

SPONSOR: Scott Rakos  
6<sup>th</sup> District Councilman

ORDINANCE NO. 9429

**AN ORDINANCE AMENDING ORDINANCE NUMBERS 6049, 7472, 8620, 8638, 8669, 9181 AND 9242 ALSO KNOWN AS SECTION 37.020 OF THE HAMMOND MUNICIPAL CODE, PERTAINING TO REQUIRED UPDATES TO THE HAMMOND PERSONNEL POLICY MANUAL**  
(as amended)

WHEREAS, the City of Hammond presently has a Personnel Policy Manual/Employee Hand book for Hammond Employees as set forth under Section 37.020 of the Hammond Municipal Code; and

WHEREAS, the Employee Handbook was last substantially amended and updated in 2012 and since that time, changes in State and Federal Law have occurred and now require that the Employee Handbook be amended to reflect these updates; and

WHEREAS, the handbook as amended is attached as an exhibit and made part of this Ordinance as if listed here in its entirety, any section of the Employee Handbook which is controlled by a collective bargaining agreement or contract will remain unchanged; and

THEREFORE BE IT ORDAINED by the Common Council of the City of Hammond, Indiana that Ordinance Numbers 6049, 7472, 8620, 8638, 8669, 9181 and 9242, the same being known as Section 37.020 of the Hammond Municipal Code is amended to reflect current State and Federal Law Changes as follows:

**See Attached Exhibit:**

THEREFORE, BE IT FURTHER ORDAINED that if any part of this ordinance shall be held invalid by a court of competent jurisdiction, the remainder thereof shall not be affected.

**AN ORDINANCE AMENDING ORDINANCE NUMBERS 6049, 7472, 8620, 8638, 8669, 9181 AND 9242 ALSO KNOWN AS SECTION 37.020 OF THE HAMMOND MUNICIPAL CODE, PERTAINING TO REQUIRED UPDATES TO THE HAMMOND PERSONNEL POLICY MANUAL**


BE IT FURTHER ORDAINED This Ordinance shall be considered as amending Section 37.020 of the Hammond Municipal Code, and if there be any conflict therewith with any other section, this Ordinance shall take precedence.

BE IT FURTHER ORDAINED by the Common Council that this Ordinance shall be in full force and effect from and after its passage by the Common Council, signing by the President thereof, and approval by the Mayor with an effective date of 1-1-2019.

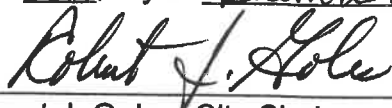
ADOPTED AND APPROVED BY the Common Council of the City of Hammond, Indiana, this 17th day of December, 2018.

  
Janet Venecz, President  
Hammond Common Council

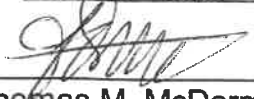
ATTEST:

  
Robert J. Golec, City Clerk  
City of Hammond, Indiana

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond, Indiana, to the Mayor, for approval and signature, this 18th day of December, 2018.

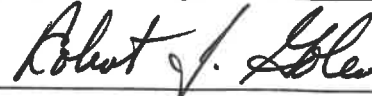
  
Robert J. Golec, City Clerk  
City of Hammond, Indiana

The foregoing Ordinance No. 9429 consisting of three (3) typewritten pages, including this page, was APPROVED AND SIGNED BY ME, the undersigned Mayor of the City of Hammond, Indiana, this 18th day of December, 2018.

  
Thomas M. McDermott, Jr., Mayor  
City of Hammond, Indiana

**AN ORDINANCE AMENDING ORDINANCE NUMBERS 6049, 7472, 8620, 8638,  
8669, 9181 AND 9242 ALSO KNOWN AS SECTION 37.020 OF THE HAMMOND  
MUNICIPAL CODE, PERTAINING TO REQUIRED UPDATES TO THE HAMMOND  
PERSONNEL POLICY MANUAL**

PASSED by the Common Council on the 17<sup>th</sup> day of December, 2018 and  
Approved by the Mayor on the 18<sup>th</sup> day of December, 2018.



Robert J. Golec, City Clerk  
City of Hammond, Indiana

# City of Hammond

## Employee Handbook



1/1/2019

# HANDBOOK DISCLAIMER

This handbook has been prepared to help 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. We do not expect this handbook to answer all questions. Supervisors, Department Heads and the Personnel Department also serve as a major source of information.

Neither this handbook nor any other verbal or written communication by a representative of the City is, nor should it be considered to be, an agreement, contract of employment, express or implied, or a promise of treatment in any particular manner in any given situation, nor does it confer any contractual rights whatsoever. The City of Hammond adheres to the policy of employment at will, which permits the City or the employee to end the employment relationship at any time, for any reason, with or without cause or notice. If there is a contract of employment given it must be in written form, signed by the Mayor and explicitly state in writing that the document is intended to serve as a contract of employment.

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. No City representative other than the Mayor may modify at-will status and/or provide any special arrangement concerning terms or conditions of employment in an individual case or generally and any such modification must be in a signed writing.

Many matters covered by this handbook, such as benefit plan descriptions or other city policies, are also described in separate City documents. These City documents are always controlling over any statement made in this handbook or by any member of the City of Hammond administration.

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 supersede the terms of the handbook.

This handbook states only general City guidelines. The City may, at any time, in its sole discretion, modify or vary from anything stated in this handbook, with or without notice, except for the rights of the parties to end employment at will, which may only be modified by an express written agreement signed by the employee and Mayor.

All benefits granted to an employee as a result of their 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 constraints.

This handbook supersedes all prior handbooks, any previous ordinances regarding same are repealed by this handbook's enacting ordinance.

## **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 or Judge's Office should substitute "Clerk" or "Judge" wherever this handbook uses the term "Mayor" except where such authority is granted exclusively to the Mayor by ordinance or state statute.

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## Section 1 - Governing Principles of Employment

### 1-1. Introduction

For employees who are commencing employment with the City of Hammond ("City of Hammond" or the "City"), on behalf of the City of Hammond, let me extend a warm and sincere welcome. For employees who have been with us, thanks for your past and continued service.

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 Head 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, union agreements or by specific department procedures may supersede parts of this handbook. If a conflict arises between this handbook and any federal or state law, the federal or state law will supersede any part of this handbook.

I extend my personal best wishes for success and happiness here with the City of Hammond. We understand that it is our employees who provide the services that our residents rely upon, and who will enable us to create new opportunities for our residents in the years to come.

Thomas M. McDermott, Jr., Mayor

### 1-2. Equal Employment Opportunity

The City of Hammond is an Equal Opportunity Employer that does not discriminate on the basis of actual or perceived race, creed, color, religion, alienage or national origin, ancestry, citizenship status, age, disability or handicap, sex, marital status, familial status, veteran status, sexual orientation, genetic information, arrest record, political affiliation, or any other characteristic protected by applicable federal, state or local laws. Our management team is dedicated to this policy with respect to recruitment, hiring, placement, promotion, transfer, training, compensation, benefits, employee activities and general treatment during employment. 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.

The City will endeavor to make a reasonable accommodation to the known physical or mental limitations of qualified employees with disabilities unless the accommodation would impose an undue hardship on the operation of City government. If you need assistance to perform your job duties because of a physical or mental condition, please let your Department Head or the Personnel Director know.

The City will endeavor to accommodate the sincere religious beliefs of its employees to the extent such accommodation does not pose an undue hardship on the City's operations. If you wish to request such an accommodation, please speak to your Department Head or the Personnel Director.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Personnel Director. The City will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. If an employee feels they

have been subjected to any such retaliation, they should bring it to the attention of the Personnel Director or the Hammond Human Relations Commission. To ensure our workplace is free of artificial barriers, violation of this policy including any improper retaliatory conduct will lead to discipline, up to and including discharge. All employees must cooperate with all investigations.

It is the official policy of the City of Hammond to:

1. Recruit, hire and promote for all job classifications without regard to actual or perceived race, creed, color, religion, alienage or national origin, ancestry, citizenship status, age, disability or handicap, sex, marital status, familial status, veteran status, sexual orientation, genetic information, arrest record, political affiliation, or any other characteristic protected by applicable federal, state or local laws.
2. Base decisions on employment so as to further the principles of equal employment opportunity and in accord with the City's Affirmative Action Statement.
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 Personnel Department 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 actual or perceived race, creed, color, religion, alienage or national origin, ancestry, citizenship status, age, disability or handicap, sex, marital status, familial status, veteran status, sexual orientation, genetic information, arrest record, political affiliation, or any other characteristic protected by applicable federal, state or local laws.

### 1-3. Non-Harassment

It is the City of Hammond's policy to prohibit intentional and unintentional harassment of any individual by another person on the basis of any protected classification including, but not limited to, race, color, national origin, disability, religion, marital status, familial status, veteran status, sexual orientation, age, or political affiliation, or any other characteristic protected by applicable federal, state or local laws. The purpose of this policy is not to regulate our employees' personal morality, but to ensure that in the workplace, no one harasses another individual.

If an employee feels that they have been subjected to conduct which violates this policy, they should immediately report the matter to their Department Head. If the employee is unable for any reason to contact this person, or if the employee has not received a satisfactory response within five (5) business days after reporting any incident of what the employee perceives to be harassment, the employee should contact the Personnel Director. If the person toward whom the complaint is directed is one of the individuals indicated above, the employee should contact any higher-level manager in his or her reporting hierarchy. Every report of perceived harassment will be fully investigated and corrective action will be taken where appropriate. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. In addition, the City will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. If an employee feels they have been subjected to any such retaliation, they should report it in the same manner in which the employee would report a claim of perceived harassment under this policy. Violation of this policy

including any improper retaliatory conduct will result in disciplinary action, up to and including discharge. All employees must cooperate with all investigations.

### **Reporting Procedure**

Any employee who reasonably believes that they have either witnessed or been subjected to 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 of those individuals, the employee may report the discriminatory conduct to the Corporation Counsel of the City of Hammond.

Employees may, at their discretion, make complaints of 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 they should immediately forward the complaint to the Personnel Director. The complaint shall remain confidential to the extent possible, subject to the need to conduct an investigation into the allegations.

### **Investigation and Resolution of Complaint**

All reports of 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 of Hammond will not tolerate any retaliation against an employee who makes a good faith report of harassment. If the investigation reveals that the report has merit, corrective action, up to and including discharge, will be taken to remedy the situation.

Internal investigations of harassment shall be conducted by the Personnel Director with the full cooperation of the Department Head. Upon completion of the investigation, a final written report will be prepared by the Personnel Director within a reasonable time frame (in most cases, within thirty (30) calendar days of the original complaint). In accordance with the State of Indiana's Open Door Law and federal court rulings, the victim has the right to know what disciplinary action has been taken.

### **False Claims of Harassment**

As an employer the City of Hammond takes its responsibility to stop harassment very seriously. An employee who falsely accuses another employee of 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 of Hammond reserves the right to discipline any employee who intentionally makes a false report of harassment.

## **1-4. Sexual Harassment**

It is the City of Hammond's policy to prohibit intentional or unintentional harassment of any individual by another person (Elected Official, Board Member, Department Head, Supervisor, employee, customer, vendor, or resident) on the basis of sex or gender. The purpose of this policy is not to regulate personal morality within the City. It is to ensure that at the City all employees are free from sexual harassment. While it is not easy to define precisely what types of conduct could constitute sexual harassment, examples of prohibited behavior include unwelcome sexual advances, requests for sexual favors, obscene gestures, displaying sexually graphic magazines, calendars or posters, sending sexually explicit e-mails, text messages and other verbal or physical conduct of a sexual nature, such as uninvited touching of a sexual nature or sexually related comments. Depending upon the circumstances, improper conduct also can include sexual joking, vulgar or offensive conversation or jokes, commenting about an employee's physical appearance, conversation about your own or

someone else's sex life, teasing, or other conduct directed toward a person because of his or her gender which is sufficiently severe or pervasive to create an unprofessional and hostile working environment. Sexual harassment adversely impacts the morale and productivity of the City'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 of Hammond believes that it shares a responsibility with its employees, board members and elected officials to stop and prevent sexual harassment. Simply put, sexual harassment will not be tolerated in the workplace.

If the employee feels that they have been subjected to conduct which violates this policy, the employee should immediately report the matter to their Department Head. If unable for any reason to contact this person, or if the employee has not received a satisfactory response within five (5) business days after reporting any incident of perceived harassment, the employee should contact the Personnel Director. If the person toward whom the complaint is directed is one of the individuals indicated above, the employee should contact any higher-level manager in his or her reporting hierarchy. Every report of perceived harassment will be fully investigated and corrective action will be taken where appropriate. All complaints will be kept confidential to the extent possible, but confidentiality cannot be guaranteed. In addition, the City will not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. If an employee feels that they have been subjected to any such retaliation, the employee should report it in the same manner in which a claim of perceived harassment would be reported under this policy. Violation of this policy including any improper retaliatory conduct will result in disciplinary action, up to and including discharge. All employees must cooperate with all investigations.

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 any individual (city employee of any type or a visitor to any city department) that creates a hostile or offensive work environment and which adversely interferes with an employee's ability to perform their work. Examples include, but not limited to the following:
  - 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 form of sexual harassment involves any Supervisor, Department Head, Board Member or Elected Official who uses their 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 with the City of Hammond. Examples include, but not limited to the following:
  - A Supervisor, Department Head, Board Member, or Elected Official 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, Department Head, Board Member, or Elected Official withholding a favorable performance evaluation from a subordinate employee until the employee gives in to the Supervisor's, Department Head's, Board Member's, Elected Official's sexual advances.

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

### **Elected Official, Board Member, and Department Head Responsibilities to Prevent Sexual Harassment:**

Elected Officials, Board Members and Department Heads are responsible for the acts of their agents and supervisory employees with respect to sexual harassment. Elected Officials, Board Members, 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, Board Members, 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, Board Members and 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 the 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, Board Members, 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 discharge 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 they have 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 of those individuals, the employee may report the discriminatory conduct to the Corporation Counsel of the City of Hammond.

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 they should immediately forward the complaint to the Personnel Director. The complaint shall remain confidential to the extent possible, subject to the need to conduct an investigation into 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 of Hammond 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 discharge, will be taken to remedy the situation.

Internal investigations of sexual harassment shall be conducted by the Personnel Director with the full cooperation of the Department Head. Upon completion of the investigation, a final written report will be prepared by the Personnel Director within a reasonable time frame (in most cases, within thirty (30) calendar days of the original complaint). In accordance with the State of Indiana's Open Door Law and federal court rulings, the victim has the right to know what disciplinary action has been taken.

### **False Claims of Sexual Harassment**

As an employer the City of Hammond 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 of Hammond reserves the right to discipline any employee who intentionally makes a false report of sexual harassment.

### **Transgender & Gender Non-Conforming**

The City of Hammond expects Elected Officials, Board Members, Department Heads, and all employees to be welcoming and supportive of transitioning, gender diverse, and transgender employees. All employees shall strive to create safe work environments in which discrimination and harassment are **NOT** tolerated. Employees shall use the correct name/pronoun for the transitioning employee, and respect the medical privacy of such employees. If requested by an employee, the City of Hammond will update the employee's personnel file to reflect a change in name and/or gender. Payroll and retirement changes will require a legal name change.

## **1-5. Drug-Free and Alcohol-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. To help ensure a safe, healthy and productive work environment for our employees and others, to protect City property, and to ensure efficient operations, the City has adopted a policy of maintaining a workplace free of drugs and alcohol. This policy applies to all employees and other individuals who perform work for the City.

The unlawful or unauthorized use, abuse, solicitation, theft, possession, transfer, purchase, sale or distribution of controlled substances, drug paraphernalia, or alcohol by an individual anywhere on City premises, while on City business (whether or not on City premises) in any City vehicle, or while representing the City, is strictly prohibited. Employees and other individuals who work for the City also are prohibited from reporting to work or working while they are using or under the influence of alcohol or any controlled substances, which may impact an employee's ability to perform his or her job or otherwise pose safety concerns, except when the use is pursuant to a licensed medical practitioner's instructions and the licensed medical practitioner authorized the employee or individual to report to work. However, this does not extend any right to report to work under the influence of medical marijuana or to use medical marijuana as a defense to a positive drug test, to the extent an employee is subject to any drug testing requirement, to the extent permitted by and in accordance with applicable law.

Violation of this policy will result in disciplinary action, up to and including discharge.

The City of Hammond maintains a policy of non-discrimination and will endeavor to make reasonable accommodations to assist individuals recovering from substance and alcohol dependencies, and those who have a medical history which reflects treatment for substance abuse conditions. However, employees may not

request an accommodation to avoid discipline for a policy violation. We encourage employees to seek assistance before their substance abuse or alcohol misuse renders them unable to perform the essential functions of their jobs, or jeopardizes the health and safety of any City of Hammond employee, including themselves.

All employees are hereby advised that full compliance with the foregoing policy shall be a condition of employment with the City of Hammond.

Any employee who violates the foregoing drug-free workplace policy described above shall be subject to discipline up to and including immediate discharge.

In the discretion of the City, any employee who violates the drug-free workplace policy may be required, in connection with or in lieu of disciplinary sanctions, to participate to the City's satisfaction in an approved drug assistance or rehabilitation program.

An employee who is discovered to be in violation of this policy will be immediately 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 and/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 constitutes a failure of the test and may result in disciplinary action up to and including discharge. Additional information regarding your responsibilities in the event of an accident is also included in 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, State standards, and City Ordinance 9248, adopted April 2014. The results of any test will remain confidential to the extent possible subject to any federal, state, and local laws.

## 1-6. Workplace Violence

City of Hammond is strongly committed to providing a safe workplace. The purpose of this policy is to minimize the risk of personal injury to employees and damage to City and personal property.

We do not expect employees to become experts in psychology or to physically subdue a threatening or violent individual. Indeed, we specifically discourage employees from engaging in any physical confrontation with a violent or potentially violent individual. However, we do expect and encourage employees to exercise reasonable judgment in identifying potentially dangerous situations.

Experts in the mental health profession state that prior to engaging in acts of violence, troubled individuals often exhibit one or more of the following behaviors or signs: over-resentment; anger and hostility; extreme agitation; making ominous threats such as bad things will happen to a particular person, or a catastrophic event will occur; sudden and significant decline in work performance; irresponsible, irrational, intimidating, aggressive or otherwise inappropriate behavior; reacting to questions with an antagonistic or overtly negative attitude; discussing weapons and their use, and/or brandishing weapons in the workplace; overreacting or



reacting harshly to changes in City policies and procedures; personality conflicts with co-workers; obsession or preoccupation with a co-worker or Supervisor; attempts to sabotage the work or equipment of a co-worker; blaming others for mistakes and circumstances; or demonstrating a propensity to behave and react irrationally.

### **Prohibited Conduct**

Threats, threatening language or any other acts of aggression or violence made toward or by any City employee WILL NOT BE TOLERATED. For purposes of this policy, a threat includes any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, flashing of weapons, stalking or any other hostile, aggressive, injurious or destructive action undertaken for the purpose of domination or intimidation.

### **Procedures for Reporting a Threat**

All potentially dangerous situations, including threats by co-workers, should be reported immediately to any member of management with whom the employee feels comfortable. Reports of threats may be maintained confidential to the extent maintaining confidentiality does not impede our ability to investigate and respond to the complaints. All threats will be promptly investigated. All employees must cooperate with all investigations. No employee will be subjected to retaliation, intimidation or disciplinary action as a result of reporting a threat in good faith under this policy.

If the City determines, after an appropriate good faith investigation, that someone has violated this policy, the City will take swift and appropriate corrective action.

If an employee is the recipient of a threat made by an outside party, that employee should follow the steps detailed in this section. It is important for us to be aware of **any** potential danger in our offices. Indeed, we want to take effective measures to protect everyone from the threat of a violent act by an employee or by anyone else.

## **1-7. Affirmative Action Statement**

It has been the long-standing policy of the City of Hammond to provide equal opportunity to all qualified persons without regard to race, color, national origin, age, religion, sex, sexual orientation, marital status, familial status, physical handicap, genetic information, veteran's status, political affiliation or any other characteristic protected by applicable federal, state or local laws, 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. It is the goal of the City of Hammond to embrace the diversity of our employees through awareness, education and positive recognition of the cultural differences within our workplaces.

In addition to eliminating barriers for employment the City's affirmative action commitment will also apply to contractors, vendors, and service suppliers seeking a public contract to do business with the City of Hammond. Additional measures for the City of Hammond'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 federal, state and local affirmative action requirements.

## 1-8. Civil Rights

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

Any employee who feels they have received unfair treatment in discipline, pay, promotion or assignment because of their race, color, sex, sexual orientation, marital status, familial status, religion, national origin, disability, genetic information, ancestry, age, political affiliation, or veteran's status, or any other characteristic protected by applicable federal, state or local laws, may file a complaint.

The City of Hammond 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.

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 Hammond 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, managers, department heads, board members and elected officials shall cooperate with complaint investigations by meeting at a reasonable time and place providing information requested by the Human Relations Commission. Attempts to frustrate this process or take retaliation on employees for utilizing this process will not be tolerated, and proven cases of interference may result in disciplinary action against the Board Member, Department Head, Supervisor or employee.

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

### **False Claim of a Civil Rights Complaint**

As an employer the City of Hammond takes its responsibility to stop a civil rights violation complaint very seriously. An employee who falsely accuses another employee of a civil rights violation 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 of Hammond reserves the right to discipline any employee who intentionally makes a false report of a civil rights violation.

## 1-9. Conflict Of Interest

It is important that the City of Hammond 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 ordinances and State law) have been developed and adopted to guide City of Hammond employees, appointed Board Members and Elected Officials.

- It is improper for an employee to sell or provide at additional cost any goods or service to any other City of Hammond department 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 a paid City of Hammond employee must be reported in writing and approved by the Mayor's Office. Failure to comply may result in disciplinary action up to and including discharge. All Elected Officials shall 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 to purchase goods or services, or to influence the performance of city services.
- Disciplinary action will be taken for proven violations of the policy in accordance with the City of Hammond's progressive discipline policy. Discipline will be based on the severity of the problem and previous incidents on record.
- Indiana Conflict of Interest Forms may be found at [www.in.gov](http://www.in.gov).

## 1-10. Disabled Employees/Americans With Disabilities Act

The City of Hammond supports and adheres to the American with Disabilities Act of 1990 (ADA) and all changes made to the Act since that time. The ADA 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 City government services, public accommodations, transportation and telecommunications. Any employee who wishes to discuss their needs as a disabled employee should contact their Department Head or the Personnel Director.

**ADA Protection** - An employee with a 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 City of Hammond's requirements for the job, such as education, employment experience, skills or licenses. Second, they 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 their own or with the help of a reasonable accommodation. The City of Hammond cannot refuse to hire an employee because their 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, policies, or providing readers and interpreters and making the workplace accessible to and usable by persons with

disabilities.

The City of Hammond 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 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, transfers, pay, benefits, lay offs, leaves, and all other employment activities.

It is also unlawful for the City of Hammond to retaliate against an employee for asserting their rights under the ADA. The ADA also protects an employee if they are a victim of discrimination because of family, business, social or other relationship or association with an individual with a disability. Attempts by an individual to retaliate against an employee for asserting their rights under the ADA may lead to disciplinary action up to and including discharge.

**Medical Examinations and Inquiries About a Disability** - When applying for a job, the City of Hammond cannot ask a candidate for hire if they are disabled or ask about the nature or severity of a disability. The City of Hammond can ask if the candidate can perform the essential functions of the job with or without reasonable accommodation. The City of Hammond can ask a candidate to describe or to demonstrate how, with or without reasonable accommodation how they will perform the duties of the job.

The City of Hammond cannot require a candidate to take a medical examination before a job is offered. Following a job offer, the City of Hammond 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, the City of Hammond cannot reject a candidate because of information about the disability revealed by the medical examination, unless the reason(s) for rejection are job related and necessary for the conduct of City of Hammond business. The City of Hammond cannot refuse to hire an individual because of a disability if that candidate can perform the essential functions of the job with a reasonable accommodation.

Once employment has begun, the City of Hammond cannot require that an employee take a medical examination or ask questions about a disability unless they are related to the ability to perform their job and necessary for the conduct of business or are requirements of Federal and/or State Law. The City of Hammond may conduct voluntary medical examinations that are part of the City of Hammond's employee health program and may provide medical information as required by the State of Indiana's worker compensation laws and to the agencies that administer such laws.

The results of all medical examinations must be kept confidential and be 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 the City of Hammond from testing applicants or employees for current illegal drug use.

**For Further Information** - Contact any EEOC field office.



## Section 2 - Operational Policies

### 2-1. Employee Classifications

For purposes of this handbook, all employees fall within one of the classifications below. These terms can be used by themselves or in conjunction with each other. The terms clarify as to whether an employee is entitled to benefits.

**Full-time Employees** - Employees who regularly work at least 30 hours per week who were not hired on a part-time, temporary or seasonal basis and have completed the probationary period. Full-time employees are eligible for all benefits, including but not limited to health insurance, pension benefits, sick pay, holiday pay and vacation pay. Full-time employees may be classified as exempt or non-exempt.

**Full-time Probationary Employees** - Newly hired employees or employees assigned (either through promotion or demotion) to a new job classification. During the first ninety (90) calendar days in the position, the employee will be considered a full-time probationary employee. After successfully completing the ninety (90) calendar day probationary period the employee will be considered full-time and eligible for all benefits a full-time employee is eligible to receive. During the ninety (90) calendar day probationary period the employee will be eligible for holiday pay and sick day accrual, but **not** entitled to health insurance benefits. If the position is deemed professional or technical, the probation period may be extended up to six (6) months, during this extended probationary period the employee will be eligible for health insurance benefits once the ninety (90) calendar day probationary period has passed.

During the probationary 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. This period allows the employee to become familiar with the opportunities and responsibilities of being an employee of the City of Hammond. This period allows both the employee and the City to determine whether continued employment will be to the advantage of both parties. At the end of the probationary period the employee will become eligible for regular full-time employee status. The employee's Department Head will meet with the employee prior to the end of the probationary period to discuss their evaluation and status for regular full-time employment.

In certain circumstances it may be in the employee's and City's best interest to extend the probationary period for an additional thirty (30) calendar days.

**Part-time Employees** - Employees who regularly work fewer than 30 hours per week who were not hired on a temporary or seasonal basis. Part-time employees, although valuable members for the City's workforce are not eligible for all the benefits (i.e. health insurance, pension, vacation pay, sick pay, holiday pay) given to full-time employees.

Part-time employees normally will not work a schedule that exceeds forty (40) hours in a week. In the event that part-time employees do work more than forty (40) hours in a week, the employees will be compensated at their normal pay rate at 1.5 times for the number of hours worked over and above forty (40) hours.

**Temporary and Seasonal Employees** - Employees who were hired for a specific period of time will be classified as temporary or seasonal employees. Temporary or seasonal employees generally work a period of time with a 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. Temporary or seasonal employees are not eligible for City benefits (i.e. health insurance, pension, vacation pay, sick pay, holiday pay), but are eligible to receive

statutory benefits. If the employee work week extends forty (40) hours, the employee will be compensated at their normal rate of pay at 1.5 times for the number of hours worked over and above forty (40) hours.

In addition to the above classifications, employees are categorized as either "**exempt**" or "**non-exempt**" for purposes of federal and state wage and hour laws. Under the Fair Labor Standards Act (FLSA) the position must meet certain standards and conditions that makes the position exempt.

1. **Exempt Employees** - Employees classified as exempt are salaried employees, are given authority, have certain decision-making responsibilities, rate of pay and other criteria as set forth in the Act. Exempt employees do not receive overtime pay; they generally receive the same weekly salary regardless of hours worked. Such salary may be paid less frequently than weekly. By virtue of the exempt designation, these employees do not track the hours that are worked. For State Board of Accounts timesheet purposes exempt employees are to track which days are worked.
2. **Non-exempt Employees** - Employees classified as non-exempt are entitled to overtime pay or compensatory time under the Act for all hours worked in excess of eight (8) hours a day and/or forty (40) hours in a work week at their normal rate of pay at 1.5 times for the number of hours worked over the eight (8) hours a day and/or forty (40) hours in a work week. Timesheets and/or time cards will be used to track hours worked.

Employees will be informed of their classification upon hire and informed of any subsequent changes in classifications. Employees who have specific questions regarding their exempt or non-exempt status should review the Fair Labor Standards Act (FLSA) on the U.S. Department of Labor Wage and Hour Division website.

## 2-2. Probationary Period

Every new employee, as well as an employee who transfers from one position to another, begins their employment with the City of Hammond as a probationary employee (with the exception of certain executive level employees such as a Department Head). 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 resign 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) calendar days of employment. Technical/professional employees may be placed on a six (6) month probationary period due to the 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) calendar days. No probationary period, however, shall exceed six (6) consecutive months.

A performance evaluation may conclude the probationary process and allow the Department Head to communicate to the employee any area(s) of satisfaction, dissatisfaction, or area(s) where the employee should improve their performance. The report is confidential and should only be discussed with the employee.

## 2-3. Your Employment Records

In order to obtain their position, employees provide us with personal information, such as address and telephone number. This information is contained in the employee's personnel file. An employee's official personnel file is maintained in the Personnel Department. 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 employee should keep his or her personnel file up to date by informing the Personnel Director of any changes. The employee also should inform the Personnel Director of any specialized training or skills he or she may acquire in the future, as well as any changes to any required licenses or certifications. Unreported changes of address, marital status, etc. can affect withholding tax and benefit coverage. Further, an "out of date" emergency contact or an inability to reach the employee in a crisis could cause a severe health or safety risk or other significant problem. Providing false information is grounds for disciplinary action up to and including discharge.

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
- Needed for a union grievance

As required by federal law, medical records, worker compensation files, and requests for Family Medical Leave, shall not be co-mingled with the employee's regular personnel file. 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.

Employees must be made aware of any additions to the personnel file by their Department Head or Supervisor, i.e. the addition of a recognition letter, written disciplinary action, etc.



## 2-4. Working Hours and Schedule

The City of Hammond normally is open for business from 8:30 am to 4:30 pm, Monday through Friday, excluding holidays. Employees will be assigned a work schedule and will be expected to begin and end work according to the schedule. Certain departments may require a modification of these stated hours. If the department operates on a different schedule employees will be notified as to the daily start and end time and the days in which to report for work. Those departments operating with shift changes will post the shifts so that all employees will be aware of the days and times that they are to report. Please note that a work schedule is not guaranteed and is subject to change. To accommodate the needs of city government, at some point we may need to change individual work schedules on either a short-term or long-term basis.

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 in this chapter.

Employees will be provided meal and rest periods as required by law. Since department start and end times vary and the needs of each department vary the Department Head or Supervisor will provide further details. Union employees will be governed by their Union Contracts as it relates to meal and rest periods. Salaried employees are entitled to a one-hour lunch period per workday and the lunchtime will be set by department policy. Employees who fail to take a lunch period will not be compensated unless authorized by the department head **prior** to working through a lunch hour in order to allow that employee to adjust their start/end time (come in late or leave early on the same day), or due to circumstances where the employee was required to perform their work duties that precluded the employee from taking a lunch.

## 2-5. Timekeeping Procedures

Employees must record their actual time worked for payroll and benefit purposes. Non-exempt employees must record the time work begins and ends, as well as the beginning and ending time of any departure from work for any non-work-related reason, on forms as prescribed by management. It is the responsibility of the Department Head to ensure that an accurate daily attendance record is kept on every employee in the department.

Altering, falsifying or tampering with time records is prohibited and subjects the employee to discipline, up to and including discharge.

Exempt employees are required to record their daily work attendance and report full days of absence from work for reasons such as leaves of absence, sick leave, or personal business.

Non-exempt employees may not start work until their scheduled starting time.

It is the employee's responsibility to sign time records to certify the accuracy of all time recorded. Any errors in the time record should be reported immediately to a Supervisor, who will attempt to correct legitimate errors.

## 2-6. Overtime

Like most successful companies, we experience periods of extremely high activity. During these busy periods, additional work is required from all of us. Supervisors are responsible for monitoring daily activity and requesting overtime work if it is necessary. Effort will be made to provide employees with adequate advance notice in such situations.

Any non-exempt employee who works overtime will be compensated at the rate of one and one-half times (1.5) their normal hourly wage for all time worked in excess of forty (40) hours each week, unless otherwise required by law.

Employees may work overtime only with **prior** Department Head/Supervisor authorization.

For purposes of calculating overtime for non-exempt employees, the workweek begins at 12 a.m. on Monday and ends 168 hours later at 12 a.m. on the following Monday.

Eligibility for compensable overtime will be determined by the Fair Labor Standards Act. All overtime must be approved and authorized by the employee's Department Head or Supervisor. **Under no circumstances may an employee authorize their own overtime.**

An employee maybe given compensatory time off in lieu of paid overtime, depending on budgetary restraints and vary from department to department. Your Department Head will inform you of the overtime pay/compensatory time off rules for your department.

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 seasonal activity. All other employees are limited to no more than 240 hours of 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 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 the 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 was taken
- All other records required by FLSA or other federal or state law 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 insuring that all

required records are kept and in accordance with the FLSA and will take appropriate measures to insure 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. Every effort will be made to give advance notice to any change in work hours, work days, or work week.

## 2-7. Travel Time for Non-Exempt Employees

It may be necessary for an employee to travel during the course of normal work. All appropriate travel requisitions must be completed by the employee and/or Department Head and authorized by the Mayor (or appropriate elected official or designee of the Mayor) prior to travel plans being completed.

### **Overnight, Out-of-Town Trips**

Non-exempt employees will be compensated for time spent traveling (except for meal periods) during their normal working hours, on days they are scheduled to work and on unscheduled work days (such as weekends). Non-exempt employees also will be paid for any time spent performing job duties during otherwise non-compensable travel time; however, such work should be limited absent advance management authorization.

### **Out-of-Town Trips for One Day**

Non-exempt employees who travel out of town for a one-day assignment will be paid for all travel time, except for, among other things: (i) time spent traveling between the employee's home and the local railroad, bus or plane terminal; and (ii) meal periods.

### **Local Travel**

Non-exempt employees will be compensated for time spent traveling from one job site to another job site during a workday. The trip home, however, is non-compensable when an employee goes directly home from his/her final job site, unless it is much longer than his/her regular commute home from the regular worksite. In such case, the portion of the trip home in excess of the regular commute is compensable.

### **Commuting Time**

Under the Portal to Portal Act, travel from home to work and from work to home is generally non-compensable. However, if a non-exempt employee regularly reports to a worksite near his/her home, but is required to report to a worksite farther away than the regular worksite, the additional time spent traveling is compensable.

If compensable travel time results in more than 40 hours worked by a non-exempt employee, the employee will be compensated at an overtime rate of one and one-half times the regular rate.

To the extent that applicable state law provides greater benefits, state law applies.

## 2-8. Safe Harbor Policy for Exempt Employees

It is our policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure proper payment and that no improper deductions are made, employees must review pay stubs promptly to identify and report all errors.

Employees classified as exempt salaried employees will receive a salary which is intended to compensate them for all hours they may work for the City of Hammond. This salary will be established at the time of hire or classification as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed.

Under Federal and State law, salary is subject to certain deductions. For example, unless a state law requires otherwise, salary can be reduced for the following reasons:

- full-day absences for personal reasons;
- full-day absences for sickness or disability;
- full-day disciplinary suspensions for infractions of our written policies and procedures;
- family and Medical Leave absences (either full- or partial-day absences);
- to offset amounts received as payment from the court for jury and witness fees or from the military as military pay;
- the first or last week of employment in the event the employee works less than a full week; and
- any full work week in which the employee does not perform any work.

Salary may also be reduced for certain types of deductions such as a portion of health, dental or life insurance premiums; state, federal or local taxes; PERF; social security; or voluntary contributions to a 401(k) or pension plan.

In any work week in which the employee performed any work, salary will not be reduced for any of the following reasons:

- partial day absences for personal reasons, sickness or disability;
- an absence because the employer has decided to close a facility on a scheduled work day;
- absences for jury duty, attendance as a witness, or military leave in any week in which the employee performed any work (subject to any offsets as set forth above); and
- any other deductions prohibited by state or federal law.

However, unless state law provides otherwise, deductions may be made to accrued leave for full- or partial-day absences for personal reasons, sickness or disability.

If the employee believes they have been subject to any improper deductions, the employee should immediately report the matter to a Supervisor. If the Supervisor is unavailable or if the employee believes it would be inappropriate to contact that person (or if the employee has not received a prompt and fully acceptable reply), they should immediately contact the Payroll clerk or any other Supervisor in the City of Hammond with whom the employee feels comfortable.

## 2-9. Your Paycheck

Employees will be paid bi-weekly (26 times a year) for all the time worked during the past pay period. In the event a calendar year contains 27 pay periods, the employee (if a salaried employee) will be paid in 27 payments instead of 26.

Payroll stubs will itemize deductions made from gross earnings. By law, the City is required to make deductions for Social Security, federal income tax and any other appropriate taxes. These required deductions also may include any court-ordered garnishments. Payroll stubs also will differentiate between regular pay received and overtime pay received.

If there is an error in an employee's pay, the employee should bring the matter to the attention of the Department Payroll Clerk immediately so the City can resolve the matter quickly and amicably.

Paychecks will be given only to the employee, unless they requests that the paycheck be mailed, or authorize in writing another person to accept the check. Direct Deposit will be used for payroll checks absent exigent circumstances.

## 2-10. Direct Deposit

The City of Hammond strongly encourages employees to use direct deposit. Authorization forms are available from the Department Payroll Clerk, the City Controller's Office, or the Personnel Department.

## 2-11. Salary Advances

The City of Hammond does not permit advances on paychecks or against accrued paid time off.

## 2-12. Performance Review

Performance evaluations are an important part of the employer-employee relationship. Evaluations provide a formal method of communication between an employee and their Supervisor. All employees shall be evaluated on a regular basis by the Department Head or their designee. At a minimum, evaluations may 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 and initial next to the word "*Refused*". The evaluator and the Department Head will also sign the evaluation. A copy of all completed evaluation forms must 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/Department Head that the employee has been reassigned. If the reassignment is less than one year, both the temporary and permanent Supervisor/Department Head will evaluate the employee.

Depending on the employee's position and classification, the City of Hammond endeavors to review performance annually. However, a positive performance evaluation does not guarantee an increase in salary, a promotion or continued employment. Compensation increases and the terms and conditions of employment, including job assignments, transfers, promotions, and demotions, are determined by and at the discretion of management.

In addition to these formal performance evaluations, the City encourages employees and supervisors to discuss job performance on a frequent and ongoing basis.

## 2-13. Application, Recruitment, Hiring, Orientation

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 Department. 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 may be obtained from those departments.

### **Internal Recruitment Procedure**

The City of Hammond is dedicated to assisting employees in managing their careers and reaching their professional goals through promotion and transfer opportunities. 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. This policy outlines the job posting program which is in place for all employees. To be eligible to apply for an open position, employees must meet several requirements:

- Should be a current, regular, full-time or part-time employee
- Must meet the job qualifications listed on the job posting

The Internal Posting Procedure is as follows:

- A Department Head will notify the Personnel Director in writing of a job opening. The Department Head will review and update the current job description. The job description shall include the job title and description of duties, essential job functions, starting salary, education, and training skills required.
- Position will be posted for five (5) working days, unless otherwise noted by collective bargaining agreement and will be posted throughout all departments in the city. Department Heads are required to post the job postings in an area where all department employees can view the posting and have access to the Bid Form.
- Employees will file the Job Bid Form with the Personnel Department within the five (5) day posting time to be considered for the opening. Internal bidders may be considered and/or rejected before outside applicants may be considered.
- Temporary and/or seasonal employees may bid on any posted positions, providing that the employee was actively employed at least one day during the posting period.

In the event that two (2) or more people bid on the posted position, the requesting department shall choose the applicant who most satisfactorily fulfills 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 the 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 and nature of temporary or seasonal positions, the need to post these vacancies may be waived at the discretion of the department 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) calendar days of filling a position, the vacancy does not need to be reposted unless the Department Head believes it is in the best interest of the City to do so. Previous internal bidders for this vacant position may be reviewed for hire and if none are deemed to meet the requirements external applicants may be reviewed.

### **External Recruitment Procedure**

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 of the following sources:

- Walk-in applicants
- Bulletin boards
- Newspaper advertising
- Professional journals
- Personnel Department postings
- State employment services
- Job bank applicants
- Job fair attendees
- College and University talent searches

Positions will be held open until ten (10) working days after the internal bidding period has ended. All employment notices and/or ads shall prominently display the words "An Equal Opportunity Employer". Positions will be posted outside the Personnel Department and on the city website. A list of qualified candidates shall be sent to the Department Head by the Personnel Director 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 when 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. **Special licensing requirements** - Once hired it is the responsibility of the employee to make sure all licensing is up-to-date and provided to the Department Head for confirmation. Copies of all licensing requirements and confirmation of said license will be forwarded to the Personnel Department for placement in the employee's file. If an employee fails to keep licensing current or provides false information disciplinary action can be

taken up to and including discharge.

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 may be responsible for the cost of that background check.

### **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 may be the responsibility of the applicant.

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

Upon acceptance of the offer of employment and the 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 as required by the City, State and Federal Government as well as:

- 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 file information and employee identification card form
- referral and completion of a physical examination (if required)
- receive relevant information on insurance and benefits as well as information regarding union status (if necessary)

Every new employee will be asked to sign a copy of the disclaimer found in the New Employee Packet that outlines and defines the "at-will" relationship between the employee and the City of Hammond as outlined earlier in this handbook in the Disclaimer section.

### **Orientation**

A new employee needs to become familiar with their position, city operations, policies, rules and regulations and fringe benefits. In order to provide new employees with support and 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.

1. Personnel Director/Department Head - review basic employment requirements and benefits such as:
  1. job title and wages
  2. fringe benefits
  3. rules, regulations, disciplinary procedures
  4. requirements of collective bargaining agreement (if necessary)
2. Department Supervisor
  1. review specific job duties
  2. explain work site
  3. job duties required



4. performance expectations
5. 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.

For more specific information about these programs, please contact the Personnel Department.

## 2-14. Flexible Time

In certain situations it may be possible for an employee, with the permission of their Department Head and 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 additional 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 eight (8) hours in a day, but must not exceed forty (40) hours in a week. A full-time employee who is granted a flexible schedule will agree in writing to waive their claim to overtime pay for hours worked in excess of eight (8) hours in one day. The employee and Department Head will agree in writing to the schedule of hours worked in a work week. A copy of this agreement will be kept with the department as well as forwarded to the Personnel Director for placement in the employee's file and to the Controller's Office for payroll purposes. The employee is still eligible for overtime pay or compensatory time for all hours worked in excess of forty (40) in one week.

## 2-15. 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 collective bargaining agreement or contract will supersede the terms of this chapter.

It is the policy of the City of Hammond to set up orderly policies and practices to insure consistency in normal changes to employment 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.

**Transfers** - 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 Mayor. Denied transfers can be appealed through the grievance process. In the event that an employee transfers departments, the employee maintains their original start date for benefit purposes (i.e. vacation, longevity, etc.) but falls to the bottom of the seniority list in the new department.

**Promotions** - Job openings shall be posted in the Personnel Department 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 record

By City of Hammond Ordinance, an employee seeking a promotion must also be a resident of the City of Hammond (except where State law applies). Current city employees requesting a promotion to a vacancy must submit a Job Bid with the Personnel Director and submit the necessary paperwork.

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

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

**Demotions** - Employees 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. Employees qualify if they have at least ten (10) years of service and no prior employment problems with the City of Hammond.

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 their 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 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 will transfer with the employee to their new position. The value of the transferred leave days shall be paid at the employee's new rate of pay.

Transfers, promotions, and demotions must be documented and originals provided to the Personnel Department to be included in the employee's personnel file. Copies should be given to the employee and to both the new and former Department Head for department files.

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

- lack of work
- budgetary constraints
- reorganization which eliminates position(s)

This policy does not apply to policy-making positions, part-time positions, temporary positions, or probationary employees. The City of Hammond 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 the administration. However, if all other qualifications are equal Hammond residency and then seniority will be used as a determining factor (Hammond Ordinance #8693, adopted September 2005).

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

Benefits available during lay-off - vacation and sick time will remain intact but the employee will not accrue additional time during lay-off, pension benefits **will not** accrue.

Employees may continue health insurance benefits but the employee will be solely responsible for the payment of the premium.

**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 and the Personnel Director. 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 including criminal activity
- insubordination
- violations of departmental rules and regulations

Indiana is an "at-will" state; as such, the City of Hammond reserves the right to dismiss employees with or without cause as the need arises.

**Resignation** - If an employee chooses to voluntarily resign their position with the City of Hammond, 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 be eligible to buyback a portion of accrued sick time (further information included in the Sick Days section of this handbook). Resigning employees are asked to give at least two (2) weeks notice unless special circumstances arise. Written copy of the resignation notice must be forwarded to the Personnel Department for inclusion in the personnel file.

**Retirement** - If an employee chooses to retire, they 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 or personal time accrued but not taken during the year of separation. Depending on the years of service, the employee may be eligible to buyback a portion of accrued sick time (further information is included in the Sick Days section of this handbook). Written copy of the retirement notice must be forwarded to the Personnel Department for inclusion in the personnel file.

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 of Hammond property that the employee may have in their possession

- retrieve employee I.D. card and all insurance cards
- complete a change of status form (obtained from the Personnel Department)

All forms must be completed and submitted to the Personnel Department and Controller's Office 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 is a result of a work-related accident
- depending on the years of service, the employee's survivors may also be eligible to buyback a portion of accrued sick time (further information is included in the Sick Days 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 of Hammond 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 (including COBRA insurance information)
- answer any other questions the employee may have at separation

## 2-16. References/Employment Verification

Requests for references should be referred to the Personnel Department. The City of Hammond 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 Corporation Counsel of the City of Hammond.

Requests for employment verification (such as start date and current pay rate) should be provided in writing to the Payroll Clerk in the Controller's Office.

## 2-17. Grievance Procedure

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

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.

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 filled within seven (7) calendar days of the receipt of the disciplinary action (whether signed by the employee or not).
2. The employee will present their case to the Department Head through an informal review to be conducted within ten (10) calendar 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, they 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 of Hammond employee from another department chosen by the aggrieved employee, a City of Hammond employee chosen by the affected Department Head or Elected Official, a third impartial party chosen by the Personnel Director will hear the grievance.

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 Department.

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.

Elected Officials, Board Members, 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 the Department Head or 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 an "at-will" employee or create a contractual basis for employment with the City of Hammond.

## 2-18. Open Door Policy

The Mayor is committed to making the City of Hammond 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 employee's opinions, thoughts, and feelings are important. The City of Hammond recognizes the need for procedures that will allow for employees to bring questions, suggestions and concerns to the attention of City of Hammond officials. At the same time, we feel that it is important to recognize and follow the chain of command, since many problems or concerns can best be addressed by those closest to the problem.

The City of Hammond endorses an Open Door Policy where employees are able to discuss any questions, comments, matters, or concerns with their Supervisor or Department Head. If something is on your mind, take the following steps:

1. Organize your thoughts on the issue
2. Adhere to the chain of command by first contacting your immediate supervisor
3. If the issue cannot be resolved with your supervisor, schedule a meeting with the next person in the chain of command.
4. 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 of Hammond may not be able to fully address every issue, every effort will be made to assist every employee and take their opinions into consideration.

## 2-19. Confidentiality

The City of Hammond employees work in an environment where 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.

All requests for public records shall be processed by the Law Department with the approval of the Corporation Counsel for the City of Hammond.

## Section 3 - Benefits

### 3-1. Benefits Overview/Disclaimer

In addition to good working conditions and competitive pay, it is the City of Hammond's policy to provide a combination of supplemental benefits to all eligible employees. In keeping with this goal, each benefit program has been carefully devised. These include time-off benefits, such as vacations and holidays, and insurance and other plan benefits. We are constantly studying and evaluating our benefits programs and policies to better meet present and future requirements. These policies have been developed over the years and continue to be refined to keep up with changing times and needs.

The next few pages contain a brief outline of the benefits programs the City of Hammond provides employees and their families. Of course, the information presented here is intended to serve only as a guideline.

The descriptions of the insurance and other plan benefits merely highlight certain aspects of the applicable plans and are for general information only. The details of those plans are spelled out in the official plan documents, which are available for review upon request from the Personnel Director. Additionally, the provisions of the plans, including eligibility and benefits provisions, are summarized in the summary plan descriptions ("SPDs") for the plans (which may be revised from time to time). In the determination of benefits and all other matters under each plan, the terms of the official plan documents shall govern over the language of any descriptions of the plans, including the SPDs and this handbook.

Further, the City of Hammond (including the officers and administrators who are responsible for administering the plans) retains full discretionary authority to interpret the terms of the plans, as well as full discretionary authority with regard to administrative matters arising in connection with the plans and all issues concerning benefit terms, eligibility and entitlement.

While the City intends to maintain these employee benefits, it reserves the absolute right to modify, amend or terminate these benefits at any time and for any reason.

If employees have any questions regarding benefits, they should contact the Personnel Director.

### 3-2. Paid Holidays

Paid holidays are for **full-time employees** of the City of Hammond. 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 prior to each January by the Mayor's Office, with the signature of the Mayor. The City of Hammond'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 (an approved vacation or personal day) on the last working day before a holiday or the first working day after the holiday, they will not be paid for the holiday. An employee on sick leave will not be paid for the holiday.

When holidays fall or are celebrated on a regular work day, eligible employees will receive one (1) day's pay at their regular straight-time rate. Eligible employees who are called in to work on a holiday will receive one (1) day's pay at their regular straight-time rate, and an additional payment of straight-time for the actual time they work that day. Those employees who fall under individual union agreements will follow holiday pay

procedures set forth in the collective bargaining agreement.

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

If a holiday falls within a jury duty or bereavement leave, the eligible employee will be paid for the holiday.

If an employee is entitled to Holiday Pay, the employee will be compensated as stated in the Salary Ordinance as adopted by the Hammond Common Council for that year.

### 3-3. Paid Vacations

We know how hard employees work and recognize the importance of providing time for rest and relaxation. We fully encourage employees to get this rest by taking your vacation time. **Full-time employees** are eligible and accrue paid vacation time based on the length of continuous service with the City of Hammond. Certain eligibility requirements and guidelines apply.

**Earning Vacation-** Vacation is earned based on the length of service of the employee and their anniversary date and awarded after January 1st of the coming year (except for first vacation).

- **First Vacation:** After completion of an employee's first six months of work, the employee is eligible for one week (five (5) 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 (two weeks - ten (10) days), you must pass your first anniversary date. At that time an employee is eligible for two weeks (ten (10) days) of paid vacation. The first full vacation (ten (10) days) must be taken before the end of the calendar year in which the employee passed the first anniversary date. You are limited to a maximum of ten (10) days of vacation after one year of service.
- **Vacation in subsequent years:** To be eligible for vacation in subsequent years an employee must be on the payroll of as January 1st to be eligible for vacation that year. Vacations are allotted based on the following schedule:
  - two 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 within the department, the needs of the department and the ability of the remaining staff to complete 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 the function of the department. The department has the ability to establish the number of weeks of vacation which may be split into blocks of time of less than five (5) days. A scheduled vacation may be changed in the case of an emergency.

Elected Officials or 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 department operations and that **no exceptions** are made for any department employee.

Vacation time earned but not taken in the 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 an employee is transferable between City of Hammond 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.

When a holiday falls during the scheduled time of an employee's vacation, the employee does not use a vacation day for the 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/injury/disability continues beyond the scheduled vacation time, sick days (if available) shall begin on the first scheduled working day after the scheduled vacation ends.

**Employees shall not transfer vacation time to another employee.**

**Conversion to Flexible or Compressed Schedule-** If an employee is assigned to a compressed or flexible schedule (Flex Time) a schedule where an employee normally works more than eight (8) hours a day of fewer than five (5) workdays per week, the employee's vacation days are converted to hours rather than days. For example, an employee who has earned two (2) weeks vacation is entitled to eighty (80) hours of paid vacation time.

### 3-4. Paid Personal Days

**Full-time employees** are eligible for four (4) paid personal days per calendar year after completing one (1) year of service. These days are separate and independent of vacation, holiday and sick leave allowances or other paid time off. However, during the calendar year in which a full-time employee is first hired, those full-time employees hired on or before June 30th will be eligible for one (1) personal day to be taken before December 31st of that year. Employees starting on July 1st, or thereafter, are not entitled to personal days until January 1st of the following year. Personal days are calculated for payroll purposes at the employee's current rate of pay.

Employees must use this time within the calendar year, unused personal days are forfeited at the end of the calendar year and **are not** paid out as a termination benefit from the City of Hammond.

In most cases, personal days should be scheduled in advance and cleared with the Supervisor. Emergencies are exempted from advance scheduling. Personal days must be used in at least half day (four (4) hour) increments, but not in lesser amounts. Those employees on a compressed or flexible schedule will have the personal days converted to hours rather than days (thirty-two (32) hours of personal time).

Management reserves the right in its sole discretion to deny any requests.

**Employees shall not transfer personal days to another employee.**

### 3-5. Sick Days

**Full-time employees** are eligible to earn sick time at the rate on one (1) day after each calendar month in which the employee has worked at least 51% of the work days (including paid vacation or personal days) of that month. Example: the sick day earned in January will be awarded in February, the sick day is earned **after** the month is worked. A sick day can only be taken after it is earned, not in the current month.

Employees not eligible for sick time include: part-time, temporary, seasonal, contractual employees (unless included in the contract) inactive employees, and employees who are on a leave of absence.

Sick days must be used in at least half-day increments (four (4) hours). If an employee works a compressed or flexible schedule sick time will be converted into hours (one (1) sick day equals eight (8) hours).

An employee who is not at work due to illness (whether paid or unpaid) **shall not** work at another place of employment. Disciplinary action up to and including discharge may occur.

While sick days are intended to cover only an employee's own legitimate illnesses, if required by applicable state or local law, sick days may be used to care for a spouse (including civil union partners), child (under 18 years of age), or parent (only if applying for FMLA) illness or for any other reason required by applicable state or local law. When returning to work after using three (3) or more days of sick leave consecutively, the employee will be required to furnish an original doctor's statement and an authorization to return to work at normal or restricted duties. Employees who are off for three (3) consecutive sick days will be provided FMLA paperwork in the event that they may be needed for the illness. Use of sick time to care for a spouse, child or parent should be used only when absolutely necessary and documentation may be required if the absence lasts three or more days (whether or not FMLA eligible) without violating the privacy rights of the spouse, child or parent. **Abuse of sick time may lead to disciplinary action.**

- 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/injury/disability continues beyond the scheduled vacation time, sick days (if any) shall begin on the first scheduled working day after the scheduled vacation.
- If an employee abuses the sick day policy by using sick time when the employee is not ill the employee shall be subject to progressive discipline starting with a written warning for the first offense, a three (3) day suspension without pay for the second offense, a five (5) day suspension without pay for the third offense and immediate dismissal for the fourth offense.

**Accumulation-** Sick time 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 (1) extra regular vacation day. In computing sick leave accruals, paid sick time used will be deducted from the accrual.

Failure to accrue sick days may constitute chronic absenteeism.

Elected Officials or Department Heads shall have a complete record-keeping system of each employee's sick time earned and taken. Employee sick time balances will be updated on the paycheck of the employee in a timely and accurate manner.

**Employees shall not transfer sick time to another employee.**

**Retirement or Separation Value-** In most cases, unused sick time is not reimbursable when an employee

leaves City of Hammond employment. However, the City of Hammond also recognizes the value and contribution made by long-term employees. If an employee leaves City of Hammond employment and is eligible for retirement (as determined by the Public Employee Retirement Fund (PERF) guidelines), or has worked for the City of Hammond at least ten (10) years, and has provided at least thirty (30) days notice that the employee will be leaving employment, that employee may be reimbursed for sick time as follows:

- Employees who have worked for the City of Hammond for at least ten (10) years of full-time employment will be reimbursed at a rate of one (1) day pay for each four (4) days of unused sick time.
- Employees who have worked for the City of Hammond for at least fifteen (15) years of full-time employment will be reimbursed as a rate of one (1) day pay for each two (2) days of unused sick time.

**Additional Provisions-** Sick leave accruals are transferred if the employee changes to another department within the City of Hammond and remains 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 full-time hire.

### 3-6. Lactation Breaks

The City will provide a reasonable amount of break time to accommodate an employee desiring to express breast milk for the employee's infant child, in accordance with and to the extent required by applicable law. The break time, if possible, must run concurrently with rest and meal periods already provided to the employee. If the break time cannot run concurrently with rest and meal periods already provided to the employee, the break time will be unpaid, subject to applicable law.

The City will make reasonable efforts to provide employees with the use of a room or location other than a toilet stall for the employee to express milk in private. This location may be the employee's private office, if applicable. The City may not be able to provide additional break time if doing so would seriously disrupt the City's operations, subject to applicable law. Please consult the Personnel Department if you have questions regarding this policy.

Employees should advise management if they need break time and an area for this purpose. Employees will not be discriminated against or retaliated against for exercising their rights under this policy.

### 3-7. Workers' Compensation

Injuries or illnesses incurred on-the-job are compensable under provisions of State of Indiana law. This includes medical expenses resulting from such injury or illness and limited liability for death, dismemberment and disability. Benefits are determined on a case-by-case basis. Workers' Compensation for the City of Hammond is administered by the City of Hammond Law Department.

On-the-job injuries are covered by our Workers' Compensation Insurance Policy, which is provided at no cost to the employee. When any employee is injured on the job, no matter how slightly, they should report the incident immediately to their Supervisor. The employee will be directed to the medical provider assigned by the City of Hammond for treatment and the employee must obtain a release to return to work from the same provider before returning to work. Employees may not receive treatment from their own physician for treatment of a work-related injury. Failure to follow City procedures may affect the ability of the employee to

receive Workers Compensation benefits. The Elected Official, Department Head, or Office Manager must notify the City of Hammond Law Department immediately of any Workers' Compensation injury.

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

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

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

When an employee misses work due to an on-the-job injury, the employee must submit a statement from the City of Hammond's medical provider estimating how long it will be before the employee may return to work. If the employee is not able to return to work pursuant to the provider's estimate, the employee must obtain and submit an additional statement from the medical provider, extending the leave. When returning to work, the employee must bring a medical release, from the medical provider, to return to work.

The City of Hammond 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, "light duty" is not a permanent position. If the department does not have any "light duty" available, the employee must be cleared by the City of Hammond's medical provider before returning to work.

This is solely a monetary benefit and not a leave of absence entitlement. Employees who need to miss work due to a workplace injury must also request a formal leave of absence. See the Leave of Absence sections of this handbook for more information.

### 3-8. Jury Duty and Subpoenaed Witness

The City of Hammond realizes that it is the obligation of all U.S. citizens to serve on a jury when summoned to do so. All employees will be allowed time off to perform such civic service as required by law. Employees are expected, however, to provide proper notice of a request to perform jury duty and verification of their service. Employees should provide this notice to the Supervisor within twenty-four (24) hours after receipt of the notice of selection for jury duty or as soon as practicable after the receipt of a subpoena.

Employees also are expected to keep management informed of the expected length of jury duty service and to report to work for the major portion of the day if excused by the court. If the required absence presents a serious conflict for management, employees may be asked to try to postpone jury duty.

Employees on jury duty or as a subpoenaed witness will be paid (straight time pay only) for their jury duty service in accordance with state law; however, exempt employees will be paid their full salary for any week in which time is missed due to jury duty if work is performed for the City during such week.

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, the employee must show the subpoena signed by a proper party and showing the amount of compensation received for such services.

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

### 3-9. Bereavement Leave

We know the death of a family member is a time when employees wish to be with their families. If the employee is a full-time employee and loses a close relative, he or she will be allowed paid time off of up to three (3) days to assist in attending to his or her obligations and commitments. For the purposes of this policy, immediate family means:

- Husband
- Wife
- Civil Union Partner
- Son
- Daughter
- Father
- Mother
- Father-in-Law
- Mother-in-Law
- Brother (including in-law)
- Sister (including in-law)
- Grandparents (including in-law)
- Grandson
- Granddaughter
- any other person who is currently living in the employee's household and has been so domiciled for at least the previous year
- or any other relation required by applicable law

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 (1) day to attend the funeral or service for the death of an aunt, uncle, cousin, niece or nephew.

Paid leave days (not to exceed three (3) days) may be taken on regularly scheduled, consecutive workdays following the day of death. Employees must inform their Supervisor prior to commencing bereavement leave. In administering this policy, the City may require verification of death.

In certain situations where the death of a spouse, child or parent has occurred and extenuating circumstance

exist, special provisions may be made by the Department Head after discussion with the Personnel Director or the Elected Official.

### 3-10. Voting Leave

In the event an employee does not have sufficient time outside of working hours to vote in an election, if required by state law, the employee may take off enough working time to vote. Such time will be paid if required by state law. This time should be taken at the beginning or end of the regular work schedule. Where possible, your Supervisor should be notified at least two days prior to the voting day.

### 3-11. Insurance Programs - Medical and Life

**Full-time employees** may participate in the City's insurance programs. Under these plans, eligible employees will receive comprehensive health and other insurance coverage for themselves and their families, as well as other benefits.

#### **MEDICAL INSURANCE BENEFITS**

Upon becoming eligible to participate in these plans, you will receive summary plan descriptions (SPDs) describing the benefits in greater detail. Please refer to the SPDs for detailed plan information. Of course, feel free to speak to City of Hammond's Insurance Clerk.

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 and are detailed in the SPD.

In those cases where union pensions and welfare funds are involved, the City of Hammond 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 of Hammond's health plan would otherwise end. Only those employees, as well as the employee's spouse and dependents, who were covered under the City of Hammond'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 of Hammond 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).

#### **LIFE INSURANCE BENEFITS**

Regular full-time employees are provided a life insurance policy by the City of Hammond. Contributions and coverage limits may vary. Additional life insurance coverage is available for purchase by any full-time employee (the cost of which is the employee's responsibility). Please contact the City of Hammond's Insurance Clerk for additional details.



### 3-12. Long-Term Disability Benefits

**Full-time employees** are eligible to participate in the Long-Term Disability plan, for purchase by the employee, at the employee's own expense, subject to all terms and conditions of the agreement between the City and the insurance carrier. Contributions and coverage limits may vary. Please contact the City of Hammond's Insurance Clerk for additional details.

This is solely a monetary benefit and not a leave of absence. Employees who will be out of work must also request a formal leave of absence. See the Leave of Absence sections of this handbook for more information.

### 3-13. Salary Continuation

The City of Hammond provides enhanced monetary short-term disability benefits to **full-time employees**, for purchase by the employee, at the employee's own expense. These enhanced monetary benefits are inclusive of any monetary workers' compensation or statutory short-term disability benefits. Contributions and coverage limits may vary. Please contact the City of Hammond's Insurance Clerk for additional details.

This is not a leave of absence provision. Employees who will be out of work must request a leave of absence. See the Leave of Absence sections of this handbook for more information. Employees will be required to submit medical certification as requested by the City of Hammond. Required medical certification under this policy may differ from the medical certification required for any leave of absence requested.

### 3-14. Employee Assistance Program

In order to assist City of Hammond employees operate effectively on-the-job, it is beneficial to provide help with on- or off-the-job problems, the City of Hammond provides an Employee Assistance Program. Since the City of Hammond management does not possess the skills to advise employees from within, a program for such assistance has been established with an agreement with a professional counseling service. This program offers qualified counselors to help you cope with personal problems you may be facing.

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

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

Employees participating in the Employee Assistance Program must schedule all counseling outside of regular working hours unless directed otherwise by the employee's supervisor.

The Employee Assistance Program is overseen by the City of Hammond Personnel Director.

Employees may voluntarily seek assistance from EAP or can be referred to EAP by their Supervisor.

Elected Officials or Department Heads who encounter problems with employees (discipline or performance) where it appears that on- or 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 the employee regarding the problem.
3. If an employee raises on- or off-the job problems as a cause of problems at work, refer the employee directly to EAP.
4. If an employee does not indicate any on- or off-the job problems but supervisors suspect them, EAP may be suggested but should not order the employee to attend.
5. In certain extreme circumstances, an Elected Official or Department Head, with the consultation of the Personnel Director, may believe it to be in the best interest, safety and welfare of the City of Hammond, it's employees and the general public, to require 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 Corporation Counsel of the City of Hammond.
6. While the nature of direct assistance is confidential, the Supervisor of the employee attending EAP should keep the EAP provider informed, by memo, of any changes in job behavior that may be relevant to EAP (i.e. did behavior improve, job performance improve, is situation continuing to deteriorate).
7. If any employee is receiving assistance and is being considered for unfavorable discharge, all relevant information should be provided to the EAP provider before any action is completed.

Further details can be obtained through the City of Hammond Personnel Department.

### 3-15. Retirement Plan and Benefits

The Public Employment Retirement Fund (PERF) is available to all eligible **full-time employees**. Police Officers and Firefighters are covered under separate retirement plans governed by the State of Indiana. Part-time, seasonal, temporary or employees in a fee paid position are not eligible for PERF benefits. All full-time employees are required to participate upon employment. The City of Hammond contributes the employee's share as well as the employer's share of PERF. A new employee may not waive participation in PERF. Employees may elect to contribute additional funds to their PERF account. Contact the City Controller's Office for details.

If an employee leaves the employment of the City of Hammond and is not qualified for retirement, the employee may apply for a cash refund of a portion of all monies contributed plus interest accumulated. The employee must contact PERF for instructions in applying for the cash refund.

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 or more of service are eligible for early retirement at age fifty-five (55) with reduced benefits. State of Indiana law governs eligibility for PERF retirement benefits. The employee must contact PERF for instructions in applying for retirement benefits.

All rules and regulations regarding PERF are established and modified by the State of Indiana. Employees may contact the City of Hammond Controller's Office regarding general PERF questions, specific inquiries must be directed to PERF.

Upon becoming eligible to participate in this plan, the employee will receive an SPD describing the plan in greater detail. Please refer to the SPD for detailed plan information. Of course, feel free to speak to



the Personnel Director if there are any further questions.

### **Eligibility of Retirement Health Benefits**

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

### **Benefits at Retirement**

The amount of benefits at retirement are affected by such factors as:

- service credit
- military service
- prior service
- leave of absences
- membership service
- average salary
- age at retirement

A retiring employee should contact the City of Hammond Controller's Office four (4) weeks prior to the retirement date to assure a smooth transition.

## **3-16. Education Assistance**

The City of Hammond provides educational assistance to full-time salaried employees who wish to further their education and for the ability to perform their job. The guidelines for this program are set by Executive Order and are available in at the City of Hammond's Personnel Department.

## Section 4 - Leaves of Absence

### 4-1. Personal Leave - Extended Leave of Absence

It is the purpose of this policy to outline those conditions under which a Personal Leave or Leave of Absence may be given and to define the status of employee benefits during an extended leave. If employees are ineligible for any other City leave of absence, the City of Hammond, under certain circumstances, may grant a personal leave of absence without pay. A leave may be granted to any full-time employee who has completed two (2) years of continuous service to the City of Hammond. A written request for the personal leave should be presented to the Elected Official or Department Head at least thirty (30) days before the anticipated start of the leave. The employee must specify the reason for the leave and a probable date of return. If the leave is requested for medical reasons and employee is not eligible for leave under the federal Family and Medical Leave Act (FMLA) or any state leave law, medical certification also must be submitted. Each request will be decided on its own merits and approved by the Elected Official or Department Head. The request will be considered on the basis of staffing requirements and the reasons for the requested leave, as well as performance and attendance records. Normally, a leave of absence shall be granted for a minimum of thirty (30) calendar days and is renewable in blocks of thirty (30) calendar day time periods up to a maximum total of sixty (60) calendar days for a leave of absence.

The personal leave may be extended if, fourteen (14) calendar days prior to the end of the thirty (30) day leave period, the employee submits a written request for the extension to the Elected Official or Department Head. Documentation of the leave (and extension if requested) must be forwarded by the Elected Official or Department Head to the Personnel Director and the Controller's Office.

During the leave, employees will not earn vacation, personal days or sick days. Time spent on a leave of absence will not be used for the computation of PERF benefits. Length of service will be frozen for the duration of the leave.

The City of Hammond will continue health insurance coverage during the current month the leave is taken if employees submit their share of the monthly premium payments to the City in a timely manner, subject to the terms of the plan documents. If an employee elects to extend such insurance coverage beyond that limitation, the employee may do so by paying the premium to the City of Hammond.

When the employee anticipates returning to work, he or she should notify their Department Head of the expected return date. This notification should be made at least one (1) week (seven (7) days) before the end of the leave.

Upon completion of the personal leave of absence, the City will attempt to return employees to their original job or in a job substantially the same in pay and duties as the one vacated at the time the leave was approved, subject to prevailing business considerations. Reinstatement to the exact position, however, is not guaranteed.

Failure to advise management of availability to return to work, failure to return to work when notified or a continued absence from work beyond the time approved by the City will be considered a voluntary resignation of employment.

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 college or university. Prior to the effective date of the leave, the employee shall provide the Elected Official or Department Head with a receipt evidencing tuition payment to

the college or university.

Extended illness or extended maternity leave may be granted to an employee who has exhausted leave granted pursuant to the Family Medical Leave Act, and may be granted on a case-by-case basis. The leave will be without pay (unless the employee has vacation, personal, or sick time available). The employee will be required to submit a physician's statement of a continuing serious medical condition. The physician's statement shall be submitted each thirty (30) days of extended leave granted. In the event that the leave is not extended, the employee will be given at least fourteen (14) days notice prior to its cancellation. The extended illness or extended maternity leave can be granted for a maximum total of sixty (60) days.

If an employee is taking an extended leave of absence due to illness, the employee **shall not** work at another place of employment while off on the leave, it does not matter whether the leave is paid or unpaid. Disciplinary action up to and including discharge may occur.

Personal leave runs concurrently with any City-provided Short-Term Disability Leave of Absence.

## 4-2. Military Leave

The City of Hammond encourages and supports employees who choose to serve our nation in the armed forces. If employees are called into active military service or enlist in the uniformed services, they will be eligible to receive an unpaid military leave of absence. 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 or reemployment and other rights under the Uniform Services Employment and Reemployment Rights Act of 1994 (USERRA). To qualify under USERRA the separation from military must be under honorable conditions and meet the other requirements of the law. In order to qualify for City of Hammond benefits, military service must be in compliance with the following:

1. **Eligibility:** To be eligible for military leave (either voluntary or involuntary), employees must provide the Elected Official or Department Head and Personnel Director with advance notice of service obligations unless they are prevented from providing such notice by military necessity or it is otherwise impossible or unreasonable to provide such notice. Provided the absence does not exceed applicable statutory limitations, employees will retain reemployment rights and accrue seniority and benefits in accordance with applicable Federal and State laws.
2. **Reinstatement:** To be eligible for reinstatement and for USERRA and City of Hammond 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:** To be eligible for reemployment and for USERRA and City of Hammond benefits, in those situations where military leave lasts more than thirty (30) days but less than one hundred eighty-one (181) days, and employee must submit an application for reemployment within fourteen (14) days of the completion of military service. An employee on military leave lasting 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.

Upon reemployment, the level of benefits will be as had the employee provided continuous service to the City of Hammond 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, as long as the employee contribution is paid.

An employee will be permitted up to four (4) weeks of paid military leave per calendar year provided the employee has completed one (1) year of service with the City of Hammond. 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 of Hammond'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 (vacation time or personal days) in conjunction with military leave.

If employees are required to attend yearly Reserves or National Guard duty, they can apply for a temporary military leave of absence not to exceed the number of days allowed by law (including travel). They should give as much advance notice of their need for military leave as possible so that the City of Hammond can maintain proper coverage while employees are away. This notice should be given to the Elected Official or Department Head and Personnel Director.

#### 4-3. Family Military Leave

Employees who have been employed by the City of Hammond for at least twelve (12) months, have worked at least 1,500 hours during the 12-month period immediately preceding the day the leave begins, and are the spouse, parent, grandparent, child or sibling of an individual ordered to active duty, are eligible for an unpaid leave of absence for up to ten (10) days each calendar year.

Leave may be taken during any of the following periods:

- during the thirty (30) days before active duty orders are in effect;
- during a period in which the military family member ordered to active duty is on leave while active duty orders are in effect;
- during the thirty (30) days after the active duty orders are terminated.

Employees may elect to substitute any accrued paid time off (except for paid medical or sick leave) for leave provided under this policy. If applicable, health care benefits will be continued at the employee's expense during the period of leave.

Employees must provide written notice to the City of Hammond at least thirty (30) days in advance; notice must include a copy of the active duty orders (if available) and an indication of the date the leave will begin. If the active duty orders are issued less than thirty (30) days before the date the requested leave is to begin, written notice must be provided as soon as possible under such circumstances. The City of Hammond reserves the right to require verification of eligibility for this leave. Failure to provide such verification within a reasonable time after it was requested may result in the absence from employment being considered unexcused.

Upon returning from leave, in most cases an employee will be restored to the position that the employee held before the leave began or to an equivalent position.

## 4-4. Family and Medical Leave

### The Leave Policy

Employees may be entitled to a leave of absence under the Family and Medical Leave Act (FMLA). This policy provides employees information concerning FMLA entitlements and obligations employees may have during such leaves. If employees have any questions concerning FMLA leave, they should contact the Personnel Director.

### I. Eligibility

FMLA leave is available to "eligible employees". To be an "eligible employee", an employee must: 1) have been employed by the City for at least twelve (12) months (which need not be consecutive); or 2) have been employed by the City for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.

### II. Entitlements

As described below, the FMLA provides eligible employees with a right to leave, health insurance benefits and, with some limited exceptions, job restoration.

#### A. Basic FMLA Leave Entitlement

The FMLA provides eligible employees up to twelve (12) workweeks of unpaid leave for certain family and medical reasons during a 12-month period. The 12-month period is determined based on a rolling 12-month period measured backward from the date an employee uses his/her FMLA leave. Leave may be taken for any one, or for a combination, of the following reasons:

- To care for the employee's child after birth or placement for adoption or foster care;
- To care for the employee's spouse, son, daughter or parent (but not in-law) who has a **serious health condition**;
- For the employee's own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the employee unable to perform one or more of the essential functions of the employee's job; and/or
- Because of any **qualifying exigency** arising out of the fact that an employee's spouse, son, daughter or parent is a military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty) in the Reserves component of the Armed Forces for deployment to a foreign country in support of contingency operation or Regular Armed Forces for deployment to a foreign country.

A **serious health condition** is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

**Qualifying exigencies** may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member on covered active duty and attending post-deployment reintegration briefings.

## **B. Additional Military Family Leave Entitlement (Injured Servicemember Leave)**

In addition to the basic FMLA leave entitlement discussed above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a **covered servicemember** is entitled to take up to twenty-six (26) weeks of leave during a single 12-month period to care for the servicemember with a serious injury or illness. Leave to care for a servicemember shall only be available during a single-12 month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured servicemember.

A "**covered servicemember**" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is on the temporary retired list, for a serious injury or illness. These individuals are referred to in this policy as "current members of the Armed Forces." **Covered servicemembers** also include a veteran who is discharged or released from military services under condition other than dishonorable at any time during the five years preceding the date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. These individuals are referred to in this policy as "covered veterans".

The FMLA definitions of a "serious injury or illness" for current Armed Forces members and covered veterans are distinct from the FMLA definition of "serious health condition" applicable to FMLA leave to care for a covered family member.

## **C. Intermittent Leave and Reduced Leave Schedules**

FMLA leave usually will be taken for a period of consecutive days, weeks or months. However, employees also are entitled to take FMLA leave intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the employee or covered family member or the serious injury or illness of a covered servicemember. Qualifying exigency leave also may be taken on an intermittent basis.

## **D. No Work While on Leave**

The taking or working of another job while on family/medical leave or any other authorized leave of absence is grounds for immediate discharge, to the extent permitted by law.

## **E. Protection of Group Health Insurance Benefits**

During FMLA leave, eligible employees are entitled to receive group health plan coverage on the same terms and conditions as if they had continued to work.

## **F. Restoration of Employment and Benefits**

At the end of FMLA leave, subject to some exceptions including situations where job restoration of "key employees" will cause the City substantial and grievous economic injury, employees generally have a right to return to the same or equivalent positions with equivalent pay, benefits and other employment terms. The City will notify employees if they qualify as "key employees," if it intends to deny reinstatement, and of their rights in such instances. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an eligible employee's FMLA leave.

## **G. Notice of Eligibility for, and Designation of, FMLA Leave**

Employees requesting FMLA leave are entitled to receive written notice from the City telling them whether they are eligible for FMLA leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA leave, employees are entitled to receive written notice of: 1) their rights and responsibilities in connection with such leave; 2) the City's designation of leave as FMLA-qualifying or non-qualifying, and if not FMLA-qualifying, the reasons why; and 3) the amount of leave, if known, that will be counted against the employee's leave entitlement.

The City may retroactively designate leave as FMLA leave with appropriate written notice to employees provided the City's failure to designate leave as FMLA-qualifying at an earlier date did not cause harm or injury to the employee. In all cases where leaves qualify for FMLA protection, the City and employee can mutually agree that leave be retroactively designated as FMLA leave.

### **III. Employee FMLA Leave Obligations**

#### **A. Provide Notice of the Need for Leave**

Employees who take FMLA leave must timely notify the City of their need for FMLA leave. The following describes the content and timing of such employee notices.

##### **1. Content of Employee Notice**

To trigger FMLA leave protections, employees must inform the Office Manager or Personnel Director of the need for FMLA-qualifying leave and the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA leave specifically, or explaining the reasons for leave so as to allow the City to determine that the leave is FMLA-qualifying. For example, employees might explain that:

- a medical condition renders them unable to perform the functions of their job;
- they are pregnant or have been hospitalized overnight;
- they or a covered family member are under the continuing care of a health care provider;
- the leave is due to a qualifying exigency caused by a military member being on covered active duty or called to covered active duty status to a foreign country; or
- if the leave is for a family member, that the condition renders the family member unable to perform daily activities or that the family member is a covered servicemember with a serious injury or illness.

Calling in "sick", without providing the reasons for the needed leave, will not be considered sufficient notice for FMLA leave under this policy. Employees must respond to the City's questions to determine if absences are potentially FMLA-qualifying.

If employees fail to explain the reasons for FMLA leave, the leave may be denied. When employees seek leave due to FMLA-qualifying reasons for which the City has previously provided FMLA-protected leave, they must specifically reference the qualifying reason for the leave or the need for FMLA leave.

##### **2. Timing of Employee Notice**

Employees must provide thirty (30) calendar days' advance notice of the need to take FMLA leave when the need is foreseeable. When thirty (30) calendar days' notice is not possible, or the approximate timing of the need for leave is not foreseeable, employees must provide the City notice of the need for leave as soon as practicable under the facts and circumstances of the particular case. Employees who fail to give thirty (30) calendar days' notice for foreseeable leave without a reasonable excuse for the delay, or otherwise fail to satisfy FMLA notice obligations, may have FMLA leave delayed or denied.

## **B. Cooperate in the Scheduling of Planned Medical Treatment (Including Accepting Transfers to Alternative Positions) and Intermittent Leave or Reduced Leave Schedules**

When planning medical treatment, employees must consult with the City and make a reasonable effort to schedule treatment so as not to unduly disrupt the City's operations, subject to the approval of an employee's health care provider. Employees must consult with the City prior to the scheduling of treatment to work out a treatment schedule that best suits the needs of both the City and the employees, subject to the approval of an employee's health care provider. If employees providing notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglect to fulfill this obligation, the City may require employees to attempt to make such arrangements, subject to the approval of the employee's health care provider.

When employees take intermittent or reduced work schedule leave for foreseeable planned medical treatment for the employee or a family member, including during a period of recovery from a serious health condition or to care for a covered servicemember, the City may temporarily transfer employees, during the period that the intermittent or reduced leave schedules are required, to alternative positions with equivalent pay and benefits for which the employees are qualified and which better accommodate recurring periods of leave.

When employees seek intermittent leave or a reduced leave schedule for reasons unrelated to the planning of medical treatment, upon request, employees must advise the City of the reason why such leave is medically necessary. In such instances, the City and employee shall attempt to work out a leave schedule that meets the employee's needs without unduly disrupting the City's operations, subject to the approval of the employee's health care provider.

## **C. Submit Medical Certifications Supporting Need for FMLA Leave (Unrelated to Requests for Military Family Leave)**

Depending on the nature of FMLA leave sought, employees may be required to submit medical certifications supporting their need for FMLA-qualifying leave. As described below, there generally are three types of FMLA medical certifications: an **initial certification**, a **recertification** and a **return to work/fitness for duty certification**.

It is the employee's responsibility to provide the City with timely, complete and sufficient medical certifications. Whenever the City requests employees to provide FMLA medical certifications, employees must provide the requested certifications within fifteen (15) calendar days after the City's request, unless it is not practicable to do so despite an employee's diligent, good faith efforts. The City will inform employees if submitted medical certifications are incomplete or insufficient and provide employees at least seven (7) calendar days to cure deficiencies. The City will deny FMLA leave to employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications.

With the employee's permission, the City (through individuals other than an employee's direct supervisor) may contact the employee's health care provider to authenticate or clarify completed and sufficient medical certifications. If employees choose not to provide the City with authorization allowing it to clarify or authenticate certifications with health care providers, the City may deny FMLA leave if certifications are unclear.

Whenever the City deems it appropriate to do so, it may waive its right to receive timely, complete and/or sufficient FMLA medical certifications.

### **1. Initial Medical Certifications**

Employees requesting leave because of their own, or a covered relation's, serious health condition, or to care



for a covered servicemember, must supply medical certification supporting the need for such leave from their health care provider or, if applicable, the health care provider of their covered family or service member. If employees provide at least 30 calendar days' notice of medical leave, they should submit the medical certification before leave begins. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year.

If the City has reason to doubt initial medical certifications, it may require employees to obtain a second opinion at the City's expense. If the opinions of the initial and second health care providers differ, the City may, at its expense, require employees to obtain a third, final and binding certification from a health care provider designated or approved jointly by the City and the employee.

## **2. Medical Recertifications**

Depending on the circumstances and duration of FMLA leave, the City may require employees to provide recertification of medical conditions giving rise to the need for leave. The City will notify employees if recertification is required and will give employees at least fifteen (15) calendar days to provide medical recertification.

## **3. Return to Work/Fitness for Duty Medical Certifications**

Unless notified that providing such certifications is not necessary, employees returning to work from FMLA leaves that were taken because of their own serious health conditions that made them unable to perform their jobs must provide the City with medical certification confirming they are able to return to work and the employees' ability to perform the essential functions of the employees' position, with or without reasonable accommodation. The City may delay and/or deny job restoration until employees provide return to work/fitness for duty certifications.

## **D. Submit Certifications Supporting Need for Military Family Leave**

Upon request, the first time employees seek leave due to qualifying exigencies arising out of the covered active duty or call to covered active duty status of a military member, the City may require employees to provide: 1) a copy of the military member's active duty orders or other documentation issued by the military indicating the military member is on covered active duty or call to covered active duty status and the dates of the military member's covered active duty service; and 2) a certification from the employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. Employees shall provide a copy of new active duty orders or other documentation issued by the military for leaves arising out of qualifying exigencies arising out of a different covered active duty or call to covered active duty status of the same or a different military member.

When leave is taken to care for a covered servicemember with a serious injury or illness, the City may require employees to obtain certifications completed by an authorized health care provider of the covered servicemember. In addition, and in accordance with the FMLA regulations, the City may request that the certification submitted by employees set forth additional information provided by the employee and/or the covered servicemember confirming entitlement to such leave.

## **E. Substitute Paid Leave for Unpaid FMLA Leave**

Employees must use any accrued paid time while taking FMLA leave.

The substitution of paid time for unpaid FMLA leave time does not extend the length of FMLA leave and the paid time will run concurrently with an employee's FMLA entitlement.

Leaves of absence taken in connection with a disability leave plan or workers' compensation injury/illness shall run concurrently with any FMLA leave entitlement. Upon written request, the City will allow employees to use accrued paid time to supplement any paid disability benefits.

#### **F. Pay Employee's Share of Health Insurance Premiums**

During FMLA leave, employees are entitled to continued group health plan coverage under the same conditions as if they had continued to work. Unless the City notifies employees of other arrangements, whenever employees are receiving pay from the City during FMLA leave, the City will deduct the employee portion of the group health plan premium from the employee's paycheck in the same manner as if the employee was actively working.

If FMLA leave is unpaid, employees must pay their portion of the group health premium through a "pay-as-you-go" method.

The City's obligation to maintain health care coverage ceases if an employee's premium payment is more than 30 days late. If an employee's payment is more than 15 days late, the City will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date. If employees do not return to work within 30 calendar days at the end of the leave period (unless employees cannot return to work because of a serious health condition or other circumstances beyond their control), they will be required to reimburse the City for the cost of the premiums the City paid for maintaining coverage during their unpaid FMLA leave.

#### **IV. Questions and/or Complaints about FMLA Leave**

If you have questions regarding this FMLA policy, please contact the Personnel Director. The City is committed to complying with the FMLA and, whenever necessary, shall interpret and apply this policy in a manner consistent with the FMLA.

The FMLA makes it unlawful for employers to: 1) interfere with, restrain or deny the exercise of any right provided under FMLA; or 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or involvement in any proceeding under or relating to FMLA. If employees believe their FMLA rights have been violated, they should contact the Personnel Director immediately. The City will investigate any FMLA complaints and take prompt and appropriate remedial action to address and/or remedy any FMLA violation. Employees also may file FMLA complaints with the United States Department of Labor or may bring private lawsuits alleging FMLA violations.

#### **V. Coordination of FMLA Leave with Other Leave Policies**

The FMLA does not affect any federal, state or local law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement that provides greater family or medical leave rights. For additional information concerning leave entitlements and obligations that might arise when FMLA leave is either not available or exhausted, please consult the City's other leave policies in this handbook or contact the Personnel Director.

## Section 5 - General Standards of Conduct

### 5-1. Workplace Conduct

Organizations need rules and regulations to govern the conduct of employees, maintain smooth operations and to provide general direction. The City of Hammond is no exception and endeavors to maintain a positive work environment. Each employee plays a role in fostering this environment. Accordingly, we all must abide by certain rules of conduct, based on honesty, common sense and fair play. This policy applies to all City of Hammond 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 Employee Handbook. In those instances, the terms of the bargaining agreement or contract will supersede.

Because everyone may not have the same idea about proper workplace conduct, it is helpful to adopt and enforce rules all can follow. Unacceptable conduct may subject the offender to disciplinary action, up to and including discharge, in the City's sole discretion. The following are examples of some, but not all, conduct which can be considered unacceptable:

1. Obtaining employment on the basis of false or misleading information
2. Stealing, removing or defacing City of Hammond property or a co-worker's property
3. Disclosure of confidential information
4. Improper care of City of Hammond property
5. Completing another employee's time records and/or falsifying your own time record
6. Violation of safety rules and policies
7. Violation of the City of Hammond's Drug and Alcohol-Free Workplace Policy
8. Fighting, threatening or disrupting the work of others or other violations of the City of Hammond's Workplace Violence Policy
9. Failure to follow lawful instructions of a Supervisor
10. Failure to perform assigned job duties
11. Violation of the Punctuality and Attendance Policy, including but not limited to irregular attendance, habitual lateness or unexcused absences
12. Gambling, consuming illegal drugs or alcohol on City property
13. Willful or careless destruction or damage to City assets or to the equipment or possessions of another employee
14. Wasting work materials
15. Performing work of a personal nature during working time
16. Violation of the Solicitation and Distribution Policy
17. Violation of the City of Hammond's Harassment, Equal Employment Opportunity, or Civil Rights Policies
18. Violation of the Communication and Computer Systems Policy, including Social Media Policy
19. Unsatisfactory job performance
20. Any other violation of City of Hammond policy

Obviously, not every type of misconduct can be listed. Note that all employees are employed at-will, and the City of Hammond reserves the right to impose whatever discipline it chooses, or none at all, in a particular instance. The City will deal with each situation individually and nothing in this handbook should be construed

as a promise of specific treatment in a given situation. However, City of Hammond will endeavor to utilize progressive discipline but reserves the right in its sole discretion to terminate an employee at any time for any reason.

These rules have been enacted to help maintain a safe and desirable working environment for all, are available 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 shall complete a written report of any improper action as soon as possible and forward that written report to the Elected Official or Department Head so disciplinary action can be taken. Disciplinary action will be issued by the Supervisor upon review and authorization by the Elected Official or Department Head. Any and all employee discipline must be documented in writing and that written documentation must be forwarded to the Personnel Department for inclusion in the employee's personnel file. In matters of Category IV violations, these actions must first be reviewed by the Mayor (or his designee) before being issued.

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

It is impractical to attempt to list all types of misconduct that may result in disciplinary action, therefore, the following is a basic guideline:

- **Category I**

- The City of Hammond expects proper procedures and actions of employees including, but not limited to, being on time; showing respect to co-workers, Supervisors, and visitors; reporting personal injuries; following normal daily procedures; notifying Supervisor in advance of any absence or tardiness. 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 their behavior (or lack thereof) is not in accordance with City of Hammond policy. This notification will be made verbally with a written record of the discussion placed in the employee's personnel 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 or is discourteous 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 of Hammond time, or when an employee commits a second Category I violation within twelve (12) months of the last Category I discipline issued, the employee will be notified in writing that their behavior is not appropriate. This written notification will be placed in the employee's personnel file. Subsequent violations can lead to additional action including suspension and/or discharge.

- **Category III**

- These actions are more serious in nature and have a significant impact on the City of Hammond and/or its employees. These actions include (but not limited to): being under the influence of alcohol or deliberate abuse of prescription or illegal drugs; specific refusal to follow legitimate

and lawful directions from a supervisor, conduct that directly challenges the legal or legitimate authority of a Supervisor, Department Head or Elected Official; posting, altering or removing any material on a City of Hammond bulletin board without authorization, disorderly conduct; reckless damage to a City of Hammond vehicle or other City of Hammond 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 City of Hammond equipment, tools, materials or other City of Hammond property for personal use; sleeping on the job; carrying an unauthorized passenger in a city vehicle; violating department safety rules or violation of any City of Hammond policy. An employee who commits any of these infractions, an infraction viewed by the City of Hammond as serious misconduct, or when an employee commits a second Category II violation within twelve (12) months of the last Category II discipline issued, will be suspended without pay for three (3) to five (5) work days, along with other measures that may be applicable (i.e. counseling). The suspension will be in writing and a copy of the written suspension will be placed in the employee's personnel file. Subsequent violations can lead to additional action including longer suspension and/or discharge.

- **Category IV**

- When an employee commits a deliberate action that is deemed inexcusable, that employee will be subject to immediate discharge. Such actions include deliberate damage of property; a serious violation of City of Hammond policy or City of Hammond Ordinance, Indiana or Federal law; conviction of a felony, actions that endanger the health and welfare of another employee; deliberate negligence in carrying out job responsibilities; the use of physical force against another employee; damage to a City of Hammond vehicle or equipment that totals over \$2,500.00; theft; willful tampering with City of Hammond equipment or computer programs; gross insubordination; falsification of records (including but not limited to time cards, proof of residency, court records, other City of Hammond documents); release of confidential information; unreported absence for three (3) days; possession or use of alcohol or illegal drugs on City of Hammond property or vehicles (all instances of alleged substance abuse or intoxication shall be handled pursuant to City of Hammond Ordinance 9248 - April, 2014); possession of weapons, firearms, or explosives; or physical or sexual abuse or assault. An employee who commits any of these infractions, an infraction viewed by the City of Hammond as extremely serious misconduct, or when an employee commits a second Category III violation within twelve (12) months of the last Category III discipline issued, will be immediately suspended without pay for five (5) work days pending review for discharge by the Elected Official or Department Head. The suspension will be in writing and a copy of the written suspension will be placed in the employee's personnel file. Discharges will also be in writing and a copy of the discharge will be included in the employee's personnel file.

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

### **Documentation and Procedures for Discipline**

All disciplinary action, including verbal reprimands, must be documented. The City of Hammond's Disciplinary Action Form must be completed in its entirety with all the facts documented. The forms must 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 above, the seriousness of the offense will be considered when any disciplinary action is issued.

The Personnel Director should be consulted by the Department Head if there is any question regarding appropriate discipline.

### **Types of Disciplinary Actions**

**Oral reprimands-** are for the first offense of a Category I violation and do not require a written reprimand, suspension, or discharge. Oral reprimands must be documented in the employee personnel file for future reference and should include a warning to the employee that a subsequent violation could result in further disciplinary action including a written reprimand, suspension or discharge.

**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 or discharge. The written reprimand will be issued on the City of Hammond's Disciplinary Action Form. Written reprimands must be documented in the employee personnel file for future reference and should include a warning to the employee that a subsequent violation could result in further disciplinary action including suspension or discharge.

**Suspensions without pay-** shall be issued for repeat offenses or when required immediately due to the nature of the offense. The suspension will be issued on the City of Hammond's Disciplinary Action Form. The first day of the suspension will be the first day in which the employee works less than 51% of the workday. Suspensions must be documented in the employee personnel file for future reference and should include a warning to the employee that a subsequent violation could result in further disciplinary action including a longer suspension or discharge.

**Discharge-** shall be issued when prior disciplinary action has not corrected the behavior or when due to the seriousness of the offense, such action is required. Discharges must be documented in the employee personnel file.

- In certain instances an Elected Official or Department Head may issue an employee a Last Chance Agreement. The Personnel Director should be notified to prepare the proper paperwork. If the Last Chance Agreement is given, documentation of the Agreement will be included in the employee personnel file.

The Supervisor, Department Head or Elected Official must document and file the disciplinary action within five (5) working days of the **notification** of the incident requiring discipline. Failure to act within this period of time will render the action moot and without force or effect.

Disciplinary actions may be appealed pursuant to the terms of the established Grievance Procedure included in this handbook.

### **Notice of Changes to the Guidelines for Workplace Conduct**

A copy of these guidelines shall be provided to each new employee upon hiring and to all current employees (issuance of this handbook will constitute distribution of the guidelines). Copies of the policy will also be available from the City of Hammond Personnel Department and a copy will be made available when requested. Employees will be made aware of any changes to this policy. Elected Officials and Department

Heads shall be responsible for advising employees of any changes. The Personnel Director shall be responsible for updating this handbook and distribution of the new policies to Elected Officials and Department Heads.

The observance of these rules will help ensure that our workplace remains a safe and desirable place to work.

## 5-2. Punctuality and Attendance

Employees are hired to perform important functions for the City of Hammond. As with any group effort, operating effectively takes cooperation and commitment from everyone. Therefore, attendance and punctuality are very important. Unnecessary absences and lateness are expensive, disruptive and place an unfair burden on fellow employees and Supervisors. We expect excellent attendance from all employees. Excessive absenteeism or tardiness will result in disciplinary action up to and including discharge.

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

We do recognize, however, there are times when absences and tardiness cannot be avoided, such as in cases of an illness or a severe weather event. In such cases, employees are expected to notify Supervisors as early as possible, but no later than the start of the work day. Asking another employee, friend or relative to give this notice is improper and constitutes grounds for disciplinary action. Employees should call, stating the nature of the illness or other reason and the expected duration, for every day of absenteeism (unless the reason for the absenteeism covered under the FMLA).

**Tardiness-** In order to preserve and maintain effective operations, employees for the City of Hammond 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 in disciplining for tardiness if there is a justifiable emergency and no pattern of chronic tardiness on the part of an employee is apparent, **however**, said discretion must be exercised uniformly in similar situations.

**Excused Absences and Illnesses-** An employee shall be considered off with an excused absence provided the employee has received prior approval from a supervisor or notified a supervisor of the need for an absence in the manner set forth by the department. This includes the use of vacation and personal days as well as sick days. In order for an employee to be paid for the day, a vacation day, personal day, or sick day must be used by the employee. If no vacation days, personal days, or sick days are available the employee will be off without pay. Each department shall set its own procedure for calling off from work. If no departmental procedure is in place, an employee who is absent due to illness must report off prior to or within ten (10) minutes of their start time in order to be considered excused. Employees who report 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 their supervisor that they will not be at work is considered to have an unexcused absence and will not be paid. Three (3) consecutive days of unexcused absences shall be considered a voluntary resignation and will terminate the employee's position and accompanying benefits with the City of Hammond.

**Chronic Absenteeism-** Any employee who misses an average of more than two (2) days per month during the

immediately preceding six (6) months (excluding vacation time or any authorized leave of absences) shall be considered a chronic absentee employee. The employee will be notified in writing by the Elected Official or Department Head that their attendance is not acceptable. Documentation of this notification must be included in the employee personnel file. Employee will be notified that continued chronic absenteeism may result in discharge of the employee. The Personnel Director will be notified of any instances of chronic absenteeism. Failure by an employee to accrue sick days may constitute chronic absenteeism.

**Sick Days-** Sick days should be used only for legitimate illnesses of an employee, their spouse or child (under eighteen (18) years of age). When returning to work after using three (3) or more days of sick leave consecutively, the employee will be required to furnish an original doctor's statement and an authorization to return to work at normal or restricted duties. Employees who are off for three (3) consecutive sick days will be provided FMLA paperwork in the event that the paperwork may be needed for the illness. Abuses of sick days may lead to disciplinary action. See the Sick Days section of this handbook for further information.

### 5-3. Use of Communications and Computer Systems

The City of Hammond's communication and computer systems are intended primarily for business purposes; however limited personal usage is permitted if it does not hinder the performance of job duties or violate any other City of Hammond policy. This includes voice mail, e-mail and Internet systems. Users have no legitimate expectation of privacy in regard to their use of the City of Hammond's systems.

The City of Hammond may access the voice mail and e-mail systems and obtain the communications within the systems, including past voice mail and e-mail messages, without notice to users of the system, in the ordinary course of business when the City deems it appropriate to do so. The reasons for which the City may obtain such access include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and insuring that City operations continue appropriately during an employee's absence.

Further, the City of Hammond may review Internet usage to ensure that such use with City property, or communications sent via the Internet with City property, are appropriate. The reasons for which the City may review employees' use of the Internet with City property include, but are not limited to: maintaining the system; preventing or investigating allegations of system abuse or misuse; assuring compliance with software copyright laws; complying with legal and regulatory requests for information; and insuring that City operations continue appropriately during an employee's absence.

The City may store electronic communications for a period of time after the communication is created. From time to time, copies of communications may be deleted.

The City's policies prohibiting harassment, in their entirety, apply to the use of the City's communication and computer systems. No one may use any communication or computer system in a manner that may be construed by others as harassing or offensive based on race, color, national origin, sex, sexual orientation, marital status, familial status, age, disability, veteran status, religious beliefs, political affiliation, or any other characteristic protected by federal, state or local law.

Further, since the City's communication and computer systems are intended for business use, all employees, upon request, must inform management of any private access codes or passwords.

Unauthorized duplication of copyrighted computer software violates the law and is strictly prohibited.



No employee may access, or attempt to obtain access to, another employee's computer systems without appropriate authorization.

Violators of this policy may be subject to disciplinary action, up to and including discharge.

#### **5-4. Use of Social Media**

The City of Hammond respects the right of any employee to maintain a blog or web page or to participate in a social networking, Twitter or similar site, including but not limited to Facebook and LinkedIn. However, to protect City interests and ensure employees focus on their job duties, employees must adhere to the following rules:

Employees may not post on a blog or web page or participate on a social networking platform, such as Twitter or similar site, during work time or at any time with City equipment or property. Employees may not use any City of Hammond logos or any other images or iconography on personal social media sites. Do not use the City of Hammond name to promote a product, cause or political party or candidate. Employees should not disclose information they possess as a result of confidential information obtained as a city employee.

All rules regarding confidential and proprietary business information apply in full to blogs, web pages and social networking platforms, such as Twitter, Facebook, LinkedIn or similar sites. Any information that cannot be disclosed through a conversation, a note or an e-mail also cannot be disclosed in a blog, web page or social networking site.

Whether an employee is posting something on his or her own blog, web page, social networking, Twitter or similar site or on someone else's, if the employee mentions the City and also expresses either a political opinion or an opinion regarding the City's actions that could pose an actual or potential conflict of interest with the City, the poster must include a disclaimer. The poster should specifically state that the opinion expressed is their personal opinion and not the City's position. This is necessary to preserve the City's good will in the marketplace. A city employee shall not use their position as a city employee to threaten or harass others via social media.

Any conduct that is impermissible under the law if expressed in any other form or forum is impermissible if expressed through a blog, web page, social networking, Twitter or similar site. For example, posted material that is discriminatory, obscene, defamatory, libelous or violent is forbidden. City policies apply equally to employee social media usage.

The City of Hammond encourages all employees to keep in mind the speed and manner in which information posted on a blog, web page, and/or social networking site is received and often misunderstood by readers. Employees must use their best judgment. Employees with any questions should review the guidelines above and/or consult with their Department Head. Failure to follow these guidelines may result in discipline, up to and including discharge.

#### **5-5. Personal and Company-Provided Portable Communication Devices**

City-provided portable communication devices (PCDs), including cell phones and personal digital assistants, should be used primarily for business purposes. Employees have no reasonable expectation of privacy in regard to the use of such devices, and all use is subject to monitoring, to the maximum extent permitted by applicable law. This includes as permitted the right to monitor personal communications as necessary.

Some employees may be authorized to use their own PCD for business purposes. These employees should work with the IT department to configure their PCD for business use. Communications sent via a personal PCD also may subject to monitoring if sent through the City's networks and the PCD must be provided for inspection and review upon request.

All conversations, text messages and e-mails must be professional. When sending a text message or using a PCD for business purposes, whether it is a City-provided or personal device, employees must comply with applicable City guidelines, including policies on sexual harassment, discrimination, conduct, confidentiality, equipment use and operation of vehicles. Using a City-issued PCD to send or receive personal text messages is prohibited at all times and personal use during working hours should be limited to emergency situations.

If an employee who uses a personal PCD for business resigns or is discharged, the employee will be required to submit the device to the IT department for resetting on or before his or her last day of work. At that time, the IT department will reset and remove all information from the device, including but not limited to, City information and personal data (such as contacts, e-mails and photographs). The IT department will make efforts to provide employees with the personal data in another form (e.g., on a disk) to the extent practicable; however, the employee may lose some or all personal data saved on the device.

Employees may not use their personal PCD for business unless they agree to submit the device to the IT department on or before their last day of work for resetting and removal of City information. This is the only way currently possible to ensure that all City information is removed from the device at the time of termination. The removal of City information is crucial to ensure compliance with the City's confidentiality and proprietary information policies and objectives.

Please note that whether employees use their personal PCD or a City-issued device, the City's electronic communications policies, including but not limited to, proper use of communications and computer systems, remain in effect.

### **Portable Communication Device Use While Driving**

Employees who drive on City business must abide by all state or local laws prohibiting or limiting PCD (cell phone or personal digital assistant) use while driving. Further, even if usage is permitted, employees may choose to refrain from using any PCD while driving. "Use" includes, but is not limited to, talking or listening to another person or sending an electronic or text message via the PCD.

Regardless of the circumstances, including slow or stopped traffic, if any use is permitted while driving, employees should proceed to a safe location off the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is absolutely necessary while the employee is driving, and permitted by law, the employee must use a hands-free option and advise the caller that he/she is unable to speak at that time and will return the call shortly.

Under no circumstances should employees feel that they need to place themselves at risk to fulfill business needs.

Since this policy does not require any employee to use a cell phone while driving, employees who are charged with traffic violations resulting from the use of their PCDs while driving will be solely responsible for all liabilities that result from such actions.

Texting and e-mailing while driving is prohibited in all circumstances.

Employees who are issued City of Hammond owned cell phones may use the phone for business use free of charge. The employee will be responsible for reimbursing the City of Hammond for any personal calls that are

incurred.

## 5-6. Inspections

The City of Hammond reserves the right to require employees while on City property, or on client property, to agree to the inspection of their person, personal possessions and property, personal vehicles parked on City or client property, and work areas. This includes lockers, vehicles, desks, cabinets, work stations, packages, handbags, briefcases and other personal possessions or places of concealment, as well as personal mail sent to the City or to its clients. Employees are expected to cooperate in the conduct of any search or inspection. Refusal is grounds for discipline.

## 5-7. Smoking

The City of Hammond, including all of its buildings, is smoke-free. Smoking, including the use of e-cigarettes, is prohibited on City premises and in all City of Hammond vehicles.

Designated smoking areas are available outside of City Hall.

All employees are asked to help monitor this policy. If someone is observed smoking, employees should politely request that the smoker extinguish the cigarette, pipe, cigar, or e-cigarette. It is the responsibility of all employees to maintain a healthy and safe smoke-free environment.

## 5-8. Personal Telephone Calls

Our success is in large part dependent upon our ability to respond to the needs of our residents promptly and efficiently. Therefore, we ask that personal telephone calls be kept to a minimum, and only be made or received after working time, or during lunch or break time.

Employees may notify family members of the need to work late or in emergency situations. No long distance phone calls of a personal nature are to be billed to the City of Hammond except those necessary due to emergency situations. These phone calls should be kept to a minimum length.

## 5-9. Solicitation and Distribution

To avoid distractions, solicitation by an employee of another employee is prohibited while either employee is on work time. "Work time" is defined as the time an employee is engaged, or should be engaged, in performing his/her work tasks for City of Hammond. Solicitation of any kind by non-employees on City premises is prohibited at all times.

Distribution of advertising material, handbills, printed or written literature of any kind in working areas of the City is prohibited at all times. Distribution of literature by non-employees on City premises is prohibited at all times.

At no time should political material or literature be distributed or created by city employees on city time or equipment or on city property.

## **5-10. Bulletin Boards**

Important notices and items of general interest are continually posted on our bulletin boards. Employees should make it a practice to review it frequently. This will assist employees in keeping up with what is current with the City of Hammond. To avoid confusion, employees should not post or remove any material from the bulletin boards.

## **5-11. Confidential Company Information**

During the course of work, an employee may become aware of confidential information about the City of Hammond's business, including but not limited to information regarding City finances, employees, software and computer programs, residents, marketing strategies, developers and potential developers. An employee also may become aware of similar confidential information belonging to the City's employees or residents. It is extremely important that all such information remain confidential, and not be disclosed. Any employee who improperly copies, removes (whether physically or electronically), uses or discloses confidential information to anyone outside of the City may be subject to disciplinary action up to and including discharge. Employees may be required to sign an agreement reiterating these obligations.

Discussion of confidential matters with other employees or in areas where unintended parties can overhear such information is also forbidden.

## **5-12. Use of Facilities, Equipment and Property, Including Intellectual Property**

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

Employees should notify their Supervisor if any equipment, machines, or tools appear to be damaged, defective, or in need of repair. Prompt reporting of loss, damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Supervisors can answer any questions about an employee's responsibility for maintenance and care of equipment used on the job.

Employees also are prohibited from any unauthorized use of the City's intellectual property, such as audio and video tapes, print materials and software.

Improper, careless, negligent, destructive, or unsafe use or operation of equipment can result in discipline, up to and including discharge.

Further, the City is not responsible for any damage to employees' personal belongings unless the employee's Supervisor provided advance approval for the employee to bring the personal property to work.

## 5-13. Health and Safety

The health and safety of employees and others on City property are of critical concern to the City of Hammond. The City intends to comply with all health and safety laws applicable to our business. To this end, we must rely upon employees to ensure that work areas are kept safe and free of hazardous conditions. Although accidents occur in the workplace, most are avoidable by carefully and safely performing job duties. It is important to use the proper equipment when performing job duties. Some job duties require wearing personal protective equipment (PPE) such as eye wear, ear protection, safety footwear or safety clothing. Employees must use the PPE issued by the City of Hammond when required. PPE and performing job duties with the proper equipment are just a few ways that an employee can take to avoid an accident. Employees are required to be conscientious about workplace safety, including proper operating methods, and recognize dangerous conditions or hazards. Any unsafe conditions or potential hazards should be reported to management immediately, even if the problem appears to be corrected. Any suspicion of a concealed danger present on the City's premises, or in a product, facility, piece of equipment, process or business practice for which the City is responsible should be brought to the attention of management immediately.

Periodically, the City may issue rules and guidelines governing workplace safety and health. The City may also issue rules and guidelines regarding the handling and disposal of hazardous substances and waste. All employees should familiarize themselves with these rules and guidelines, as strict compliance will be expected.

Any workplace injury, accident, or illness must be reported to the employee's Supervisor as soon as possible, regardless of the severity of the injury or accident. Supervisors should be notified immediately of any fires, hazardous conditions, or injuries to others.

It is the City of Hammond'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 of Hammond 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 an employee is hospitalized or incurs medical costs as a result of a job-related injury or illness, the Elected Official or 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 return to work and if restrictions are necessary, how long the restrictions are needed.

An employee suffering a work-related injury or illness must report the condition to a supervisor immediately, but no later than twelve (12) hours from the time of the incident. If the accident or injury happened at work but requires medical treatment after going home, an employee may see a doctor of their choice or go to the emergency room of a local hospital. The employee must advise their Supervisor, Department Head, or Elected Official of the name of the doctor or hospital where treatment was received as soon as possible, but no later than twenty-four (24) hours from the time of the incident. Failure to immediately report an injury of illness could result in jeopardizing the Workers' Compensation Claim should the injury be more serious than first determined.

## 5-14. Hiring Relatives/Employee Relationships

A familial relationship among employees can create an actual or at least a potential conflict of interest in the employment setting, especially where one relative supervises another relative. To avoid this problem, City of Hammond follows Indiana Code 36-1-20.2.

In other cases, such as personal relationships where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or discharged from employment, at the discretion of the City. Accordingly, all parties to any type of intimate personal relationship must notify their Department Head or Elected Official.

If two employees marry, become related, or enter into an intimate relationship, they may not remain in a reporting relationship or in positions where one individual may affect the compensation or other terms or conditions of employment of the other individual. The City of Hammond generally will attempt to identify other available positions, but if no alternate position is available, the City retains the right to decide which employee will remain with the City of Hammond.

For the purposes of this policy, a relative is any person as defined in Indiana Code 36-1-20.2.

## 5-15. Employee Dress and Personal Appearance

As servants of the public, employees are expected to report to work well groomed, clean, and dressed according to the requirements of their position.

Employees who are seen by or 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 unless otherwise noted:

**Grooming and Appearance-** Grooming and personal appearance are an important and required component of creating a professional atmosphere. While respecting an employee's right to freely express themselves, employees must recognize the need for adherence to certain guidelines. Violations may interfere with the performance of the employee's duties and may serve as a distraction for fellow employees or result in offending the public. In cases of perceived discrepancy with the Dress Code, the decision of the Elected Official or Department Head will be final.

- **Nails-** may not be distracting or cause the employee to be unable to use a keyboard.
- **Personal Hygiene-** employees are expected to bathe regularly, remain well groomed, not smell from personal body odor or be overly perfumed.
- **Hats-** out of courtesy, hats should never be worn inside the office unless required for religious purposes.
- **Pants-** as with all work attire, pants should be clean, free from holes, rips, or distracting designs.
- **Shirts-** employees may wear a City of Hammond issued shirt, or a clean professional looking shirt or top devoid of logos or depictions that may be offensive or in poor taste.
- **Hair-** should be kept to a reasonable length, presentable and professional, dread locks or ponytails on male employees (unless a requirement of religious observance), or spiked or streaked hair that detracts from the employee's professional appearance is not allowed. If a hair style, in the opinion of a Supervisor, is objectionable, distracting, or a potential safety issue, the Supervisor will discuss the

- matter with the employee and it is expected that the employee will immediately remedy the situation.
- **Footwear-** should be modest, provide good grip or traction, and not be distracting.
  - **Tattoos-** must be covered by sleeves, makeup or other means so that they are not visible, the coverings should not be distracting or create a danger to the employee or others.
  - **Jewelry-** is permitted as long as it is not distracting or poses a safety risk, earrings may not be worn anywhere except in the ear, with no more than two (2) earrings per ear and may not be more than the size of the diameter of a quarter.

Contact your Supervisor for specific information regarding acceptable attire for your position. If you report to work dressed or groomed inappropriately, you may be prevented from working until you return to work well groomed and wearing the proper attire.

**Uniformed Employees-** some employees may be required to wear uniforms or safety equipment/clothing. Employees should wear the provided attire in accordance with departmental standards. Employees must wear the provided clothing or equipment each day when reporting to work and performing duties.

**Casual Fridays-** Dependent upon the Elected Official or Department Head, a relaxed style attire is allowed on Fridays or other declared casual days. Revealing, offending or distracting attire, jeans that are tattered, torn, faded or otherwise inappropriate are not allowed on Casual Fridays.

**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 of Hammond in the field. Jeans must be free of holes, clean and not look worn or tattered. All other aspects of the Dress Code apply.

These guidelines should be viewed as minimum standards. Elected Officials or Department Heads may add or remove restrictions to maintain a professional appearance and for the operation of their offices.

## 5-16. Publicity/Statements to the Media

All media inquiries regarding the position of the City as to any issues **must be** referred to the Mayor's Communications Director. Only the Mayor's Communications Director is authorized to make or approve public statements on behalf of the City. No employees, unless specifically designated by the Mayor's Communications Director, are authorized to make those statements on behalf of the City of Hammond. Any employee wishing to write and/or publish an article, paper, or other publication on behalf of the City of Hammond must first obtain approval from the Mayor's Communications Director.

## 5-17. Operation of Vehicles

All employees authorized to drive City-owned or leased vehicles or personal vehicles in conducting City of Hammond business must possess a current, valid driver's license and an acceptable driving record. Any change in license status or driving record must be reported to a Supervisor, Department Head or Elected Official immediately.

An employee must have a valid driver's license in his or her possession while operating a vehicle off or on City property. It is the responsibility of every employee to drive safely and obey all traffic, vehicle safety, and parking laws or regulations. Drivers must demonstrate safe driving habits at all times.



City-owned or leased vehicles may be used only as authorized by a Supervisor, Department Head or Elected Official.

### **Portable Communication Device Use While Driving**

Employees who drive on City business must abide by all state or local laws prohibiting or limiting portable communication device (PCD) use, including cell phones or personal digital assistants, while driving. Further, even if use is permitted, employees may choose to refrain from using any PCD while driving. "Use" includes, but is not limited to, talking or listening to another person or sending an electronic or text message via the PCD.

Regardless of the circumstances, including slow or stopped traffic, if any use is permitted while driving, employees should proceed to a safe location off the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is absolutely necessary while the employee is driving, and permitted by law, the employee must use a hands-free option and advise the caller that he/she is unable to speak at that time and will return the call shortly.

Under no circumstances should employees feel that they need to place themselves at risk to fulfill business needs.

Since this policy does not require any employee to use a PCD while driving, employees who are charged with traffic violations resulting from the use of their PCDs while driving will be solely responsible for all liabilities that result from such actions.

Texting and e-mailing while driving is prohibited in all circumstances.

## **5-18. Business Expense Reimbursement**

Employees will be reimbursed for reasonable approved expenses incurred in the course of business. These expenses must be approved by the employee's Department Head, and may include air travel, hotels, motels, meals, cab fare, rental vehicles, or gas and car mileage for personal vehicles. Approval is needed **prior** to an employee incurring any expenses for which they wish to be reimbursed. All expenses incurred should be submitted to the employee's Supervisor along with the receipts in a timely manner. Alcohol is excluded from reimbursement.

Employees are expected to exercise restraint and good judgment when incurring expenses. Employees should contact their Department Head or Elected Official in advance if they have any questions about whether an expense will be reimbursed.

## **5-19. References**

The City of Hammond will respond to reference requests through the Personnel Department. The City of Hammond will provide general information concerning the employee such as date of hire, date of discharge, and positions held. Requests for reference information must be in writing, and responses will be in writing. Please refer all requests for references to the Personnel Department.

**Only the Personnel Department may provide references.**



## 5-20. If You Must Leave Us

Should an employee decide to leave the City of Hammond, we ask that the employee provide the Elected Official or Department Head with at least two (2) weeks advance notice of departure. Thoughtfulness will be appreciated. All City of Hammond property including, but not limited to, keys, security cards, parking passes, laptop computers, fax machines, uniforms, etc., must be returned at separation. Employees also must return all of the City's Confidential Information upon separation. To the extent permitted by law, employees will be required to repay the City, (through payroll deduction, if lawful) for any lost or damaged City property. As noted previously, all employees are employed at-will and nothing in this handbook changes that status.

## 5-21. Exit Interviews

Employees who resign are requested to participate in an exit interview with the Personnel Department, if possible.

## 5-22. Outside Employment and Political Activity

Employees **may not** conduct political activity of any type during regularly scheduled work hours.

Employees have the right to work another job or career provided that it does not interfere with the employee's duties with the City of Hammond 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 an employee's regular work hours
- Repeated tardiness or absenteeism due to the outside employment
- An employee on sick leave (whether paid or unpaid) **shall not** work at another place of employment

At no time may City of Hammond resources be used to further an employee's outside employment or for any political activity.

## 5-23. Identification Badges

Each employee is issued an identification badge with their photograph on it for identification purposes. The purpose of the identification card is to identify the employee as a City of Hammond employee. It should never be used as a form of identification outside the normal confines of work.

An employee should immediately report a lost or stolen identification card to their Supervisor.

The employee identification card must be returned when the employee leaves City of Hammond employment, regardless if the leave is voluntary or involuntary.

## 5-24. In Closing

This handbook is intended to give employees a broad summary of things they should know about the City of Hammond. The information in this handbook is general in nature and should questions arise, employees should contact their Elected Official, Department Head or Personnel Director.

While the City of Hammond intends to continue the policies, rules, and benefits described in this handbook, the City of Hammond, in its sole discretion, may always amend, add to, delete from, or modify the provisions of this handbook and/or change its interpretation of any provisions set forth in this handbook.

Employees should not hesitate to speak to their Elected Official, Department Head, or Personnel Director about the City of Hammond or its personnel policies or practices.

21-41

SPONSOR: Janet Venecz  
Councilwoman at Large

ORDINANCE NO. 9527

**AN ORDINANCE AMENDING ORDINANCE NUMBERS 6049, 7472, 8620, 8638, 8669, 9181, 9242, AND 9429 ALSO KNOWN AS SECTION 37.020 OF THE HAMMOND MUNICIPAL CODE, PERTAINING TO AN EMPLOYEE REPORTING POLICY**

WHEREAS, the City of Hammond presently has a Personnel Policy Manual/Employee Handbook for Hammond employees as set forth under Section 37.020 of the Hammond Municipal Code; and

WHEREAS, to protect the safety of Hammond employees and the public when an employee engages in off duty conduct that leads to their arrest related to their job duties, the Employee Handbook must now be amended to include an employee reporting policy addendum; and

WHEREAS, the addendum to be added to the Employee Handbook shall be added to Section 5-1. Workplace Conduct, is attached as an exhibit, and made part of this Ordinance as if listed here in its entirety, and

THEREFORE, BE IT ORDAINED by the Common Council of the City of Hammond, Indiana that Ordinance Numbers 6049, 7472, 8620, 8638, 8669, 9181, 9242, and 9429, the same being known as Section 37.020 of the Hammond Municipal Code is amended to reflect the added employee reporting policy addendum to Section 5-1. Workplace Conduct as follows:

**See Attached Exhibit**

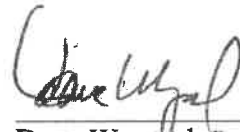
THEREFORE, BE IT FURTHER ORDAINED that if any part of this ordinance shall be held invalid by a court of competent jurisdiction, the remainder thereof shall not be affected.

**AN ORDINANCE AMENDING ORDINANCE NUMBERS 6049, 7472, 8620, 8638, 8669, 9181, 9242, AND 9429 ALSO KNOWN AS SECTION 37.020 OF THE HAMMOND MUNICIPAL CODE, PERTAINING TO AN EMPLOYEE REPORTING POLICY**

BE IT FURTHER ORDAINED this Ordinance shall be considered as amending Section 37.020 of the Hammond Municipal Code, and if there by any conflict therewith any other section, this Ordinance shall take precedence.


BE IT FURTHER ORDAINED by the Common Council that this Ordinance shall be in full force and effect from and after its passage by the Common Council, signing by the President thereof, and approval by the Mayor.

ADOPTED AND APPROVED BY the Common Council of the City of Hammond, Indiana this 12th day of October, 2021.

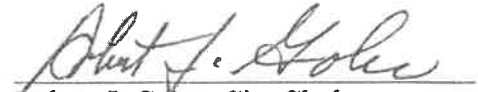


Dave Woerpel, President  
Hammond Common Council

ATTEST:

  
Robert J. Golec, City Clerk

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond to the Mayor of said City for his approval on the 13th day of October, 2021.



Robert J. Golec, City Clerk  
City of Hammond, Indiana


**AN ORDINANCE AMENDING ORDINANCE NUMBERS 6049, 7472, 8620, 8638, 8669, 9181, 9242, AND 9429 ALSO KNOWN AS SECTION 37.020 OF THE HAMMOND MUNICIPAL CODE, PERTAINING TO AN EMPLOYEE REPORTING POLICY**

The foregoing Ordinance No. 9527 consisting of three (3) typewritten pages, including this page, and attached exhibit, was APPROVED AND SIGNED BY ME, the undersigned Mayor of the City of Hammond, Indiana on this 13<sup>th</sup> day of October, 2021.



Thomas M. McDermott, Jr., Mayor  
City of Hammond, Indiana

PASSED by the Common Council on the 12<sup>th</sup> day of October, 2021 and Approved by the Mayor on the 13<sup>th</sup> day of October, 2021.



Robert J. Golec, City Clerk  
City of Hammond, Indiana

**CITY OF HAMMOND EMPLOYEE HANDBOOK ADDENDA  
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Addendum 5-1. Workplace Conduct

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**Addendum to Section 5-1. Workplace Conduct**  
**Employee Reporting Policy, Criminal Misdemeanor and/or Felony Charge or Arrest**

Purpose and Scope

The City of Hammond has established the following policy to protect the safety of its employees and the general public when an employee engages in off duty conduct that leads to their arrest or charge related to their job duties.

The City of Hammond commits to review the circumstances of the arrest and/or pending charge(s), and conduct an individualized assessment of the charge, the circumstances, and connection to the employee's job duties. The department head/supervisor, in conjunction with the Personnel Director, will determine the most appropriate course of action, if any. Such action may include, but is not limited to, modification of duties or work assignment.

Misrepresentation of the circumstances or nature of arrest and/or charge may be grounds for disciplinary action, up to and including termination.

Procedure

It is the responsibility of all City of Hammond employees to report to their supervisor and/or department head any arrest or charge for a criminal misdemeanor or felony, within seventy-two (72) hours of the inciting incident. The employee must provide to their supervisor/department head any written documentation that describes the criminal arrest and/or charge(s) in question. The employee's supervisor/department head shall then immediately notify the Personnel Director.