.

4.14 INDIANA PUBLIC RETIREMENT SYSTEM (INPRS)

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

of employment, average salary, retirement option selected and age at retirement.

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

4.15 DEFERRED COMPENSATION PLAN

Deferred compensation is a voluntary IRS Section 457 plan which offers all County employees and Elected Officials 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.

Vigo County will contract with an outside provider selected by the Board of Commissioners to be the exclusive provider and enroller.

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

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

4.16 TEMPORARY AND OCCUPATION LEAVE

The Department Head with the approval of the Commissioners may approve temporary leaves and/or occupation leaves with pay to permit employees to attend conventions, short training sessions or to observe operations in other governmental units when such attendance and/or observation is deemed beneficial to the County.

5. WORKING CONDITIONS

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

5.1 SAFETY

Vigo County is proud of its facilities and safe working conditions for employees. No matter how safe your working area may be, carelessness can cause you or a co-worker to suffer injury. You should know and follow common sense safety practices for your protection and the protection of fellow employees. Employees are responsible to comply with the safety rules and the use of safety equipment maintained by the County.

Suggestions regarding employee safety are welcome. Suggestions or safety concerns should be reported to your responsible Elected Official and/or Department Head.

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 Human Resources Department. 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 outlined in this handbook.

It is the responsibility of the employee to notify the Elected Official and/or Department Head of any injury by the end of their work shift. The Elected Official and/or Department Head will notify the Human Resources Department within twenty-four (24) hours.

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

5.2 BLOODBORNE PATHOGENS

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

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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 protect employees and minimize or eliminate their potential exposure to blood and other potentially infectious materials, the following procedures must be followed:

1. All needles, broken glass, and other sharp items that may be contaminated with blood or other potentially infectious materials may not be disposed of in waste receptacles. If employees need to dispose of such an item, they are to contact the Maintenance Staff whose personnel have been trained in the proper disposal of these materials. Broken glass that is not contaminated may only be cleaned up using the appropriate equipment, i.e., broom and dust pan. Employees must not attempt to pick up glass with their hands.
2. Women are to dispose of sanitary products in the plastic or wax paper bags located in the restrooms. If an item has not been properly disposed of, employees are not to attempt to dispose of the item. They are to contact the Maintenance Staff who have been trained in the proper disposal of these materials.
3. Employees are not to attempt to clean up any blood or other potentially infectious materials. They are to contact the Maintenance Staff, whose personnel have been trained in the proper clean-up procedure.

Other potentially infectious materials include: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any bodily fluid that is visibly contaminated with blood, and all bodily fluids in situations where it is difficult or impossible to differentiate between bodily fluids.

5.3 LACTATION SUPPORT

Vigo 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.

Vigo 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.

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

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

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

Personal use of County telephones including cell phones is discouraged. Employees are permitted to use County telephones in the event of emergency or similar circumstances. The use of County telephones and resources for personal long-distance calls is prohibited.

All long-distance calls for official business must be submitted through regular channels for payment.

Receipt of personal mail in county offices is inappropriate and discouraged.

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

5.5 USE OF CELLULAR/MOBILE PHONES AND PAGERS

Personal cellular/mobile phones and pagers are disruptive in the workplace. The use of personal cellular/mobile phones, including text messaging, and/or pagers during office hours is prohibited except for emergency purposes. Employees may use personal cellular/mobile phones during break periods, including meal breaks in locations that do not pose a disruption to others. Employees abusing this policy will be subject to appropriate disciplinary action.

Once approved for the cellular phone allowance, the employee shall receive a monthly allowance, paid bi-weekly as a taxable benefit.

There are three (3) levels of monthly allowances.

Level 1: Basic Voice Service – This allowance plan will pay an amount established by the County Commissioners each year. Employees who are required to serve on-call, respond to work-related emergencies from off-duty status, or are required to be available to speak with clients when away from the office may qualify for the Level 1 allowance plan.

Level 2: Voice and Data Service – This allowance plan will pay an amount established by the County Commissioners each year. Employees with a demonstrated need for access to email, remote desktop, office calendar, or other similar data services necessary to conduct the business of Vigo County government may qualify for the Level 2 allowance plan.

Level 3: Information Technology Voice and Data Service – This allowance plan will pay an amount established by the County Commissioners each year. Employees with a demonstrated need for a large amount of data usage via a smart phone to conduct the business of Vigo County government may qualify for the Level 3 allowance plan.

Vigo County shall not be responsible for the cellular phone bills. The monthly allowance will be charged to the appropriate department/office operating budget.

Employees receiving cellular phone allowances shall provide their Elected Official/Department Head and the Auditor's Office with contact information associated with the cellular phone.

5.6 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.

The cell phone/electronic use policy in vehicles applies to County employees, except on-duty police officers, who fit any or all of the following criteria:

- Driving on County business in any vehicle.
- Driving a County vehicle, whether on County business or not.
- Placing work-related calls, whether driving on County business or not.
- Using a cell phone or other electronic devices while driving.

5.6.1 General Procedures

Use of cell phones, except for hands free devices, while driving is strictly prohibited – this includes all functions of the cell phone including, but not limited to, phone calls, text messaging/SMS, e-mail, multimedia messaging service/MMS, instant messaging/IM, Internet use, camera use, etc.

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Use of electronic devices – including laptops, personal digital assistants/PDAs, digital audio (MP3) players, cameras and pagers – while driving is strictly prohibited.

Voicemail must handle calls while driving, and calls may only be returned when stopped or pulled off the road.

Passengers making or taking calls for the driver is permissible provided the interaction does not affect the driver's performance.

Regular callers must be informed that you will not be available while driving and should be notified of best times to call based on driving schedule.

Employees who receive calls from coworkers who are driving are obligated to ask that the coworker call back at a more appropriate time.

5.6.2 Headset/Hands-Free Use

The device is pre-approved by the Vigo County Board of Commissioners for use.

Use of the device does not cause distractions (e.g., fiddling with the device or taking eyes off the road to get it to function properly).

Any dialing or use of the handset is handled while stopped or pulled to the side of the road.

Conversations do not interfere with the driver's ability to drive safely.

Road conditions are generally good and do not threaten your safety.

5.6.3 Emergency Calls

The only exception to the policy is calls placed to 911. If placing or accepting an emergency call, keep it short and use a hands-free option if available. When receiving an emergency call, ask the caller to hold briefly until you can safely pull your vehicle off the road.

5.6.4 GPS Systems

GPS systems are extremely helpful devices, but they can also be distracting if used improperly. Employees must adhere to the following:

- Mounted GPS systems may not block or obstruct the driver's view in any way.
- GPS systems must be voice narrated and must not require that the driver look away from the road to follow instructions.
- Employees may not program the system while in motion.
- Programming or otherwise engaging with the GPS screen may only occur while stopped or while pulled off the road.

5.7 USE OF INFORMATION TECHNOLOGIES

The County has established the following policy that governs the use at work of internet/intranet systems, and electronic mail systems. The employee understands and acknowledges that he/she has absolutely no expectation of privacy when using the County's communication systems. Furthermore, the attached policy of the Vigo County Information Technology department governs the procurement of all equipment that will be utilized by any county department in the course of their duties.

Emails and voice-mail messages reflect the County image. They should be composed in a professional manner that is similar to messages sent on County letterhead. Employees should keep in mind that electronic files are subject to discovery. Therefore, it is expected that employee statements in electronic messages and files will be professional, courteous, and will reflect favorably on the County and on the employee.

In addition to the system hardware and software, all electronic files and electronic messages are the property of the County, whether composed, received, or sent by the employee. E-mail messages and other electronic files constitute business records belonging to the County.

Because all messages are the property of the County, employees should not expect that messages are private. In addition, employees should be aware that deleted files might be retrieved and read by the County. The County reserves the right to retrieve, monitor, or review any messages for any purpose without notice to the employee and without seeking permission of the employee. Passwords must be disclosed upon request.

Employees may not use E-mail or voice mail systems to solicit for charitable or commercial ventures, or in any way that violates the County's solicitation/distribution policy.

Receiving or downloading, or sending or uploading of proprietary information is prohibited without prior authorization. Such information includes copyrighted materials, trade secrets, proprietary financial information, or similar materials.

Employees must receive permission from their Elected Official and/or Department Head before posting messages to electronic bulletin boards, list-serves or similar public postings forums on the Internet. When posted, such messages must contain a disclaimer at the end of the message that: "The opinions expressed in this message are mine only, and do not reflect the opinion or position of my employer."

Employees who violate this policy are subject to discipline, up to and including termination of employment.

In addition, the County IT department has requirements designed to help protect services. The following is the guidelines that are requested of each employee:

5.7.1 Acceptable Use Policy for Vigo County Government Internet and E-mail

This Acceptable Use Policy specifies actions prohibited by Vigo County Government IT Department (Vigo County Government), by its Employees and/or appropriate parties of the Vigo County Government Network. Vigo County Government and the Vigo County IT Department, reserve the right to suspend or cease the service to employees and/or users found to be in violation of this policy or applicable law, pursuant to 17 U.S.C. § 512(i), and to modify the Policy at any time, effective upon posting of the modified Policy to the Vigo County Government website located at www.vigocounty.in.gov.

5.7.2 Disclaimer of Certain Damages

Neither Vigo County Government, Vigo County IT department, nor Employees of Vigo County Government, shall be liable to the other for any indirect, consequential, exemplary, special, incidental, or punitive damages, including without limitation loss of use or lost business, revenue, profits, or goodwill, arising in connection with this agreement, under any theory of tort, contract, indemnity, warranty, strict liability or negligence, even if the party knew or should have known of the possibility of such damages.

5.7.3 Illegal Use

Use of the Internet by employees of Vigo County Government, is permitted and encouraged where such use supports the goals and objectives of the job. The Vigo County Government network may be used only for lawful purposes.

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Transmission, distribution, uploading, posting, or storage of any material in violation of any applicable law or regulation is prohibited. By using the Vigo County Government network you automatically agree to the terms outlined but not limited to, what is covered in this, Vigo County Government Acceptable Use Policy. Failure to follow said applied rules and regulations can and in most cases will result in disciplinary actions.

This includes, without limitation, material protected by copyright, trademark, trade secret or other intellectual property right used without proper authorization, and material that is obscene, defamatory, libelous, unlawful, harassing, abusive, threatening, harmful, vulgar, constitutes an illegal threat, visiting Internet sites that contain obscene, hateful, or pornographic material; using the computer to perpetrate any form of fraud, or software or music piracy; using the Internet to send offensive or harassing material to other users; downloading commercial software or any copyrighted materials belonging to third parties, unless this download is covered or permitted under a commercial agreement or other such license; hacking into unauthorized areas; creating or transmitting defamatory material; undertaking deliberate activities that waste staff effort or networked resources; introducing any form of computer virus into the corporate network which violates export control laws, hate propaganda, fraudulent material or fraudulent activity, or invasion of privacy or publicity rights, profane, indecent or otherwise objectionable material of any kind or nature.

You may not transmit, distribute, or store material that contains a virus, "Trojan Horse," corrupted data, or any software or information to promote or utilize software or any of Vigo County Government and the Vigo County Government IT department services to deliver unsolicited e-mail. You further agree not to transmit any material that encourages conduct that could constitute a criminal offense, give rise to civil liability or otherwise violates any applicable local, state, national or international law or regulation, while using the Vigo County Government and Vigo County Government IT department services in a manner that interferes with the use of the Vigo County Government network is prohibited.

Personnel are prohibited from using departmental computers and/or departmental cell phones/devices, to access, maintain, and/or contribute to any social media/networking websites. Permission to do so may be granted by Department Head or when being used for investigative or public information purposes.

You acknowledge and agree that it is a violation of this AUP for your service to cause an interruption or degradation of, interference with, or disproportionate burden on the operations of Vigo County Government and Vigo County IT department, systems or the services of other employees, regardless of whether

such interruption, degradation, interference or burden is the result of your actions or those of a third party over which you have no control.

You may access and use our services for lawful purposes only and you are solely responsible for the knowledge and adherence to any and all laws, statutes, rules and regulations pertaining to your use of our services. You agree that you will not (i) use the services to commit a criminal offense or to encourage conduct that would constitute a criminal offense or give rise to a civil liability, or otherwise violate any local, state, federal, or international law or regulation; (ii) upload or otherwise transmit any content that you do not have a right to transmit under any law or contractual or fiduciary duty; (iii) interfere or infringe with any trademark or proprietary rights of any other party; (iv) interfere with the ability of other users to access or use our services; (v) claim a relationship with or to speak for any individual, business, association, institution or other organization for which you are not authorized to claim such a relationship; (vi) interfere with or disrupt the service or servers or networks connected to the service, or disobey any requirements, procedures, policies or regulations of networks connected to the service; or (vii) reproduce, duplicate, copy, use, distribute, sell, resell, or otherwise exploit for any commercial purposes any portion of the services.

5.7.4 System and Network Security

Violations of system or network security are prohibited, and may result in criminal and civil liability. Vigo County Government and the Vigo County Government IT department will investigate incidents involving such violations and will cooperate with law enforcement if a criminal violation is suspected. Examples of system or network security violations include, without limitation, the following: running servers including but not limited to HTTP, mail, file-sharing (including but not limited to both server-client based applications and peer-to-peer applications) and FTP, unless approved by appropriate parties of the Vigo County Government and the Vigo County Government IT department.

5.7.5 E-mail

A user shall not use another site's mail server to relay mail without the express permission of the site. Sending Unsolicited Bulk Email ("UBE", "spam"). The sending of any form of Unsolicited Bulk Email through Vigo County Government IT department servers is prohibited. Likewise, the sending of UBE from another service provider advertising a web site, email address or utilizing any resource

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hosted on Vigo County Government and Vigo County Government IT department servers is prohibited. Vigo County Government accounts or services may not be used to solicit customers from, or collect replies to, messages sent from another Internet Service Provider where those messages violate this Policy or that of the other provider. Running unconfirmed mailing lists, subscribing email addresses to any mailing list without the express and verifiable permission of the email address owner is prohibited. Purchasing lists of email addresses from 3rd parties for mailing to or from any Vigo County Government-hosted domain, or referencing any Vigo County Government account, is prohibited.

Personal use of e-mail is a privilege, not a right. Abuse of the privilege may result in appropriate disciplinary action. Employees need to keep in mind that all e-mail is recorded and stored along with the source and destination. Management has the ability and right to view employees' e-mail. Recorded e-mail messages are the property of the agency and therefore the taxpayers of Vigo County. Thus, they are subject to the requirements of the Indiana Public Records Act and the laws applicable to County and State records retention. Employees should be aware that when sending an e-mail message of a personal nature, there is always the danger of the employees' words being interpreted as official agency policy or opinion. Therefore, when an employee sends a personal e-mail, especially if the content of the e-mail could be interpreted as an official agency statement, the employee should always provide a disclaimer in the e-mail, identifying is as such.

Personal e-mail should not impede the conduct of local business; only incidental amounts of employee time- time periods comparable to reasonable coffee breaks during the day- should be used to attend to personal matters. Racist, sexist, threatening, or otherwise objectionable language is strictly prohibited.

E-mail should not be used for any personal monetary interests or gain. Employees should not subscribe to mailing lists or mail services strictly for personal use. Personal e-mail should not cause the Vigo County Government to incur a direct cost in addition to the general overhead of e-mail.

Indirect or attempted violations of the policy, and actual or attempted violations by a third party on behalf of a user/employee of the Vigo County Government, shall be considered violations of the policy by such employee and may constitute legal actions taken on behalf of local, state, and federal government.

5.8 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.

5.8.1 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 Vigo County, or Vigo 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, Vigo 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 Vigo County.

5.8.2 Know and Follow County Policies and Work Rules

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

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

5.8.3 Be Respectful

Always be fair and courteous to fellow employees, County vendors, and the public on behalf of Vigo 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.

5.8.4 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 Vigo County, fellow co-workers, County vendors, or the public.

5.8.5 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 Vigo 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 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."

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- 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.

5.8.6 Respect Time and Property

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

5.8.7 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.

5.8.8 Know That the Internet is Permanent

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

5.9 DRUG-FREE WORKPLACE

The unlawful manufacture, distribution, dispensing, possession, or use of illegal drug and alcohol are prohibited on County property and are cause for employee discipline up to and including termination.

In compliance with the Drug-Free Workplace Act of 1988 and as a condition of employment, all employees are required to abide by the County provisions and to notify the Commissioners of any criminal drug statute conviction or a violation occurring on the County's property no later than five (5) days after the conviction.

The County recognizes the serious work-related effects of drug, alcohol consumption and

unlawful possession of controlled substances and adopts the following Drug Free Workplace Policy Procedures.

5.9.1 Policy

Employees are expected to maintain the integrity of County Government, the safety of both County employees and the public, to provide a drug-free workplace and to maintain efficient operations by ensuring employees at work are in appropriate mental health and physical condition. The manufacture, distribution, dispensing, possession, use of a controlled substance or alcohol on County property or while conducting County business off County property is absolutely prohibited. Being under the influence of a controlled substance or alcohol during work hours while performing County business, on or off County property, or while in or on County equipment including County vehicles is absolutely prohibited. Violations of this policy will result in disciplinary action, up to and including immediate termination by the Commissioners or responsible Elected Official with or without the recommendation of the Department Head and/or supervisor and may have legal consequences.

The County recognizes drug and alcohol dependency as an illness and major health problem. The County also recognizes drug and alcohol abuse as a potential health, safety, and security problem. Employees needing help with such problems are encouraged to use their health insurance plans, or to seek help from an outside substance abuse treatment center or program. The County hopes you will make a conscientious effort to seek help if you have a substance abuse problem.

Employees must, as a condition of employment, abide by the terms of the above policy and report any conviction under a criminal drug or alcohol status. A report of a conviction must be made within five (5) days after the conviction.

5.9.2 Procedure

5.9.2a Employee testing

The County may require a County employee to undergo drug and/or alcohol testing if a combination of two (2) Department Heads and/or supervisors have a reasonable suspicion that the employee is under the influence of drugs or alcohol during work hours, or while on County property, or in a County vehicle, or while conducting County business off County property.

The County reserves the right to implement random testing and if such testing is required by law, or if such testing is permitted by law and the

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County determines that it is necessary to ensure the safety of both County employees and the public or the integrity of County operations. Random testing will be implemented in a manner consistent with procedures established by any applicable law for such testing.

If reasonable suspicion exists, an Elected Official and/or Department Head may direct the employee to submit himself/herself to an examination, including blood tests, urinalysis, and breathalyzer. The examinations would only be requested in an attempt to determine whether an employee has recently consumed and/or is under the influence of alcohol, intoxicants, or non-prescribed drugs, while performing duties as a County employee. The results of the tests will be released to the supervisor and used in any subsequent corrective action to be taken. Under no circumstances shall the employee being tested be required to waive his/her immunity with respect to the use of the test results or fruits thereof in a criminal prosecution. The results of such a test shall not be used in any subsequent criminal court action without consent of the employee.

Employees who refuse to complete the test or test positive may result in disciplinary action up to and including termination.

Vigo County will not employ individuals known to use illegal drugs or misuse prescription drugs. Any individual who is offered employment for a position in a department that requires drug screening must submit to a drug screen at a designated location under procedures that will be provided to the individual. The County will pay for the cost of the drug screen. The offer of employment is conditional upon the individual receiving a negative test result. 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.

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.

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:

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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.

5.9.2b Refusing an Examination

In the circumstances where the Elected Official and/or Department Head have a reasonable suspicion of drug and alcohol use or being under the influence of such substances, the employee must be advised prior to requiring an examination that the refusal to submit to an examination will result in immediate termination. Under no circumstance shall the employee being tested be required to waive his/her immunity with respect to the use of the test results or fruits thereof in a criminal prosecution.

Those who refuse a random test will be subject to the terms and conditions set out in such requirement of which those employees affected will be given notice.

5.9.2c Transporting the Employee Suspected of Alcohol or Drug Use

If it is determined that an employee shall be tested for the presence of drugs or alcohol use, the following procedure should be followed:

1. Call the facility of the County's choice. If unknown contact the Vigo County Commissioners Office at (812) 462-3367.
2. Transport the employee to the facility. The employee must be accompanied by two (2) individuals at least one (1) of the same gender.
3. Those who transport the employee shall provide the facility with a duplicate of the Department Heads and/or supervisors completed form, and the Consent to Alcohol/Drug Testing and Release of Information form.
4. The employee to be tested shall sign the Consent to Alcohol/Drug

Testing and Release of Information form and provide proper identification at the facility.

5. Those who transport the employee shall remain with the employee during the testing procedure.
6. Employee shall return to work after random testing. However, if under suspension, employee will be transported home after the test. Normal pay will apply while employee is waiting for test results.

5.9.2d Test Results

The results of the test will be sent to the Human Resources Department. Test results may be used only for the purpose of determining whether disciplinary action shall be taken.

Questions concerning this policy or its administration should be directed to the Human Resources Department.

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

Section 5.9.3 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.

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.

5.10 TOBACCO FREE WORKPLACE

In order to provide a healthy environment for County employees and citizens, the County has instituted a tobacco free workplace. This policy prohibits **any tobacco use** within fifty (50) feet of County buildings or in County vehicles. This policy applies equally to all Elected Officials/Department Heads, employees, and visitors.

In addition, this policy prohibits the use of **any electronic smoking devices or any substance containing nicotine**. This ban includes smoking in any form through the use of tobacco products (pipes, cigars, and cigarettes) or vaping with e-cigarettes.

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

5.11 USE OF COUNTY PROPERTY/EQUIPMENT AND VEHICLES

Except as otherwise provided, no County employee shall use or allow being used any County property such as equipment, telephones, cell phones, beepers, mailing privileges, pagers, material, computers etc., for anything other than County business. All real and personal property, including office furniture and supplies, is and remain the property of the County, and County officials shall have access to all property at the time. Unauthorized or abusive use of property and/or equipment is prohibited. No employee should have or leave any personal items on or in County property, which the employee would not want other employees or County officials to see.

All equipment, keys, and other property of the County must be returned on the last day of employment, or sooner if requested.

Employees who need transportation in the course of the normal work may be assigned a County vehicle for the use on County business.

All employees required to drive a County vehicle in the course of employment shall have

a valid operator's and/or chauffeur's license issued by the State of Indiana as well as be eligible for coverage under any applicable County insurance. Employees must understand that employment is contingent on the willingness and ability to drive and to meet the County's driver approval standards. A photocopy of a current valid Indiana driver's license must be kept in the employee's personnel file before the employee may drive a County vehicle. All employees operating County vehicles are expected to observe the "rules of the road" and to drive courteously.

Employees must report immediately to the Elected Official and/or Department Head any accident, theft, or damage involving a County vehicle used on County business, regardless of the extent of damage or lack of injuries. Employees reporting such accidents are expected to provide a police report to the supervisor and to cooperate in any investigation of the accident and to prepare such reports or give such statements as the County and/or its insurance carrier may require. Payment of parking tickets and/or other traffic violations is the responsibility of the employee and shall not be reimbursed by the County. The use of a County owned vehicle while under the influence of drugs or alcohol or any other intoxicant is absolutely prohibited. In following the County tobacco free workplace, smoking is prohibited in County vehicles.

In addition, the County prohibits the use of County owned vehicles for personal business with the exception of driving to and from work. The County will follow the Federal tax regulations concerning valuation of take home vehicles. Taxes for the value of take home vehicles will be withheld from each paycheck.

Furthermore, County employees must abide to the Indiana Texting and Driving Law. The cell phone/electronic use policy in vehicles applies to County employees who fit any or Any violation of this provision shall result in immediate termination.

5.12 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 will report a taxable value of three dollars (\$3) per day for take home vehicles. 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 Vigo County is prohibited (e.g. vacation use).

5.13 PARKING

Employees are requested to park in designated spaces on the courthouse and government

center/annex building property, or at places provided at the work site. Under no circumstances should an employee use public parking spaces or spaces specifically reserved for officeholders.

5.14 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, is prohibited to all employees.

5.15 APPEARANCE OF WORK AREAS

Employees are required to keep their work area clean and orderly. Before departing, employees should lock appropriate files and cabinets and clear all work materials from desk surfaces, especially material of a sensitive or confidential nature.

5.16 VISITORS IN THE WORKPLACE

To provide for the safety and security of employees and the facilities of the County, only authorized visitors and verified service animals are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances which decrease productivity.

The County recognizes that under certain emergency circumstances it may be necessary for a child to be in the workplace for a short period until other arrangements can be made. These instances are to be kept to a minimum to prevent any disruption. Employees shall receive prior authorization from their elected official/department head prior to bringing a child into the workplace.

County employees violating this policy shall be subject to disciplinary action, up to and including termination.

5.17 EMPLOYEE TRAVEL

Travel performed by duly authorized County employees using a personally owned vehicle in the course of official duties shall be reimbursed per mile at the rate approved by the county council (except where state or local statutes provide otherwise). Mileage claims must contain the "to" and "from" destinations, the reason for the business, and the odometer reading. Personal vehicle mileage will not be paid when a County owned vehicle has been issued to an individual or department. Except in the case of a County official who has travel expenses within his/her department budget, a County employee or official

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seeking County funds or reimbursement of expenses used for travel (such as lodging, transportation, meals, tuition, registration fees) must seek and obtain approval in writing from his/her Department Head and/or supervisor as well as the Commissioners, in advance.

Upon approval, reimbursement may include the following:

- a. Transportation costs attendant to travel, including toll charges, taxi fare, and parking.
- b. Reasonable hotel bills.
- c. Although travel in County vehicles will not be reimbursed on a mileage basis, out of County purchases of gasoline, oil, emergency repair or part replacement, may be reimbursed at actual cost.
- d. Meals will only be reimbursed for those that are not included in the conference registration agenda and per diem is only considered for travel requiring an overnight stay. Overnight is defined as fifty (50) miles or more from the County office.

If a meal is provided, no subsistence shall be claimed for that meal. Computation of allowance for overnight travel is as follows:

Breakfast	\$6.50
Lunch	\$6.50
Dinner	\$13.00

* A per diem of \$26 per day in a 24-hour increment is the maximum reimbursement.

Departure before 12:00 P.M.	\$26.00
Departure between 12:00 P.M. and 4:30 P.M.	\$13.00
Departure after 4:30 P.M.	None
Return before 12:00 P.M., but after 7:30 A.M. *	\$13.00
Return after 12:00 P.M.	\$26.00

* No subsistence is paid for travel segments that are less than 7 ½ hours.

All mileage and lodging reimbursement claims shall be submitted on approval forms furnished by the County Auditor. Copies of receipts must support claims.

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

Meal allowance and mileage rates are subject to change as approved and adopted by the

County Commissioners.

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

5.17.1 State Called Meetings/Conferences

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

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

Receipts must be submitted to the Auditor's office prior to reimbursement within thirty (30) calendar days from date expense occurred.

2. Cost of meals for each day, not to exceed twenty-six dollars (\$26.00) per day. Alcoholic beverages will not be reimbursed.

Receipts must be submitted to the Auditor's office prior to reimbursement within thirty (30) calendar days from date expense occurred.

3. County mileage rate.

Receipts must be submitted to the Auditor's office prior to reimbursement within thirty (30) calendar days from date expense occurred.

4. Parking at meeting/conference site at "self-park" rates

Receipts must be submitted to the Auditor's office prior to reimbursement within thirty (30) calendar days from date expense occurred.

5.17.2 Other Meetings/Conferences/Conventions

All out-of-state meetings must first be approved by the Commissioners. The following costs for such meetings will be allowed:

1. Cost of lodging. Cost of additional persons in a hotel room other than

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County employees required to attend meeting/conference/convention (i.e. spouse, friend, etc.) will not be reimbursed.

2. Cost of meals for each day, not to exceed twenty-six dollars (\$26.00) per day. Alcoholic beverages will not be reimbursed.
3. County mileage rate.

5.17.3 Other Travel Costs

Other travel costs which may be claimed are as follows:

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

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

5.18 CREDIT CARDS

The County Commissioners are designated as being responsible for the issuance of credit cards. A credit card shall not be used by an employee of the County except for the purpose of goods and/or services for the official business of the County.

County credit cards should list the County name first followed by the department name and/or employee name.

An employee using a credit card issued through the County Commissioners shall submit to the claim section of the Auditor's office documentation detailing the goods and/or services, the date of purchase, and the official business for which purchased. Copies of receipts must support claims.

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In compliance with the State Board of Accounts requirements, when submitting a claim, an itemized receipt must be attached. Personal items should be purchased separately.

Employees need to submit claims and original monthly statements to the Auditor's office in a timely manner. Each employee should allow for processing time and mailing time. Any penalties, interest, or other charges are the responsibility of the employee.

An employee who is issued a credit card is responsible for its protection and custody, and shall immediately report if a credit card is lost or stolen.

An employee who is issued a credit card shall return the credit card to one of the following: the County Commissioners, Human Resources Department or their Elected Official and/or Department Head immediately upon the termination of his/her employment with the County, or should a change in the demands for a particular position necessitate a change in credit card assignment.

The following is prohibited with the use of a County credit card:

- a. Purchases for any purpose other than County official business.
- b. The use of a County credit card for cash advances.
- c. The use of a County credit card, in the conduct of the County business, which violates any federal, state, county law, rule, ordinance, or policy.
- d. Under no circumstances may a County credit card be used for personal use. Any employee using a County credit card for personal use shall be disciplined appropriately, up to and including discharge and prosecution.

5.19 POLITICAL ACTIVITY

Employees may voluntarily participate in political activities of their choice and freely express their views as a citizen. Employees may not use their official position for coercion of other employees for political purposes. 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.

In addition, political work especially for the purpose of a specific campaign must not be conducted during County employee work time including the display of campaign material or clothing in County buildings.

County facilities shall not be used to display campaign signs or literature. County owned equipment or County e-mail shall not be used to generate, copy, distribute, 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.

If an employee has any question concerning political activity, he/she should consult the Commissioners and/or County Attorney for an opinion.

5.20 INDIANA INTERNAL CONTROL STANDARDS POLICY

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

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

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

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

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

6. PERSONAL CONDUCT

The policies contained in this chapter and throughout the Vigo County Personnel Policies Handbook apply to all Vigo 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

It is the belief of the Commissioners that County employees are and will continue to be good citizens, both in the community, and on their jobs, and that they will not ordinarily engage in acts which are contrary to the best interest of themselves, other employees, the citizens served or the County. However, in instances in which employees do engage in conduct, which is contrary to these interests, they will receive discipline appropriate for such misconduct. The degree of discipline up to discharge will be determined with the approval of the Commissioners or responsible Elected Official and/or Department Head if required by these policies. Discharge of an employee may be undertaken by the Elected Official or Department Head with the approval of the Commissioners, except for departments with a governing board.

6.2 ATTENDANCE AND PUNCTUALITY

Employees are expected to report to work on time, if applicable with all necessary equipment, and properly attired to conduct assigned work. Employees are expected to devote full attention to their duties for the entire work period except during non-paid meal periods. Employees who are unable to report to work as scheduled should contact their Elected Official and/or Department Head before the start of the work period, and in any event, no later than fifteen (15) minutes of the start of the on which the employee is scheduled to work. If an employee must leave the work area during work hours, prior authorization should be obtained from the Elected Official and/or Department Head.

Absences from work or tardiness in reporting to work will seriously impair the value of the employee's service to the County and can cause hardship for the department and other employees.

Absences that are frequent, patterned, excessive, or unexplained absences from work, and/or tardiness in reporting to work may result in disciplinary action, up to including termination of employment.

Absence is defined as failure to report for and/or remain at work performing assigned duties during the scheduled period, and includes all time lost from the job whether excused or unexcused, except for authorized use of accrued leave or leave permitted by policy or law

including, but not limited to, jury duty, military leave, family and medical leave, the Americans with Disabilities Act, and leave for death of an immediate family member.

Furthermore, absences in excess of those allowed as sick leave, personal leave, vacation, or legally protected leave will have to be in writing and must be approved in advance by the Elected Official and/or Department Head.

Employees with an absence of more than one (1) work day without notification of absence are subject to disciplinary action, up to and including termination.

6.3 PERSONAL APPEARANCE

Employees are expected to attend to personal grooming and dress so as to present a neat appearance to the public. Discretion in style of dress and behavior is essential to the efficient operation of the County. Employees are, therefore, required to dress in appropriate business attire and to behave in a professional, businesslike manner. Employees should remember to dress and conduct themselves at all times in a way that best represents themselves and the County.

Work apparel should be clean, modest, and appropriate to the employee's work assignment. This policy outlines minimal acceptable standard for dress.

6.3.1 Minimum Standards

1. **Uniforms:** Uniforms will be standard dress for all employees who work in a department requiring them.
2. **Clothing and Accessories:** Employees should dress and accessorize in a manner that projects a professional image and is appropriate to the type of work they perform. Within these professional guidelines, denim apparel is acceptable, but must be tasteful, dress denim and/or colored denim. Clothes and shoes need to be clean, neat, and in good repair.
3. **Items considered inappropriate for government environment include, but are not limited to:**
 - a. Bare back tops, halter tops, midriff tops, spandex tops or other formfitting materials.
 - b. Clothing or accessories bearing pictures or writing that states or implies nonprofessional, illegal, distasteful, or suggestive language/activities.
 - c. Sunglasses without medical reasons (can be worn in outside work areas).
 - d. Head coverings except when associated with professional, medical, or religious rationale.

- e. Visible tattoos that are determined obscene, offensive, sexually suggestive, profane, or discriminatory towards persons on the basis of their race, color, natural origin or ancestry, religion or creed, age, sexual orientation and gender identity, or disability are prohibited.
 - f. Visible facial piercing exemplified by eyebrows, lip, or nose.
 - g. House slippers, beach wear, plastic or rubbery thongs, clogs, or flip flops (leather sandals are acceptable).
 - h. Shorts any length (tasteful, dress mid calf or longer capris and/or crop pants are acceptable). On *Fridays only*, knee length shorts are acceptable.
 - i. Sweatpants, spaghetti strap dresses, mini-skirts (skirts worn should be knee level or lower).
 - j. Overalls or bib overalls.
 - k. Excessively worn or frayed items.
 - l. Revealing clothing.
4. **Personal Hygiene:** All employees are required to be clean and maintain appropriate personal hygiene with regard to their body, hair, and nails. Hair and nails need to be clean, neat, and of a reasonable length so as to not interfere with an employee's ability to perform the job. Sensitivity and moderation should be exercised in the use of fragrance products.
5. Appropriateness to the type of work being performed is the applicable standard if there is a question about the appropriateness of an employee's appearance or dress that is not specifically mentioned in this policy.
6. Employees who violate policy will be directed to leave the premises, without pay, to change their attire. Repeated violations of this policy will be addressed by responsible Elected Official/Department Head, or the Commissioners and may lead to discipline up to including termination of employment.

Individual departments may establish a policy more restrictive than the minimum standards presented in the general policy. More specific department policy should be an integral part of the initial department orientation and communicated as a standard expectation for every employee. It is the responsibility of the Department Head and/or supervisor to ensure both the general policy and any department policy are honored by every employee.

6.4 SEXUAL and OTHER HARASSMENT

It is the County policy to regard sexual and other harassment as a very serious matter and to prohibit it in the workplace by any person in any form, including harassment based on

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race, color, sex (with or without sexual conduct), religion, national origin, protected activity (i.e. opposition to prohibited discrimination or participation in the statutory complaint process), age, disability, sexual orientation, gender identity, or any other protected categories. It is the intent of this policy to affirmatively raise the subject of sexual and other harassment, to express strong disapproval against such actions, to identify a complaint procedure whereby employees have the right to raise harassment issues, to establish an investigative procedure for such alleged misconduct, and to provide for an effective and appropriate response to this type of conduct, including sanctions against anyone violating this policy. Also, the County is committed to ensuring that non-employees do not subject employees to harassment. Accordingly, this policy applies to employees, clients/customers, vendors, and others with whom we have a relationship.

Harassment (sexual or otherwise) is a form of misconduct, which undermines the integrity of the employment relationship. Harassment is not only offensive, but it may also harm morale and interfere with our effectiveness and our ability to fulfill our responsibilities to our citizens. All employees must be allowed to work in an environment free from unsolicited and unwelcome sexual overtones and harassment in any form. Sexual harassment for purposes of this policy is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to such conduct is made either explicitly or implicitly a term or condition of the individual's employment; submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or such conduct has the purpose or effect of reasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Vigo County is also committed to ensuring that its employees are not subjected to harassment by non-employees.

The County does not condone behavior that may be perceived as sexual harassment. The following are some illustrations of the range of behaviors characteristic of sexual harassment:

- a. Unwanted propositions for sexual favors, particularly when accompanied by threats of retaliation or promises of special consideration.
- b. Physical assault.
- c. Unwanted propositions or invitations for dates.
- d. Sexually explicit statements, questions, jokes, anecdotes, pictures, or graffiti.
- e. Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation.

- f. Offensive gender-based personal remarks including verbal, written, graphic, computer generated, or e-mail communication.
- g. Unnecessary touching, patting, hugging, or brushing against a person's body.
- h. Patterns of conduct causing the person to feel demeaned or uncomfortable, including remarks of sexual nature about a person's clothing or body, remarks about sexual activity, or speculations about previous sexual experience.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behaviors that are not welcome, are personally offensive, fail to respect the rights of others, lower morale, or interfere with work effectiveness.

Any person employed by the County who believes that he/she has been a victim of some form of sexual or other prohibited harassment should report the incident immediately to his/her Elected Official, or Department Head, and the Human Resources Department. If the alleged harassment is against the employees Elected Official or Department Head, the employee may report directly to the Human Resources Department.

Upon receiving a complaint of sexual or other form of harassment, to the extent possible, steps shall be taken to immediately remove the complainant from direct contact with the person accused.

6.4.1 Description of Misconduct

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

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

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

County Elected Officials/Department Heads and the Human Resources Department have copies of the County sexual harassment complaint form. Employees are

directed to obtain, complete, and submit this form to initiate a formal complaint.

6.4.2 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.

6.4.3 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.

6.4.4 Investigating the Complaint

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

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

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

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

6.4.5 Identification of Investigators

Complaints will be investigated by the County Attorney 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.

6.4.6 False Accusations

Vigo 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.

6.4.7 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.

6.4.8 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 Human Resources Department with copies to the County Attorney. If disciplinary action was taken, a record shall be maintained in the offender's personnel file.

6.4.9 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 HARASSMENT AND WORKPLACE VIOLENCE PREVENTION

The safety and security of Vigo 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.

Harassment is behaviors that are offensive and fail to respect the rights of others. Harassment can be verbal or nonverbal conduct designed to intimidate or coerce. Any employee who engages in harassment will be subject to serious disciplinary action, which may include termination of employment.

Examples of harassment include, but are not limited to:

- A. Taunting behavior by verbal, written, or electronic communication (e.g., e-mail, voice mail, Internet, or paper).
- B. Conduct that impairs an individual's ability to perform the job.
- C. Conduct that creates a stressful, offensive, or uncomfortable work environment not supported by the County.
- D. Repeated conduct causing a person to feel demeaned, humiliated, or uncomfortable.

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

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the threat has presented the ability to carry it out and without regard to whether expression is contingent, conditional, or future.

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

Threatening Behavior is an expressed or implied threat to interfere with an individual's health, safety, and/or property, or with the property of the County, which causes reasonable apprehension that harm could probably occur. Examples of threatening behavior include, but are not limited to:

- A. Direct or indirect threats of harm.
- B. Words or gestures (including profanity) which are perceived threatening to others.
- C. Prolonged or frequent shouting.
- D. Stalking or following an individual.
- E. Conduct which causes others to have a perceived fear for their safety.

Violent Behavior is the use of physical force or violence to restrict the freedom of action or movement of another person or to endanger the health or safety of another person or the property of the County. Violent behavior is so serious that any employee engaging in it can expect termination of employment. Examples of violent behavior include, but are not limited to:

- A. Physical assault.
- B. Unwelcome physical contact.
- C. Slapping, punching, striking, pushing, or otherwise physical aggressive or attacking behavior toward another person.
- D. Throwing, punching, or otherwise handling objects in a threatening manner (including weapons).

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 6.11 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

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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.

Violators of this policy who engage in behaviors that unreasonably interfere with an individual's work performance; create an intimidating, hostile, or offensive work environment; or who create a perception that not engaging in or rejecting certain behaviors is a condition of employment or will be used as a basis for an employment decision will be subject to disciplinary action up to and including 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, the Vigo County Sheriff's Department, or the County Human Resources Department 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 Human Resources Department.

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

6.6 COMMISSION OF A FELONY OR UNLAWFUL ACT

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Vigo 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.

Arrests for misdemeanors or felonies which occur during an employee's off-duty or on-duty hours must be reported to the Elected Official/ Department Head in writing within five (5) calendar days of receiving the citation or the arrest, if employee drives a vehicle for the County.

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

An employee who is cited for an infraction or arrested for any misdemeanor or felony, whether the citation or arrest happened while the employee was on duty or not, may be suspended without pay pending an administrative investigation and/or the disposition of any charges filed against the employee.

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

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

with the County's personnel policies.

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

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

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

6.7 GIFTS, GRATUITIES, AND ENTERTAINMENT

Employees are encouraged to maintain good relations with suppliers and others with whom the County conducts business. Accepting gifts, excessive entertainment, or other favors from any outside concern, which does, or is seeking to do, business with, or is a competitor of the County under circumstances from which it might be inferred that such action was intended to influence, or possibly would influence, the individuals in the performance of his/her duties may be contrary to public interest. This does not include the acceptance of items of nominal or minor value as established in this handbook that are clearly tokens of respect or friendship and not related to any particular transaction or activity of the County.

6.8 GHOST EMPLOYMENT

Vigo 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.

No employee is to receive a salary or wages for work not performed in the exercise of their duties for the County.

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.

6.9 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 connected with an action by the County commits a Class D felony, unless a financial disclosure form is approved in advance and filed as required by Indiana Code 35-44.1-1-4.

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

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

6.10 SOLICITATION AND DISTRIBUTION

In the interest of maintaining a proper work environment and preventing interference with work and inconvenience to others, employees may not distribute literature or printed materials of any kind, sell merchandise, solicit financial contributions or solicit for any cause during work time unless approved by their department head or responsible elected official.

This section does not apply to vendors and/or charity organizations that have received the approval of the Board of County Commissioners.

6.11 SECURITY OF PREMISES

Vigo 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 (Vigo 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 Vigo 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.

6.11(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 Vigo County Government building without having received written permission from the Vigo County Sheriff.

Any employee who enters any Vigo County Government building or the parcels of property contiguous thereto, consents to a search of their person, possessions or files, by metal detector or other reasonable means. An employee waives any

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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 Vigo County Government.

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

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

The Vigo 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 Vigo County Sheriff, or his designee, to possess a weapon on the property of the Vigo 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.

6.12 WORKPLACE SEARCHES

The County is committed to safeguard our employees, their property, the public, the County and the County's property and to enforce the County's policies prohibiting misconduct including theft and the unlawful use, the possession, or sale of illegal drugs, alcohol, firearms, explosives, or other improper materials on the County premises.

Employees may be questioned and/or personal property or any area from which the County conducts business, including any leased spaces, facilities and/or vehicles may be inspected. (For example: vehicles, brief cases, tool boxes, computer bags, backpacks, lunch boxes, purses, computers, desks, or any other container or object brought to and from the County's offices, properties, worksites or County sponsored functions, whenever there is reasonable suspicion to believe that any County policy is being, or has been violated.

The County may provide offices, desks, vehicles, computers or computer containers, lockers, tools, and other items for the use of County employees. At all times, these items

remain the property of the County. The County may also search any work area and/or item whenever there is reasonable suspicion to believe that a County policy is being, or has been violated. Employees are expected to cooperate with the County's workplace searches.

Violations of this policy are subject to disciplinary action, including, in the discretion of the County, immediate termination. Employees with questions regarding this policy should contact Human Resources Department and the County Attorney.

6.13 CONFIDENTIALITY/REQUESTS FOR INFORMATION

County Government serves the public interest and the public has a right to know certain information of the County. Information designated as confidential or not covered by the access to Public Records Law is to be discussed with no one outside the department and only discussed on a "need to know" basis. Employees are prohibited from attempting to obtain confidential information for which they have not received access authorization from the responsible Elected Official.

All information contained on the County computer system and files is confidential. No employee has the right to gain access to computer or file information without a specified authorized need or request. Any employee, who uses computer information or files for his or her own personal purposes rather than business, will be subject to discipline up to and including discharge.

Inquiries from the media and the general public and other inquiries of general nature must be referred to your Department Head, the Human Resources Department, the County Commissioners, or Elected Official immediately. Unless expressly authorized, County employees are not permitted to make statements to media representatives on behalf of the County or their agency/department. It is a violation of State law for a public servant to knowingly or intentionally disclose information classified as confidential. This provision does not forbid an employee from commenting as a citizen on a matter of public concern.

6.14 EMPLOYEE CONDUCT

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 unsatisfactory performance which is called to their attention and should also avoid any behavior and actions which conflict with County rules, regulations or standards, or which conflict with any State or Federal laws or local ordinances.

Every responsible Elected Official and/or Department Head is expected to discuss improper or inadequate performance with the employee in order to correct deficiencies and

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to avoid the need for disciplinary action. The responsible Elected Official, and/or Department Head is also expected to administer discipline in a uniform and equitable manner. The responsible Elected Official, and/or Department Head, should properly identify and document any performance problem.

County employees who are supervisors of other County employees are expected to be aware of the job performance of those employees who are under their supervision. Responsible Elected Officials, and/or Department Heads shall do the following:

- a. Prepare and keep a current job description for each position under his/her supervision which description shall identify the essential functions of the position.
- b. Prepare an employee evaluation of each newly hired employee, ninety (90) days from hire date and before the end of the six (6) months with a recommendation for retention or non-retention of the employee.
- c. Complete an employee evaluation of each employee within each twelve (12) month period of employment, and at the conclusion of any period of discipline.
- d. Provide consistent, appropriate discipline to employees who fail to perform the essential functions of their position or to perform consistent with the standards and policies established by the Commissioners or responsible Elected Official, documenting all performance problems and the actions taken; consult with the Commissioners or responsible Elected Official regarding performance problems and actions taken; and make recommendations to the Commissioners or responsible Elected Official for discharge of employees.

In addition to the rules and regulations set forth elsewhere in this Handbook, the following rules and regulations are a guideline for the conduct expected of County employees. The list is not intended to be inclusive of all conduct which may occur or for which discipline may be imposed. The list only includes examples of the type of conduct which is not acceptable and which may result in disciplinary action including termination of employment.

- a. Any action during work hours or on personal time which causes discredit or distrust of Vigo County government, its Elected Officials and/or employees.
- b. Any action during work hours or on personal time which is a hindrance to the performance of the functions of Vigo County Government or any of its department, offices, or employees.

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- c. Any unlawful act whether or not the act is related to the performance of the work associated with Vigo County employment.
- d. Failure to perform work of the County during normal work hours.
- e. Use of County property or other assets for personal matters or outside business.
- f. Insubordination.
- g. Failure to get along with and/or treat with respect others, including superiors, other employees, and members of the public.
- h. Failure to perform County work in an efficient, competent, and productive manner.
- i. Failure to preserve and maintain County property.
- j. Violation of any employment policy or rule.
- k. Any act which endangers or has the potential to endanger the health, safety, or welfare of any County employee or member of the public including the employee himself/herself.
- l. Any act which is a violation of local ordinance or State or Federal law.
- m. Conviction of a crime.

6.14.1 Prerequisites for Discipline

Before any disciplinary action is taken, the Elected Official and/or Department Head should determine:

- a. Whether the employee's action is a violation of an established rule, regulation, or standard of conduct, which the employee knew or reasonable should have known;
- b. Whether an objective investigation has been conducted to ascertain all the facts; and
- c. Whether similar discipline has been imposed for similar conduct.

6.14.2 Disciplinary action

Documentation pertaining to disciplinary actions, suspensions, and/or terminations must be given to the Human Resources Department for personnel files.

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The following types of discipline may be imposed for performance problems (Although individual steps of progressive discipline may be set forth below, the County may, at its sole discretion, skip some or all of these steps in dealing with any particular situation):

- a. Verbal Warning: When an employee's performance falls below the desirable standard, the Elected Official and/or Department Head may point out the deficiencies at the time they are observed and inform the employee of the acceptable level of performance. When an oral warning is given, sufficient time to correct the deficiencies should precede additional disciplinary action whenever possible.

When a supervisor issues a verbal warning, a written memorandum should be made concerning the verbal warning. The written memorandum should be in the form provided for that purpose and should be placed in the employee's personnel file.

- b. Written Warning: A written warning may be issued after an employee has received a verbal warning(s) that his/her performance is below the acceptable level of performance and the employee's performance has continued to be below the acceptable level of performance. A written warning may also be issued when an employee has violated a rule, regulation, or standard of conduct that is, consistent with other disciplinary actions, considered by the Department Head and/or supervisor to be too serious for a verbal warning.

The Department Head and/or supervisor should complete a disciplinary action form concerning the written warning, should give a copy of the form to the employee and file the completed form in the employee's personnel file.

Following the written warning, the Commissioners, responsible Elected Official, and/or Department Head, should prepare an employee plan of improvement to discuss with the employee on job performance.

- c. Suspension: When an employee's ongoing performance is below the acceptable level of performance or if an employee engages in conduct deserving of severe disciplinary action, the employee may be suspended for a period of one (1) to a maximum of thirty (30) days. Such suspension should be preceded by oral and/or written warnings whenever possible but may be imposed for conduct, which warrants immediate severe disciplinary action.

The Elected Official and/or Department Head may at any time suspend a non-exempt employee of his/her office/department for a period not to exceed thirty (30) days without pay.

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Exempt employees usually are paid salaries for management level positions, and any reduction to these salaries must comply with FLSA regulations, or the employees' status will be jeopardized. Under 29 C.F.R. 541.602, deductions from exempt employees' pay can be taken for disciplinary suspensions, these suspensions without pay are not permitted for less than one (1) full workweek. In addition, the suspension must be imposed as a result of a serious violation of workplace conduct rules, such as engaging in dangerous behavior in the workplace.

A written report of the suspension should be made on the Disciplinary Action form. A copy of the report shall be given to the employee. The report shall be placed in the employee's personnel file. A copy of the report shall also be provided to the Commissioners for their review.

- d. Termination: The Commissioners and/or responsible Elected Official may terminate an employee at any time with or without cause.

The notice of termination by the Commissioners and/or responsible Elected Official shall be in writing, or verbally followed by a written verification, which written termination notice or verification shall be served on the employee personally or by certified mail, return receipt requested.

The following conduct is prohibited and will subject the individual involved to disciplinary action, up to and including termination. **This list of examples is merely illustrative of the kinds of conduct that will not be permitted. It is not intended to be all inclusive or to in any way limit rules, guidelines, and restrictions set out elsewhere in this handbook.**

GROUP I OFFENSES

Examples of, but not limited to, the following:

1. Tardiness or failure to report for duty within a reasonable time according to the attendance policy.
2. Reporting to work clothed or groomed in an unclean or inappropriate manner.
3. Neglect or carelessness in recording work time.
4. Failure to cooperate with other employees as required by job duties.
5. Distracting the attention of others, unnecessarily shouting, demonstrating, or otherwise causing a disruption on the job.
6. Malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.
7. Unauthorized use of telephone, FAX, or mail for personal use.
8. Unsatisfactory work or failure to maintain required standard of performance.
9. Unauthorized breaks.
10. Littering or otherwise contributing to unsanitary conditions.

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11. Failure to report accidents, injury, or equipment damage.

GROUP I DISCIPLINE

First Offense	Oral Warning and documentation
Second Offense	Written warning (copy given to individual)
Third Offense	Suspension without pay
Fourth Offense	Termination of employment

GROUP II OFFENSES

Examples of, but not limited to, the following:

1. Leaving the job or work area during working hours without authorization.
2. Threatening, intimidating, coercing, or interfering with subordinates or other employees.
3. Obligating Vigo County for any expense, service, or performance without authorization.
4. Sleeping during working hours.
5. Reporting for work or working while unfit for duty.
6. Excessive absenteeism according to the attendance policy.
7. Unauthorized use of County property or equipment.
8. Willful failure to sign in or out when required.
9. Failure to report for overtime work after being scheduled to work according to overtime policy.
10. Failure to make required reports.
11. Solicitation on County premises without authorization.
12. The making or publishing of false, vicious, or malicious statements concerning employees, supervisors, the County, or its operations. Making threatening remarks to supervisors or others.
13. Refusing to provide testimony in court during an accident investigation or during any type of public hearing.
14. Giving false testimony during a complaint investigation or hearing.
15. Unauthorized posting, removal, or alteration of notices or signs from bulletin boards.
16. Distributing or posting written or printed matter of any description on County premises unless authorized.
17. Unauthorized presence on County property.
18. Disregard of department rules.
19. Use of abusive or threatening language toward supervisors or other employees.
20. Discourteous treatment of the public.

GROUP II DISCIPLINE

First Offense	Immediate suspension without pay pending investigation
Second Offense	Termination of Employment

GROUP III OFFENSES

Examples of, but not limited to, the following:

1. Being in possession of or drinking alcoholic beverages on the job.
2. Neglect in the performance of assigned duties or in the care, use or custody of any County property or equipment. Abuse or deliberate destruction in any manner of County property, tools, equipment, or the property of employees.
3. Punching, signing, or altering other employees time cards, time sheets, or unauthorized altering of own time card or sheet.
4. Falsifying testimony or reports when accidents are being investigated, falsifying or assisting in falsifying or destroying any County records or reports, including work performance reports, or giving false information or withholding pertinent information called for in making application for employment.
5. Making false claims or misrepresentations in an attempt to obtain any County benefit.
6. Performing private work on County time or property.
7. Violation of the sexual harassment/hostile work environment policy.
8. Stealing or similar conduct, including destroying, damaging, or concealing any property of the County or of other employees.
9. The use of controlled substances or the sale of controlled substances.
10. Fighting or attempting to injure other employees, supervisors, or persons.
11. Carrying or possession of dangerous items and/or firearms on County property at any time without proper authorization.
12. Knowingly exposing others to hazardous conditions, such as communicable diseases, which may endanger other employees or the public.
13. Misuse or removal of County records or information without prior authorization.
14. Instigating, leading or participating in any illegal walkout, strike, sit down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the County's work stations.
15. Dishonesty or any dishonest action. Some examples of what is meant by "dishonesty" or "dishonest action" are as follows: theft, pilfering, opening desks assigned to other employees without authorization, theft and pilfering through lunch boxes, tool kits, or other property of the County or other employees without authorization, inserting slugs in vending machines without paying the proper charge therein, making false statements to secure an excused absence or to justify

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an absence or tardiness, making or causing to be made inaccurate or false reports concerning any absence from work. The foregoing are examples only and do not limit the terms "dishonesty" or "dishonest action."

16. Insubordination by refusing to perform assigned work or to comply with written or verbal instruction of the supervisors.
17. Disclosure of confidential information.
18. Failure to disclose at the time of employment the past conviction or a misdemeanor and/or felony if reasonably related to the employee's duties or the public trust.
19. Violation of the Drug-Free Workplace policy and/or failure to submit to a blood test, urinalysis, or Breathalyzer examination.
20. Failure to maintain certifications required of the position, such as driver's license.
21. Refusing to provide testimony in court during an accident or any other job related investigation, or during any type of public hearing.
22. Failure to follow safety and health regulations.
23. Violation of attendance policies.
24. Smoking in prohibited areas.
25. Commission or an alleged commission of felonious acts.
26. Certain misdemeanor violations, especially traffic violations or accidents involving county vehicles.

GROUP III DISCIPLINE

First Offense	Any appropriate discipline, up to and including termination of employment.
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7. PROBLEM RESOLUTION

The policies contained in this chapter and throughout the Vigo County Personnel Policies Handbook apply to all Vigo 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. Employees who act in good faith by reporting real or implied problems or behavior violations of this policy need not fear retaliation.

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 Administration Committee.

If the problem is not resolved, the employee may contact the Human Resources Department for advice. If necessary, the Human Resources Department will meet with the employee's

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Elected Official/Department Head and assist in reaching a satisfactory resolution.

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

STEP 4: Board of County Commissioners (Written Complaint)

If a satisfactory solution is not reached at Step 3, the Board of Commissioners shall hear the complaint, and render a decision.

SEVERABILITY

The policies and procedures contained in this handbook are subject to all applicable federal and state laws, County of Vigo, 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 Vigo, 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 Vigo 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 Vigo 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 Vigo County Board of Commissioners. Any amendments shall be distributed to each employee of the County.

EMPLOYEE ACKNOWLEDGMENT FORM

The Vigo County Employee Handbook describes important information about employment with the County of Vigo, and I understand that I should consult the Human Resources Department 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 Human Resources Department.

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