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Welcome to the City of Hammond, Indiana. This handbook is a guide that describes the procedures and regulations that relate to your employment, and has been prepared to assist you in making your employment enjoyable and rewarding.

In order to insure that the City's employment records are accurate, please notify your department and the Personnel Department should you at any time change your name, address, telephone number, or marital/family status.

Although the handbook is designed to serve all employees in an equitable and fair manner, parts of this book may be superceded by union agreement or by specific department procedure. Wherever possible, copies of those agreements or procedures have been included in the back section of this handbook.

PERSONNEL POLICY DISCLAIMER

This Personnel Policy Handbook has been prepared for the employees of the City of Hammond to promote and maintain a positive working environment and to provide general direction and information. Since it is not possible for this handbook to cover each and every aspect of employment, the policies, procedures and benefits described in this handbook are summary descriptions, presented for information only, and are not intended to be all encompassing or applicable to every situation. An employee who wishes to review a policy in its entirety should contact his/her department head.

Neither this handbook nor any other written or oral statement made to an employee by a representative of the City is intended to be an actual or implied contract unless reduced in writing, signed by the appropriate department head and explicitly stated in writing that the document is intended to serve as a contract.

Although the City wishes to make every effort to maintain continuity in its policies and the way it handles personnel issues, it retains the right to add, modify or terminate its policies, procedures or benefits at any time should a situation arise where such change is necessary to preserve appropriate operations. In those instances, changes shall be immediately applicable to all employees regardless of whether the change conflicts with previous language contained in the handbook.

All non-sworn city employees are employees "at will," and are free to resign at any time, just as the City is free to terminate that employment at any time pursuant to City policy. Neither this handbook nor any other written or oral statements of City policy is intended to modify the "at will" status of an individual's employment.

As noted earlier, employees who are represented by collective bargaining are also subject to the provisions of this handbook unless otherwise defined or addressed by written contract or agreement. In those instances, the contractual language (or written agreement) will supercede the terms of the handbook.

All benefits granted to an employee as a result of his/her employment with the City are subject to change without notice if those changes are necessary to comply with state or federal law or if amended by the Mayor due to budgetary constraint.

UNIFORM APPLICATION OF THIS HANDBOOK

It is the intent of the Hammond City Council to adopt an employee handbook that applies uniformly to all divisions of government. Although this handbook makes reference to the position of Mayor, employees of the Clerk's Office and City Court do not fall under the Mayor's direction.

In applying this handbook uniformly, employees of the Clerk's office should substitute "Clerk" wherever this handbook uses the term "Mayor" except where such authority is

granted exclusively to the Mayor by ordinance or state statute. Likewise, employees of the City Court should substitute "City Judge" wherever "Mayor" is referenced.

AFFIRMATIVE ACTION

In order to implement the City's policy of equal employment opportunity, an affirmative action plan will be developed annually for implementation.

Although it has been the long-standing policy of the City to provide equal opportunity to all qualified persons without regard to race, religion, sex, sexual orientation, physical handicap, veteran's status or anything else that has no bearing on job performance, the City of Hammond is committed to the identification and elimination of those barriers which have denied equal employment opportunities to protected class members. In addition, the affirmative action plan will set specific goals and timetables that provide realistic, achievable opportunities for improving the employment opportunities for protected classes.

In addition to eliminating barriers for employment, the City's EEO Policy and Affirmative Action Plan also apply to contractors, vendors and service suppliers seeking a public contract to do business with the City of Hammond. Contractors and vendors will be required to demonstrate compliance with the City's policy and affirmative action Plan.

Additional measures outlining the City's commitment to affirmative action may be further defined in federal and state grant applications. City employees who are responsible for handling the purchase of contracted services should become familiar with the specific goals and requirements of the City's Affirmative Action Plan.

A copy of the City's affirmative action plan is on file and available for review in the Personnel Office.

CIVIL RIGHTS

It is the policy of the city to provide an internal complaint and investigation procedure to encourage early resolution of civil rights based on employee complaints within the organization and to monitor policies, practices and actions. This policy is in addition to any existing grievance and complaint procedures.

Any employee who feels that he/she has received unfair treatment in discipline, pay, promotion or assignment because of his/her race, color, sex, sexual orientation, religion, national origin, ancestry, age, political affiliation, disability or veteran's status may file a complaint.

The City's Human Relations office will receive and investigate all complaints of a discriminatory nature. Utilizing this procedure will not preclude any other internal grievance or complaint procedure; however, utilizing an external complaint procedure, such as filing with the State Civil Rights or the U.S. Equal Employment Opportunity Commission will preclude use of the internal procedure due to superceding authority.

Internal anti-discrimination practices will serve to improve communication and voluntary compliance. This does not, however, mean that corrective action may not be directed by the Human Relations Commission or the Office of the Mayor (or other elected official) when voluntary methods fail.

Investigative Compliance

Due to the seriousness of a civil rights violation, employees, department heads, managers and elected officials shall cooperate with complaint investigations by meeting at a reasonable time and place and providing information requested by the Human Relations Commission. Attempts to frustrate this process or take retribution on employees for utilizing this process will not be tolerated, and proven cases may result in disciplinary action against an elected official, appointed board member, department head or supervisor involved.

Complaints must be filed within thirty (30) calendar days of the alleged discriminatory action.

CONFLICT OF INTEREST

It is important that the City avoid the appearance of a conflict of interest in its ability to function and specifically in the activities of City employees. In order to avoid an actual conflict or the appearance of a conflict, a series of guidelines, based on City ordinance and State law have been developed and adopted to guide City employees, elected officials and appointed board members:

- It is improper for an employee to sell or provide at additional cost any goods or service to any other City departments except as the result of an open bidding process in which such goods or services are subject to control of another party.
- It may be a conflict of interest within the scope of this policy to engage in outside consulting activities while an employee of a department doing business in any manner with the firm with which the employee consults. Therefore, any such consulting activities by paid City employees must be reported in writing and approved by the Mayor's office. Failure to comply may result in disciplinary action including termination. Other elected officials shall also file a Conflict of Interest form with the appropriate governing authority.
- City employees shall not use their position to obtain gifts or favors from vendors.
- It is illegal to accept a bribe in return for influencing the awarding of a contract purchase of goods or services, or to influence performance of city services.
- Disciplinary action will be taken for proven violations of this policy in accordance with the City's progressive discipline policy. Discipline will be based on the severity of the problem and previous incidents on record.

DISABLED EMPLOYEES/AMERICANS WITH DISABILITIES ACT

The City of Hammond supports and adheres to the Americans with Disabilities Act of 1990 (ADA) which makes it unlawful to discriminate in employment against a qualified individual with a disability. The ADA also outlaws discrimination against individuals with disabilities in State and local government services, public accommodations, transportation and telecommunications. Any employee who wishes to discuss his or her needs as a disabled employee should contact their department head.

ADA Protection- An employee with disability and qualified to do a job is protected by the ADA from job discrimination on the basis of that disability. Under the ADA, a disability includes a physical or mental impairment that substantially limits a major life activity. To be protected under the ADA, an employee must have, or be regarded as having a substantial (as opposed to a minor) impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, walking, breathing, and performing manual tasks, caring for oneself, learning or working.

An employee must also be qualified to perform the essential functions or duties of a job, with or without reasonable accommodation, in order to be protected from job discrimination by the ADA. This means two things. First, the employee must satisfy the employer's requirements for the job, such as education, employment experience, skills or licenses. Second, he/she must be able to perform the essential functions of the job with or without reasonable accommodation. Essential functions are the fundamental job duties that an employee must be able to perform on his/her own or with the help of a reasonable accommodation. An employer cannot refuse to hire an employee because his/her disability prevents them from performing duties that are not essential to the job.

Reasonable Accommodation- is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, reasonable accommodation may include:

- Providing or modifying equipment or devices, job restructuring, part-time or modified work schedules, reassignment to a vacant position, adjusting or modifying examinations, training materials, or policies, providing readers and interpreters, and making the workplace readily accessible to and usable by people with disabilities.

An employer is required to provide a reasonable accommodation to a qualified applicant or employee with a disability unless the employer can show that the accommodation would be an undue hardship -- that is, that it would require significant difficulty or expense.

Covered Employment Practices- The ADA makes it unlawful to discriminate in all employment practices such as:

- Recruitment, firing, hiring, training, job assignments, promotions, pay, benefits, lay off, leave, and all other employment related activities.

It is also unlawful for an employer to retaliate against an employee for asserting his/her rights under the ADA. The Act also protects an employee if he/she is a victim of discrimination because of family, business, social or other relationship or association with an individual with a disability.

Medical Examinations and inquiries About a Disability- When applying for a job, an employer cannot ask a candidate for hire if they are disabled or ask about the nature or severity of a disability. An employer can ask if the candidate can perform the duties of the job with or without reasonable accommodation. An employer can also ask a candidate to describe or to demonstrate how, with or without reasonable accommodation; he/she will perform the duties of the job.

An employer cannot require a candidate to take a medical examination before a job is offered. Following a job offer, an employer can condition the offer on the candidate passing a required medical examination, but only if all entering employees for that job category have to take the examination. However, an employer cannot reject a candidate because of information about the disability revealed by the medical examination, unless the reasons for rejection are job-related and necessary for the conduct of the employer's business. The employer cannot refuse to hire an individual because of a disability if that candidate can perform the essential functions of the job with an accommodation.

Once hired and started work, an employer cannot require that an employee take a medical examination or ask questions about a disability unless they are related to the job and necessary for the conduct of business. An employer may conduct voluntary medical examinations that are part of an employee health program, and may provide medical information required by State workers' compensation laws to the agencies that administer such laws.

The results of all medical examinations must be kept confidential, and maintained in separate medical files.

Drug Abuse and the ADA- Anyone who is currently using drugs illegally is not protected by the ADA and may be denied employment or fired on the basis of

such use. The ADA does not prevent employers from testing applicants or employees for current illegal drug use.

For Further Information- Contact any EEOC field office.

DRUG FREE WORKPLACE

The City of Hammond strives to maintain a drug free workplace, resulting in a safe and productive atmosphere to work in and to conduct business. No controlled substance or alcohol is permitted at any worksite, in any City vehicle, or in the possession of any employee engaged in City business. An employee who is discovered to be in violation of this policy will immediately be referred to the employee assistance program, demoted, and/or transferred to a safer job (if applicable) and be subject to disciplinary action up to and including discharge.

For the safety and welfare of all employees and the general public, should a supervisor believe that reasonable suspicion exists that an employee may be under the influence of drugs or alcohol, that supervisor is required to have the employee submit to testing performed by qualified medical personnel. Testing is also required of any employee who is involved in an accident while operating a City-owned vehicle. Failure or refusal to submit to a test may result in disciplinary action up to and including discharge. Additional information regarding your responsibilities in the event of an accident can be found in "*Safety & Health*" in the *Employee Responsibilities* section of this handbook.

Employees who operate a city-owned vehicle (this does not apply to vehicles classified by the Bureau of Motor Vehicles as a passenger vehicle) and certain jobs within the City require high levels of security and safety, may be subject to random drug testing. In addition, some departments may require drug testing when hired. All testing will be performed in compliance with Federal standards and City Ordinance. The results of any test will remain confidential.

EQUAL EMPLOYMENT OPPORTUNITY

The City of Hammond is committed to providing equal employment opportunities for all applicants and employees. Applicants and employees shall be treated fairly and equally. Employment decisions will comply with all applicable state and federal employment discrimination laws, and made without regard to race, color, gender, sex, sexual orientation, religion, national origin, age, disability, veteran's status, political affiliation, or citizenship. In addition, the City will not tolerate any discrimination by anyone, including, but not limited to, co-workers, supervisors, department heads, elected or appointed officials, vendors and the general public. This policy applies to all employment decisions including, but not limited to, recruiting, hiring, compensation, training, promotion, termination and all other terms and conditions of employment. Any employee who believes that they have witnessed or been subjected to discrimination

has a duty to immediately report the incident to Hammond Human Relations in accordance with this policy.

It is the official policy of the City to:

1. Recruit, hire and promote for all job classifications without regard to race, color, sex, religion, national origin, ancestry, age, sexual orientation, political affiliation, veteran's status or disability.
2. Base decisions on employment so as to further the principles of equal employment opportunity and in accord with the City's affirmative action plan.
3. Insure that promotion decisions are in accord with the principles of equal employment opportunity by imposing only job related requirements for promotional opportunities.
4. Acknowledge its intent to abide by this policy by including the words "Equal Employment Opportunity Employer" in all recruitment advertising, and on all City letterhead.
5. Insure that all other personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, education, City sponsored training, tuition assistance, social and recreational programs, will be administered without regard to race, color, sex, veteran's status, sexual orientation, religion, national origin, ancestry, age, political affiliation or disability.
6. Special meetings will be held at least annually with executive, management and supervisory personnel to explain the intent of the City's equal employment opportunity policy, and individual responsibility for effective implementation, and clarifying the City's position on equal employment opportunity. The date of these meetings will be recorded and specified in the City's EEO/Affirmative Action Plan.

Any questions regarding equal employment opportunity, potential discriminatory practices or matters within the scope of City employment should be directed to the Personnel Department or Human Relations Commission.

SEXUAL HARRASSMENT

The City is committed to a policy of equal employment opportunity for all applicants and employees. The City believes that it is important to maintain a safe, pleasant and comfortable work environment. Sexual harassment adversely impacts the morale and productivity of an employer's most valuable asset, its employees. In addition, state and federal law protects employees, visitors, contractors, vendors and all those who enter the workplace from sexual harassment. The City believes that it shares a responsibility with its employees, board appointments and elected officials to stop and prevent sexual harassment. Simply put, sexual harassment will not be tolerated in the workplace.

Definition of Sexual Harassment

Sexual harassment is generally defined as conduct which shows disrespect, hostility or aversion to an employee, visitor or contractor through the use of sexed-based

comments or actions of a sexual nature. Sexual harassment may involve verbal, visual or physical conduct, which results in an employee or employees (or others present in the workplace) being subjected to an environment that is uncomfortable and unnecessary.

There are two forms of sexual harassment: hostile work environment and quid pro quo harassment.

Hostile Work Environment-

This form of sexual harassment involves sex-based conduct by a co-worker or a supervisor that creates a hostile or offensive work environment and which adversely interferes with an employee's ability to perform his/her work. Examples of a hostile work environment include (but are not limited to):

- Asking questions or making statements about an employee's sexual conduct or preferences;
- Exposing oneself or revealing private body parts;
- Engaging in unwelcome physical contact such as pinching, kissing or inappropriately touching another employee;
- Disseminating or displaying pornographic materials or sexually explicit photographs;
- Making obscene, sexual gestures.

Quid Pro Quo-

This type of sexual harassment involves a supervisor who uses his/her authority to either threaten or require a subordinate employee to submit to sexual activity as a requirement for either: continued employment, favorable performance evaluations, or securing advancement in the City. Examples of quid pro quo harassment include (but are not limited to) the following examples:

- A supervisor stating to a subordinate employee: "Things could be a lot easier for you here if you would go away with me for the weekend."
- A supervisor withholding a favorable performance evaluation from a subordinate employee until the employee gives in to the supervisor's sexual advances.

Although the City does not condone any inappropriate action or comment, it is important to review the manner and circumstances in which the actions in question occurred. In determining whether alleged conduct constitutes sexual harassment, the City will look at the record as a whole and at the totality of the circumstances.

Elected Official/Department Head Responsibilities to Prevent Sexual Harassment

Elected officials and city department heads are responsible for the acts of their agents and supervisory employees with respect to sexual harassment. Elected officials and department heads shall be held responsible for acts of sexual harassment in the workplace, where the employer or its agents or supervisory employees know or should have known of the conduct, and failed to take immediate and appropriate corrective action to eradicate the behavior. Elected officials and department heads may also be responsible for the acts of non-employees in the workplace, where the department management knows or should have known of the conduct and fails to take immediate and appropriate corrective action.

Elected officials and city department heads shall take all steps necessary to prevent sexual harassment from occurring, such as informing employees of their right to raise the issue of harassment, developing methods to sensitize all concerned, and taking appropriate and quick action in response to a sexual harassment complaint.

Where employment opportunities or benefits are granted because of an individual's submission to the sexual advances or request for sexual favors, elected officials and department heads may be held liable for unlawful sex discrimination against other persons who were qualified for but denied employment opportunity or benefit.

Proven violations of this policy will result in disciplinary action up to and including termination based on the severity of the infraction and the past history. Each decision will be made on a case by case basis, upon recommendation of the personnel director and approval of the appropriate department head or elected official.

Reporting Procedure

Any employee who reasonably believes that he/she has either witnessed or been subjected to sexual harassment shall immediately report the discriminatory conduct to their department head or to the personnel director. If neither of these individuals is available, or the employee is uncomfortable in reporting the conduct to either individual, the employee may report the discriminatory conduct to the City Attorney.

Employees may, at their discretion, make complaints of sexual harassment to both their department head and the personnel director. The department head or personnel director should document the complaint in writing. If the department head takes the complaint, it should immediately be forwarded to the personnel director. The complaint shall remain confidential to the extent possible, subject to the need to conduct an investigation of the allegations.

Investigation and Resolution of Complaint

All reports of sexual harassment shall be investigated in a confidential and expedient manner. However, since it is crucial that an investigation be conducted, complete confidentiality cannot be guaranteed. The City will not tolerate any retaliation against an employee who makes a good faith report of sexual harassment. If the investigation

reveals that the report has merit, corrective action, up to and including termination, will be taken to remedy the situation.

Internal investigations of sexual harassment shall be conducted by the personnel director with the full cooperation of department heads. Upon completion of the investigation, a final written report will be prepared by the department head or elected official within a reasonable time-frame (in most cases, within 30 days of the original complaint). In accordance with the State's Open Door Law and federal court ruling, the victim has the right to know what disciplinary action has been taken.

False Claims of Sexual Harassment

As an employer, the City takes its responsibility to stop sexual harassment very seriously. An employee who falsely accuses another employee of sexual harassment can create unnecessary anguish, emotional distress and harm to an innocent employee as well as waste the City's time and resources. Consequently, the City reserves the right to discipline any employee who intentionally makes a false report of sexual harassment.

HARASSMENT (OF A NON-SEXUAL NATURE)

The City of Hammond encourages all of its employees to work in creating a workplace that is harmonious and conducive to providing services to the public and to fellow employees. Deliberate or repetitious comments or actions that are hurtful, rude, unprofessional, or offend other employees have no business in the workplace.

An employee should advise his/her supervisor or department head in regard to activity brought about by another employee that undermines workplace professionalism.

APPLICATION, RECRUITMENT AND HIRING

The City of Hammond maintains a recruitment and hiring process designed to allow all persons qualified and interested an opportunity to apply. Applications for most city positions can be made through the Personnel Office. Due to special requirements of the hiring process, applications for the Police Department, Fire Department, City Clerk's Office, City Council, City Judge, Water Department, Sanitary District and Housing Authority can be obtained from those offices.

Internal Recruitment Procedure

The City values its employees and encourages promotion and advancement from within and provides its employees an opportunity to apply for a vacancy before that opportunity is extended to the general public.

1. A department head will notify the Personnel Office of a job opening by sending a current job description to the City's Personnel Office. It shall include the job title and description of duties, essential job functions (when available), starting salary, education, training or skills required and the length of time applications will be accepted.
2. Positions will be posted for a period of five (5) working days, unless otherwise noted by collective bargaining agreement, and will be posted throughout all departments in the city. Internal bidders will file a job bid with Personnel and must be considered and/or rejected before outside applications may be considered. Temporary or seasonal employees may bid on any posted position, providing that the employee was actively employed during at least one day of the posting period.

In the event that two (2) or more people bid for the position, the requesting department shall choose the applicant who will most satisfactorily fulfill the requirements of the position, as described in the job description. If applicants have similar qualifications, the applicant with the greatest seniority will be awarded the position.

Exceptions to the Posting Procedure

Supervisory positions (those positions where an employee oversees other employees, processes or can authorize expenditures) may be filled by using either internal or external recruitment procedures.

Positions that are being filled due to transfer or voluntary demotion may be waived at the discretion of the personnel director.

Due to the short term nature of temporary or seasonal positions, the need to post these vacancies may be waived at the discretion of a department and after discussion with the personnel director.

Periodically, a position may be filled only to have the new employee leave the position,

either voluntarily or involuntarily within the first few weeks of employment. In the event that a vacancy occurs within thirty (30) days of filling a position, the vacancy does not need to be reposted unless the department head believes that it is in the best interest of the City to do so.

Recruitment Procedure - External

When the internal recruiting procedure has failed to attract qualified personnel for a valid job vacancy, candidates from outside current City employment will be sought from any or all of the following sources:

- Minority recruitment resources as specified in the City's affirmative action plan
- Walk in applicants
- Bulletin boards
- Newspaper advertising
- Professional journals
- Personnel office
- State employment service
- Job bank applicants

Positions will be held open until ten (10) days following public notice. All employment notices and/or ads shall prominently display the words "An Equal Opportunity Employer." A list of qualified candidates shall be sent to the department head by the Personnel department if requested by the department head.

Hiring

It is the responsibility of the department to contact individuals for interviews and testing, using appropriate unbiased questions and validated skills testing where relevant. In all positions requiring licenses or degrees, all offers will be contingent upon receipt of copies of said licenses or transcripts of college work.

Applicants will not be barred from consideration due to an arrest record, unless the position has access to sensitive information or has responsibilities that may create conflict with that applicant's record. Applicants may be required to apply for a limited criminal background check depending on the position, and are responsible for the cost of that background check.

Final selection of the applicant will be made by the department head.

Employment Processing and Paperwork

Once a conditional offer of employment is made, whether it is for part-time, full-time, seasonal or temporary employment, the applicant, depending on departmental policy may be required to undergo a drug test pursuant to Hammond Municipal Code, Section 37.66. Further employment processing will depend on the test results. The cost of the testing shall be the responsibility of the applicant. A list of providers who may offer a discounted drug test will be provided by the Personnel Department.

Once hired, all employees of the City of Hammond are subject to random drug testing.

Upon acceptance of the offer of employment and results of the drug test, a new employee will be provided basic employment information such as days of work and first payday.

The employment processing will also include the new hire's completion of various forms and paperwork required by the City, State or Federal Government:

- Submission of degrees, licenses, certifications or other proof of position requirements;
- Completion of an I-9 immigration form, W-4 form, any relevant deduction authorizations, personnel information file and employee identification card;
- Referral and completion of a physical examination if required;
- The employee will also receive relevant information on insurance/benefits, as well as information regarding union status of the position being filled (If it is a union position).

Every new employee is asked to sign a copy of the disclaimer found in the ***Introduction*** of this handbook that outlines and defines the "at-will" relationship between that employee and the City of Hammond.

DEFINITIONS OF EMPLOYMENT STATUS

The City uses a variety of classifications to describe the status of its employees to define the terms and conditions of employment. These terms can be used by themselves, in conjunction with each other, or even interchangeably. The terms clarify as to whether an employee is entitled to overtime or benefits.

Full-Time: An Employee who has completed his/her orientation period and who works on average at least thirty-five (35) hours or more per week.

Full-Time Probationary: A newly hired employee or an employee assigned (either through promotion or demotion) to a new job classification who has worked at the same position for more than ninety (90) days, then becomes a full time employee. During the 90 day probationary period, an employee is not eligible for health insurance benefits. If the position is professional or technical, the probation period may extend up to six (6) months, although that employee will still be eligible for health benefits after 90 days.

During this period, the newly hired employee will have the opportunity to get to know the City and the City will have the opportunity to get to know the employee. The period allows an employee to become familiar with the opportunities and responsibilities of being an employee of the City of Hammond. This period also allows both the employee and the City to determine whether continued employment will be to the advantage of both parties. At the end of this orientation period, the employee will become eligible for regular employee status. The employee's department head will meet with the employee to discuss his/her evaluation and status for permanent employment.

In certain circumstances, it may be in the employee and City's best interest to extend the orientation period for an additional thirty days.

A full-time employee may be exempt or non-exempt:

Exempt- A full-time "exempt" employee is a salaried employee who is exempt from the overtime and/or compensatory time requirements of the Fair Labor Standards Act. An exempt employee has certain decision-making responsibilities and meets other criteria of the federal act.

Non Exempt- A full-time employee who is "non-exempt" is entitled to overtime and/or compensatory time under the Fair Labor Standards Act for all hours worked in excess of eight (8) hours a day and/or forty (40) hours in a workweek, at a rate of 1.5 times the hours worked.

Part-Time: An Employee who has completed his/her orientation period and who works on average less than thirty-five (35) hours per week. Part-time employees, although valuable members of the City's workforce, are not eligible for all of the benefits (such as health insurance or pension benefits afforded to full time employees).

Generally, part-time employees do not work a schedule that exceeds the forty (40) hours in a week. In the event that a part-time employee does work more than forty hours in a week, the employee will be paid at a rate of 1.5 times the number of hours worked (over and above forty hours).

Temporary Or Seasonal: An Employee who is hired for a specific period of time, with a known duration of less than eight (8) months or an employee who is assigned to a part-time job with a known limited duration of less than ten (10) full months is not eligible for benefits. Often these employees are also referred to as seasonal or temporary employees. A temporary employee may work either a full or part-time schedule depending upon the assignment. If the employee works more than forty hours in a week, the employee will be paid at a rate of 1.5 times the number of hours worked (over and above forty hours).

Classification Regarding Exempt Employees

As noted above, certain positions such as department heads are considered exempt under the Fair Labor Standards Act (FLSA). The position must meet certain standard and conditions, and be given authority and responsibility that makes the position exempt under the FLSA.

By virtue of this designation, exempt employees do not track the hours that they work. For timesheet purposes, exempt employees are instructed to note which days they worked and that they "have completed all assigned tasks and duties."

Employees who have specific questions regarding their exempt or non-exempt status should review the Fair Labor Standards Act or contact the City Attorney or U.S. Department of Labor Wage and Hour Division.

ORIENTATION

A new employee needs to become familiar with his/her position, city operations, policies, rules and regulations and fringe benefits. In order to provide new employees with support, answers to questions and assistance in being successful in their daily job duties, the City of Hammond conducts a two-step orientation process for its employees.

The first step in the orientation process is provided by the Personnel Department, which will review basic employment requirements and benefits, such as:

- Job title and wages
- Fringe benefits
- Rules and regulations, including disciplinary procedures
- Requirements of the collective bargaining agreement, if such an agreement covers the new employee

After meeting with the Personnel Department, the employee will complete the orientation process with his/her department head, who will review specific job duties, explain the work site, job duties required, performance expectations, department rules and safety regulations. Many larger departments will assign a new employee to shadow or be mentored by a senior employee, who knows the position and responsibilities.

PROBATIONARY PERFORMANCE EVALUATION

Every new employee, as well as an employee who transfers from one position to another, begins his/her employment with the City of Hammond as a probationary employee (with the exception of certain executive level employees such as department heads). Probation is an assessment period that helps determine whether the employee and City should continue the employment on a more long-term basis. A probationary employee may be dismissed or may voluntarily quit for any reason(s) and shall not have any recourse through the City's grievance procedure.

All new employees are on a probationary status for the first three (3) months or ninety (90) days of employment. Technical/professional employees may be placed on a six (6) month probationary period due to level of expertise and the need for a longer training period. In certain cases where the department head, after consultation with the personnel director believes that the probationary period needs to be extended, may do so for an additional thirty (30) days. No probationary period however, shall exceed six (6) consecutive months.

A performance evaluation should conclude the probationary process and allow the

department head to communicate to the employee any area(s) of satisfaction, dissatisfaction, or areas where the employee should improve his/her performance. The report is confidential and should only be discussed with the employee.

WORK HOURS

(This policy applies to all city employees including those covered by a collective bargaining agreement, unless the bargaining agreement or contract explicitly addresses the issue in a manner contrary to this chapter. In those instances, the terms of the bargaining agreement or contract will supersede the terms of this chapter.)

City Hall and most other public offices are open to the public Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding holidays. Some departments have adopted a different schedule due to the nature of the position or a flexible work schedule to better accommodate the public. Your supervisor will assign you a specific work schedule. Please note that a work schedule is not guaranteed and is subject to change.

Regular Work Time- The regular work week shall be considered Monday through Friday and the regular workday is defined as eight hours per day from 8:30 a.m. to 4:30 p.m. (unless as noted above).

Lunch Hour- Salaried employees are entitled to a one-hour lunch period per workday. Employees who fail to take a lunch period will not be compensated, unless authorized by the department head to work through a lunch hour in order to allow that employee to adjust his/her start or end time (come in late or leave early on the same day), or due to circumstances where the employee was required to perform his/her work duties that precluded the employee from taking a lunch.

Hourly employees are entitled to lunchtime set by department policy.

Overtime/Compensatory Time- Eligibility for compensable overtime will be determined by the Fair Labor Standards Act. All overtime must be approved and authorized by an employee's department head or supervisor. Under no circumstances, may an employee authorize his/her own overtime.

All non exempt employees will be granted compensatory time at the rate of one and one-half (1-1/2) hours for all hours worked over forty (40) hours in any given work week.

An employee cannot accumulate more than 480 hours of compensatory time in one year if the employee works in a public safety activity, an emergency response activity or a seasonal activity. All other employees are limited to no more than 240 hours compensatory time per year. Employees who exceed these limits must be paid overtime. An employee's request for the use of compensatory time off shall be made at least three (3) working days prior to the date(s) requested off. The request shall be

honored unless the use would unduly disrupt the operations of the department by imposing an unreasonable burden on the department's ability to provide services of acceptable quality and quantity for the public during the time requested without the use of the employee's services.

All compensatory time must be taken within the year it was earned, unless the time is accumulated in the last quarter of the calendar year. Time earned during the last quarter only may be carried over to the first quarter of the following year. The carried-over compensatory time must be taken within that first quarter. Unused compensatory time must be paid as overtime.

Record Keeping- Documented overtime and compensatory time records shall be kept by each department for all employees and shall include:

- Date and reason for accumulation
- Name of person authorizing the overtime
- Date compensatory time taken
- All other records required by the FLSA, or other federal or state law or regulation

Time sheets shall reflect compensatory time taken and shall not be reflected as hours worked on that date.

The personnel director has the final authority in interpreting this policy and is responsible for ensuring that all required records are kept and in accordance with the FLSA and will take appropriate measures to ensure compliance with state and federal regulation.

Special Exceptions- Special exceptions to the regular workday and work week may exist where employees may be required to work other hours or days to meet the particular requirements of City services. In addition, regular hours are subject to change with the authorization of the employee's department head.

Time Sheet Requirement-It shall be the responsibility of the department head to ensure that an accurate daily attendance record is kept on every employee in the department.

Falsification of Time Records-Any individual who is involved in the falsification of time records or who knowingly causes improper reporting may be subject to disciplinary action up to and including dismissal.

FLEXIBLE TIME

In certain situations it may be possible for an employee, with the permission of his/her department head and the Mayor, to work an adjusted or flexible work schedule. The schedule must not cause a reduction in the ability of that employee's department to properly perform its duties and responsibilities. Further, the establishment of a flexible

schedule may not result in the need to hire other employees or the use of overtime to cover those "traditional" hours not worked by the employee working a flexible schedule.

A flexible schedule may allow for working more than 8 hours in a day, but must not exceed forty hours in a week. A full-time employee who is granted a flexible schedule will agree in writing to waive his/her claim to overtime pay for hours worked in excess of eight (8) hours in one day, a copy of which will be forwarded to the Controller's Office for payroll purposes. The employee is still eligible to overtime pay for all hours worked in excess of forty (40) hours in one week.

PERSONNEL ACTIONS

This policy applies to all city employees including those covered by a collective bargaining agreement, unless the bargaining agreement or contract explicitly addresses the issue in a manner contrary to this chapter. In those instances, the terms of the bargaining agreement or contract will supersede the terms of this chapter.

It is the policy of the City to set up orderly policies and practices to ensure consistency in normal changes to employee status. Changes in employment status may result from any one (1) of the following:

Temporary Transfers- Temporary transfers are those which are needed to accommodate extended leave situations, temporary vacancies or any other situation involving an overload or crisis.

Transfer- Lateral transfers are permitted between departments for individuals meeting the job qualifications. Request for transfer must be made in writing and approved by the personnel director and the Mayor. Denied transfers can be appealed through the grievance board.

Promotions- Job openings shall be posted in the personnel office and existing employees may be considered first. A number of factors may be considered in evaluating an employee for possible promotion including:

- Ability to meet job qualifications.
- Previous employment evaluations.
- Educational qualifications.
- Experience.
- Prior attendance records.

By ordinance, an employee seeking a promotion must also be a current resident of the City of Hammond.

Current employees requesting a promotion to a vacancy must apply with the personnel director and fill out the necessary paperwork.

Any promotion shall be considered probationary for a period not to exceed ninety (90) days. The performance shall then be evaluated at that point and a final decision made.

Although the City is committed to promoting its existing workforce, it reserves the right to hire outside personnel rather than promote from within a department for supervisory positions.

Demotions- An employee may request to be placed in a lower job classification for whatever reason provided the position is vacant and the employee is qualified for the position. Demotions for disciplinary reasons may be done only as an alternative to termination and only for qualified individuals. The employee qualifies if he/she has at least ten years of service and no prior employment problems with the City. Demotions for inadequate performance will be permitted as follows:

- Demotions must be made upon documented evidence that the employee has received prior warning and assistance to attempt to overcome inadequacies and has not been successful.
- The employee is not entitled to his/her previous position unless the position is vacant.
- If there is not a vacancy, the employee will be placed on a temporary leave of absence without pay until a position opens for which the employee is qualified.

In the event that an employee is promoted or demoted, any balance of unused vacation, sick or personal days transfers with the employee to his/her new position. The value of the transferred leave days shall be paid at the employee's new rate of pay.

Reduction in Force- Like all employers, certain conditions may arise where the City may find it necessary to reduce employment. A reduction in force, or layoff may occur for one of the following conditions:

- Lack of work,
- Budgetary restraints
- Reorganization which eliminates a position(s)

This policy does not apply to policy-making positions, part-time positions, temporary positions or probationary employees. The City will not lay off full time employees and replace those positions with part time employees. Lay-offs may occur in any other order at the discretion of management. However, if all other qualifications are equal, seniority will be used as a determining factor.

Employees who are subject to layoff will be given as much notice as possible of the reduction in force and at least two (2) weeks of notice in writing if the lay-off is for more than five (5) working days. Laid-off employees are entitled to priority in recall if the old position becomes available again. Those laid-off last will be recalled first if qualified. In the event that two or more qualified employees were laid off on the same date the recall will be governed by seniority.

Benefits available during lay-off-

- Vacation and sick time will remain intact but the employee will not accrue additional time during lay-off.
- No pension benefits will accrue.

Employees may continue health insurance benefits but the employee will be solely responsible for payment of the premium (*See COBRA Section for more details*).

Terminations- All terminations must be documented in writing to the employee, the employee's personnel file, and the personnel director. All terminations for cause must be approved by the department head. Terminated employees are entitled to payment for vacation time accrued but not taken during the year of separation. Terminated employees will not be paid for unused personal days or sick days.

An employee may be discharged for cause for any of the following, including but not limited to:

- Unsatisfactory work performance
- Failure to satisfy the conditions of employment
- Conduct unbecoming a city employee
- Malfeasance
- Insubordination
- Violations of departmental rules and regulations

Indiana is an "at-will" state; as such the City reserves the right to dismiss employees with or without cause as the need arises. Please see "*Guidelines for Conduct*" in the Employee Responsibilities section of this handbook for additional information.

Resignation- If an employee chooses to voluntarily resign his/her position with the City, the separation is final and the employee is entitled to be paid for any vacation time or personal time accrued but not taken during the year of separation. Depending on the years of service, the employee may also be eligible to a buyback of a portion of accrued sick time (Please see "Sick Time" in the Benefits section of this handbook). Resigning employees are asked to give at least two weeks notice unless special circumstances arise.

Retirement- If an employee chooses to retire, he/she must advise the department head in writing at least thirty (30) days prior to the chosen date. The employee is entitled to payment for any vacation time accrued but not taken during the year of separation. Depending on the years of service, the employee may also be eligible to a buy-back of a portion of accrued sick time (Please see "Sick Time" in the Benefits section of this handbook).

General Rules Applying to Termination, Resignation, and Retirement- It shall be the responsibility of the department head to complete the following upon termination (voluntary or involuntary) of an employee:

- Retrieve all keys, tools, and any other City property the employee may have in

his possession.

- Retrieve employee I.D. and all insurance cards.
- Complete a change of status form which can be obtained from the Personnel Department.

All forms must be completed within seven (7) days of the termination.

No severance pay of any type shall be paid to any employee of the City upon separation of employment.

Employee Death- In the event that an active employee passes away, that employee's survivors are entitled to:

- Payment of any unpaid work hours, overtime or compensatory time.
- Payment of any unused vacation and personal days.
- Life insurance benefits if applicable.
- Workmen's compensation benefits if the death results from a work-related accident.
- Depending on the years of service, the employee's survivors may also be eligible to a buyback of a portion of accrued sick time (Please see "Sick Time" in the Benefits section of this handbook).

It shall be the responsibility of the Controller's Office to assist the employee's survivors in obtaining payments and insurance benefits.

Exit Interviews- When an employee leaves City employment, an exit interview shall be held by the department head to clarify and discuss the following:

- Separation payments including discussion of payment of vacation or personal time (if applicable).
- Status of benefits after termination.
- Answer any other questions the employee may have at separation.

PERFORMANCE EVALUATIONS

Performance evaluations are an important part of the employer-employee relationship. Evaluations provide a formal method of communication between an employee and his/her supervisor. All employees shall be evaluated on a regular basis by the department head or his/her designee. At a minimum, evaluations shall occur:

- At least one (1) week prior to the completion of the probationary period.
- At least annually.
- Whenever any change in employment status is initiated.

The personnel director shall provide the evaluation form to be used and the department head has the discretion to include any other evaluations which may be unique to the position. All completed evaluation forms shall be signed by the employee. Should the employee choose not to sign the evaluation, the evaluator shall mark "Refused" on the

signature line, the evaluator and the department head. A copy of all completed forms shall be provided to the personnel director to become part of the employee's permanent file.

Temporary Reassignment- In certain circumstances, an employee may be temporarily or seasonally reassigned to another department. Whenever such a reassignment occurs, that employee will be evaluated by the supervisor that the employee has been reassigned to. If the reassignment is less than one year, both the temporary and permanent supervisor will evaluate the employee.

OFFICIAL PERSONNEL RECORDS AND INFORMATION

An employee's official personnel file is maintained in the Personnel Office. Notes, letters, the employee's official evaluations, and other matters that require documentation, shall be provided to the personnel director for placement in the file. To assure that personnel files are maintained in accordance with state and federal regulation, it will be the decision of the personnel director as to whether a document is eligible for inclusion in a personnel file.

The City will take every possible step to safeguard the confidentiality of an employee's personnel file. It is available for review/access by others only under the following circumstances:

- Ordered by a court;
- Requested by a department head or supervisor for review for a transfer, promotion, disciplinary or other personnel action;
- Required by state or federal law;
- Needed to be reviewed to answer a complaint of discrimination filed by the employee with the Indiana Civil Rights Commission, the E.E.O.C. or for compliance with any state or federal regulatory agency.
- The release of partial information, such as the release of final disciplinary action, is specifically covered by state statute.

As required by federal law, medical records, worker compensation files, and requests for Family and Medical Leave, shall not be co-mingled with the employee's regular personnel file. Instead a separate file will be maintained for any issue relating to a medical condition.

Employees may periodically review their personnel file during regular business hours. Employees should alert the personnel director to perceived discrepancies and work to resolve the matter. Should those efforts fail, the employee may file a grievance to correct any alleged discrepancies.

REFERENCES/EMPLOYMENT VERIFICATION

Requests for references should be referred to the Personnel Office. The City does not release detailed information regarding past performance; rather, it provides only basic information regarding employment such as dates worked and confirmation of position and pay. In those cases where an employee has been discharged due to an objectionable action, such inquiries will be referred to the City Attorney.

Requests for employment verification (such as start date and current pay rate) should be provided in writing (including by facsimile) to the payroll clerk in the Controller's Office.

GRIEVANCE PROCEDURES

It is the policy of the city to encourage good employee relations and communications with all employees. As a part of the policy, internal grievance procedures have been established.

- A. Bargaining unit employees operate under established grievance procedures set forth in individual union agreements. In those instances where a grievance procedure is defined by a collective bargaining agreement, this procedure shall not apply.
- B. Non-bargaining employees will have access to a special due process. Any salaried non-bargaining employee who receives disciplinary or documented action may file a complaint using the following process:
 - 1. A written complaint, containing a clear and concise statement of the grievance, will be completed with one copy forwarded to the personnel director, one to the department head and one retained by the employee. The complaint, which can include the requested remedy, must be filed within seven (7) calendar days of the receipt of the disciplinary action (whether signed by the employee or not).
 - 2. The employee will present his/her case to the department head through an informal review to be conducted within ten (10) days of receipt of the grievance.
 - 3. The department head will respond in writing to the employee with a copy to the personnel director within five (5) calendar days of the aforementioned review, outlining the decision regarding the requested remedy.
 - 4. Should the employee be dissatisfied with the outcome at the department level, he/she may ask for a review of the case. Such requests must be in writing and forwarded to the personnel director within seven (7) calendar days of receipt of

the department level decision. The request must be accompanied by the employee's original complaint, the departmental response and any other pertinent documents.

5. A three (3) member hearing panel consisting of:
 - a City employee from another department chosen by the aggrieved employee,
 - a City employee chosen by the affected department head or elected official,
 - a third impartial party chosen by the personnel director

The panel shall hear from all parties and render a decision within ten (10) calendar days of the hearing. The decision shall be in writing and will be sent to the employee and the department head, with a copy remaining in the Personnel office.

- C. The emphasis of this process will be on its positive use to open legitimate lines of communication and provide for a continuation of fair and consistent treatment.
- D. Elected officials, board appointments, department heads and supervisors are expected to cooperate with this process in an open and fair manner. Actions designed to frustrate the process or to retaliate against an employee for utilizing the process will not be permitted. As employees, proven cases can result in disciplinary action against a department head/supervisor. In the case of an appointed board member, the appointing elected official will take appropriate disciplinary action.

Although this policy provides employees with a grievance procedure to resolve issues and conflicts, it does not alter an employee's status as at will or create a contractual basis for employment with the city.

OPEN DOOR POLICY

The City is committed to making its business a good place for all employees to work. This goal is achieved by developing and maintaining a cooperative working relationship among employees based on mutual respect and understanding. We believe that your opinions, thoughts, and feelings are important, and we recognize the need for procedures that will allow you to bring your questions, suggestions and concerns to our attention. At the same time, we feel that it is important to recognize and follow the chain of command, since many problems or concerns can be best addressed by those closest to the problem.

We endorse an open door policy where employees are able to discuss any questions, comments or matters of concern with his/her supervisor or department head. If something is on your mind, take the following steps:

- Organize your thoughts on the issue;
- Adhere to the chain of command by first contacting your immediate supervisor;
- If the issue cannot be resolved with your supervisor, schedule a meeting with the next person in the chain of command. If you have exhausted all other levels of the chain of command, you may wish to discuss the matter with the Mayor.

While the City may not be able to fully address every issue, every effort will be made to assist you and take your opinions into consideration.

ATTENDANCE POLICY

This policy applies to all City employees including those covered by a collective bargaining agreement, unless the bargaining agreement or contract explicitly addresses the issue in a manner contrary to this chapter. In those instances, the terms of the bargaining agreement or contract will supersede the terms of this chapter.

It is a basic expectation that all employees are expected to report for work on a daily basis and in a punctual manner. Failure to do so will result in disciplinary action.

Tardiness- In order to preserve and maintain effective operations, employees of the City should be present and ready to work by their assigned starting time. Tardiness can be cause for appropriate disciplinary action. A supervisor should exercise discretion to not discipline for tardiness if there is a justifiable emergency and no pattern of chronic tardiness on the part of this employee; however, said discretion must be exercised uniformly in similar situations.

Excused Absences and Illness- An employee shall be considered off with an excused absence provided the employee has received prior approval from a supervisor. Each department shall set its own procedure for calling off. If no departmental procedure is in place, then an employee who is absent due to illness must report off prior to or within ten minutes of his/her start time in order to be considered excused. Employees who call off later than ten (10) minutes after their start time shall be considered off with an unexcused absence and shall not receive pay for that day unless there is a medical emergency.

Unexcused Absences- An employee who fails to have authorization or has failed to notify his/her supervisor that they will not be at work is considered to have an unexcused absence and will not be paid. Three consecutive days of unexcused absence shall be considered voluntary resignation and will terminate the employee's position and accompanying benefits.

Chronic Absenteeism- Any employee who misses an average of more than two days per month during the immediately preceding six months (excluding vacation time or authorized leave of absence) shall be considered a chronic absentee employee. The employee will be notified in writing by the department head that his/her attendance is not acceptable. Continued chronic absenteeism may result in dismissal of the employee if so approved by the personnel director.

Sick Days- Sick days may only be used for the illness of the employee, care of one's spouse or child (under the age of 18 or as defined by the Family and Medical Leave Act). Certain conditions apply in regard to the use of sick days:

- Any employee who misses three (3) or more consecutive work days shall be required to provide a doctor's excuse upon return to work (including if that absence is due to the care of a spouse or child). Failure to do so will result in no pay for the days missed.

- Sick days shall only be taken in a minimum of 1/2- day increments.

An employee must work 51% of the workdays of the proceeding month in order to earn a sick day for that month's service. Paid vacation is to be included in the calculation. (See "*Sick Time*" in the Benefits section of this handbook for additional information.)

CARE FOR CITY PROPERTY

Employees are expected to exercise care in his/her use of City property and to use such property only for authorized purposes. Negligence or carelessness in the use of City property may result in appropriate disciplinary action.

CONFIDENTIALITY

City employees work in an environment where the confidentiality of information regarding residents and employees must be preserved. Medical information or any information regarding fellow employees should always be considered strictly confidential. The discussion of confidential matters with other employees or in places where unintended parties can overhear such information is forbidden. The reproduction of written materials or accessing of unauthorized computer or electronic records is also forbidden.

At the same time, state law requires the release of information, including information regarding employees, to the public under certain conditions and procedures. Only authorized individuals shall handle requests for information.

DRESS CODE

As servants of the public, employees must dress in a manner and appearance that reflects professionalism.

Those employees who are seen by and come in contact with the public are expected to dress with the same or higher expectations as associated with the private sector. Although additional requirements may be established by individual department heads, the following minimum guidelines must be followed by employees who spend a majority of the workday in an office environment or unless otherwise noted:

Men- Pants, shirts without writing, socks, shoes or boots. Inappropriate attire includes jogging attire, jeans, T-shirts with slogans or logos, footwear without socks, athletic shoes, shorts, caps or clothing that distracts from the office's mission to create a professional appearance.

Women- Dresses or skirts (with a conservative length hemlines not to exceed 2" above

the knee), non-stretch-style slacks; blouses, sweaters or shirts (without writing) that do not expose cleavage. Inappropriate attire includes jogging attire, jeans, T-shirts with slogans or logos, or clothing that distracts from the office's mission to create a professional appearance.

Uniformed Employees- Those employees who are furnished uniforms, including shirts or partial uniforms, must wear the provided uniform attire each day when reporting to work and performing duties.

Casual Fridays- Dependent upon the office holder or department head, a relaxed style of attire is allowed on Fridays or other declared casual days. Revealing, offending or distracting attire, jeans that are tattered, torn, faded or otherwise inappropriate may still not be worn.

Field Assigned Employees- Employees who are regularly assigned to field duties such as performing inspections or working in the field are permitted to wear jeans as part of their regular attire. These employees however, must maintain a professional appearance when representing the City in the field. Jeans must be free of holes, clean and not look worn or tattered. All other aspects of the dress code apply.

The aforementioned guidelines should be viewed as minimum standards. Department heads may add additional restrictions to maintain a professional appearance and operation of their offices.

OUTSIDE EMPLOYMENT

Employees have the right to work another job or career provided that it does not interfere with the employee's duties with the City, and does not create a conflict of interest. The following would constitute "interference" with an employee's duties:

- The conducting of private outside employment during employee's regular work hours.
- Repeated tardiness or absenteeism due to outside employment.

At no time may City resources be used to further private outside employment.

GUIDELINES FOR CONDUCT

(This policy applies to all City employees including those covered by a collective bargaining agreement, unless the bargaining agreement or contract explicitly addresses the issue in a manner contrary to this chapter. In those instances, the terms of the bargaining agreement or contract will supersede the terms of this chapter.)

Organizations need regulations to govern the conduct of employees, maintain smooth operations, and provide general direction. The City of Hammond is no exception. These

rules have been enacted to help maintain safe and desirable working conditions for everyone, are posted for general information and to ensure equitable and uniform corrective action when necessary. In order to demonstrate an accurate account of any incident that results in discipline, an employee's supervisor should complete a written report of any improper action. Disciplinary action will be issued by the supervisor upon review and authorization by the department head. In matters of Category IV violations, these actions must first be reviewed by the Mayor (or his designee) before being issued (See also the "*Suspension/Termination of Employment*" in this section of this handbook).

The City reserves the right to depart from these guidelines and to take action up to and including immediate discharge when, in its opinion, such action is necessary to protect the well being of the City or its employees.

It is impractical to attempt to list all types of misconduct that may result in disciplinary action; therefore, the following are only basic guidelines:

Category I

The City expects proper procedures and actions of its employees including, but are not limited to: being on time; showing respect to co-workers, supervisors and visitors; reporting personal injuries; following normal daily procedures; and notifying one's supervisor in advance of any tardiness or absence. When an employee does not abide by these regulations, it is the supervisor's responsibility to work with the employee to correct the employee's behavior. If there is no improvement, the employee will be notified that his or her behavior or lack thereof, is not in accordance with City policy. This notification will be made verbally with written record of the discussion placed in the employee's file.

Category II

When an employee fails to adhere to safety rules, creates conditions that are unsanitary or potentially dangerous to other employees, displays rudeness/discourtesy to the public, walks off the job without authorization, causing waste of materials or parts due to carelessness, reporting to work in dirty clothing or in an unclean manner, uses or possesses another employee's personal tools without consent, engages in verbal confrontations that disrupt the workplace, neglects to properly perform assigned duties, engages in activities that are unethical such as performing personal work on City time, or when an employee commits a second Category I violation within 12 months of the last discipline issued, that employee will be notified in writing that his or her behavior is not appropriate. Subsequent violations could lead to additional action including suspension and termination.

Category III

These actions are more serious in nature and have significant impact on the City or its employees. They include: being under the influence of alcohol or deliberate abuse of prescription or illegal drugs; specific refusal to follow legitimate directions from one's supervisor or conduct that directly challenges the legal or legitimate

authority of a supervisor or manager; posting, altering or removing any matter on a city bulletin board without authorization, disorderly conduct; reckless damage to a vehicle or other city property of less than \$2,500.00; failure to report within forty-eight (48) hours any accident; a pattern of negligence in carrying out assigned duties, threatening or intimidating another employee; concealing defective work; use of government equipment, tools, materials or other City property for personal use; sleeping on the job; carrying an unauthorized passenger in a city vehicle during work hours; violating departmental safety rules; or the violation of City Policy.

An employee who commits any of these infractions or any other infraction viewed by the City as serious misconduct, or who commits a second violation of the guidelines contained in Category II within 12 months of the last discipline issued, will be suspended without pay for 3 to 5 days, along with other measures that may be applicable (e.g. counseling). A subsequent violation could lead to additional action including termination.

Category IV

When an employee commits a deliberate action that is deemed inexcusable, that employee will be subject to immediate dismissal. Such actions include deliberate damage of property; a serious violation of City Policy/ordinance, Indiana or Federal law; conviction of a felony; actions that endanger the health and welfare of another employee; deliberate negligence in carrying out one's job responsibilities; the use of physical force against another individual; damage to a City vehicle or equipment that totals \$2,500.00 or more; theft, willful tampering with equipment or computer programs; gross insubordination; falsification of records – including time cards, release of confidential information; unreported absence for three (3) days; possession of illegal drugs and alcohol (all instances of alleged substance abuse or intoxication shall be handled pursuant to methods prescribed in Ordinance 7415); possession of weapons, firearms or explosives, physical or sexual assault or abuse; a second violation of a Category III regulation within 12 months of the last discipline issued; or any other extremely serious action. Such behavior will result in an immediate suspension without pay for 5 days pending review for termination by the department head.

The foregoing listing of causes for disciplinary action is to help illustrate the City's progressive disciplinary policy and does not preclude the City of Hammond from disciplining employees for reasons not specifically listed. In addition, the City reserves the right to depart from the aforementioned guidelines in matters where the circumstances demand a stronger or milder response.

Documentation/Procedures For Discipline

All disciplinary action, including a verbal reprimand, will be documented. The City's Disciplinary Action Form should be completed in its entirety with all facts documented. The forms shall be signed by the supervisor and the disciplined employee. In the event the employee refuses to sign, a witness should sign to verify that the employee was given the opportunity to review the form.

Discipline shall be administered discreetly and civilly and explained clearly to the employee. As noted in the "Guidelines for Conduct," the seriousness of the offense will be considered when discipline is issued. In certain instances the City reserves the right to depart from the aforementioned guidelines in matters where the circumstances demand a stronger or milder response.

The personnel director (or, in the case of the City Clerk or City Judge, the office holder) should be consulted by the department head or supervisor if there is any question regarding the appropriate discipline.

Types Of Disciplinary Actions

Oral reprimands are for the first offenses which do not require suspension. Oral reprimands should be documented for future reference and should include a warning to the employee that a subsequent violation could result in further disciplinary actions.

Written reprimands may be issued if an oral reprimand has not corrected the problem or if the violation is not serious enough to require a suspension. The reprimand shall specify which further disciplinary actions could result from subsequent violations.

Suspension without pay shall be administered for repeat offenses or where required immediately due to the nature of the offense. The first day of suspension shall be the first day in which the employee works less than 51% of the workday.

Immediate discharge or dismissal shall be imposed where prior disciplinary actions have not corrected the behavior or where due to the seriousness of the offense, such action is required.

The supervisor must document and file the disciplinary action taken within five (5) working days of **notification** of the incident. Failure to act within this period will render the action moot and without force or effect.

Disciplinary actions may be appealed pursuant to the terms of the grievance procedure established with this personnel policy.

Notice Of Changes To The Guidelines For Conduct

A copy of the City of Hammond's "Guidelines for Conduct" shall be provided to each new employee upon hiring and to all current employees. Copies of the policy will also be available from the Personnel Office.

It is important for employees to be made aware of any changes to this policy. Department heads shall be responsible for advising employees of any changes in the policy. The personnel director shall be responsible for the conspicuous posting of any changes or amendments made to the policy and for notifying the City departments of those changes.

POSSESSION OF FIREARMS

No Employee or agent of the City, whether Full or Part-Time, paid or volunteer, other than a duly sworn City police officer, general services officer or other individual authorized by statute to carry a weapon on behalf of the City, shall carry or possess a firearm or other deadly weapon (exceptions to this policy include small pocket knives or a rescue knife carried by appropriate personnel) during working hours, while on duty, or while otherwise engaged in City business or on City property.

SAFETY AND HEALTH

Although accidents occur in the workplace, most are avoidable by carefully and safely performing one's job duties. It is important to use the proper equipment such as a ladder when having to reach overhead objects or to use one's knees (instead of just their back and arms) when having to lift a heavy box or object. Some jobs require the wearing of personal protective equipment (PPE) such as eye wear, ear protection and footwear with reinforced toes or gripping soles. PPE and performing job-duties with the proper equipment are just a few of the many steps that an employee can take to avoid an accident.

If you become injured at work, you must report your injury to your supervisor immediately. Supervisors should also be notified immediately of any fires, hazardous conditions, or injuries to others.

It is the City's policy to comply with the Indiana Workers' Compensation Laws and to aid any Employee whose injury or illness is determined to be compensable under those laws. The City pays for all costs associated with providing this coverage, and the insurance carrier will make all payments and decisions pertaining to compensable injuries or illnesses.

If you are hospitalized or incur medical costs as a result of a job-related injury or illness, your department head should be notified as soon as possible. If absence from work is required as a result of a job related injury or illness, you will be required to furnish a statement from a physician stating that you are able to work before returning to work.

An Employee suffering a work-related injury and/or illness must report the condition immediately, but no later than twenty-four (24) hours from the time of the incident, to his/her supervisor or department head. If the accident or injury happened at work but requires medical treatment after going home, see a doctor of your choice or go to the emergency room at the local hospital. Advise your supervisor or department head of the name of the doctor or hospital where treatment was received as soon as possible, but no later than forty-eight (48) hours from the time of the incident. Failure to immediately report an injury or illness could result in jeopardizing your worker's compensation claim should the injury be more serious than first determined.

SMOKE-FREE ENVIRONMENT

The City, including all of its buildings, is smoke-free. Employees are not permitted to smoke while in a City building.

All employees are asked to help monitor the "*no smoking*" policy. If someone is observed smoking, employees should politely request that the smoker extinguish the cigarette, pipe or cigar. It is the responsibility of all employees to maintain a healthy and safe smoke-free environment.

STAFF IDENTIFICATION BADGES

Each employee is issued an identification badge (I.D.) with his or her photograph on it for identification purposes. The purpose of the I.D. is to identify you as an employee of the City. It should never be used as a form of identification outside of work.

The I.D. must be turned in when employment terminates. An employee should immediately report a lost or stolen badge to their supervisor.

TELEPHONE USE POLICY

It is expected that personal telephone calls will be kept to a minimum. Our success is in large part dependent upon our ability to respond to the needs of our citizens promptly and efficiently. No long distance phone calls of a personal nature are to be billed to the City except those necessary due to emergency situations or to notify families of the need to work late (these calls should be kept to a minimum length).

Employees who are issued City owned cellular phones may use the phones for business related use free of charge. The employee is responsible however, for reimbursing the City for any personal calls that are incurred.

The benefits outlined in this section applies to all city employees including those covered by a collective bargaining agreement, unless the bargaining agreement or contract explicitly addresses the issue in a manner contrary to this chapter. In those instances, the terms of the bargaining agreement or contract will supersede the terms of this chapter.

The City of Hammond provides a number of benefits to its employees. Although some benefits are required by law, most benefits are provided voluntarily to employees as part of the overall compensation that an employee receives. Many of the benefits provided exceed those normally provided in the private sector. This section represents an outline of benefits and is not a full explanation/description. Employees who desire more detailed information regarding a specific benefit should contact the appropriate source as listed or the personnel director.

EDUCATIONAL ASSISTANCE

The City provides educational assistance to employees who wish to further their education and ability to perform their job. The guidelines for this program are set by executive order and can be found in the **Appendix** section of this handbook.

EMPLOYEE ASSISTANCE PROGRAM

In order to assist City employees to operate effectively on-the-job, it is beneficial to provide help with on or off-the-job problems. Since the City management does not possess the skills to advise employees from within, a program for such assistance has been established under an agreement with a professional counseling service.

This policy applies to all full time City employees. All full time employees and their immediate family members living in the same house (spouse and children of employees up to the age of twenty-three (23) and are covered under the City's health insurance plan are eligible to receive employee assistance program service.

Confidentiality shall be maintained; no information shall be released unless an employee gives written permission.

Employees participating in the employee assistance program must schedule all counseling outside of regular working hours unless directed otherwise by his/her supervisor.

The employee assistance program is overseen by the Hammond Human Relations Commission.

Employees may voluntarily seek assistance from the program or can be referred to the program by his/her supervisor.

Supervisors who encounter problems with employees (discipline or performance) where it appears that off-the-job stresses are causing or contributing to the situation should follow the procedure listed below:

1. Confer with the employee about the job related aspects of the problem (absenteeism, declining performance, conflicts with other employees, etc.). Clearly express in writing the desired behavior change and the consequences of not meeting expectations.
2. Keep an accurate record of all contact with employees.
3. If employees raise on or off-the-job problems as the cause, refer him/her directly to the professional counseling service.
4. If employees do not indicate any on or off-the-job problems but supervisors suspect them, supervisors may suggest the employee assistance program but should not order it.
5. In certain extreme circumstances, a department head, with the consultation of the City Personnel Director may believe it to be in the best interest, safety and welfare of the City, its employees and the general public, to require a mandatory evaluation of an employee who exhibits actions or mannerisms that indicate that the employee may need professional consultation. A mandatory referral may only be made after behavior that creates a threatening situation has been documented, and that documentation has been reviewed by the City Attorney.
6. While the nature of direct assistance is confidential, employees' supervisors should keep the consultant informed, by memo, of any changes in job behavior that may be relevant to the employees assistance program. (Did behavior improve? Was the employee's job performance improved? Is the situation continuing to deteriorate?)
7. If any employees receiving assistance are being considered for unfavorable termination, all relevant information should be provided to the consultant before the action is completed.

LIFE INSURANCE

All regular full-time employees are provided a life insurance policy at a cost of one dollar (\$1.00) per year. The amount of the policy is currently \$30,000.00. Additional life insurance coverage is available for purchase by an employee (the cost of which is the employee's responsibility). Please contact the Controller's Office for additional details.

MEDICAL INSURANCE

Regular full-time employees are eligible for single (employee) or family (dependent) coverage administered for the City by private contract. Coverage includes: medical, dental and vision benefits. Contributions and coverage limits may vary. Please contact the Controller's Office for additional information regarding current rates and coverage.

In those cases where union pensions and welfare funds are involved, the City will make the appropriate contributions pursuant to the collective bargaining agreement.

COBRA RIGHTS- Employees and their families will have the opportunity for a temporary extension of health insurance coverage in certain instances where coverage under the City's health plan would otherwise end. Only those employees, as well as the employee's spouse and dependents, who were covered under the City's health insurance plan on the day before the event which triggered termination of coverage are eligible to elect continuation of coverage.

If you are an employee of the City and are covered by its health insurance plan, you have a right to elect continuation coverage if you lose your group health coverage because of a reduction in your hours of employment or the termination of your employment (for reasons other than gross misconduct on your part).

FAMILY AND MEDICAL LEAVE

The City recognizes that Employees may need time off to care for the medical needs of themselves their children, their spouses and their parents. In order to comply with the Family and Medical Leave Act ("FMLA"), the City has developed this policy to provide eligible employees the necessary flexibility to manage their careers and family needs. To the extent that the FMLA provides greater family or medical leave rights to employees than are provided under existing policies, the requirements of the FMLA will prevail and will supersede existing policies. Leave time taken under other policies, which would qualify as leave under the FMLA, will be taken into account when computing the FMLA leave.

The following information should be viewed only as an outline of FMLA. Please contact the personnel director for specific details.

Eligibility- To be eligible for the FMLA, an Employee must have been employed for at least twelve (12) months and must have worked at least 1,250 hours during the previous twelve (12) month period. The FMLA entitles eligible Employees to take up to twelve (12) weeks unpaid leave of absence during a twelve (12) month period.

Reasons For Leave- Employees may be granted leave for any of the following reasons:

- To care for a newborn child, newly adopted or newly placed foster child. Employee's right to leave for this reason ends twelve (12) months after the birth, adoption or placement of the child with Employee.
- To care for a family member such as a spouse, child or parent who has a serious health condition (under the care of a health care provider) and prevents that individual from performing their regular activities for three or more days.
- For a serious health condition (under the care of a health care provider) which debilitates the employee and prevents that individual from being able to perform his/her duties at work for three or more days.

Written Notification- All notification of leave under the FMLA, including extensions, will be provided to City employees in writing in accordance with federal regulations. In turn, the employee will also make all requests for such leave in writing. In those situations where, due to an emergency, notification cannot readily be provided in writing, the employee will be requested to provide such notice as soon as possible using all federally approved forms.

Computing Leave Time- The twelve (12) month period for taking leave will be measured on a calendar basis (January to December).

Extension of Leave- FMLA leave may not be extended beyond twelve (12) weeks to any employee without the written approval of the department head and personnel director.

End of Leave Notification- Departments are required to notify the Personnel Department at least two (2) weeks prior to the end of any leave so that proper federally approved forms may be sent to the employee notifying them of the end or extension of their leave.

Special Limitations- The Act includes a special provision in the event of a birth, adoption or placement of a foster child, and where both parents are employed by the City of Hammond. In those cases, a total of 12 weeks of leave is available to the parents, and may be taken in any combination of leave providing the total taken by both individuals does not exceed 12 weeks.

Substitution Of Paid Leave- FMLA leave is unpaid. However, employees may substitute sick leave or vacation, which they have earned or accrued for part or all of the FMLA leave and count it against the maximum twelve (12) week entitlement.

Health Insurance Coverage While On Leave- Group health and/or dental insurance coverage for Employees while on leave will be continued on the same basis as coverage would have been provided had Employee been continuously employed during the leave period. Any share of health and/or dental insurance premiums, which had been paid by the employee prior to the leave, must continue to be paid by Employee during the leave period. If paid leave is substituted as discussed above, Employee's portion of the premium will be paid by payroll deduction. If all or part of the leave is

unpaid, Employee must make arrangements with his/her department head for a mutually agreeable schedule for paying Employee's portion of the premium. Employee's failure to make the necessary contributions, will lead to the cancellation of group health and/or dental insurance coverage.

Failure to Return From FMLA Leave- If Employee does not return to work following leave (depending on the reason for Employee's failure to return to work), the City reserves the right to recover all group health and/or dental insurance premiums paid by the City during the leave period. The reimbursement will be based on the cost of COBRA coverage.

Status Report and Medical Certification Prior to Returning From Leave- Employees on FMLA leave must report to their department head every two (2) weeks on their status, including whether they intend to return to work and the date which they will return to work, if known.

Employees who take FMLA leave due to their own serious health condition, must provide a fitness-for-duty medical certification from their treating health care provider prior to being permitted to return to work. Under no circumstances will an Employee who fails to provide certification be permitted to return to work.

Job and Benefit Protection- Employees returning from FMLA leave will be given the same job they had when they left on leave or an equivalent job with equivalent pay, benefits and other employment terms, including no loss in years of service. Employees who fail to return to work at the end of leave, lose their rights to be returned to their former jobs or equivalent positions.

The use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of leave. However, employees will not accrue any type of leave benefit while they are on non-pay status.

Changes in Regulation- The Family and Medical Leave Act is subject to updates, changes and amendments by Congress and the U.S. Department of Labor, Wage and Hour Division. In the event that such change conflicts with this handbook or other City policy, the current federal law or regulation shall apply.

Definitions- The following definitions will be used:

- A "child" refers to a biological, adopted, foster, or "step" child, a legal ward, or a person less than eighteen (18) years of age, for whom the Employee has the responsibility to provide care and support. Additionally, a "child" is considered a person eighteen (18) years or older who is incapable of self-care due to a physical or mental disability. A "parent" refers to an individual's natural parent or a parent who has/had legal custody of a child as described above.

- Health care provider includes:
 - Doctors of medicine or osteopathy authorized to practice medicine;
 - Podiatrists, dentists, clinical psychologists, optometrists, chiropractors, nurse practitioners, nurse-midwives, clinical social workers (each performing within their scope of practice);
 - Christian Science practitioners listed with the First Church of Christ, scientist of Boston;

Any health care provider recognized by the City's group health plan.

EXTENDED LEAVE OF ABSENCE

Note: Medical Leaves of Absence are subject to and superseded by federal guidelines as outlined in the Family & Medical Leave Act (FMLA).

It is the purpose of this policy to outline those conditions under which Leaves of Absence without pay may be given and to define the status of employee benefits during an extended Leave of Absence. Each case will be decided on its own merits and approved by the Department Director/Supervisor.

A leave may be granted to any regular full-time employee after two full years of service. Leave request must be made in writing thirty (30) calendar days prior to the date of Leave of Absence.

1. The employee must specify the reason for the leave and the probable date of return. Failure to report for work assignment at the return date specified in the leave will result in termination, unless an extension is requested and granted.
2. Leaves of Absences shall be granted for a minimum period of thirty (30) days and are renewable in blocks of thirty (30) day time periods up to a maximum of three (3) months.
3. Education leave can be granted on a semester or academic year basis, provided the employee is attending school on a full-time basis as defined by the university. Prior to the effective date of the leave, the employee shall provide the department head with a receipt evidencing tuition payment.
4. Extended Illness and Extended Maternity Leave: An employee who has exhausted leave granted pursuant to the Family Leave Act, may be granted on a case-by-case basis, a Leave of Absence without pay upon submission of a doctor's statement of a continuing serious medical condition. A doctor's note shall be submitted each thirty (30) days. In the event that the leave is not extended, the employee will be given at least

thirty days notice prior to its cancellation.

5. Status of Benefits:

- a. When an employee returns from an approved leave of absence, he/she will be placed in a job substantially the same in pay and duties as the one vacated at the time leave was approved. There is no guarantee of return to the exact position vacated.
- b. Length of service shall be frozen for the duration of the leave of absence.
- c. Time spent on leave of absence status shall not be used for computation of the following benefits:
 - a. Sick leave
 - b. Vacation time
 - c. PERF benefits.

Hospitalization and life insurance will be carried in the current month that he/she takes a leave of absence. If the employee elects to extend such insurance coverage beyond that limitation, he/she may do so by paying the premium.

FUNERAL LEAVE

In the event of a death within the immediate family, a full-time employee is entitled to be paid and absent from work for a period not to exceed three (3) consecutive working days. Immediate family means:

- (a) Husband
- (b) Wife
- (c) Son
- (d) Daughter
- (e) Father
- (f) Mother
- (g) Father in Law
- (h) Mother in Law
- (i) Brother (including in law)
- (j) Sister (including in law)
- (k) Grandparents (including in law)
- (l) Grandchildren
- (m) any other person who is currently living in an employee's household and has been so domiciled for at least the past year.

Excluded from this listing are any former relatives (such as former in-laws due to the dissolution of marriage). Employees may be granted up to one day (to attend the funeral or service) in the death of an aunt or uncle.

In certain situations where the death of a spouse, child or parent has occurred and extenuating circumstances exist, special provisions may be made by the department head after discussion with the personnel director (or, in the case of the City Clerk or City Judge, the office holder).

HOLIDAYS

Paid holidays are designated by City ordinance. Holidays for union members and City employees shall be the same unless a collective bargaining agreement provides otherwise (such as providing for necessary services). The holiday schedule for the year will be published each January by the Mayor's office. The City's ability to provide quality services during the rest of a workweek when a holiday occurs is extremely important. If an employee is absent without proper authorization on the last working day before a holiday or the first working day after a holiday, he/she will not be paid for the holiday.

If a holiday falls during a scheduled vacation, an employee need not take a vacation day for the declared holiday to receive full pay for that week.

JURY DUTY AND SUBPOENAED WITNESS

When an employee is required to serve as a juror or subpoenaed witness, that employee will receive his/her full regular pay (straight time only) subject to the following provisions:

The employee must notify his/her supervisor within twenty-four (24) hours after receipt of notice of selection for jury duty or as soon as practicable after receipt of a subpoena.

- If serving jury duty, the employee must furnish a written statement from the appropriate public official showing the date and time served and the amount of pay received.
- If serving as a subpoenaed witness, you must show the subpoena signed by a proper party and showing the amount of compensation received for such services.

The employee must sign over any check (excluding mileage) received for serving as a juror or witness to the City Controller's Office.

MILITARY LEAVE

The City encourages and supports employees who choose to serve our nation in the armed forces. In certain cases where an employee is called to military service, either for active duty or annual training, that employee may be entitled to reinstatement/reemployment and other rights under the Uniform Services Employment and Reemployment Rights Act of 1994 ("USERRA"). To qualify under USERRA, your

separation from military service must be under honorable conditions and you must meet the other requirements of the law. In order to qualify for City-sponsored benefits, your military service must be in compliance with the following conditions:

- (1) **Eligibility**: An employee who must be absent from work due to military duty (either voluntary or involuntary) must provide advance notice to the Personnel Office as soon as possible, along with a copy of his/her military orders which identifies the time period for the leave as specifically as possible.
- (2) **Reinstatement**: In order to be eligible for USERRA and City-sponsored benefits, employees returning from a military leave lasting fewer than thirty one (31) days, must report back to work at the beginning of the first regularly scheduled work day following the completion of military service.
- (3) **Reemployment**: In those situations where military leave lasts more than thirty (30) days but less than one hundred eighty-one (181) days, an employee must submit an application for reemployment within fourteen (14) days of the completion of military service to be eligible for USERRA and City-sponsored benefits. An employee on a military leave that lasts longer than one hundred eighty-one (181) days must submit an application for reemployment within ninety (90) days of the completion of military service. In any case where the military leave exceeds more than thirty (30) days, the employee must provide official military documentation identifying the period of military service to establish that the application for reemployment was timely and that the discharge was honorable.

Benefits: Upon reemployment, an employee restored to the level of benefits attained had he/she provided continuous service to the City and as a result, all rights and benefits determined by length of service (including vacation, sick and personal time) will reflect continuous employment. In addition, an employee will be eligible for health benefits for up to twelve (12) months, so long as he/she continues to pay his/her employee contribution.

Compensation: An employee will be permitted up to four (4) weeks of paid military leave per calendar year provided that he/she has completed one (1) year of service with the City. Compensation will be computed by taking the employee's hourly rate of pay, multiplied by forty (40) hours, less the earnings received from military service. This compensation is contingent upon the City's payroll department receiving adequate advance written notice of the military leave and official military documentation indicating the amount of earnings received while on military leave. New employees (those with less than one (1) year of service may elect to use paid time off in conjunction with military leave.

PAID SICK DAYS

If he/she is a full-time employee, he/she will earn sick time at the rate of one (1) day after each calendar month in which he/she has worked at least 51% of work days (including paid vacation days) of that month. Example: An employee's sick day for January will show up on his/her first paycheck in February. The sick day is earned after the month is worked.

Employees not accruing paid sick leave include: part time, temporary, seasonal, or inactive employees, and employees who are on a leave of absence.

Sick time benefits should be used only for legitimate illness of an employee, his/her spouse or child (under 18 years of age). When returning to work after using three or more days of sick leave consecutively, the employee will be required to furnish a doctor's statement and an authorization to return to work at normal or restricted duties. Use of sick time to care for a spouse or child should be used only when absolutely necessary, and documentation may be required if the absence lasts three or more days (without violating the privacy rights of the spouse or child). Abuse of sick time may lead to disciplinary action.

- Illness during an authorized vacation period shall be considered vacation days rather than sick days.
- An individual who abuses the sick day policy by using sick time when the employee is not ill shall be subject to progressive discipline starting with a written warning for the first offense, a three-day suspension without pay for the second offense, a five day suspension without pay for the third offense and immediate dismissal for the fourth offense.

Accumulation- Sick days may accumulate up to a maximum of seventy-five (75) days. For each six (6) days earned in excess of the allowable accumulation, the excess days shall be converted to equal one extra regular vacation day. In computing sick leave accruals, paid sick leave used will be deducted from the accrual.

Retirement or Separation Value- In most cases, unused sick time is not reimbursable when an employee leaves City employment. However, the City also recognizes the value and contribution made by long-term employees. If an employee leaves City employment and is eligible for retirement, or have worked for the City for at least 10 years, and have provided at least 30 (thirty) days notice that he/she will be leaving employment, the employee may be reimbursed for sick time as follows:

- Employees are eligible for retirement benefits subject to the eligibility guidelines determined by the Public Employee Retirement Fund (PERF);
- Employees who have worked for the City for at least 10 years of full time service will be reimbursed at a rate of 1 (one) day's pay for each 4 (four) days of unused sick time.

- Employees who have worked for the City for at least 15 years of full time service will be reimbursed at a rate of 1 (one) day's pay for each 2 (two) days of unused sick time.

Additional Provisions- Sick leave accruals are transferred if the employee changes to another department within the City, and remain a full-time employee. Sick time is always paid at the current rate of pay when taken. Sick leave earned is retroactive to the employee's date of hire.

If you become ill or injured while on vacation, the scheduled vacation shall be counted as vacation, if the disability continues beyond the scheduled time of vacation, the sick leave allowance (if any) shall begin on the first scheduled working day after the end of the scheduled vacation.

Each department director/head shall have a complete record-keeping system of employee's sick time earned and taken.

PERSONAL TIME

Separate and independent of vacation, holiday, and sick leave allowances or other paid time off, employees shall receive four (4) personal days off with pay each year after completing one year's service. Pay for personal time will be paid at the employee's regular hourly rate or pro-rated basis for salaried employees.

Employees must use this time within the calendar year or lose it, as it is not accumulated from year to year and may not be paid as a termination benefit.

In most cases, personal time should be scheduled in advance and cleared with the supervisor. Emergencies are exempted from advance scheduling. Personal time may be taken in four hour increments, but not in lesser amounts (see Flexible Schedule Section for details as to how personal time applies to employees working a flexible schedule).

New employees starting before July 1st will be allowed one personal day to be taken before December 31st of the same year. Employees starting after July 1st are not entitled to personal days until January 1st of the following year.

VACATION

All full time employees are eligible for paid vacation and based on the length of continuous service with the City. Certain eligibility requirements and guidelines apply.

Earning Vacation- Vacation is earned based on the length of service of the employee and his/her anniversary date.

First vacation: After completion of an employee's first six months of work, the employee is eligible for one week (five days) of vacation. The vacation must be used within the remaining months of the calendar year in which it is issued. To be eligible for your first full vacation, you must pass your first anniversary date. At that time an employee is eligible for two (2) weeks of paid vacation. The first vacation must be taken before the end of the calendar year in which you passed your first anniversary date. You are limited to a maximum of ten (10) days of service after one year of service.

Vacation in subsequent years: To be eligible for vacation in subsequent years, an employee must be on the payroll as of January 1 to be eligible for vacation that year. Vacations are allotted based on the following schedule:

Second through four years of employment:

Ten (10) days per calendar year

Completion of fourth (4th) anniversary:

Fifteen (15) days per calendar year

Completion of ninth (9th) anniversary:

Twenty (20) days per calendar year

Completion of fourteenth (14th) anniversary:

Twenty-five (25) days per calendar year

Completion of twentieth (20th) anniversary:

Thirty (30) days per calendar year

Guidelines- Vacations shall be scheduled within each department pursuant to seniority, the needs of the department and the ability of the remaining staff to do the work in a proper manner. A vacation may be split into blocks of time less than one week providing that such a schedule does not hamper office function. A scheduled vacation may be changed in case of an emergency.

Department heads shall have the authority to designate certain time periods in the year during which no vacations may be taken if the prohibition is based upon the necessity of office operations; and no exceptions are made for any department employee.

Vacation time earned but not taken in a calendar year will not be allowed to be carried over to the subsequent year, nor will an employee receive additional compensation for vacation days earned but not taken unless it is in the year of separation.

Time of service by the employee is transferable between City departments and/or civil city corporations. The value of a vacation is determined at the time of use, rather than when the vacation was earned.

Whenever a holiday falls during an employee's scheduled week of vacation, he/she

does not need to use a vacation day for that holiday.

If an employee becomes ill or injured while on vacation, the scheduled vacation time shall be counted as vacation days rather than sick days. If the illness/disability continues beyond the scheduled vacation time, the sick leave allowances (if any) shall begin on the first scheduled working day after the scheduled vacation.

Conversion to Flexible or Compressed Schedule- If an employee is assigned to a compressed or flexible schedule (a schedule where an employee normally works more than eight hours a day or fewer than five workdays per week), that employee's vacation days are converted to hours rather than days. For example, an employee who has earned two weeks of vacation is entitled to eighty (80) hours of paid vacation time.

WORKERS' COMPENSATION

When any employee, regardless of status (full, part, temporary, seasonal, etc.) is injured on the job, he/she must immediately notify his/her supervisor. He/she will be directed to the medical provider assigned by the City's insurance department for treatment and must obtain a release to return to work from the same provider before returning to work. Employees may not receive treatment from his/her own physician for treatment of a work-related injury.

If he/she is injured or disabled while working (at his/her City position) and must, due to that injury or disability, miss work, he/she will receive their normal rate of pay for the first five (5) days of work missed, provided that the City assigned physician has certified that he/she are unable to work. These five days shall not be counted against his/her accrued sick time. After the first five days, he/she will be paid at the rate set for an employee on worker's compensation. If he/she are injured on the job, he/she are not entitled to receive both full pay from the City (by the use of sick/vacation days) and benefits from Workers' Compensation for the same period of time. Although the actual length and amount of worker's compensation coverage varies, a maximum limit of 500 weeks of workmen's compensation is set by state statute.

Additional Provisions- When he/she returns to work after sick leave (Leave of Absence) from an on-the-job injury, he/she will again begin to earn sick days.

If he/she misses work for an on-the-job injury for which Workers' Compensation pays benefits, the city shall continue his/her insurance benefits (as they were when he/she were working). If he/she is making a contribution towards your insurance coverage, he/she must continue to make such contribution. Thereafter, he/she must obtain and maintain his/her own insurance (at a cost equal to the COBRA rate).

When he/she miss work due to an on-the-job injury, he/she must submit a statement from the City's medical provider estimating how long it will be before he/she may return

to work. If he/she is not able to return to work pursuant to the provider's estimate, he/she must obtain and submit an additional statement from the medical provider, extending that leave. When returning to work, he/she must bring a medical release to return to work.

The City provides "light duty," in those cases where the department has that type of work available and a physician has authorized such work. The release should state how long the "light duty" could be expected to be in effect. If the department does not have any "light duty" available, you must be cleared by the City's medical provider before returning to work.

MANDATORY BENEFITS

These benefits apply to all City and Utility employees not covered under the Police or Fire Pension plans:

- **Social Security-** Provides benefits for death, disability and retirement. For a full description of this benefit, please contact the local Social Security Office.
- **Worker's Compensation-** Injuries or illnesses incurred on the job are compensable under provisions of State law. This includes payment of medical expenses resulting from such an injury or illness and limited liability for death, dismemberment and disability. These benefits are provided on a case-by-case basis. Please contact the Personnel Office for additional information.
- **Unemployment Insurance-** Provides benefits for full-time employees in accordance with State laws in cases of involuntary termination based on a lack of work or other good cause. Please check with the Indiana Employment Security Office regarding this benefit.
- **Public Employment Fund (PERF)-** PERF is available to all full time employees except those who are part of an emergency service, part-time employees, and seasonal employees or in a fee paid position with the City. All full time employees are required to participate upon employment. The City contributes the employee's share (equal to 3% of the employee's pay) as well as the employer's share of PERF. A new employee may not waive participation in the Public Employees Retirement Fund (PERF). If the employee leaves the employment of the City and is not qualified for retirement, he/she may apply for a cash refund of a portion of all monies contributed plus interest accumulated.

Employees with ten (10) or more years of service credit are entitled to a retirement benefit at age sixty-five (65). Employees with fifteen (15) years of services or more are eligible for early retirement at age fifty-five (55) with reduced benefits. State law governs eligibility for PERF retirement benefits.

All rules and regulations regarding PERF are established and modified by the State

of Indiana. An employee interested in additional information regarding his/her PERF benefits should contact the City Controller's Office.

Eligibility for Retirement Health Benefits- Employees who are hired after January 1, 2005 must earn at least fifteen (15) years of continuous service and are eligible for retirement under the Public Employees Retirement Fund Plan (PERF) to be eligible for health insurance benefits during retirement. Employees hired prior to January 1, 2005 are grandfathered under the former policy's provisions which requires at least 15 (fifteen) years of continuous full-time service to be eligible for health insurance benefits at retirement. Employees should contact the Controller's Office for specific eligibility information.

Benefit at Retirement- The amount of benefits at retirement is affected by such factors as:

- (a) Service credit,
- (b) Military service,
- (c) Prior service,
- (d) Leave of absence,
- (e) Membership service,
- (f) Average salary, and
- (g) Age of retirement.

A retiring employee should contact the Controller's Office and PERF four (4) weeks prior to his/her retirement date to assure a smooth transition.