

ORDINANCE 2018-08

**AN ORDINANCE AMENDING THE WHITESTOWN EMPLOYEE MANUAL
WITH RESPECT TO PTO DAYS, TELECOMMUTING, AND FLEX TIME**

WHEREAS, on June 21, 2017, the Town Council of the Town of Whitestown, Indiana ("Town Council"), adopted Ordinance No. 2017-22, an Ordinance Adopting An Updated Employee Manual ("Manual") for the Town of Whitestown ("Town"); and

WHEREAS, the Town Council may from time to time amend the Manual; and

WHEREAS, the Town Council now desires to amend the Manual with respect to PTO days, flex time for salaried employees, and telecommuting.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whitestown, Indiana, as follows:

Section 1: Personal Time Off Days. The Personal Time Off (PTO) Days provision set forth in "Section 4: Attendance and Time Away from Work Policies" of the Manual is amended and restated as set forth in the attached Exhibit A (new additions in underline, deletions in ~~strikethrough~~).

Section 2: Flex Time. The Overtime provision set forth in set forth in "Section 4: Attendance and Time Away from Work Policies" of the Manual is amended and restated as set forth in the attached Exhibit B (new additions in underline, deletions in ~~strikethrough~~).

Section 3: Telecommuting. A new Telecommuting Policy is hereby added to the Manual at the end of "Section 4: Attendance and Time Away from Work Policies," as set forth in the attached Exhibit C.

Section 4: Execution of Amendment. Upon adoption of this Ordinance, the Town Clerk-Treasurer in conjunction with the Town Manager shall make all amendments stated herein to the Manual (including updating the table of contents as needed).

Section 5: Severability. The terms, paragraphs, sentences, words, policies, and procedures of this Ordinance, the Exhibits, and the Manual are separable, and if a court of competent jurisdiction hereof declares any portion of this Ordinance, the Exhibits, or the Manual unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect the remaining portions thereof.

Section 6: Superseding Clause. The amendments stated herein supersede all prior inconsistent portions of the amended sections and subsections of the Manual, and all prior inconsistent portions of the Manual which do not include the amendments approved herein are similarly superseded by this Ordinance. All other provisions of the Manual remain unchanged.

Section 7: Effective Date. This Ordinance is effective immediately upon passage.

Introduced on February 14, 2018, and adopted by the Town Council of the Town of Whitestown, Indiana, on this 27 day of March, 2018.

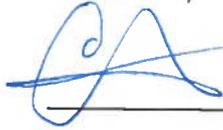
THE TOWN COUNCIL OF THE
TOWN OF WHITESTOWN, INDIANA

YAY/NAY



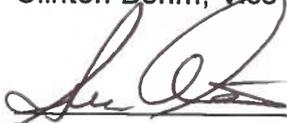
Yes

Eric Miller, President



Yes

Clinton Bohm, Vice President



Yes

Susan Austin

Kevin Russell



yes

Jeffrey Wishek

ATTEST:



Matt Sumner, Clerk-Treasurer
Town of Whitestown, Indiana

3365321

Exhibit A

Personal Time Off (PTO) Days

The Town recognizes that there are times when its employees and sworn officers have personal matters (including personal illness, children that may be ill, or other matters of importance to the employee) that need to be attended to during regular working hours. After successful completion of the Orientation Period (90 days), full-time employees will start earning four (4) paid personal hours a month during the first year of employment. No PTO accrues during the Orientation Period.

After the first full year of employment, each January all full-time employees (as defined above) will be granted paid personal hours at a rate of (a) twenty-eight (28) hours as of each January 1, and then (b) four (4) ~~six (6)~~ hours the first of each of the remaining eleven (11) months, up to a maximum of nine (9) PTO days each year. The request for PTO should be made to the Department Head or Supervisor.

All PTO may be taken in a minimum of two (2) hour increments.

Personal Days must be used by the end of the calendar year in which they were earned and will not carry over into the next calendar year. Personal days may not be taken until earned and employees are not entitled to pay in lieu of taking personal time. On January 1 of each year the accumulation process starts fresh. PTO hours are provided as a courtesy to Town employees. Upon voluntary or involuntary termination of employment with the Town for any reason (e.g., resignation, retirement, layoff or termination) employees are not entitled to payment of unused, earned PTO hours.

Employees must request use of PTO no less than one hour prior to shift start, and are expected to request use of PTO for planned absences as much in advance as possible.

Please refer to the department specific supplemental departmental policies, procedures and general orders manual.

Exhibit B

Overtime

Straight time will be paid to hourly, non-exempt civilian employees working forty (40) hours or less per week. Work performed by hourly employees in excess of forty (40) worked hours in a one week time period will be considered overtime. All overtime must be approved in advance by the supervisor.

Each Department shall attempt to distribute overtime as equally as possible to employees.

Overtime is mandatory and a condition of continued employment. Refusal to work overtime may result in disciplinary action.

Overtime will be paid at a rate of time and one half (1½) the civilian employee's regular rate of pay per hour or 1½ hours of comp time per hour. Overtime is paid for time actually worked over forty (40) worked hours; benefit hours such as holiday, vacation, personal time off, comp time, and other time not actually worked is not considered in computing overtime pay.

Non-Exempt, civilian employees may take compensatory time off in lieu of overtime payment upon request and with the pre-approval their supervisor. Any compensatory time not taken within six months of being earned will be cancelled and the employee will receive payment for those compensatory hours not taken.

Exempt-Salaried employees such as Department Heads, Managers, other Supervisory or Administrative and Professional Personnel are required to work whatever additional time may be necessary to meet the responsibilities of their job descriptions and are not eligible for overtime pay or compensatory time. If the Town Council has declared a 'threat to the public's health or safety' or a 'Public Emergency' exempt employees may be eligible for comp time at the discretion of the Town Council or Town Manager. This is the only circumstance when hours in excess of 40 may be eligible for comp time for an exempt employee.

For those weeks in which Exempt-Salaried employees are required to work after-hours in the performance of their job functions due to Town meetings (e.g., Town Council meetings, events, call-ins, etc.), the Exempt-Salaried Employee may be eligible for variations in the beginning and ending of the employee's workday during the week of the after-hours work ("Flex Time"). All Flex Time must be approved by the Department Head, and should only be allowed when the needs and requirements of the Town are met. Flex Time schedules may be revoked at any time, and the determination of whether to grant or deny Flex Time is within the sole discretion of the Department Head.

Overtime for Sworn Officers' is different in nature due to around the clock scheduling for twenty-four/seven coverage, and is covered in detail in their appropriate departmental level manual. Please refer to the department specific supplemental departmental policies, procedures and general orders manual.

Exhibit C

Telecommuting Policy

On limited occasions it may be necessary for an employee to work from home rather than coming into the office (e.g., weather related events that prevent the employee from traveling to the office). Employees are permitted to work from home only with authorization from their Department Head, which should be granted only in limited circumstances and not as a matter of course, and should only be used for those positions amenable to work being performed from home. The Town maintains complete discretion over which employees and which positions may be eligible to telecommute, as well as the duration. Working from home may not be an effective work alternative for certain positions or due to pending projects or business needs, lack of access to appropriate technology or technological support, essential functions of the job, or an employee's work performance problems.

Employees working from home are subject to the same terms and conditions of employment and are expected to maintain the same level of professionalism, work quality, work quantity, and customer service that would be expected when at the office. Working hours and availability should be the same as if working in the office unless an alternative schedule has been approved by Management. Employees are expected to maintain and submit honest and accurate records of all time worked at home. Employees are cautioned that seeking or obtaining compensation for periods that they are not actually working at home may constitute the crime of ghost employment, notwithstanding that it is grounds for termination.

Employees who work from home should establish a designated workspace in their homes. This workspace must provide assurance that confidential information pertaining to the Town, its employees, clients, and customers will remain confidential. Remote access to the Town's electronic systems must be password protected and employees must ensure it is not accessible by others. Dependent care issues must not interfere with productivity or performance while working at home.

The Town reserves the right to terminate any and all telecommuting at any time with or without notice.