

# Personnel Policy and Procedural Manual

Effective: 04.12.2017

Updated 12.28.2021 via Ordinance 2021-018



LITTLE TOWN ON LAKE MAXINKUCKEE

Town of Culver,  
Indiana



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LITTLE TOWN ON LAKE MAXINKUCKEE

## WELCOME

TO A PROUD “TEAM” DEDICATED TO “CITIZEN SERVICE”

Your fellow employees of the Town of Culver welcome you to the Team. You have been chosen to receive an opportunity to become part of a proud working tradition. Your co-workers and their predecessors have established an outstanding reputation serving the citizens and customers of Culver. Indeed, our motto is “Citizen Service”. Simply put, this means our mission is to provide quality service on a consistent basis with economy and efficiency in mind. We must be ever mindful of how we spend our taxpayers’ dollars.

Please understand you will be in the public's eye. Greater scrutiny and expectations from our citizenry is your heritage. We are confident you will serve with honor.

The Town policies and procedures have been adopted to provide guidance for all concerned. It is your responsibility to know and practice them. As you study this manual, please list any questions for review with your supervisor. A thorough understanding of these procedures will make all our working lives better.

When problems or concerns arise, employees should attempt to resolve them with his/her supervisor. Perhaps the matter can be taken care of before it becomes necessary to file a formal grievance.

We ask that you do not let little problems become big ones through neglect. If its work related, and is bothering you, discuss the matter with your supervisor.

The Town of Culver is proud of the benefit package provided to our valued employees. Your supervisor will explain these benefits and let you know at what point you will be eligible for them.

Culver is an outstanding community. One of the biggest reasons we are that way is the pride and dedication of our municipal work force. It is a pleasure to welcome you to an organization that is dedicated to “Citizen Service.” We are confident you will soon be contributing to make Culver an even better place to work and live.

# **Policy Administration**

## **I. Introduction and Purpose**

- A. The purpose of this Personnel Policy and Procedure Manual is to provide a consistent, systematic, and organized approach to the establishment, implementation, and administration of the personnel policies of the Town of Culver (hereinafter also referred to as the Town). This manual was written, adopted, and interpreted exclusively by the Town Council, and is not subject to modification, or changes by any employee except as may otherwise be specifically authorized and recognized by the laws and/or Constitutions of the State of Indiana and United States.
- B. This manual will be used to assist and guide personnel in the day-to-day direction and performance of the general workforce, the result being that a number of important and responsible goals may be achieved:
  - i. First, by implementing uniform personnel policies that are applied in as consistent and impartial a manner as is practicable, the goal is to promote the best possible working relationships and highest morale among all Town employees. This manual was created for personnel not covered by any other bargaining agreement. Furthermore, it is not the intent or purpose of this personnel policy and procedure manual to supersede or overrule any state or federal laws. It is, however, the intent of this personnel policy and procedure manual to provide support, direction, and procedures that will enable the Town to practice fair and consistent daily personnel administration.
  - ii. Second, by providing employees with fair and equal opportunities in their recruitment and advancement, by evaluating their services on the basis of merit and fitness, and by giving consideration to their needs and desires, the goal is to provide an employment atmosphere that increases the cooperation and productivity of the employees together with the prospects for career opportunities within the Town and each office or department of Town government.
  - iii. Third, by providing dependable and courteous services to the residents of the Town, the goal is to enhance the reputation and stature of the Town's departments and offices within the community.
- C. This manual is not a contract of employment and does not guarantee employment for any specified duration.
- D. Any further questions relating to the purpose, goals, and/or interpretation of the policies contained herein should be directed to the Town Council.

## **II. Organization and Responsibility**

- A. The Town Council and Clerk-Treasurer will also be represented in this manual as the Elected Official.
- B. The Town of Culver is governed by the Town Council. The Town Council is responsible for the general administration of Town business.
- C. The Town is organized into various departments, or offices, to ensure adequate expertise, specialization, and efficient functioning.
- D. Each employee's particular duties, obligations, and areas of responsibility are defined in his/her position description and/or by assignment or directive of any supervisor. Employees are

responsible for the completion of specific work assignments and the quality, quantity, and timeliness of the work performed, to their supervisor

- E. The rights, authorities, powers, and responsibilities of Town employees at all levels, with respect to the policies in this manual, are more clearly delineated in the specific subject areas. However, in general, the Town Council is charged with the development, promulgation, and adoption of the provisions of this manual. The various management and supervisor personnel are charged with applying, interpreting, enforcing, and generally ensuring compliance with the provisions of this manual. It is the obligation and a requirement as a condition of employment for each individual person employed by the Town to comply in every respect with the provisions of this manual and any related procedures and work rules and to perform their assigned duties in a responsible manner creditable to the Town. As such, all Town employees are expected to become knowledgeable about the content of this manual and abide by the policies set forth herein. Any questions, concerns, or lack of understanding about a particular provision of this manual should be promptly discussed with their supervisor or the Elected Official.

### III. Policy Manual Administration

To implement this Personnel Policy and Procedure Manual and to oversee its administration on a day-to-day basis, the following procedures will be taken:

- A. A copy of this Manual will be given to all current employees of the Town of Culver and to all new employees, to include part-time employees subsequent to its adoption.
- B. The contents of this manual are subject to change without notice at the sole discretion of the Town Council. Only the Town Council will have the authority to make revisions of policies contained herein.
- C. Any changes in the Policy and Procedure Manual shall in no way alter the Employment-At-Will policy or create a binding contract between the Town and any employee.
- D. Employees are encouraged to make suggestions for improvements in personnel policies and practices. Suggestions should be directed to the Clerk-Treasurer/Department Head in writing, together with an explanation as to how such a change could benefit the Town, Department, and/or the public.
- E. The Town will attempt a review of the manual at two (2) year intervals or as may be indicated by law or change in characteristics of the Town workforce.
- F. The policies of this manual supersede all previous policies of the Town of Culver or any department jurisdiction of the Town, written or unwritten, on subject matters covered or referred to herein. **The EMS, and Police Department's Standard Operating Procedure Manual will supersede this manual in situations where that manual is written with stricter requirements or in accordance with State and Federal Laws. In policy areas in which the EMS and/or Police Department (SOP) manual is silent on a topic, the Town Policy and Procedure Manual will be in effect.**
- G. The Clerk-Treasurer/Department Head/Town Manager maintains the ultimate right to manage their employees, consistent with the policies set forth in this manual and all applicable State and Federal laws. The Clerk-Treasurer/Department Head / Town Manager's rights include, but are not limited to, determining methods and procedures, number of employees, assignment of duties, hours of employment, compensation, hiring, disciplining, discharging, promotion, and transferring employees, and laying off employees for lack of work, lack of funds, or due to job abolishment.

- H. In the event that any section of this manual or amendment or revisions thereto is held to be unenforceable, contrary to law or otherwise restrained from its full force and effect by a court or other tribunal of competent jurisdiction, the remaining section(s) of the manual, to the extent that they remain unaffected by such declaration or restraint, shall continue in full force and effect.
- I. Any change to this manual will be effective only if set forth in writing, by ordinance, and approved by the Town Council.

## **IV. Equal Employment Opportunity**

It is the policy of the Town of Culver that all personnel actions such as: hiring, rate of compensation, benefits, promotions, transfers, layoffs, recalls, Town-supported training, and social or recreational programs shall be administered without regard to race, religion, color, sex, disability, national origin, ancestry, or status as a veteran. Therefore, all such personnel actions should be consistently administered for all employees without compromise and thus should be based on the results achieved on the job, as well as objective job relatedness in both job qualifications and performance standards.

## **V. Discrimination/Sexual Harassment**

- A. The Town Council believes that all our employees should be able to work in an atmosphere free from all forms of employment discrimination, including sexual harassment. The Town of Culver's policy is to forbid sexual harassment and any type of discrimination. This policy extends to every level of our operations. Accordingly, discrimination and sexual harassment, whether by a fellow employee, supervisor, or council member will not be tolerated. Activities of this nature serve no legitimate purpose; they have a disruptive effect on the employee's ability to perform, and they undermine the integrity of the employment relationship.
- B. The Town Council takes allegations of discrimination and sexual harassment very seriously. Any employee who believes that he/she is a victim of discrimination or sexual harassment should immediately bring the matter to the attention of their Elected Official/Department Head, or in the case where the Elected Official/Department Head is the problem, contact the Council President or Town Attorney. All such matters will be treated confidentially, and with the utmost discretion. The Town Council/designee will actively investigate all discrimination and sexual harassment complaints, and if determined that discrimination or sexual harassment has occurred, the Council will take appropriate disciplinary action against the offending party, up to and including termination.
- C. Acts considered to constitute sexual harassment include, but are not limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature where:
  - 1. Submission to such conduct is either an express or implied term or condition of employment;
  - 2. Submissions to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person;
  - 3. The purpose or the effect of such conduct is to interfere with the affected individual's job performance or to create an intimidating, hostile, or offensive work environment.
- D. Acts considered to constitute discrimination include, but are not limited to:
  - 1. Hiring based upon race, religion, color, sex, disability, national origin, ancestry, or status as a veteran.



2. Promotions based upon race, religion, color, sex, disability, national origin, ancestry, or status as a veteran.
3. Pay increases based upon race, religion, color, sex, disability, national origin, ancestry, or status as a veteran.

## **VI. Verbal Harassment**

- A. Verbal abuse, as used in this policy, means to disturb or persistently irritate through repeated attacks on fellow employees and/or Supervisors as to disrupt their work or reputations.
- B. The Town Council, or their designee, will actively investigate all verbal harassment complaints, and if determined that harassment has occurred, the Council will take appropriate disciplinary action against the offending party, up to and including termination.

## **VII. Physical Harassment**

- A. Physical harassment means to knowingly and intentionally cause or inflict physical pain to a fellow employee. The Town Council or their designee will actively investigate all physical harassment complaints, and if determined that physical harassment has occurred, the Council will take appropriate disciplinary action against the offending party, up to and including termination.

## **VIII. Harassment/Discrimination Grievance Procedures**

It is helpful for the victim to inform the harasser directly that the conduct is unwelcome and must stop.

If an employee desires to file a harassment or discrimination complaint against anyone who works for the Town, the following procedures shall be followed:

- A. Any employee who believes that he/she has been harassed or discriminated against must report this information to the Elected Official/Department Head as soon as possible.
  1. If the charge is against the Elected Official/Department Head, the employee must report this information to the Town Council President as soon as possible.
  2. If the charge is against the Council President, the employee must report the incident to another Council member as soon as possible.
  3. The Council member will notify the Town Attorney as soon as possible.
- B. Upon notification, the Elected Official/Department Head or their designee will conduct a thorough investigation of the alleged incident. The investigation will consist of the following:
  1. A written statement from the victim, along with an interview
  2. Interviewing all of the witnesses to the alleged violation
  3. Interviewing and obtaining a written statement from the alleged violator
- C. A written analysis of the investigation will be provided to the victim, alleged violator, and the Town Council.
- D. A Town Council Executive Session Hearing will be conducted to render a final decision.
  1. The Town Council will meet within two (2) weeks of the initial claim

2. The victim and the alleged violator will have the opportunity to make a statement and provide the Council with additional information, if necessary.
3. The Town Council will render a final disposition at the close of the executive session hearing.

E. The Town Council's decision will be carried out immediately.

## **IX. Americans with Disability Act (ADA)**

- A. It is the policy of the Town of Culver that qualified individuals with disabilities are not to be excluded from participation in, or benefit from, the services, programs, or activities of the Town. It is the policy of the Town not to discriminate against a qualified individual with a disability in: job application procedures, the hiring, advancement or discharge of employees employee compensation, job training and other terms, conditions and privileges of employment. It is the intent of the Town to comply with all applicable requirements of the Americans with Disabilities Act (ADA).
- B. The Town will reasonably accommodate persons with a disability on a case-by-case basis, which may include making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules and/or equipment, or similar accommodations.
- C. Employees should contact the ADA Coordinator for assistance when an accommodation is necessary. Such employees are required to provide pertinent medical information.
- D. Accommodations may not create an undue hardship for the Town or other employees. An individual who cannot be reasonably accommodated for a job, without undue hardship, will not be selected for that position.
- E. All employees are required to comply with safety standards. Applicants, who pose a direct threat to the health or safety of other individuals in the workplace and where the threat cannot be eliminated by reasonable accommodation, will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on the appropriate leave.
- F. Further, disabled individuals cannot pose a direct threat to the safety of themselves or others. Generally, a "direct threat" means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation. Benefits provided to disabled individuals who are qualified to perform the work must be consistent with the benefits provided to other employees. Any individual who believes he/she has received treatment inconsistent with the policies set forth above or any other requirement of ADA, may file a complaint with the ADA Coordinator.

## **X. Nepotism**

A. Purpose:

1. All decisions about hiring, promoting, evaluating, awarding salary increases, job assignment, terminating employees, and awarding of contract for goods, services, and public works projects should be based on the qualifications, performance, and ability of the employee or contractor. Every attempt to avoid favoritism and conflicts of interest in employment related contractual decisions instills confidence of the electorate in its government. The purpose of this policy is to prohibit certain individuals from being employed by the Town of Culver in a position in which a relative, as defined in this section, provides direct supervision. Additionally, this policy regulates contracting with relatives of individuals employed by the Town of Culver for goods, services, and public works projects.

B. Definitions:

1. **Break in Employment:** Termination, retirement, or resignation of an employee from the Town. A break in employment does not occur due to absence from the workplace while on a paid or unpaid leave, including but not limited to: vacation, personal days, sick or family medical leave, or worker's compensation leave, or if the employment is terminated, followed by immediate re-employment by the Town without loss of payroll time.
  2. **Town:** The Town of Culver and its boards and departments.
  3. **Direct Line Supervisor:** An elected officer or appointed employee who is in a position to affect the terms and conditions of another individual's employment. Such affect may include, but is not limited to, making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. Decisions and action taken by the Town Council regarding the passage of annual salary ordinances, annual budgets, and personnel policies are excluded from this definition.
  4. **Elected Official:** Town Council Members, Town Clerk-Treasurer.
  5. **Employed:** An individual who works for or is appointed to any department or board of the Town on a full-time, part-time, temporary intermittent, seasonal, hourly, or contractual basis.
  6. **Relative:** For the purposes of this section, the term includes any of the following: parents, spouse, or stepparent, child or stepchild, brother, sister, stepbrother, stepsister, niece, nephew, aunt, uncle, daughter-in-law or son-in-law, sister-in-law, brother-in-law.
- C. Unless otherwise specified by State law, relatives will not be hired, promoted, or transferred to positions that:
1. Place them in direct or indirect supervisory or managerial capacity a relative.
  2. Allows them to directly or indirectly influence salary adjustments, career progress, or other managerial activities involving a relative.
  3. Require them to audit or review the work of another relative.
- D. If an existing Council Member has a relative working for the Town, that Council Member shall abstain from any vote affecting that employee's pay wage, benefits, promotion, demotion, etc.
- E. There is a "Grandfathering clause" for current Elected Officials or employees with family relationships that would otherwise be in violation of the nepotism policy unless there is a break in the office holding or in employment. Grandfathered employees may remain in their positions and they may be promoted as long as they do not report directly to the family member. Employees hired after July 1, 2012, who in later years have relatives elected that are in the direct line of supervision, will have no promotion possibilities unless the promotion is within the merit ranks for police and fire departments.
- F. Contracting Policy: The Town may enter into or renew a contract for the procurement of goods, services, or public works projects with a relative of an Elected Official or a business entity in which a relative has an ownership interest if:
1. The Elected Official files with the Town a full disclosure which must be:
    - i. In writing, and
    - ii. Describe the contract or purchase to be made by the Town, and
    - iii. Describe the relationship the Elected Official has to the individual or business entity that provides the contract for goods, services or public works projects.

2. The appropriate Town Board or Department
  - i. Issues a certified statement that the contract amount or purchase price was the lowest amount or price bid offered; or
  - ii. Issues a certified statement detailing the reasons why the particular vendor or contractor was selected.

G. State statute requires that each Elected Official of the unit must annually certify in writing, subject to the penalties for perjury, that the officer has not violated the nepotism law and submit the certification to the Clerk-Treasurer no later than December 31 of each year.

## **XI. Employer-Employee Relations**

- A. The Town is committed to a mutual rewarding and direct relationship with its employees. Thus, the Town attempts to be receptive to constructive suggestions, criticisms, and questions. Town Manager will conduct regularly scheduled departmental meetings to keep employees informed about items of interest and discuss issues of concern to employees. The Town, as part of its commitment to delivering the highest level of services to our residents and guests, expects all employees:
  1. To treat all residents, guests, and suppliers as customers of all Town services
  2. To represent the Town in a positive and ethical manner
  3. To perform assigned tasks in a safe and efficient manner
  4. To attend work as required and to be punctual
  5. To demonstrate a considerate, friendly, and constructive attitude toward fellow employees, Supervisors, and Elected Officials
  6. To follow the Town and departmental policies and practices
- B. The Town Manager retains the sole discretion to exercise all managerial functions, including the following rights:
  1. To dismiss, assign, supervise, and discipline employees
  2. To determine and change employee work schedules to meet the needs of our residents and guests of the Town of Culver
  3. To assign employees to other jobs within departments or into other departments
  4. To determine and adjust the employee number and specific qualifications of the workforce
  5. To assign duties to employees in accordance with the Town's needs and requirements and to carry out all ordinary administrative and management functions
  6. To establish, change, and abolish policies, practices, roles, and regulations as the Town works to meet the needs of its residents

## **XII. Alcohol and Drug Free Workplace**

- A. It is the intent and obligation of the Town of Culver to provide the employees with an Alcohol and Drug Free Workplace.
- B. Employees of the Town are expected and required to report to work on time and in appropriate mental and physical condition. It is unlawful to manufacture, consume, possess, control, distribute, or sell alcohol or illegal/prescription drugs, in any amount, at any time during working

hours, or at any time while on Town premises. Alternatively, when the employee is performing his/her job functions while off Town premises, a commission of the above unlawful acts will also constitute a violation of this policy. Violation of this policy is strictly prohibited. Violation of this policy may result in disciplinary procedures up to and including termination.

- C. The Town recognizes alcohol or drug dependency as an illness and a major health problem. Additionally, the Town also recognizes alcohol or drug abuse as a potential health, safety, and security problem. The Town understands that some employees are hesitant or afraid to ask for help even when they are aware that they may have a drug and/or alcohol problem. Employees needing help in dealing with such problems will have one opportunity to ask for help without repercussion. The employee should contact the Clerk-Treasurer/Department Head for guidance and direction. Every effort will be made to confidentially refer the employee who needs and requests such help to qualify for help. The employee will have one chance to seek such help without jeopardizing his/her job.
- D. Any employee who is convicted of a criminal drug statute in the workplace must inform the Town within five days of such a conviction. When the Town learns of the conviction, appropriate discipline action will be taken by the Town against the employee.

#### E. Pre-Employment

Applicants may be required to submit to an alcohol and drug test prior to being offered a position with the Town of Culver.

#### F. Post-Accident Testing

Any employee who is in an accident while driving the Town vehicle must submit to a post-accident drug and alcohol test as soon as possible, but within two (2) hours after an accident, whenever:

1. He/she receives a citation for a moving violation involving the accident; or
2. Either a person is injured because of the accident (caused by Town employee) and the injuries require immediate medical treatment to the person away from the accident scene; or
3. One or more motor vehicles involved in the accident (caused by Town employee) incur disabling damage and must be transported away from the accident scene by a tow truck or another vehicle.
4. Any employee who must seek medical attention for a work related accident will be required to submit to a post-accident drug and alcohol test.

“Note the police can also request that a test be done following an accident.”

An employee who is required to take a post-accident drug and alcohol test will, at the Town’s discretion, either be assigned to a position which does not require driving Town vehicles, or placed on non-disciplinary suspension with pay while awaiting the post-accident test results.

An employee who tests positive for drugs and/or alcohol, or who refuses or fails to submit to a post-accident drug and alcohol test will be subject to disciplinary action, up to and including discharge.

#### G. Reasonable Suspicion Testing

The Town will administer an alcohol and/or drug test when there are specific and objective reasons to believe that an employee’s behavior is jeopardizing workplace safety. No test is to be performed until there is “cause” to believe that the employee is impaired and it is properly documented, preferably in writing by a Town Manager, Elected Official/Police Officer.

An employee who tests positive for drugs and/or alcohol will be subject to disciplinary action, up to and including discharge. Any employee who refuses testing will be terminated.

### **XIII. Commercial Driver's License (CDL)**

- A. Any Town employee, who is required to drive a Town vehicle, which meets the federal regulations to be considered (heavy equipment), will be required to maintain a Commercial Driver's License (CDL). These employees will be required to participate in the Town's alcohol and drug-testing program as mandated by the Department of Transportation.
- B. If the employee is required by the Town to maintain a CDL as a condition of employment, the Town will pay for CDL physicals and CDL license renewal.
- C. The goals of the CDL drug and alcohol testing policy are to insure a drug and alcohol-free work environment, and to reduce and help eliminate drug and alcohol related accidents, fatalities, and damage to property.
- D. Under the Town's Policy, drug and alcohol testing will be conducted on any current and/or prospective driver who may be required to operate a motor vehicle having a gross vehicle weight rating in excess of 26,000 pounds in interstate or intrastate commerce, and on any driver of a motor vehicle that is used to transport hazardous materials in a quantity which requires the vehicle to be placard regardless of the vehicle's size.
- E. All applicants for positions with the Town which will include driving Town equipment, and which meets the above requirements will be notified of the Town's drug and alcohol use and testing policy at the time they apply. They will be required to pass an alcohol and drug test before becoming employed by the Town.
- F. A CDL Driver must maintain his/her CDL license status or face a change of job classification or termination if the employee's job duties require a CDL license.
- G. The Town will implement the following policies:

#### ***1. Post-Accident Testing***

Any employee carrying a CDL must submit to a post-accident drug and alcohol test as soon as possible, but within two (2) hours after an accident, whenever:

- a. he/she receives a citation for a moving violation involving the accident; or
- b. either a person is injured because of the accident (caused by Town employee) and the injuries require immediate medical treatment to the person away from the accident scene or
- c. one or more motor vehicles involved in the accident (caused by Town employee) incur disabling damage and must be transported away from the accident scene by a tow truck or another vehicle.

A supervisor on the scene can ask the employee to submit to drug and/or alcohol test if they believe the situation warrants one even if there is no personal injury or disabling vehicle damage.

“Note the police can also request that a test be done following an accident.”

An employee who is required to take a post-accident drug and alcohol test will, at the Town's discretion, either be assigned to a position which does not require driving Town vehicles, or be placed on non-disciplinary suspension with pay while awaiting the post-accident test results.

An employee who tests positive for drugs and/or alcohol, or who refuses or fails to submit to a post-accident drug and alcohol test will be subject to disciplinary action, up to and including discharge.

## 2. ***Random Drug Testing***

The Town is required to test CDL employees on a random basis, and all such tests will be unannounced. Every employee will have an equal chance of being selected every time the selection is conducted. Appropriate safeguards are also present to ensure that the identity of the individual drivers cannot be determined before, or at the time of their selection. When a driver is randomly selected to be tested, he/she will be notified and instructed to report to the collection site immediately.

An employee who tests positive for drugs and/or alcohol, or who refuses or fails to submit to a random drug and/or alcohol test will be subject to disciplinary action, up to and including discharge.

## 3. ***Reasonable Suspicion Testing***

Each CDL employee is required to submit to a drug and alcohol test whenever the Town has reasonable suspicion to believe that the driver has used drugs and/or alcohol in violation of DOT regulations and/or this policy.

Reasonable suspicion will exist when an employee's appearance, behavior, speech, or body odors indicate drug or alcohol use, or the withdrawal effects of drugs. Such observations must be personally observed and documented by at least one department head who has received training covering the physical, behavioral, speech, and performance indicators of probable drug and alcohol use. (If the trained individual is not available, the supervisor who observes the impairment will use his/her best judgment to determine whether a test is necessary.)

An employee who is required to submit to a reasonable suspicion test will be escorted by his/her supervisor to the appropriate specimen collection site for the drug and alcohol test.

The supervisor will arrange the transportation of the employee home at the completion of the test.

An employee who is required to take a reasonable suspicion test will be considered by the Town as unqualified to work and placed on immediate suspension, without pay, pending the results of the test. An employee whose test results are positive will not be reimbursed for the time of the suspension.

An employee who tests positive for drugs and/or alcohol, or who refuses or fails to submit to a reasonable cause drug and alcohol test, will be subject to disciplinary action, up to and including discharge.

## **XIV. Management (Town Council) Rights**

- A. The Town Council, through the Clerk-Treasurer/Department Head/Town Manager, reserves all rights, which are afforded to the Council by virtue of being a Town and all authority under the Indiana Code, together with all such other rights of management, which are inherent by custom to such positions.
- B. The Town Council is responsible for determining compensation and benefits.
- C. Specifically, management (Clerk-Treasurer/Department Head/Town Manager) rights include, but are not limited to, the following:

1. The right to manage through the implementation, enforcement, amendment, deletion, or revision of policies, procedures, rules, regulations, and directives.
  2. The right to control the efficiency of operations through organization or reorganization of work methods or procedures, layoff or recall of employees due to operational or financial needs, and improvement in work methods, equipment, machinery, and facilities.
  3. The right to direct the workforce through the determination of its size and number, including the right to determine the number of shifts required, work schedules and hours of employment, including the need for overtime or compensatory time.
  4. The rights to select, retain, and assign employees based upon qualifications and duties.
  5. The right to discipline employees, including suspension, termination, or reduction in pay or position, and the right to promote and transfer employees as needed pursuant to established policy.
  6. The right to effectively, efficiently, and economically manage the departments and functional areas by determining acceptable standards of conduct and performances.
  7. The right to determine the methods, means, equipment, materials, and processes needed for the accomplishment of work.
  8. The right to establish the department's goals, objectives, programs, services, and work to be performed and to utilize personnel in a manner designed to meet these purposes and improve productivity.
  9. The right to determine when an emergency exists and implement actions and assignments deemed advisable and necessary to respond to such emergencies.
  10. The right and authority of each supervisor to promulgate and enforce any reasonable work rules, operational policies, and procedures necessary to carry out the mission, goals, objectives, and functions of the departments and other functional areas consistent with Town policy.
- D. The Clerk-Treasurer/Department Head/Town Manager shall further have the right to promulgate and enforce any rules, regulations, and procedures necessary to implement the personnel policies contained in this manual.
- E. Such rules, regulations and procedures shall not conflict in any manner with the policies of this manual and are only applicable to the particular department or office.
- F. Notwithstanding the Department Head serves at the pleasure of the Town Council. The Town Council shall retain all rights to abrogate, amend, annul, modify, rescinds or otherwise terminate any actions taken by management under this Section XIV



# **Employment**

## **I. Employment Status**

- A. All employees of Town of Culver shall be categorized as full time, part time, & seasonal/temporary.
  - 1. Regular Full-time Employee: An employee whose regularly scheduled work week is thirty-six (36) or more hours per week in a position which is designated and approved as a full-time position and who has satisfactorily completed a probationary period. This does not include individuals paid for services rendered on a claim form.
  - 2. Part-time Employee: An employee who, as a condition of employment, generally, but not necessarily, works less than twenty-nine (29) hours per week in a position, which has been approved and designed as a permanent part-time position.
  - 3. Temporary/Seasonal Employee: A full-time or part-time individual hired to work on a day-to-day or week-to-week basis who will be paid for the actual hours worked.
  - 4. Probationary Employee: An employee who is newly hired or transferred and is training for a period of at least ninety (90) days and no longer than twelve (12) months. Separation may occur at any time during this period at the discretion of the Department Head or Clerk-Treasurer or Probationary Employer.
- B. Exempt: An employee classified as Executive, Administrative, or Professional according to provisions of the Fair Labor Standards Act (FLSA), plus any Elected Official
- C. Non-Exempt: An employee that does not meet the Fair Labor Standards Act (FLSA) exempt provision
- D. All employees must provide the Clerk-Treasurer with their current address and phone number. Changes in this information must be reported within five (5) days of an employee changing address or phone number.

## **II. Position Description**

- A. A position description based upon the duties and responsibilities of jobs shall be maintained by the Town. The plan shall include job descriptions, consisting of job titles, position summaries, job requirements, exemption status and responsibilities.
- B. The Clerk-Treasurer/Department Head/ shall, as needed, review the duties and responsibilities of positions to recommend to the Town Council, adjustments or revisions to the classification plan.
- C. Any employee may request that his/her position be audited for proper classification by requesting a review through the grievance procedure. Unless duties are substantially altered on a permanent basis, the employee may not request such a review for a year from the date of the disposition of the last review.

## **III. Minimum Job Qualifications**

- A. It is the responsibility of employees to maintain the minimum qualifications of their classifications as established by the Clerk-Treasurer/Department Head/Town Manager and/or mandated by State or Federal law. The Clerk-Treasurer/Department Head/Town Manager shall determine the qualifications and requirements for each classification in the Town.

- B. Employees failing to maintain the minimum qualifications of their classification, or who do not comply with State and Federal requirements may be subject to either termination of employment or a reduction of position.
- C. If a vacancy exists in a classification for which the employee is qualified, the employee may be recommended for the position by the supervisor, with final approval granted by the Town Council.
- D. An employee who is terminated pursuant to this section may reapply for employment upon meeting the minimum requirements of the classification. An employee who is reduced in position shall receive the rate of pay of the new classification and may apply for his/her former position when a vacancy becomes available and the requirements of the position have been met. All employees are expected to make reasonable and diligent efforts to maintain the qualifications of their current classification.

## **IV. Vacancies and Appointments**

- A. In the event the Clerk-Treasurer/Department Head determines that a vacancy exists, a notice of such position opening shall be conspicuously posted for a period of (5) five working days on employee bulletin boards throughout the Town's facilities. The notice shall include the date of posting, as well as the date the notice expires. The Clerk-Treasurer/Department Head shall do the postings.
- B. All announcements will specify the job title, nature of the job, required qualifications, and essential functions of the position, compensation range, application deadline and the place to file such applications.
- C. Any employee may apply for a posted vacancy provided he/she possesses the requisite minimum qualifications and is not a probationary employee. Criteria used in evaluating an applicant's qualifications may include such considerations as evaluations, aptitude, attendance records, education, training, prior work experience history, physical and mental fitness for the position, and length of service with the Town and the particular Town department or office.
- D. In the event that no qualified employees apply or the Clerk-Treasurer/Department Head determines that, such position(s) should be filled from outside, the Clerk-Treasurer/Department Head at his/her discretion, may do so.
- E. An applicant for employment with the Town must complete an employment application, including acknowledgement that he/she is a citizen of the United States, is a legal alien, or has filed a declaration of intent to become one and a declaration that all information provided is truthful. Falsification of any statements by the applicant shall be cause for denial of employment or termination from employment if discovered after the applicant has been hired. Evidence of a conviction of a felony which was not reported, or other conduct unbecoming a public servant of the Town or posing a threat to the legitimate business concerns of the Town or its various departments shall also be cause for denial or termination from employment; however, prior criminal conviction(s) shall not be an automatic bar to employment.
  - 1. An application must be given to the Clerk-Treasurer/Department Head's Office by the close of business on the last day of posting.
- F. Upon determination of which applicants meet the minimum job-related qualifications, the applicant's knowledge, skill, and ability to perform the essential functions of the position may be considered. Applicants shall be required to provide any information and undergo any job-related performance tests, reference checks, background checks, or other job-related procedures necessary to demonstrate qualifications for the position sought. The applicant may be asked to take a pre-employment physical.

- G. Applicants who are being considered for employment with the Town will be required to submit to drug and alcohol testing to determine their ability to perform the duties of the position for which they have been selected.
- H. In the event that an applicant has a disability which affects his/her abilities to complete employment testing, a request for reasonable accommodation, made by the applicant prior to the administration of the testing, (including accessible testing sites, modified testing conditions, and accessible testing formats) will be evaluated to ensure that the application process is available to all qualified applicants.
- I. Requests for reasonable accommodations will be evaluated for applicants and employees with a handicap as required by law. Health and medical conditions shall only be a bar to employment if the employee or applicant's condition is still such that after making reasonable accommodation, he/she could not perform the substantial and material aspects of the job. In addition, the Clerk-Treasurer/Department Head, at the Town's expense, may require an employee at any time to take a medical examination conducted by a licensed physician to be selected by the Clerk-Treasurer/Department Head if they have reason to believe the employee is no longer capable of performing the substantial and material portions of the duties and responsibilities of his/her position.
- J. In the event that the minimum requirements and qualifications of a classification are changed by external law or technological advancement, it shall be the sole responsibility of the employee to meet such new requirements within a reasonable period and maintain such qualifications. Employees failing to maintain the minimum requirements and qualifications of their classification in a reasonable amount of time may be subject to reduction in position and pay, provided a vacancy exists in a classification for which the employee is qualified or termination if no such vacancy exists. The Town has no obligation to create a vacancy for an employee failing to maintain the qualifications of his/her job.
- K. An applicant may be eliminated from consideration upon other reasonable grounds relating to job requirements (i.e. inability to perform essential functions even though reasonable accommodations have been met). If an applicant is hired and it is subsequently discovered that any of the above disqualifying criteria apply, the Clerk-Treasurer/Department Head/Town Manager may terminate the employee for dishonesty, incompetence, nonfeasance, or malfeasance. The Town, through the Clerk-Treasurer's Office, shall maintain a record keeping system reflecting the disposition of all job applicants and the reasons for hiring or not hiring an applicant. Such records shall be kept on file for at least two (2) years and shall include a completed job application, medical examination data, test results, and/or any job-related information.
- L. Continued employment by the Town is conditioned upon the employee maintaining the physical, mental, and emotional ability to perform the substantial and material portions of his/her duty(ies) and a satisfactory record of performance and discipline as determined solely and exclusively by the Town Council and/or designees.

## **V. Employment Orientation**

- A. An orientation program will be conducted for all newly hired employees of the Town. The primary purpose of the orientation program is to acquaint new employees with Town policies and departmental rules and procedures, the organization's structure, their position description, to familiarize such new employees with facilities equipment, and introduce them to department personnel and Supervisors.
- B. The Clerk-Treasurer, Department Head, and Town Manager are responsible for establishing an

orientation program for new employees.

- C. This orientation program may include but is not limited to such areas as:

### **Clerk-Treasurer's Responsibilities**

Details to take care of before your first day on the job:

1. Application
2. Review Town benefits
3. I-9 Form
4. W-4 Form
5. Fill out all insurance forms
6. Fill out all payroll information
7. Review Town Personnel Policy and Procedure Manual

### **Supervisor Responsibilities**

1. Introduction to immediate supervisor
  2. Town philosophy
  3. Importance of attitude
  4. Employee dress code
  5. Reporting to work (time, place, and daily and weekly work hours)
  6. Employee parking area
  7. Where to store your personal belongings while working
  8. Personal calls
  9. Who to see if there is a question/mistake on your check
  10. Job description and training for your new job
  11. Probationary period
  12. Overtime/Compensatory time
  13. Who to call if absent
  14. Safety in the workplace
  15. What you do in case of fire or other disasters
  16. First aid procedures in case of emergency
  17. Use of Town equipment and/or vehicles, Town grievance procedure
  18. Job and employee information postings
  19. Introduction to employees within the department
  20. Others as determined by the Clerk-Treasurer/Department Head
- D. It is the responsibility of the Supervisor to establish an orientation "check- off" list covering the above areas. The individual conducting the orientation will be required to check off each area after they have acquainted the new employee with this area and obtain the employee's signature and date indicating they have completed the orientation program, and understand all information provided in each of the above areas. This checklist will be completed and sent to the Clerk-Treasurer within seven (7) days from the employee's first day of work. The signed and dated check-off list will be filed in the employee's personnel file in the Clerk-Treasurer's Office.

## **VI. Probationary Period**

- A. As an employee, the first ninety-(90) calendar days of service is considered the probationary period. Continued employment is based upon satisfactory job performance. The probationary period shall be regarded as an integral part of the examination process and shall be utilized for

closely observing the employee's work, for securing the most effective adjustment of a new

employee to their position, and for terminating any employee whose performance is not satisfactory.

- B. Only those employees who demonstrate an acceptable standard of conduct and performance during this period shall be retained in their positions.
- C. If the service of a newly hired probationary employee is unsatisfactory, he/she may be terminated at any time during his/her probationary period.
- D. Medical insurance begins the 1<sup>st</sup> day of employment.

## **VII. Performance Evaluation**

- A. During the first year of employment with the Town, the employee's job performance may be reviewed before the end of probationary period.
- B. A performance review for employee may be given by their supervisor. At these reviews, the supervisor will discuss the employee's progress with the Town, past accomplishments, performance shortcomings (if any), attendance, safety record, and overall performance on the job.
- C. All evaluations shall be properly documented and kept in the employee's permanent personnel file in the Clerk-Treasurer's Office.

## **VIII. Employee File**

- A. The Town maintains a confidential file for each employee, including (but not limited to) employment application, reference responses, attendance records, and evaluation reports. A copy of any written disciplinary action shall be given to the affected employee and shall be placed in the affected employee's personnel file.
- B. Any disciplinary action shall cease to have force and effect and will not be considered in future disciplinary action if for twelve (12) months after its effective date the affected employee has not engaged in the same or similar conduct or offense.
- C. Upon written request by the employee to the Clerk Treasurer a written warning based upon a group one violation, may be removed from the employee's file if there has been no other occurrence during the eighteen-(18) month period.
- D. Upon written request, an employee may review their personnel file. This request must be signed, dated, and given to the Clerk-Treasurer.
- E. Employee medical records will be maintained in accordance with HIPPA requirement.

## **IX. Employee Transfer**

- A. A lateral transfer occurs when an employee moves from one job to a similar job within the same classification and at the same rate of pay. The Clerk-Treasurer/Department Head/Town Manager may elect to transfer or reassign an employee from one position to another for the efficient operation of the office/department. This type of reassignment may result in a promotion, demotion or lateral transfer.
- B. If an employee's position is eliminated or abolished, the Clerk-Treasurer/Department Head/Town Manager must make every effort to laterally transfer the employee to a similar position within the office/department. If a lateral position is not available, the official may offer the employee reassignment to a lesser position, provided the office/department has one available and the employee has present ability to perform the job duties of the new position. If

no opening is available within the office/department, every effort shall be made to transfer the employee to another Town department.

- C. Vacancies in higher positions in all Town departments shall be filled as far as practical by promotion from positions in lower levels. Some of the key factors used in considering qualified candidates are performance, capacity for growth, ability to assume additional responsibilities and the ability to perform the duties of the position.
- D. An employee may be demoted at his/her own request to a vacant position in a lower class, subject to the approval of the Clerk-Treasurer or Department Head. The Clerk-Treasurer or Department Head shall determine whether the employee is qualified to perform the duties and responsibilities of the lower class position.

## **X. Separation from Employment**

Any employee can be separated from Town service by any of the following methods:

- A. Resignation: Employees wishing to leave Town employment in good standing shall provide their supervisor with written notice of intent to terminate at least two (2) weeks prior to their last day of work.
- B. Layoffs: Circumstances beyond the control of either the Town or its employees could arise that make a reduction in the workforce necessary. Such reduction may be necessitated by budget limitations, seasonal employment, weather conditions or similar conditions.
- C. Discharge: Discharge is involuntary termination, which the Clerk-Treasurer or Department Head concludes is justified. Termination may be based on incompetence, misconduct, insubordination, delinquency or general inability to perform the duties and responsibilities of the position satisfactorily or for any reason at all as long as it is not unlawfully motivated by employee's race, religion, sex, age, disability or political affiliation. Town Council must approve all discharges.
- D. Retirement: Retirement occurs when an employee concludes their working career with the Town of Culver. Provisions regarding retirement shall remain consistent with Indiana Public Employees Retirement (INPRS) rules. Employees wishing to leave Town employment in good standing shall provide their supervisor with written notice of intent to retire at least four (4) weeks prior to their last day of work.

## **XI. On the Job Training, Conferences, Professional Development**

- A. It is the employee's responsibility for maintaining and upgrading job skills. Each individual administrator, supervisor, and employee bears primary responsibility for maintaining individual knowledge, skills, and abilities necessary to perform the job, and for upgrading skills necessary to meet technological change or seek promotion. The Town may facilitate those efforts and provide training from time to time.
- B. On-the-Job Training (OJT): On-the-job training prepares an employee to perform the responsibilities required of his/her position. It allows the employee to learn his/her job duties, proper procedures, and expected performance levels.
- C. Training Program Evaluation: The Clerk-Treasurer/Department Head may periodically examine

current and proposed training programs in order to insure the program's relevance to both the individual employee and organizational training needs.

- D. Town employees may obtain training/schooling leave without loss of pay for the purpose of participating in training/schooling that will increase the knowledge and efficiency in their position with the municipality. The straight eight (8) hours per day will be paid while attending seminars, conferences, or training classes.
  - 1. If training/schooling is for one day only with travel to and from on the same day, the hours over eight (8) will be considered when calculating overtime.
- E. If possible, any expenses involved in attending such training shall be paid for in advance in accordance with the travel & expense reimbursement section.

# **Employee Behavior/Conduct**

## **I. Ethics/Conflict of Interest**

- A. The proper operation of the Town of Culver, Indiana, requires that all official representatives be effective, independent, objective, and accountable to the people they serve. To ensure these qualities are upheld, the Town has adopted this Code of Ethics and Values to promote and maintain the highest standards of personal and professional conduct in our community. All elected and appointed officials, employees, volunteers, and others who participate in our government are required to subscribe to this Code, understand how it applies to their specific responsibilities and practice these core values in their work. Because we value the public's confidence and trust in our services and its decision-makers, our character and behaviors must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this Code.

### ***Honest/Integrity***

1. To act with honesty
2. To make decisions for the public's best interests, even when they may not be popular
3. To not engage in any business that would be, directly or indirectly, inconsistent with the conscientious performance of our public duties
4. To make no private promises of any kind that may unduly influence our public duties
5. To accept the responsibility to: (1) expose corrupt practices and/or behaviors and, (2) where empowered to do so, protect any public employee from retaliation who has exposed corrupt practices and/or behaviors

### ***Respect/Civility***

1. To treat others as you would wish to be treated
2. To accomplish the goals and responsibilities of our individual positions, while respecting our role as a member of a team and the community at large
3. To act in a professional and responsive manner
4. To work together in a spirit of tolerance and understanding
5. To work to build consensus and accommodate diverse opinions
6. To communicate effectively by listening carefully, asking questions, and responding in a way that adds value to conversations

### ***Accountability/Responsibility***

1. To not participate in any decision where we have a conflict of interest or from which our family, business, or professional associates may personally benefit
2. To not use our positions, public property or public resources for the personal benefits of ourselves, our family, our business or professional associates
3. To never solicit or accept any favor or benefit for our family, our business, professional associates or ourselves that might be construed as influencing the performance of our public duties
4. To make full public disclosure of the nature of any conflict of interest prior to any action taken.



5. To avoid disclosing or abusing the information that we gain by virtue of our position for the personal benefit of ourselves, our family, businesses or professional associates.
6. To not engage in direct competition with our respective Town while we are an employee, Elected Official, or Department Head.
7. To support the public's right to know the truth and encourage diverse and civil public debate in the decision-making process.

### ***Fairness/Justice***

1. To promote non-discrimination in our decision-making for our respective Town and to make decisions based upon the merits of the issue at hand
  2. To recognize the function of government to serve the best interests of the citizens
  3. To use our authority to promote the efficient and effective delivery of public services
  4. To refrain from proposing services where adequate resources are not available
  5. To work to remedy the imbalance where inadequate resources adversely affect the best interest of the citizens
- B. Behavior inconsistent with the values set forth in this code may be redressed by the traditional instruments of governance including state law, ordinances, and work rules
- C. No employee shall use his/her position with the Town for personal gain, nor shall he/she engage in any business or transaction, which is in conflict with the proper discharge of his/her a duty.
- D. No employee shall engage in, accept private employment, or render services for private interests, when such employment or service is incompatible with the proper discharge of his/her official duties, or would tend to impair his/her independent judgment or action in the performance of his/her official duties.

## **II. Appearance/Grooming**

- A. When appropriate, a clean and neat appearance is required. It is understood that some employees may become dirty during their work schedule. Every effort should be made to provide the community with a neat and clean appearance when possible.
- B. The Town of Culver is a place of business and staff should dress accordingly. Clothing that is too revealing is not appropriate for a place of business.

## **III. Uniforms**

- A. Some employees are provided a clothing allowance for uniforms or the Town may provide uniforms. If either is provided, the employee is required to wear the clothing while on duty. If not dressed in required clothing, the employee may be required to clock out and sent home to dress in work clothes.
- B. All employees' clothing attire must follow OSHA laws and regulations.
- C. The Town will cover the cost of boots for each Utility employee, EMT, and Police officer up to a set amount each year. Please refer to the salary ordinance for the amount the Town will pay each year.
- D. Full time EMS employees and police officers will be given a uniform allowance each year. Please check with your department head for current amount.

## **IV. Behavior**

- A. Always treat the public with respect. Employees are expected to adopt a friendly, courteous, and service oriented attitude towards the citizens and customers of Culver.
- B. There may be situations where a police officer's job duties require him/her to violate some of these employees' behaviors policies. The officer who finds him/herself in these situations will not be considered in violation of said policies.
- C. Employees may not have on their person and/or use of a firearm, ammunition, or other deadly weapons on Town property while on duty by Town employees who are not police officers. Employees are allowed to keep a firearm locked within their personal vehicle during working hours.
- D. Each employee is responsible for keeping a professional relationship with all other employees and will conduct himself or herself accordingly - making sure that the work environment is safe and free of all personal issues. Although dating relationships at work are not prohibited, they should never affect the work environment.
- E. Profane or vulgar language is not permitted while on duty.
- F. Personal telephone calls are acceptable, but should be limited. Receiving personal telephone calls at work shall be limited as much as possible (Please inform family/friends concerning this policy). When telephone calls are necessary, please try to limit length of the call. No personal phone calls are allowed to be charged to the Town's business numbers.
- G. Improper (i.e. immoral, unethical and unprofessional) or unproductive use of the Town's computers and the Town's email system will not be tolerated.
- H. Fighting, immoral acts, threats, intimidation, or similar behavior aimed at the public or other employees will not be tolerated.
- I. Visits from family and friends while on duty should be limited.
- J. While not everything can be listed, you should remember that your behavior should reflect the fact that you work for the public and that your behavior could negatively affect the people you meet.
- K. Excessive complaints from the public against any employee will be investigated and may result in disciplinary action
- L. Violation of federal, state or local laws and/or ordinances may result in disciplinary action up to and including termination.

## **V. Attendance/Late Arrival**

- A. Excessive absenteeism may result in disciplinary action. All Town employees are expected to report on their scheduled days.
  - 1. If a regular full-time employee cannot work or must leave early, time missed will be charged to vacation leave, personal leave, sick leave, time without pay, or under certain circumstances, the Department Head or Clerk-Treasurer may allow the employee to make up time missed, provided that time missed is made up within the same pay period and is documented.
- B. The Clerk-Treasurer/Department Head reserves the right to request documentation of illness from a physician after one (1) working day of absence due to sickness. The documentation from the physician is used only for information purposes.

- C. Continued absences after all leave time has been used, and is disruptive to the work operations of the department, may be cause for suspension and possible discharge.
- D. The absence of an employee from duty, including any absence for a single day that is not authorized in accordance with the policies contained herein shall be deemed an unauthorized absence.
- E. All employees of the town have the responsibility to be at work on time, and remain at their workstations, with the exception of lunch periods and breaks, until the end of the workday.
- F. It is the responsibility of the supervisor to accurately document all leave time. Any unauthorized absence shall be without pay and may be subject to disciplinary action.
- G. Any employee who is absent for three (3) consecutive days without authorization shall be deemed to have resigned unless the employee within five (5) days of the first day of absence provides evidence in writing of extenuating circumstances which are accepted. If an employee must be absent from work, he/she is to personally notify his/her supervisor as soon as possible after normal work hours begin or as designated by the Clerk-Treasurer or Department Head. If an employee is incapacitated, he/she must have a representative call his/her supervisor within the same time element.
- H. Tardiness is defined as not being on the job at the start of the employee's designated work period or leaving the workstation prior to the end of the employee's designated work period without consent of the supervisor. The employee is to notify the supervisor of the situation and the approximate time he/she will be at work.
- I. Excessive tardiness/early leaves and absenteeism will result in disciplinary action taken against the employee and may result in termination for just cause.

## VI. Unexcused Absence Policy

An employee will be considered on an **Unexcused Absence** when he/she has exhausted all benefit time, (i.e. vacation, sick, or personal days) and takes a day off without pay.

If an employee has an **Unexcused Absence**, he/she will:

- Step 1.** **Receive a verbal warning** confirmed in writing following the first unexcused absence.
  - a. This warning will be placed in the employee's file and be active for twelve (12) months following the unexcused absence.
- Step 2.** **Receive a written warning** if a second unexcused absence occurs within the twelve (12) months following the first unexcused absence.
  - a. This warning will be placed in the employee's file and be active for twelve (12) months following the unexcused absence.
- Step 3.** **Receive a second written warning, and a three (3) day suspension without pay**, if a third unexcused absence occurs within the twelve (12) months following the second unexcused absence.
  - a. This warning will be placed in the employee's file and be active for twelve (12) months following the absence.
- Step 4.** **Be subject to termination** if a fourth unexcused absence occurs within the twelve (12) months following the third unexcused absence.
- Step 5.** **If an Unexcused Absence** occurs after the active twelve (12)-month period has elapsed from a prior unexcused absence, the employee will be given a written warning and will begin the process over again starting at **Step 2**.

## VII. Outside Employment

- A. Employment “conflicts,” as set forth in this policy, are when a second job impairs the employee's ability to perform the duties of his/her position.
- B. Full-time employment by the Town shall be considered the employee's primary occupation, taking precedence over all other occupations. “Outside” employment, or moonlighting, shall be a concern to the Town Council only if it adversely affects the job performance of the employee's Town job.
- C. Should the Supervisor feel that an employee's outside employment is adversely affecting the employee's job performance, the Supervisor may recommend, but may not demand, that the employee refrain from such activity. However, any conflict, policy infractions, or other specific offense which is the direct result of an employee's participation in outside employment will subject the employee to discipline or discharge.

## VIII. Progressive Disciplinary Policy

All employees are expected to perform their duties in a competent, efficient, and professional manner. Further, employees are required to act courteously and cooperatively with their fellow employees, Supervisors, and the public. When employee conduct falls below these standards, disciplinary action may be warranted.

There may be situations during the course of performing a police officer's job duties, which require him/her to violate some of these employee policies. The officer who finds him/herself in these situations will not be considered in violation of said policies, as long as the Supervisor agrees that the behavior was part of the officer's duties.

In order to promote the common good and welfare of the Town and its employees, the Town has established rules of conduct. The commission of any of the acts listed below will result in disciplinary action ranging from verbal or written warnings to suspension or immediate discharge, depending on the act and the circumstances.

This list is not exhaustive:

### A. Group I Rules

If a violation of a Group I rule occurs, the supervisor/assistant will use the following procedures:

- Step 1** Corrective interview, confirmed in writing
- Step 2** Violation of any Group I rule, within the calendar year, may subject the employee to up to three (3) days suspension without pay.
- Step 3** Violations of any Group I rule, following a disciplinary suspension, will be subject to discharge
- Step 4** The employee may request to have any written documentation removed from his/her file at the end of a year if no additional violations have occurred.

The following list provides examples of disciplinary violations (This is not intended to be an exhaustive list):

1. Excessive tardiness or absence
2. Leaving town premises during working hours without permission
3. Failing to report absence within one-half (1/2) hour after starting time
4. Neglect of duty and/or failure to perform assigned duties

5. Failure to follow established work procedure and policies
6. Failure to secure prior authorization to perform overtime duties
7. Horseplay or use of machinery, equipment, or tools in a hazardous manner
8. Creating or contributing to any unsanitary condition
9. Unauthorized use of bulletin boards
10. Unauthorized use of Town computers
11. Posting notices in unauthorized places
12. Restricting one's own production or interfering with the production of other employees
13. Conducting personal business on Town time
14. Violating safety regulations
15. Failing to make an immediate report of an occupational injury
16. Fighting or committing an assault
17. Failure to report an accident while on Town time
18. Failure to wear provided Town uniforms for departments that are required to wear them
19. Violation of the smoking policy
20. Failure to report a traffic ticket while driving a Town vehicle

### ***B. Group II Rules***

Any violation of a Group II rule will result in the employee being relieved from duty with pay or without pay from (3) three to (5) five days and may be subject to discharge pending an Elected Official hearing. Examples of Group II disciplinary actions include, but are not limited to the following:

1. Improper use of Worker's Compensation leave or extended disability leave benefits
2. Insubordination
3. Possessing firearms, weapons, explosives, and so forth, on the premises
4. Disclosure of confidential Town information to outsiders without proper authorization
5. Completing another employee's time record or allowing another to complete one's time record
6. Loafing, loitering, or sleeping on the job
7. Mistreatment of members of the public, fellow employees or supervisory personnel or blatant disrespect of fellow employees, supervisor, citizens
8. Using abusive or threatening language
9. Using, selling or being under the influence of illegal substance or controlled substances not prescribed by a physician
10. Disorderly, offensive or illegal conduct
11. Falsifying any Town records or employment application
12. Stealing or committing any criminal offense on Town property
13. Damage to or improper use of Town property either willfully or through gross negligence
14. Intentional making of scrap or waste
15. Employee testing positive for drug and/or alcohol test
16. Unauthorized use or possession of Town property
17. Stealing of Town property

## IX. Employee Appeal

- A. In the event that disciplinary action must be taken against an employee, it will be for just cause and normally in a progressive manner in an attempt to correct an employee's behavior, except in those cases of gross or serious misconduct where an employee may be subject to suspension, reduction, or removal from employment for violation of Group II rules.
- B. In cases of possible suspension without pay, reductions in pay or position, or termination, an employee shall be notified of the charges in advance and be afforded the opportunity to present evidence and witnesses on his/her behalf before disciplinary action. Said hearing will be before the Town Council. The employee may also be represented by third party if so requested.

## X. Grievance Procedure

- A. It is inevitable that misunderstandings and differences will arise when employees of the Town are working together on a day-to-day basis. In order for employees have a formal process in which to have their problems and questions heard and appropriately resolved in a timely manner, the following grievance procedure is hereby established:

**Step 1** The employee will submit a written grievance to the Clerk-Treasurer/Department Head within five (5) working days of the action's occurrence. The Clerk-Treasurer/Department Head shall meet with the employee and make every effort to resolve the grievance within five (5) working days of the date of the presentation of the grievance.

- a. If the grievance is against the Clerk-Treasurer/Department Head, the employee should contact the Council President.

**Step 2** If the grievance has not been settled in Step 1, the written appeal, along with all pertinent correspondence to date, shall be presented to the Town Council within five (5) working days of the receipt of the reply from Step 1.

**Step 3** After the written appeal, the Town Council shall conduct an executive session hearing and they shall issue a final decision within ten (10) working days of the date of presentation of the written grievance.

- B. Failure of the employee to submit his/her appeal within the time limits specified will result in the Town considering the matter settled and closed and shall constitute a legal defense in any legal action involving the employee.
- C. The time limits in the grievance procedure may be extended only by mutual written agreement of the parties due to extenuating circumstances.
- D. A grievance shall be considered resolved if, at any point, the grievant withdraws his/her grievance in writing or fails to process the grievance within the specified time limits.

# General Policies

## I. Travel and Expense Reimbursement

- A. An employee may be reimbursed for mileage at the federal mileage rate per mile for the use of privately owned automobiles for official business. However, such reimbursement may be made only if the employee carries motor vehicle liability insurance as required by law, and demonstrates proof.
  - 1. The employee shall use a Town vehicle when available.
- B. An employee must file all receipts on a Town claim form. Employee must state origin and destination of each trip in sufficient detail to account for the mileage claimed. No reimbursements are payable for travel between home and office. Charges for parking are reimbursable on any day when an employee is entitled to claim reimbursement for mileage.
- C. Travel by commercial airlines, rail service, or bus will be reimbursed for the prevailing 'tourist' or 'coach' rate when authorized and supported by original receipts.
- D. Meals: The Town will pay meals turned in with the proper receipt, plus gratuities not to exceed fifteen (15) percent
- E. Reasonable lodging shall be reimbursed when supported by original receipts.
  - 1. Reimbursement for lodging costs shall include room costs, associated local taxes, and necessary business-related charges.
  - 2. Room service will not be reimbursed.
- F. Personal expenses incurred in traveling are not reimbursable, including but not limited to, personal telephone calls, laundry, entertainment, in room movies and alcoholic beverages.
- G. Reimbursable travel expenses for State called meeting (i.e. State Board of Accounts)
  - 1. Hotel/motel accommodations based on double occupancy where possible
  - 2. Town rate for mileage for using privately owned vehicle in lieu of public transportation (one individual per department may claim mileage)
- H. Expenses not allowed
  - 1. Personal entertainment
  - 2. Fines for parking, speeding, etc.
  - 3. Alcoholic beverages
  - 4. Valet services
  - 5. Travel related to personal entertainment
    - a. Additional payment to individuals for attending meetings
    - b. Travel time to and from meetings and seminars
  - 6. Reimbursement procedures
    - a. File claim immediately upon return
    - b. Complete and sign Town claim form identifying the person to receive payment
    - c. Attach credit card receipts and cash receipts certifying purchases or expenses. Receipts must be attached for reimbursement
    - d. Prepayment can be used where applicable

7. Persons who have verbally or in writing agreed to attend a meeting which payment has been authorized by the Town, then fail to show, will be expected to reimburse the Town. If the council members have been notified of the employee canceling, they may, depending on the reason for canceling, opt to waive reimbursement (This includes elected officials as well as all Town employees).

## II. Health/Safety

- A. In accordance with the Occupational Safety and Health Act of 1970, Culver has established that, as a matter of policy, a safe and healthful workplace shall be provided for all employees. The Town Council has the ultimate responsibility and authority for compliance with the federal and state laws pertaining to Occupational Safety and Health.
- B. Each employee is to work in a safe manner, and observe the safety procedures as instructed by his/her supervisor.
- C. **Any employee who has a valid prescription for a narcotic and is required to take the medication during work hours is required to inform his/her supervisor of the prescription. This employee will not be allowed to operate a Town owned vehicle or heavy equipment.**
- D. Any accident hazards or unsafe conditions of equipment are to be corrected or reported to the Department Head immediately, who will then notify the Town Manager. The Town Manager will be the central point of contact for OSHA/IOSHA issues. Nothing in this appointment shall reduce the responsibility or authority of Department Head and/or Supervisor's from the effective and ongoing performance of OSHA/IOSHA.
- E. If an employee has an accident involving a Town vehicle that causes an injury requiring medical attention or property damage, the employee will be subject to an alcohol and drug test, conducted by an outside agency.
- F. Workers' Compensation forms will be filed for all injuries. All Supervisors or their designee will file their report, on behalf of the employee, within twenty-four (24) hours of the accident. The degree of injury does not matter. If the employee has complications later, a properly completed form will allow the treatment to be covered by Workers' Compensation.
- G. All accident reports must be turned into the Clerk-Treasurer within twenty-four (24) hours for him/her to meet the seventy-two (72) hour deadline to the Worker's Comp carrier.
- H. If an employee is injured and is physically unable to complete the balance of the workday, he/she shall be paid for the remainder of that day. Further absence may require the employee to apply for benefits pursuant to Workers' Compensation.
- I. The Town's compliance with applicable OSHA/IOSHA laws, standards, policies, etc. shall be monitored, and documented by the Clerk-Treasurer/Department Head.

## III. Safety Data Sheet

- A. The Town will maintain and utilize appropriate safety data sheets on any products, chemicals, or substances used in each facility that is required by federal law.
- B. In case where an employee may encounter said substance and medical treatment is necessary, a copy of the safety data sheet will accompany the employee to the medical facility.
- C. As of December 1, 2013, all employees are to be trained under the new guidelines known as GHS or Global Harmonized System (aka Right-To-Understand).



## **IV. Blood Borne Pathogens**

Several departments within the Town may have occupational exposure to blood or other potentially infectious material.

- A. Universal precautions will be observed at the Town in order to prevent contact with blood or infectious materials. All blood and potentially infectious material will be considered infectious regardless of the perceived status of the source of the individual.
- B. Employees should not compress trash in waste cans, as it would be easy to be stuck by a needle or other sharp object. Employees should also not place their hand on the bottom of trash bags for support as they could be stuck by sharp objects in the bag. Employees should examine the bags before picking them up to be sure there are no sharp objects sticking out of the bag.
- C. Hand washing facilities are also available to employees who incur exposure to potentially infectious materials. Employees should wash as soon as possible.
- D. Protective gloves should be worn whenever possible.
- E. Do not reuse gloves, face guards, or other protective equipment.
- F. All employees will be provided annual training on blood borne pathogens.

## **V. HIPAA Privacy**

- A. The HIPAA Privacy Rule (Standards for Privacy of Individually Identifiable Health Information) provides national standards for protecting the privacy of health information. The Privacy Rule regulates how certain entities, called covered entities, use and disclose certain individually identifiable health information, called protected health information (PHI). PHI is individually identifiable health information that is transmitted or maintained in any form or medium (e.g., electronic, paper, or oral), but excludes certain educational records and employment records.
- B. Protected Health Information Privacy Rule protects certain information that covered entities use and disclose. This information is called protected health information (PHI), which is generally individually identifiable health information that is transmitted by, or maintained in, electronic media or any other form or medium. This information must relate to 1) the past, present, or future physical or mental health, or condition of an individual; 2) provision of health care to an individual; or 3) payment for the provision of health care to an individual. If the information identifies or provides a reasonable basis to believe it can be used to identify an individual, it is considered individually identifiable health information.
- C. The Town of Culver will maintain the employee's health and medical records in accordance with the requirements of HIPAA.

## **VI. Tobacco Policy**

- A. By state statute, the use of any type of tobacco product by an employee or non-employee shall be prohibited in all Town owned buildings.
- B. By Town ordinance, the use of any type of tobacco product by an employee shall be prohibited in all Town owned vehicles.
- C. Smoking/chewing tobacco use areas may be provided; areas will be marked accordingly, and must be at least eight (8) feet from any public building.

## **VII. Use of Tools and/or Equipment**

- A. Town owned tools/equipment shall not be used for personal use at any time.
- B. Town Council reserve the right to approve special requests made in writing for use of Town Equipment by the Town Employees' for personal use with signed liability waiver.
- C. Employees may not expend labor during scheduled work hours for work not related to Town business. This prohibits any employee from performing private work for himself, another employee, or a non-employee.

## **VIII. Use of Town Vehicles**

- A. Any employee of the Town who is required to operate a Town vehicle in the course of his/her employment shall be subject to the following conditions and restrictions:
  - 1. Use of seat belts by driver and all passengers
  - 2. Reassignment or other appropriate personnel action in the event of license revocation, suspension, or arrest for a DUI
- B. Employees who are required to operate Town vehicles during the course of their employment must immediately report any condition that adversely affects their ability to operate such vehicle(s) and/or equipment.
  - 1. Must be able to meet insurability standards and requirements of the Town liability insurance provider
  - 2. Maintain a valid driver's license
- C. Employees must not permit unauthorized drivers or passengers in the Town vehicles, unless on official business or approved by the Clerk-Treasurer/Department Head.
- D. Notify the Clerk-Treasurer/Department Head of any needed repairs or any conditions that the employee notices while driving the Town vehicle.
- E. Employees who need to use their cell phones must pull off the road to do so.
- F. Reimbursement for necessary emergency road service and repairs, parking, and highway-related tolls require appropriate receipts for reimbursement.
- G. In the event of an accident, employees must do the following:
  - 1. Assist any injured party if possible and call 911.
  - 2. Do not move any vehicles unless instructed to do so by proper police authority.
  - 3. Write down all pertinent facts such as the other driver's name, address, telephone number, license plate number, driver's license number, social security number, and name of insurance, policy number, name, address, and telephone number of any injured party or witnesses.
  - 4. Do not admit any fault or make any oral or written statements but give your name, address, telephone number, etc.
  - 5. Notify the Clerk-Treasurer/Department Head and submit a written report as soon as possible.
- H. If an employee has an accident involving a Town vehicle that causes an injury requiring medical attention or property damage, the employee will be subject to an alcohol and drug test.

- I. When an employee is required to respond to an emergency call every effort should be made to utilize a town vehicle. The town council understands that in certain situations it may not be feasible to use a town vehicle and will allow the employee to respond in their personal vehicle.

## **IX. Confidential Information**

In the course of employment with the Town of Culver, the employee may have access to information, which is confidential, including, but not limited to, information about any new Town projects, accounting records, personnel records, insurance records, the community, and their families. The employee shall not use, disclose, or divulge the confidential information, to any third party, without prior authorization.

## **X. Hours of Work**

- A. The Town Council Members are responsible for establishing the specific days and hours that Town facilities are open for the public to conduct Town Business. The established work hours will be forty-(40) hours per week or eighty-(80) hours per pay period.
- B. Offices in the Town Building will be open to the public from 8:00 am to 4:00 pm weekdays.
- C. Lunch breaks will be an unpaid one-half (1/2) hour, and should be taken so as not to be disrupting to the department work operations. Each employee will be relieved of all duties and be free to leave his/her post. The designated departments exercise flexible lunch schedules to minimize disruption of work operations.
- D. Two fifteen (15) minute break periods are allowed, if only one (1) is used per half day, before and after lunch break. Break periods are not to be used for late arrivals, extended lunch or for early dismissals, and are to be taken in a manner that is not disruptive to department work operations.
- E. Operational needs and/or emergencies, however, may necessitate the establishment of other work hours, days, or weeks.

## **XI. Weather/Civil Emergencies**

It is the policy of the Town of Culver to provide normal services during the event of a weather emergency to the maximum extent possible, while ensuring the greatest possible safety to employees and citizens, and to provide the fullest obtainable staffing levels during such an emergency.

- A. Weather/Civil Emergency: A weather condition, which causes the Town/County/Emergency Management, to declare a state of emergency, such as snow, flood, tornado, etc.
- B. Critical Service Employee: Those employees who are employees of any public safety department (Police and EMS) and those employees of departments (Street, Wastewater, and Water employees) that render services to the public, ensuring its safety, directly contributes to the Town's emergency operations designed to combat the specific emergency situation at hand, and/or ensures continued essential public service.
  1. Critical Service Employees are expected to report for their regular shift assignment during a weather/civil emergency, without exception, unless the Clerk-Treasurer/Department Head has contacted employees personally, with alternate instructions.

2. Critical Service employees may ask to use personal time leave in place of coming to work, however, the request may be denied with no recourse available to the employee except to report to work for his/her regular shift.
- C. Non-Critical Service Employees: Those employees of a department who render services determined to be non-critical in case of emergency.
1. Non-Critical Service Employees are expected to report for their regular shift assignment during a weather emergency, unless the following occurs:
    - a. The County Emergency Management issues a media broadcast statement to the contrary requiring that citizens are to remain off town streets.
    - b. The Clerk-Treasurer/Department Head contacts the employee prior to the start of his/her shift with alternate instructions.
    - c. All employees are subject to call to duty at reasonable times and must respond to emergency call, unless physically unable to do so.
- D. Any employee who reports to work and the facility/department is later closed due to an emergency after his/her arrival, shall be paid for a full workday without being penalized by using vacation, personal days, compensatory time, or by making up this time within the pay period. However, if a full-time employee does not report to work on a day in which the facility/department is later closed, time missed will be charged to vacation, personal days, compensatory time, time without pay, or under certain circumstances, the Clerk-Treasurer/Department Head may allow the employee to make up time missed, provided that the time is documented. If a part-time employee cannot report to work, time missed shall be without pay.

## XII. Social Media

- A. The purpose of this policy is to direct the Town employee with respect to their use of social media and social networking and the direct effect such use has upon the reputation and perception of the Town.
- B. Social Media: a variety of online sources that allow people to communicate share information, share photographs, share videos, share audio and exchange text and other multimedia files with other via some form of online or cellular network platform.
- C. Social Networking: Using such internet or mobile formats as Facebook, Twitter, MySpace, Usenet groups, online forums, message boards or bulletin boards, blogs or other similarly developed formats, to communicate with others using the same group while also networking with other users based upon similar interest, geographical location, skills, occupations, ideology, belief etc.
- D. Mobile Social Networking: Social networking is using a mobile phone or other cellular based device.
- E. Definitions
  1. **Internet:** a computer network consisting of a worldwide network of computer networks that use the TCP/IP network protocols to facilitate data transmission and exchange.

2. **World Wide Web:** Computer network consisting of a collection of Internet sites that offer text and graphics and sound and animation resources through the hypertext transfer protocol.
  3. **Blog:** a series of entries, written by either one person or a group of people, in an online journal, usually posted in chronological order, like a diary, Blogs can allow comments on entries or not.
  4. **Bloggng:** To read, write or edit a shared online journal. Blogging can also encompass the act of commenting and engaging with other commenters on any blog, including one operated by a third party.
  5. **Post:** An item inserted to a blog or an entry to any type of computerized bulletin board or forum
  6. **Posting:** posting is the act of creating, uploading, editing, or adding to any social media outlet. This includes text, photographs, audio, video, or any other multimedia file
  7. **Forum:** An online discussion site.
  8. **Comments:** Responses to a blog post, new article, social media entry or other social networking post.
  9. **Commenting:** Is the act of creating, and posting a response to a blog post, new article, social media entry or other social networking post. Commenting can also entail the act of posting an original composition to an unrelated post or article.
  10. **Avatar:** A computer user's representation of himself/herself, or an alter ego
  11. **Identity:** an online identity, Internet identity or Internet persona that a social networking user establishes. This can be a real name, an alias, a pseudonym or a creative description...
  12. **Handle:** the name of one's online identity that is used most frequently. It can also be the name of one's twitter identity.
  13. **User Name:** The name provided by the participant during the registration process associated with a Web site that will be displayed publicly on the site.
- F. Employees are prohibited from posting any of the following on any social media networking platform either on their own sites, the sites of others known to them, the sites of others unknown to them, news media pages, or other information exchange forums
1. Any text, photograph, audio, video, or any other multimedia file related to any action and or investigation, both current and past of the Town
  2. Any text, photograph, audio, video, or any other multimedia file related to any action both current and past of the Town either in homage or critique
  3. Any text, photograph, audio, video, or any other multimedia file related to any occurrence of within the Town, including but not limited to:
    - a. Fellow Employees
    - b. Work performed on behalf of the Town
    - c. Fellow Town Employees
- G. Pictures of employees in uniforms or other forms of Town Identification are not to be used in any form of Social Media

- H. Employees who choose to maintain or participate in social media or networking platforms while off duty shall always conduct themselves with professionalism and in such a manner that will not reflect negatively upon himself or herself or the Town. The following rules shall apply:
1. Employees will be held responsible for content that appears on their maintained social media/networking sites and will be obligated to remove any posting or material contributed by others that is detrimental to the reputation of this Town or is not in accordance with this policy and all other policies.
  2. Employees shall not post sexually graphic or explicit material of any kind on any form of social media/networking and shall immediately remove any material of this nature posted on their site by another individual
  3. Weaponry of any kind shall not be displayed or referenced to in any multimedia format on sites, which might depict promote or glorify violence or terrorism of any type.
  4. Any text, photograph, audio, video or any other multimedia file included on a site that infers, implies, state, opines, or otherwise expresses the employee's view on the public, legal judicial, criminal systems, or other department shall not be detrimental to the department's mission, values or vision statement or violate any policies.
  5. Any text, photographs, audio, video or any other multimedia file that contains obscene or explicit language including, but not limited to cursing racists, sexists or religious slanderous comments.
- I. Employees should be aware that they may be subject to civil litigation along with formal discipline for publishing or posting false information that harms the reputation of another person, group, or organization otherwise known as defamation.
- J. Employee should be aware that privacy settings and social media sites are constantly in flux, and they should never assume that personal information posted on such sites is protected.
- K. Employees should expect that any information created, transmitted downloaded, exchanged or discussed in public online forum or social media networking sites may be accessed by the Town at any time without prior notice.

### **XIII. Computers, Internet & E-Mail**

- A. The use of automation systems, including computers, fax machines, and all forms of Internet access, is for Town business and for authorized purposes only. Brief and occasional personal use of the electronic mail system or the Internet is acceptable as long as it is not excessive or inappropriate, and does not result in expense to the Town. Use is defined as "excessive" if it interferes with normal job functions, responsiveness, or the ability to perform daily job activities, or ceasing to engage in such activities when instructed by one's supervisor. Electronic communication shall not be used to solicit or sell products or services that are unrelated to the Town's business; distract, intimidate, or harass coworkers or third parties; or disrupt the workplace.
- B. Police department employees should refer to their SOP manual when dealing with department computers.
1. Police Officers may have needed to hide their IP address during certain investigations in doing so will not be a violation of this policy.
- C. Prohibited Use. Use of Town computers, networks, and Internet access is a privilege granted by the Town and may be limited and/ or revoked at any time for inappropriate conduct carried out on such systems, including, but not limited to:

- Sending chain letters or participating in any way in the creation or transmission of unsolicited commercial email ("spam") that is unrelated to legitimate Town purposes;
  - Engaging in private or personal business activities, including excessive use of electronic mail, instant messaging and chat rooms;
  - Misrepresenting oneself or the Town;
  - Using a computer account that you are not authorized to use;
  - Masking the identity of a computer or network;
  - Obtaining a password for a computer account without the consent of the account owner;
  - Using the Town's computers or networks to gain unauthorized access to any computer systems;
  - Violating the laws and regulations of the United States or any other nation or any state, Town, province, or other local jurisdiction in any way;
  - Violating terms of applicable software licensing agreements or copyright laws;
  - Deliberately propagating any virus, worm, Trojan horse, trap-door program code, or other code or file designed to disrupt, disable, impair, or otherwise harm either the Town's networks or systems or those of any other individual or entity;
  - Circumvent data protection schemes or attempting to uncover security loopholes;
  - Installing software on Town computers which is not authorized by the employee's immediate supervisor, or the Town Council;
  - Using abusive, profane, threatening, racist, sexist, or otherwise objectionable language in either public or private messages;
  - Sending, receiving, or accessing pornographic materials;
  - Using computers for partisan politics;
  - Causing congestion, disruption, disablement, alteration, or impairment of the Town's networks or systems;
  - Interfering with the normal operation of computers, terminals, peripherals, or networks or running or installing on any computer system or network, or giving to another user, a program intended to damage or to place excessive load on a computer system or network;
  - Maintaining, organizing, or participating in non-work-related Web logs ("blogs"), Web journals, "chat rooms", or private/personal/instant messaging;
  - Failing to log off any secure, controlled-access computer or other form of electronic data system to which you are assigned, if you leave such computer or system unattended;
  - Using recreational games; and/ or,
  - Defeating or attempting to defeat security restrictions on Town systems and applications.
- D. Using Town automation systems to access, create, view, transmit, or receive racist, sexist, threatening, or otherwise objectionable or illegal material is strictly prohibited. "Material" is defined as any visual, textual, or auditory entity. Such material violates the Town's anti-harassment policies and is subject to disciplinary action. Use of Town resources for illegal activity can lead to disciplinary action, up to and including dismissal and criminal prosecution. The Town will comply with reasonable requests from law enforcement and regulatory agencies for logs, diaries, archives, or files on individual Internet activities, e-mail use, and/ or computer use.
- E. Ownership and Access of Electronic Mail, Internet Access, and Computer Files. The Town owns the rights to all data and files in any computer, network, or other information system owned by the Town. The Town also reserves the right to monitor electronic mail messages (including personal/private/instant messaging systems) and their content, as well as any and all use of the Internet and of computer equipment used to create, view, or access e-mail and

Internet content. Employees must be aware that the electronic mail messages sent and received using Town equipment are not private and are subject to viewing, downloading, inspection, release, and archiving by Town officials at any and all times. The Town has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with policy and state and federal laws. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee's supervisor or Town Council. The Town has licensed the use of certain commercial software application programs for business purposes. Third parties retain the ownership and distribution rights to such software. No employee may create, use, or distribute copies of such software that are not in compliance with the license agreements for the software.

- F. Confidentiality of Electronic Mail. As noted above, electronic mail is subject at all times to monitoring, and the release of specific information is subject to applicable state and federal laws and Town rules, policies, and procedures on confidentiality. Existing rules, policies, and procedures governing the sharing of confidential information also apply to the sharing of information via commercial software. Since there is the possibility that any message could be shared with or without your permission or knowledge, the best rule to follow in the use of electronic mail for non-work-related information is to decide if you would post the information on the office bulletin board with your signature.
- G. It is a violation of Town policy for any employee, including system administrators and Supervisors, to access electronic mail and computer systems files to satisfy curiosity about the affairs of others.
- H. Electronic Mail Tampering. Electronic mail messages received should not be altered without the sender's permission; nor should electronic mail be altered and forwarded to another user and/ or unauthorized attachments be placed on another's electronic mail message.
- I. Personal Electronic Equipment. Employees should not bring personal computers, cameras, or other electronic devices to the workplace or connect them to Town electronic systems unless expressly permitted to do so by the Town. Any employee bringing a personal computing device or other electronic device onto Town premises thereby gives permission to the Town to inspect the personal computer at any time with personnel of the Town's choosing and to analyze any files, other data, or data storage media that may be within or connectable to the personal computer in question. Employees who do not wish such inspections to be done on their personal computers should not bring such items to work. Violation of this policy, or failure to permit an inspection of any device covered by this policy, shall result in disciplinary action, up to and possibly including immediate termination of employment.
- J. Violations of any of the policies, limitations and/ or prohibitions contained herein may result in discipline, up to and including termination of employment, and criminal and civil legal action against the employee.



## XIV. Cell Phone

- A. Use of personal cell phone should not interfere with an employee's productivity.
- B. Safety Issues for Cellular Phones: Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone or other electronic devices for business use are expected to refrain from using their device while driving. This includes talking, texting, e-mailing and any other form of communication using the device. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees, when possible, should safely pull off to the side of the road and safely stop the vehicle before using their device.

## XV. Handling Citizens Questions and Complaints

- A. All citizens should be treated with respect and courtesy. Employees should not engage in arguments, debates, or lengthy discussions with private citizens regarding the Town's policies, procedures, or services.
- B. Any employee who receives a complaint from a private citizen should refer that individual to his/her supervisor, who will then communicate this to the Clerk-Treasurer/Department Head.

## XVI. Political Activity

- A. Employees may not participate in any partisan or nonpartisan political activity while on-duty or off-duty in a uniform required by, used by, or identified with any department of Town government.
- B. Employees may not use municipal vehicles for any political activities.
- C. Any municipal employee found violating any provisions of this policy is subject to reprimand, suspension, or dismissal from Town employment.

## XVII. Lactation Policy

Employees who are nursing are provided with reasonable break time to express breast milk after the birth of a child, as long as providing such break time does not disrupt operations. The Town will make reasonable efforts to provide a private location for such activity. Employees will not be retaliated against for exercising their rights under this policy.

## XVIII. Definitions:

- A. **At-Will Employee:** Culver employees may voluntarily leave employment, or may be terminated by the Town at any time with, or without cause.
- B. **Compensatory time:** Time-off equal to one and a half 1 ½ times hours worked in excess of forty (40) hours in a week
- C. **Distribution:** As used in this policy includes the passing out of any type of literature, advertising, handbills, circulars, forms, or any other memorabilia
- D. **Employee:** Any person in the employ of the Town in any status
- E. **Exempt:** Employee classified as executive, administrative, or professional according to provisions of the Fair Labor Standards Act (FLSA), plus any Clerk-Treasurer/Department Head

- F. **Elected Official:** Town Council Member, and or Clerk-Treasurer
- G. **Flex Time:** Taking time off within a forty (40) hour week to prevent overtime
- H. **Holiday Pay:** As used in this policy, pay based on eight (8) hours of straight base pay
- I. **Hourly:** Employee paid an hourly rate of pay
- J. **Non-Exempt:** All employees that do not meet the Fair Labor Standards Act (FLSA) exempt provision
- K. **Non-Work Area:** Any area on or off the Town's premises not designed as a work area
- L. **Non-Work Time:** As used in this manual includes any time during an employee's workday where the employee is completely relieved of work duties, such as break time and lunchtime.
- M. **Salaried:** Employee paid a predetermined amount of compensation
- N. **Town:** The Town of Culver
- O. **Work Area:** As used in this policy includes, but not limited to, offices, work sites, locations, conference rooms, common areas, and corridors leading directly thereto, and such other areas, which are essential to the performance of an employee's duties
- P. **Work Week:** As used in this policy means the scheduled starting and quitting time each week, for each position, as determined by the Clerk-Treasurer/Department Head
- Q. **Work Time:** As used in this policy includes, all of the time when an employee's duties require that he/she be engaged in work tasks, but does not include the employee's own time such as meal periods, scheduled breaks, and time before or after a work shift

# **Town of Culver Employee Benefits Section**

# Wage and Hour Section

## **I. Payroll**

- A. Payroll is paid bi-weekly and will be available by the end of business on payday. All required deductions will be made according to the law.
- B. Straight time will be paid to hourly employees working forty-(40) hours or less per workweek. Work performed by hourly employees in excess of forty (40) hours in a week, will be considered overtime and will be paid at the rate of time and one-half the employee's regular rate of pay. Benefit hours (vacation, holidays, personal leave, compensatory time, etc.) are not considered time worked for computing overtime except in the case of Emergency Call In. See Section V. Emergency Call In.

## **II. Over Time**

- A. Any employee may be required to work in excess of the normal workday or workweek to meet operational demands. Overtime for nonexempt employees will be addressed under the guidelines set out by the FLSA (Fair Labor Standards Act) and treated accordingly. Benefit hours (vacation, holidays, sick day, comp time, and personal days) are not considered time worked for computing overtime.
- B. Overtime is generally discouraged and is usually performed only when the supervisor determines it is necessary. Overtime compensation must be authorized by the Department Head or the Clerk-Treasurer prior to payment of said overtime hours. Failure of the employee to secure authorization prior to performing overtime shall subject the employee to disciplinary action.
- C. Exempt employees are not subject to the overtime payment requirements of the FLSA due to the nature of their work. These employees are expected to have flexible working hours, which may exceed forty-(40) hours in a week. These individuals do not expect to receive overtime pay.
- D. In order to remain consistent and provide equal consideration as well as equal opportunity to all employees, the following overtime policy will be effective immediately:
  - 1. Call out lists of employees' names will be listed in order of priority, reflecting the employee's normal job description and/or knowledge of related tasks to be performed.
  - 2. Based upon the type of complaint received, the employee's name appearing first on the list will be called to respond, with such calls continuing until an employee is contacted who can respond.
  - 3. If an employee refuses to respond, such refusals may become reason to lower the employee on the call-out lists. If the complaint called in poses as a safety hazard to the public, and a trained employee in that area refuses the call-out and no other qualified employee is contacted, the first employee will be re-contacted. A second refusal without a credible excuse could result in disciplinary actions.

## **III. Flex Time**

- A. The Town may utilize "time-off" or flexible hours in order to avoid having non-exempt employees work in excess of forty-(40) hours in a workweek.
- B. The supervisor must approve flextime scheduling.
- C. The supervisor should make every effort to ensure that employees utilize flextime so as not to work overtime.

- D. Flex time must be taken within a forty-(40) hour pay period.
- E. Flex time is paid as time for time.
  - 1. Example: If an employee works four (4) hours overtime in a day, then the employee may be required to take off four (4) hours on another day within that workweek, thus keeping his/her hours worked at forty (40) hours for that week.

## **IV. Compensatory Time**

- A. In special cases, the Town may allow compensatory time in-lieu of a monetary overtime. An example of how compensatory time works is as follows:
  - 1. Employees shall receive compensatory time-off equal to one and one half (1½) times hours worked in excess of forty-(40) hours in a week.
- B. Non-exempt employees may take compensatory time-off and can take unused compensatory time-off after a proper request has been submitted and approved by their supervisor.
- C. Compensatory time may be accrued to a maximum of eighty-(80) hours. Supervisors are responsible for requiring employees to use banked time as soon as possible after it has been earned.
- D. Any employee who uses compensatory time must sign a compensatory agreement form.
- E. Upon termination of employment, the non-exempt employee is entitled to receive payment for accrued and unused compensatory time at the regular hourly wage rate in effect at the date of termination or the average of the past three (3) years, whichever is greater.

## **V. Emergency Call In**

- A. If a nonexempt employee is called in to work during an emergency, he/she shall be compensated for a minimum of two (2) hours.
- B. Employees will be paid time and one and one half (1½) or all hours worked.

## **VI. Garnishments**

A court ordered legal claim against the wages of an employee by legal authority is a garnishment and shall be recognized and executed by the Town. When a garnishment is received for an employee, the Clerk Treasurer's office will notify the employee.

# Holidays/ Vacations/Leaves

## I. Holidays

Effective date of hire all full-time employees are entitled to the following paid holidays: (Subject to change yearly)

1. New Year's Day	January 1st
2. Martin Luther King's Birthday	3 <sup>rd</sup> Monday in January
3. Presidents Day	3 <sup>rd</sup> Monday in February
4. Good Friday	Day before Easter
5. Memorial Day	Last Monday in May
6. Independence Day	July 4th
7. Labor Day	First Monday in September
8. Columbus Day	2 <sup>nd</sup> Monday in October
9. Veteran's Day	November 11th
10. Thanksgiving	4 <sup>th</sup> Thursday in November
11. Friday after Thanksgiving	4 <sup>th</sup> Friday in November
12. Christmas Eve Day	December 24th
13. Christmas Day	December 25th

- A. The Town Council approves all holidays.
- B. Any employee absent without authorization of the department head on the workday preceding a holiday and/or on the workday following a holiday will not receive a paid holiday compensation for the holiday not worked.
- C. If the holiday falls on Sunday, it will be observed on the following Monday; if it falls on Saturday, it will be observed on the preceding Friday.
- D. Due to the essential services provided by the Town, some employees are required to work holidays.
- E. New employees are eligible to receive holiday pay as soon as their employment begins.
- F. Any employees who works the Thanksgiving or Christmas holiday will receive one and one-half (1 ½) times their regular hourly rate for hours actually worked on the holiday, in conjunction with their holiday pay. Any part-time employee working Thanksgiving or Christmas will receive one and one-half (1 ½) times their regular hourly rate for hours actually worked on the holiday.
- G. If a holiday occurs while an employee is on vacation, such vacation day will not be charged against his/her vacation leave. Employees must be in a paid status the day before and the day after a holiday in order to be paid for the holiday.
- H. An employee scheduled to return from a non-paid leave on the day after a holiday will not be paid for the holiday. An employee whose leave without pay is approved through the end of the last business day preceding a holiday is also presumed to be on leave during the holiday and will not receive compensation for the holiday.
- I. The holiday schedule may be amended by the Elected Official, with written notice, and distributed to all departments within Town government.

## II. Vacation

- A. Full time employees will be given vacation time while working for the Town of Culver.
- B. Full time employees hired prior to July 1<sup>st</sup> shall receive five (5) days of vacation. The employee will be eligible to take this vacation the first day following their probationary period. They will receive an additional five (5) days on the following January 1<sup>st</sup>. Police officers will receive their five (5) days hours after ninety (90) days of satisfactory job performance with the approval of the Town Marshal.
- C. For tracking purposes, a day is equal to eight hours (8) for those working eight (8)-hour shifts. For those in emergency services (police and EMS), a day is equal to 12 hours.
- D. Full time employees hired after July 1<sup>st</sup> will not receive any days of vacation for that calendar year. He/she will receive five (5) days of vacation on January 1<sup>st</sup> following their date of hire.
- E. Full time employees will receive vacation pay based upon the following schedule.
  - 1. On each January 1, after one (1) year of service the employee will receive 5 days of vacation.
  - 2. On each January 1, after two (2) through eight (8) years of service, the employee will receive 10 days of vacation.
  - 3. On each January 1, after nine (9) through eighteen (18) years of service the employee will receive fifteen (15) days of vacation.
  - 4. On each January 1, after nineteen (19) years of service, and every year after, the employee will receive twenty (20) days of vacation.
- F. Vacation days may be taken in a minimum of two-hour increments.
- G. Vacation leave is given to an employee for service time in active pay status. Vacation is not given when an employee is in a non-paid status (i.e. leave of absence without pay, disciplinary suspensions, and short-term disability leave).
- H. Any employee planning to carry over vacation from one (1) year to the next must have prior approval from the Town Council.
- I. The Council may allow an employee to carry-over up to five (5) days of vacation into the next year, but it must be used within the first thirty (30) days of the following year.
- J. All unused vacation time will be paid on the employee's final paycheck for an employee leaving employment, while in good standing.
- K. Employees who leave employment in good standing will be paid for all unused vacation. Employees' terminated for cause will not be paid for any unused vacation.

## III. Bereavement Leave

- A. All regular, full-time employees will be granted a paid leave of up to three (3) consecutive workdays in the event of the death in the employee's immediate family. "Employee's immediate family" for purposes of this section, shall mean an employee's spouse, child, parent, grandchildren, a brother, sister, or parent of a current spouse and other residents of the household.
- B. Employees will receive one (1) day of leave upon the death of a brother in law, sister in law, or grandparent, aunt, uncle, niece, nephew, or cousin of theirs or their spouse.
- C. If additional time is necessary, an employee may request sick days, vacation days or personal days from their supervisor.

## **IV. Personal Days**

- A. Employees will be eligible for two (2) personal days on January 1 of each year of employment following the one (1) year anniversary.
- B. Personal days may not be accumulated and must be used prior to the end of the calendar year.

## **V. Sick Leave Days**

- A. Employees will receive five (5) days of sick leave pay on January 1 of each year of employment following the one (1) year anniversary.
- B. Employees may accumulate up to a maximum of sixty-(60) days of sick leave.
- C. Employees will not receive PTO if he/she is on any leave, without pay, nor while in any disability status and is off work for such.
- D. An employee who has completed his/her probationary period but has not completed the first year of employment may be eligible for sick leave if it is deemed appropriate by the department supervisor and Town Manager
- E. The employee or someone on his/her behalf shall notify the supervisor or department head of the absence of the employee as soon as possible prior to the scheduled hours of work.
- F. The employee will be required to provide the Town with a physician's written certification of illness when:
  - 1. Three (3) consecutive days or more sick leave are claimed
  - 2. Less than three (3) days are claimed and the supervisor deems a certification necessary because of suspected sick leave abuse.
- G. Sick leave may be used in one-half (1/2) day increments
- H. In the event of an employee's termination, there will be no amount owed to the former employee for unused sick leave.
- I. The Clerk Treasurer will maintain all sick leave time records.

## **VI. Sick Bank**

- A. In order to begin using sick bank hours, an employee will be required to apply for FMLA at the time of the leave. Upon approval for an FMLA leave the employee will automatically be approved to begin using his/her sick bank days.
  - a. The employee will be required to exhaust all other benefit days before using sick bank days
- B. Employees may donate a maximum of forty-(40) hours from their sick bank to an employee who is on FMLA and has exhausted all other benefit days and sick bank days.
- C. Employees terminating employment with the Town are not entitled to pay for unused sick bank hours.

## **VII. Court Leave**

- A. If a full-time employee is called for court jury duty or subpoenaed to testify in a court of law during any portion of the employee's regular scheduled working day, that employee shall be compensated for such time.



- B. The town will pay the employee their regular rate of pay during their absence.
- C. The employee shall keep the money paid to him/her by the court.
- D. The employee will be expected to report for work following jury duty, if a reasonable amount of time (two (2) hours or more) remains during his/her scheduled workday.
- E. The Town will not reimburse employees when appearing in court for criminal or civil cases, when the case is being heard in connection with the employee's personal matters unless the employee utilizes unused vacation, personal, or compensatory time.

## **VIII. Indiana Military Family Leave Act**

- A. An eligible employee, who is a family member of a person on active duty in the United States Armed Forces, or the National Guard, may be eligible to take leave of up to ten (10) workdays per rolling calendar year under the Indiana Military Family Leave Act.
- B. An employee is eligible if he/she has been employed by the Town for at least twelve (12) months; has worked at least 1500 hours during the twelve (12) month period immediately preceding the day the leave begins; and is a spouse, parent, grandparent, or sibling of a military member called to active duty.
- C. Active duty is defined as full-time service on active duty orders in the armed forces of the United States, or the National Guard, for a period that exceeds eighty-nine (89) consecutive calendar days.
- D. The Act provides for unpaid leave of up to ten (10) workdays per rolling calendar year during one or more of the following periods:
  1. Within the thirty-(30) day period before active duty orders are in effect;
  2. During a period in which the person ordered to active duty is on leave while active duty orders are in effect; or
- E. During the thirty-(30) day period after the active duty, orders are terminated. The employee must provide the Town with at least thirty-(30) days' notice of the intention to take leave, unless the active duty orders are issued less than thirty-(30) days before the date the requested leave is to begin. In addition, the employee must supply the Town with documentation verifying the family member's call to active duty. Non-faculty employees will be required to use available vacation, personal leave, and or compensatory time to cover the leave period being taken. Any time taken which is not covered by paid leave time will then be treated as unpaid leave.
- F. The Town hereby states that it will continue the employee's benefits during the period of the leave (with the employee being responsible for payment of the employee portion of health benefits during the period of any unpaid leave).
- G. Upon the employee's return to work, the Town may place the employee in a different position only if the Town can prove that the move was unrelated to the employee's use of military family leave. If the Town cannot make such a showing, the employer must return the employee to the position previously held or an equivalent position.

## **IX. Military or Reserve Service**

- A. The Uniformed Services Employment and Reemployment Rights Act (USERRA) are administered by the Veterans' Employment and Training Service (VETS). USERRA applies to persons who perform duty, voluntarily or involuntarily, in the "uniformed services," which include the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service

commissioned corps, as well as the reserve components of each of these services. Federal training or service in the Army National Guard and Air National Guard also gives rise to rights under USERRA. In addition, under the Public Health Security and Bioterrorism Response Act of 2002, certain disaster response work (and authorized training for such work) is considered "service in the uniformed services."

- B. Uniformed service includes active duty, active duty for training, inactive duty training (such as drills), initial active duty training, and funeral honors duty performed by National Guard and reserve members, as well as the period for which a person is absent from a position of employment for the purpose of an examination to determine fitness to perform any such duty.
- C. USERRA covers nearly all employees, including part-time and introductory employees. USERRA applies to virtually all U.S. employers, regardless of size.
- D. USERRA prohibits employment discrimination against a person on the basis of past military service, current military obligations, or intent to serve. An employer must not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment to a person based on a past, present, or future service obligation. In addition, an employer must not retaliate against a person because of an action taken to enforce or exercise any USERRA right or for assisting in an USERRA investigation.
- E. The pre-service employer must reemploy service members returning from a period of service in the uniformed services if those service members meet five criteria:
  - 1. The person must have been absent from a civilian job on account of service in the uniformed services;
  - 2. The person must have given advance notice to the employer that he or she was leaving the job for service in the uniformed services, unless such notice was precluded by military necessity or otherwise impossible or unreasonable;
  - 3. The cumulative period of military service with that employer must not have exceeded five (5) years;
  - 4. The person must not have been released from service under dishonorable or other punitive conditions; and
  - 5. The person must have reported back to the civilian job in a timely manner or have submitted a timely application for reemployment, unless timely reporting back or application was impossible or unreasonable.
- F. USERRA establishes a five-year (5) cumulative total of military service with a single employer, with certain exceptions allowed for situations such as call-ups during emergencies, reserve drills, and annually scheduled active duty for training. USERRA also allows an employee to complete an initial period of active duty that exceeds five years.
- G. Employers are required to provide to persons entitled to the rights and benefits under USERRA a notice of the rights, benefits, and obligations of such persons and such employers under USERRA.
- H. USERRA provides that returning service members are to be reemployed in the job that they would have attained had they not been absent for military service, (the "escalator" principle), with the same seniority, status and pay, as well as other rights and benefits determined by seniority. USERRA also requires that reasonable efforts (such as training or retraining) be made to enable returning service members to qualify for reemployment. If the service member cannot qualify for the "escalator" position, he or she must be reemployed, if qualified, in any other

position that is the nearest approximation to the escalator position and then to the pre-service position. USERRA also provides that while an individual is performing military service, he or she is deemed to be on a furlough or leave of absence and is entitled to the non-seniority rights accorded other similarly situated individuals on non-military leaves of absence. The time limits for returning to work are as follows:

1. Less than thirty-one (31) days service: By the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight (8) hour rest period. If this is impossible or unreasonable, then as soon as possible.
2. Thirty-one to one hundred eighty (31) to (180) days: The employee must apply for reemployment no later than fourteen (14) days after completion of military service. If this is impossible or unreasonable through no fault of the employee, then as soon as possible.
3. One hundred eighty-one (181) days or more: The employee must apply for reemployment no later than ninety (90) days after completion of military service.
4. Service-connected injury or illness: Reporting or application deadlines are extended for up to two years for persons who are hospitalized or convalescing.
5. Health and pension plan coverage for service members is also addressed by USERRA. Individuals performing military duty of more than thirty-(30) days may elect to continue employer sponsored health care for up to twenty-four (24) months; however, they may be required to pay up to one hundred two (102) percent of the full premium. For military service of less than thirty-one (31) days, health care coverage is provided as if the service member had remained employed. USERRA pension protections apply to defined benefit plans and defined contribution plans as well as plans provided under federal or state laws governing pension benefits for government employees. For purposes of pension plan participation, vesting, and accrual of benefits, USERRA treats military service as continuous service with the employer.
  - a. You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:
  - b. You ensure that your employer receives advance written or verbal notice of your service;
  - c. You have five (5) years or less of cumulative service in the uniformed services while with that particular employer;
  - d. You return to work or apply for reemployment in a timely manner after conclusion of service; and
  - e. You have not been separated from service with a disqualifying discharge or under other than honorable conditions.
  - f. If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

I. RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION If you:

1. Are a past or present member of the uniformed service;
2. Have applied for membership in the uniformed service; or
3. Are obligated to serve in the uniformed service;

4. Then an employer may not deny you:
  - a. Initial employment;
  - b. Reemployment;
  - c. Retention in employment;
  - d. Promotion; or
  - e. Any benefit of employment because of this status.
- J. In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.
- K. If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to twenty-four (24) months while in the military.
- L. Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

## **X. Family Medical Leave Act (FMLA)**

- A. The Family and Medical Leave Act of 1993(FMLA), enacted February 5, 1993, allows for "eligible" employees to request and, if approved, receive up to a total of twelve (12) weeks of unpaid leave during any twelve (12) month period for four circumstances:
  1. Because of the birth of a child of the employee and in order to care for the child;
  2. Because of the placement of a child with an employee for adoption or foster care;
  3. Because a spouse, parent, or child (including biological, adopted, foster and stepchildren) of the employee has a "serious health condition" which requires care by the employee; or
  4. Because the employee suffers from a "serious health condition" which prevents the employee from being able to perform the functions of his/her, position.
- B. An "eligible" employee is an employee that has been on the Town payroll for at least twelve (12) months and has worked at least 1,250 work hours during the twelve (12) months preceding the request for leave.
- C. Requests are to be made in writing to the employee's supervisor with approvals as required.
- D. In the case of a leave for the birth of a child or adoption, an employee is required to provide not less than thirty (30) days advance notice or as much advance notice as possible of the intent to take leave.
- E. Employees seeking leave for a foreseeable medical treatment for himself or herself or a family member must also give thirty (30) days' notice or as much notice as possible and, attempt to schedule the treatment so that the leave does not disrupt Town operations.
- F. The Town has the right to request that the medical leave be properly certified by the health care provider and the employee is to provide such certification in a timely manner. If an employee requests a leave to care for a family member, the certification must confirm that this is necessary and contain an estimate of the amount of time involved. When intermittent medical leave is sought, the certification must recite the anticipated dates and duration of treatment.

G. Failure to return to work on the determined return to work day will be considered as a resignation by the employee

H. Approval/Denial of FMLA

The Town Clerk-Treasurer shall notify the employee orally or in writing within two (2) business days as to the approval or denial of their FMLA request, and that any sick, personal, or vacation leave will be set off against the leave pursuant to the Clerk-Treasurer/Department Head's policy regarding it (See "Utilization of Accrued Paid Leave"). Oral notice will be followed by written confirmation by payday' following. If the Clerk-Treasurer/Department Head is late complying with these notice requirements, paid leave may only be set off against FMLA leave prospectively, once notice is given (See "Utilization of Accrued Paid Leave" below.) The Clerk-Treasurer/Department Head shall note the starting and ending dates of leave, reinstatement procedures, and utilization of accrued paid leave. The Clerk-Treasurer/Department Head shall send a copy of this written notice to the Clerk-Treasurer's Office. The Clerk-Treasurer's Office shall notify the employee as to the status of insurance coverage and the employee's contribution, if applicable.

I. Utilization of Accrued Paid Leave

Employees are required to utilize accrued paid leave for all or part of the FMLA twelve (12) week period. Unpaid FMLA shall be authorized when all eligible accrued paid leaves have been exhausted (PTO, vacation). Family and Medical Leave and paid leave, for conditions that qualify under FMLA, run concurrently. The entire twelve (12) week FMLA is not in addition to the paid leave, just any remaining portion after the paid leave time is subtracted.

J. Leave Period

An eligible employee may take up to twelve (12) workweeks of FMLA during a twelve- (12) month period. The twelve (12) month period shall be measured forward from the date the employee's first FMLA begins (e.g., an employee whose eligible FMLA begins September 15, 2012 is entitled up to twelve (12) weeks from September 15, 2012 through September 14, 2013).

Employees may request intermittent or reduced leave schedules to accommodate medically necessary treatment in connection with a serious health condition. Intermittent or reduced leave may not exceed the total hours an employee would have worked during their regular twelve (12) week schedule. If intermittent or reduced leave is approved, the Clerk-Treasurer/Department Head may require the employee to schedule the leave so as not to disrupt the department operation, or the employee may be placed in an alternate position, which better accommodates the intermittent leave schedule.

K. Life Insurance Coverage during FMLA

Employees are entitled to maintain the same life insurance benefits during the FMLA. However, it is the employee's responsibility to arrange through the Town Clerk-Treasurer for their portion of the contribution of monthly premiums.

L. Working While on Family and Medical Leave

An employee who is self-employed, accepts other employment, or works for any other employer during a Family and Medical Leave, must report such work immediately to the Clerk-Treasurer/Department Head.

An employee who is self employed, or accepts other employment, or works for any other current employer, performing work of a like or similar character or exertion which the employee performed for the Town, during Family Medical Leave, shall be considered to have terminated employment with the Town as of the date of such employment began.

Employees described in the immediately preceding paragraph may be required to reimburse the Town for the employer-paid portion of group health insurance premium contributions made while the employee was on leave.

#### M. Job Restoration

During Family and Medical Leave, every effort will be made by the Town to hold an employee's position open until he/she returns to work.

However, based upon the necessity of continuing operations during an employee's absence, the Town may choose to fill any non-elected position. If the position is filled while an employee is on the FMLA, the Town will make every effort to place the employee in an equivalent position, with equivalent pay, benefits, and other terms and conditions of employment. In addition, the position into which the employee is placed will have substantially similar duties.

**NOTE:** If an employee's position is eliminated during the time of Family and Medical Leave, through layoff or restructuring, the employee will not be entitled to return to his or her former or an equivalent position.

The Town does not have "light duty" positions, but if a health care provider indicates in writing that an employee is not able to perform all the essential functions of the position, the employee may perform his or her job with restrictions, the Town will make every effort to cooperate with a doctor's written orders for restrictions placed on an employee in order for the employee to perform meaningful and necessary work the Town needs done. Arrangements for restricted work must be made in writing and approved by the Clerk-Treasurer/Department Head in advance of an employee's return.

Employees whose FMLA was for their own personal medical conditions must, prior to reinstatement, submit a medical certification to the Town Clerk-Treasurer as to their ability to return to work, subject to a second medical opinion as deemed necessary by the Clerk-Treasurer/Department Head, or a third medical opinion as provided in the Family and Medical Leave Act.

Employees on FMLA who do not return to work immediately following release from the health care provider as fully restored to perform all the essential functions of his or her positions, shall be considered to have voluntarily terminated employment as the date of the release.

Employment will be terminated if an employee is not able to return to work at the end of the FMLA. There may be exceptions to termination required under the ADA, and the Town will comply with ADA.

#### N. Definitions under Family and Medical Leave Act

1. **Spouse:** A husband or wife: Unmarried domestic partners do not qualify for FMLA to care for their partner
2. **Child:** A son or daughter, including a child eighteen (18) years or over who is incapable of self-care because of a mental or physical disability
3. **Parent:** A biological parent or an individual who stands in the place of a parent to the employee (in loco parentis). "In-laws" are not included in the definition of parent
4. **Foster Care:** Placement of a child with the employee through a formal agreement for substitute care requiring state action, rather than an informal arrangement to take care of another person's child
5. **Serious Health Condition:** An illness, injury, impairment, or physical/mental condition

that involves a period of treatment that requires absence from employment for more than three (3) calendar days and involves care by a health care provider. Serious health conditions also include continuing treatment of chronic or long-termed incurable conditions and prenatal care.

- O. The Clerk-Treasurer's Office will assist you with any questions in determining a "serious health condition" under the Family and Medical Leave Act.
- P. An Absence Resulting From A Work-related Injury or Illness (Workers' Compensation) will be considered as FMLA leave time if the employee has worked for Town of Culver for at least twelve (12) months and for a minimum of twelve hundred and fifty (1,250) hours in the immediately preceding calendar year. (Not including holidays).
- Q. The employee will be mailed the notification that they are being placed on FMLA during their absence from work while on Workers' Compensation.
- R. On January 28, 2008, President Bush signed into law H.R. 4986, the National Defense Authorization Act for FY 2008, which amends the Family and Medical Leave Act of 1993 (FMLA) to permit a "spouse, son, daughter, parent, or next of kin" to take up to twenty-six (26) workweeks of leave to care for a "member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness." Under the first of these new military family leave entitlements, eligible employees who are family members of covered service members will be able to take up to twenty-six (26) workweeks of leave in a "single 12-month period" to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty.
- S. **Qualifying Exigency Leave:** The second new military leave entitlement helps families of members of the National Guard and Reserves manage their affairs while the member is on active duty in support of a contingency operation. This provision makes the normal twelve (12) workweeks of FMLA job-protected leave available to eligible employees with a covered military member serving in the National Guard or Reserves to use for "any qualifying exigency" arising out of the fact that a covered military member is on active duty or called to active duty status in support of a contingency operation. The Department's final rule defines qualifying exigency by referring to a number of broad categories for which employees can use FMLA leave: (1) Short-notice deployment; (2) Military events and related activities; (3) Childcare and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and (8) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.
  - 1. **Active Duty:** The term "active duty" means duty under a call or order to active duty under a provision of law referred to in section 101(a) (13) (B) of title 10, United States Code.
  - 2. **Covered Service Member:** The term "covered servicemember" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
  - 3. **Outpatient Status:** The term "outpatient status", with respect to a covered servicemember, means the status of a member of the Armed Forces assigned to:
    - a. a military medical treatment facility as an outpatient; or
    - b. A unit established for providing command and control of members of the Armed

Forces receiving medical care as outpatients.

4. **Next of Kin:** The term “next of kin”, used with respect to an individual, means the nearest blood relative of that individual.
  5. **Serious Injury or Illness:** The term “serious injury or illness”, in the case of a member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness incurred by the member in the line of duty while on active duty in the Armed Forces that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating.
  6. **Combined Leave Total:** During the single twelve (12) month period described in paragraph (3), an eligible employee shall be entitled to a combined twenty-six (26) workweeks of leave.
- T. The aggregate number of workweeks of leave to which both a husband and wife (if they are employed by the Town) under this leave may be limited to twenty-six (26) workweeks during the single twelve (12) month period.
- U. **Military Caregiver Leave (also known as Covered Service Member Leave):** Eligible employees who are family members of covered service members will be able to take up to twenty-six (26) workweeks of leave in a “single twelve-12) month period” to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty. This twenty-six-(26) workweek entitlement is a special provision that extends FMLA job-protected leave beyond the normal twelve (12) weeks of FMLA leave. This provision also extends FMLA protection to additional family members (i.e., next of kin) beyond those who may take FMLA leave for other qualifying reasons.
- V. **Qualifying Exigency Leave:** The second new military leave entitlement helps families of members of the National Guard and Reserves manage their affairs while the member is on active duty in support of a contingency operation. This provision makes the normal twelve (12) workweeks of FMLA job-protected leave available to eligible employees with a covered military member serving in the National Guard or Reserves to use for “any qualifying exigency” arising out of the fact that a covered military member is on active duty or called to active duty status in support of a contingency operation. The rule defines qualifying exigency by referring to a number of broad categories for which employees can use FMLA leave: (1) Short-notice deployment; (2) Military events and related activities; (3) Childcare and school activities; (4) Financial and legal arrangements; (5) Counseling; (6) Rest and recuperation; (7) Post-deployment activities; and (8) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.
- W. One of the definitions of serious health condition involves more than three (3) consecutive, full calendar days of incapacity plus “two visits to a health care provider.” Because the current rule is open-ended, the Tenth Circuit has held that the “two visits to a health care provider” must occur within the more-than-three-days period of incapacity.
- X. Under the rule, the two visits must occur within thirty-(30) days of the beginning of the period of incapacity and the first visit to the health care provider must take place within seven days of the first day of incapacity. A second way to satisfy the definition of serious health condition under the current regulations involves more than three consecutive, full calendar days of incapacity plus a regimen of continuing treatment. The final rule clarifies here also that the first visit to the health care provider must take place within seven days of the first day of incapacity. Thirdly, the final rule defines “periodic visits” for chronic serious health conditions as at least two visits to a health care provider per year since that provision is also open-ended in the current regulations and potentially subjects employees to more stringent requirements by



employers.

- Y. Substitution of Paid Leave: FMLA leave is unpaid. However, the statute provides that employees may take, or employers may require employees to take, any accrued paid vacation, personal, family or medical or sick leave, as offered by their employer, concurrently with any FMLA leave. This is called the “substitution of paid leave.” Under the rule, all forms of paid leave offered by an employer will be treated the same, regardless of the type of leave substituted (including generic “paid time off”). An employee electing to use any type of paid leave concurrently with FMLA leave must follow the same terms and conditions of the employer’s policy that apply to other employees for the use of such leave. The employee is always entitled to unpaid FMLA leave if he or she does not meet the employer’s conditions for taking paid leave and the employer may waive any procedural requirements for the taking of any type of paid leave.
- Z. Employer Notice Obligations: Employers are required to provide employees with a general notice about the FMLA (either through a poster, or an employee handbook or upon hire); an eligibility notice; a rights and responsibilities notice; and a designation notice. In order to ensure employers are able to inform employees under the new notice provisions, the final rule extends the time for employers to provide various notices from two (2) business days to five (5) business days.
- AA. Employee Notice: The final rule modifies the current provision that has been interpreted to allow some employees to provide notice to an employer of the need for FMLA leave up to two full business days after an absence, even if they could have provided notice more quickly. Lack of advance notice (e.g., before the employee’s shift starts) for unscheduled absences is one of the biggest disruptions employers point to as an unintended consequence of the current regulations. The final rule provides that an employee needing FMLA leave must follow the employer’s usual and customary call-in procedures for reporting an absence, absent unusual circumstances. The final rule also highlights (without changing) the existing consequences if an employee does not provide proper notice of his or her need for FMLA leave.
- BB. Medical Certification Process (Content and Clarification): The final rule, which is the result of significant stakeholder feedback (including a fall 2007 meeting at the Department of medical certifications), recognizes the advent of the Health Insurance Portability and Accountability Act (HIPAA) and the applicability of the HIPAA privacy rule. The employer’s representative contacting the health care provider must be a health care provider, human resource professional, a leave administrator, or a management official, but in no case may it be the employee’s direct supervisor. Further, employers may not ask health care providers for additional information beyond that required by the certification form. In addition, the rule specifies that if an employer deems a medical certification to be incomplete or insufficient, the employer must specify in writing what information is lacking, and give the employee seven calendar days to cure the deficiency. These changes will improve FMLA communications, protect the privacy of workers, and help ensure that the employees who need leave will get it and not be subject to repeated requests for additional information or be denied FMLA leave on a technicality.
- CC. Medical Certification Process (Timing): Employers may request a new medical certification each leave year for medical conditions that last longer than one year. Employers may generally request a recertification no more often than every thirty-(30) days and only in conjunction with an FMLA absence unless a minimum duration of incapacity has been specified in the certification, in which case recertification generally may not be required until the duration specified has passed. An employer may request recertification of an ongoing condition every six (6) months in conjunction with an absence.

DD. Fitness-For-Duty Certifications: The FMLA regulations allow employers to enforce uniformly applied policies or practices that require all similarly situated employees who take leave to provide a certification that they are able to resume work. This is called a “fitness-for-duty” certification. The final rule makes two changes to the fitness-for-duty certification process. First, an employer may require that the certification specifically address the employee’s ability to perform the essential functions of the employee’s job. Second, where reasonable job safety concerns exist, an employer may require a fitness-for-duty certification before an employee may return to work when the employee takes intermittent leave.

# **Insurance Coverage**

## **I. Medical Insurance**

Any employee of the Town whose regularly scheduled workweek is thirty-six (36) or more hours and who is working in a position designated and approved by Town Council, as a permanent full-time position is eligible to participate in the group health insurance plan.

The town offers PPO and High Deductible health insurance plans for eligible employees. The town will contribute \$125 per month to a health savings account for those employees electing the high deductible plan.

## **II. Life Insurance**

The Town of Culver furnishes its employees with Life Insurance along with its Group Health Insurance Plan.

## **III. Retirement Benefits**

It is the policy of the Town to provide employees with retirement benefits through a variety of coverages.

### **A. Social Security**

1. The Town participates in the Social Security Program. This involves contributions for employee retirement from both the employee and the Town. This is done through Federal Insurance Contributions Act (FICA) taxes.

### **B. Pension Plan – INPRS**

1. Eligibility for membership: an employee must be working in a regular full-time position and must work at least one thousand (1,000) hours per year to be eligible for participation in PERF (Public Employees Retirement Fund). Membership will become automatic upon employment. The employee must, upon hire, complete the application for membership. By special resolution, elected officials presently elected to the Town of Culver public office, including Town Council, are eligible for participation.
2. Contributions
  - a. The Town contributes a yearly amount determined by a pension plan specialist to fund the employer pension obligations.
  - b. The employee is required by State Law to contribute a percentage of their gross wages to the Fund.

## **IV. Workers' Compensation**

Workers' Compensation Insurance provides coverage for work-related injuries and illnesses as required under the Workers' Compensation laws of the State of Indiana. Workers' Compensation Insurance covers all authorized expenses related to the treatment of a work-related illness or injury and provides "lost time benefits" when an employee must be absent from work on a Workers' Compensation Disability Leave.

### **A. Reporting A Work-Related Injury Or Illness**

1. Any illness or injury related to an employee's work assignment must be reported to the Clerk-Treasurer/Department Head so that the necessary forms can be completed and sent with the employee prior to evaluation and treatment, if possible. The Town will inform an injured employee of its approved medical facility at the time of injury.
  2. The supervisor or injured employee must notify the Clerk-Treasurer as soon as possible so that all claims and compensation can be administered properly and in a timely manner.
- B. Employees may use, personal leave, comp time, or vacation time only for the first seven (7) consecutive days following a work-related illness and/or injury. After that period of time, employees are eligible for workers compensation covering a portion of the employee's wages.
1. If the absence from work extends longer than twenty-one (21) calendar days, the initial seven-day waiting period will be retroactively paid by the Workers' Compensation Insurance Carrier.
  2. If the employee is off work due to the injury/illness for an extended period of time, credit to accumulated personal leave, comp time, or vacation time will be used to equalize any eligible indemnity payments for the first seven (7) work days.
- C. Employees off work due to a work-related injury/illness and who are covered by workers compensation will be credited with their normal vacation and sick time accrual, as well as continued insurance coverage.

# Acknowledgment of Receipt

I have received a copy of the Town of Culver Employee Policy and Procedure Manual and understand that it is my responsibility to become familiar with the contents as it outlines my benefits and the Town's policies and procedures.

I understand that the policies, rules, and benefits described in it are subject to change at the discretion of the Town of Culver at any time.

I understand that this manual supersedes all other previous manuals for the Town of Culver.

Should I have any questions regarding these policies and procedures, I understand that I am encouraged to talk them over with my Clerk-Treasurer/Department Head.

Employee Printed Name: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_\_