

ORDINANCE 2017-22

**AN ORDINANCE ADOPTING AN UPDATED EMPLOYEE MANUAL
FOR THE TOWN OF WHITESTOWN, INDIANA**

WHEREAS, on October 13, 2009, the Town Council of the Town of Whitestown, Indiana (“Town Council”), adopted Ordinance No. 2009-20, an Ordinance Adopting An Employee Manual (“Manual”) for the Town of Whitestown (“Town”); and

WHEREAS, the Town Council has from time to time amended the Manual; and

WHEREAS, the Town has engaged in a comprehensive review to update various provisions of the Manual; and

WHEREAS, the Town Council desires to adopt the updated policies and procedures set forth in the new Manual.

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

Section 1. **Employee Manual.** The updated Whitestown Employee Manual attached hereto as Exhibit A and incorporated herein by reference is hereby adopted for the Town of Whitestown, Indiana (“Updated Manual”).

Section 2. **Superseding Clause.** All inconsistent provisions of existing rules, policies, resolutions, and ordinances in conflict with the Updated Manual shall be and are hereby superseded by the Updated Manual.

Section 3. **Severability.** The terms, paragraphs, sentences, words, policies, and procedures of the Updated Manual are separable, and if a court of competent jurisdiction hereof declares any portion of the Updated Manual unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect the remaining portions of the Updated Manual.

Section 4. **Effective Date.** This Ordinance is effective immediately upon passage.

Introduced on June 14, 2017, and adopted by the Town Council of the Town of Whitestown, Indiana, on this ____ day of _____, 2017.

THE TOWN COUNCIL OF THE
TOWN OF WHITESTOWN, INDIANA

YAY/NAY

Eric Miller, President

Susan Austin, Vice President

Kevin Russell

Clinton Bohm

Jeffrey Wishek

ATTEST:

Matt Sumner, Clerk-Treasurer
Town of Whitestown, Indiana

3210594

Exhibit A

WHITESTOWN EMPLOYEE MANUAL



WHITESTOWN, INDIANA

Table of Contents

Section 1: Introduction	1
Purpose	1
General Policies	2
Section 2: Non-Discrimination Policies	3
Equal Employment Opportunity Policy	3
Work Environment	3
Sexual Harassment	4
General Non-Harassment Policy	5
Disability Accommodation.....	6
Section 3: Basic Employment Policies	7
Employment Status	7
Pre-Hire Testing	8
Orientation Period – 90 Days.....	8
Job Duties and Responsibilities.....	8
Disciplinary Procedures and Employee Conduct.....	9
Outside/Competing Employment.....	11
Employment of Relatives	11
Ghost Employment.....	12
Personal Conduct	12
Employee Apparel	12
Nursing Mothers	13
Section 4: Attendance and Time Away From Work Policies	14
Attendance and Tardiness.....	14
Emergency Closure/Weather Related Absences/Tardiness:	15
Non-Emergency/Weather Related Closure.....	15
Medical Leave of Absence.....	15
Personal Leave of Absence.....	16
Family and Medical Leave Act.....	16
Bereavement Leave	24
Leave for Military Duty	24
Family Military Leave	25
Witness and Jury Duty.....	26
Vacation Time.....	26
Paid Holidays.....	28
Personal Time Off (PTO) Days.....	29
Inactive Status/Job Abandonment.....	29
Layoff and Recall.....	30
Medical Leave and Dual Employment	30

Section 5: Compensation, Hiring, Promotion and Termination Policies	31
Background Checks	31
Hours of Work	32
Time Clock / Time Sheet Use	32
Work Hours and Breaks	32
Overtime	33
Pay Period	34
Improper Deductions from Salary	34
Performance Evaluations	34
Promotions, Transfers and Intra-Departmental Transfers	35
Termination of Employment	35
Personnel Records	36
Reference Requests	37
Section 6: Employee Benefits	38
Health Insurance	38
Short- and Long- Term Disability Plans	38
457 Plan	38
Public Employees Retirement Fund (PERF)	39
Continuing Education and Advanced Certifications	39
Certification, Licenses or Degrees	39
Tuition Reimbursement Policy	39
Worker's Compensation	42
COBRA	43
Advanced Travel Approval	43
Section 7: Safety and Security	44
Health and Safety	44
Workplace Violence	44
Non-Smoking Policy	45
Substance Abuse / Drug-Free Workplace Policy	45
Drug-Free Awareness Program	46
AIDS and AIDS-Related Conditions	46
Town Property	47
Visitors in the Workplace	47
Inspection of Property	48
Town Owned Vehicles and Equipment	49
Motor Vehicle Accidents	50
Employee Accidents	50
Firearms	51
Section 8: Monitoring and Use of Electronic Technology	52
Cellular Devices	52
Computer Systems Password Policy	54
Electronic Equipment Use and Privacy	57
Social Media Policy	59

Section 9: Town Integrity	66
Confidentiality of Town Information	66
Business Ethics and Conduct	66
Duty to Report	68
Section 10: Employee Issues.....	69
Open Door Policy	69
Employee Acknowledgements	70
Employee Acknowledgement of Receipt of Employee Manual.....	70
Acknowledgement of Receipt of Drug-Free Workplace Policy.....	71
Acknowledgement of Receipt of Password Policy Protection Guidelines.....	72
Acknowledgement of Receipt of Cellular Device Policy.....	74
Tuition Assistance Request Form.....	75

Section 1: Introduction

Purpose

The purpose of the Employee Manual is to provide in summary form, the personnel policies and procedures that govern the employment relationship between The Town of Whitestown (“Town”) and its employees. The policies stated in this Manual are subject to change at any time at the sole discretion of the Town. This Manual supersedes any prior manuals or written policies and Ordinances or Resolutions of the Town that are inconsistent with its provisions. Employees may receive updated information concerning changes in policy from time to time, and those updates should be kept with the employee’s copy of the Manual. If there are any questions about any of the provisions in the Manual, please ask your supervisor or the Town Manager.

This Manual does not create a contract of employment between the Town and its employees. Although it is hoped that the employment relationship with the Town will be long-term, either the employee or the Town may terminate this relationship at any time, for any reason, with or without cause or notice, unless the employee is covered by a specific statute that provides otherwise.

With respect to at-will employees, no supervisor, manager, or representative of the Town other than the Council has the authority to enter into any agreement with an employee regarding the terms of employment that changes the at-will relationship or deviates from the provisions in this Manual.

Additional personnel policies, procedures and general orders specific to the individual Town departments will be detailed in department specific Manual updates, and shared with employees in each department. Master copies of all departmental manuals will be available from the Human Resources Office. Please refer to the department specific supplemental departmental policies, procedures and general orders manual.

Public service is a public trust and honor not to be taken lightly. Each employee has a responsibility to the citizens to enforce the Constitution and laws of Indiana, putting ethical principles before any private and personal gain or view.

Departmental Standard Operating Policies (SOP’s) for non-civilian workers (sworn officer’s such as law enforcement, fire fighters and other public safety positions) may be subject to state and/or federal regulations beyond those described in this Manual, and will also be subject to the standard operating policies established and adopted by their respective review boards in accordance with state and federal laws.

Updates to this Employee Manual will be provided to all employees, as necessary, and employees will be expected to insert any and all updates into their Manual immediately upon receipt.

General Policies

The policies incorporated within this Manual are a general guide for all employees of the Town of Whitestown. It is not intended to cover every subject and situation.

Within each Department or Area of Employment there may be specific requirements, regulations or policies that must be followed as an employee of that department. These will be set forth in a 'Departmental Procedures and Policy Manual' or SOP that is approved by the Town Council of Whitestown for use in that particular area. The department-specific requirements, regulations, and policies will take precedent over any conflicting policies or provisions in this Manual.

Employees will receive a written copy of such requirements and regulations pertaining to their specific department/area.

Section 2: Non-Discrimination Policies

Equal Employment Opportunity Policy

The Town is committed to being an Equal Opportunity Employer (EEO) and abides by the Laws and the Constitution of the State of Indiana and the Government of the United States.

This Equal Opportunity Policy reaffirms the policy and commitment of the Town to provide equal employment opportunities for all employees and job applicants. The Town endorses and will follow this EEO Policy in implementing all employment practices, policies and procedures.

The Town will recruit, hire, train, and promote persons in all job titles without regard to race, color, religion, national origin, veteran status, sex, sexual orientation, age, physical or mental disability, genetic (including family medical history) information, or any other legally-protected status. The Town will make employment decisions so as to further the principal of equal employment opportunity. The Town will ensure that promotion decisions are in accord with principles of equal employment opportunity by imposing only valid and nondiscriminatory requirements for promotional opportunities. The Town also will ensure that all personnel decisions and actions, including but not limited to compensation, benefits, transfers, promotions, layoffs, returns from layoff, discipline, terminations, Town-sponsored training, education, tuition assistance, and social and recreation programs will be administered without regard to race, color, religion, national origin, veteran status, sex, sexual orientation, age, mental or physical disability, genetic (including family medical history) information, or any other legally-protected status.

All employees are expected to comply with this EEO Policy. Department Heads, managers and supervisors who are responsible for meeting business objectives are expected to cooperate fully in meeting our equal employment opportunity objectives and their overall performance will be evaluated accordingly.

Any person who is aware of any alleged violation of this policy should report such concerns to the Town Manager or the Town Council President as soon as possible. The Town will thoroughly investigate and promptly resolve all such complaints in strict compliance with applicable law. Any employee violating this policy or retaliating against complainants under this policy will be subject to discipline, up to and including termination of employment.

Work Environment

The Town is committed to fostering and achieving a work environment that respects and values a diverse workforce and in which employees are generally respectful of one another. It is also the objective of the Town to promote and encourage a productive and safe work environment. With respect to health and safety, all departments of the Town

shall maintain an active safety program in compliance with OSHA requirements. In furthering the Town goals, employee conduct of any nature that undermines its productivity, civility, and safety goals and other objectives designed to ensure a positive work environment will not be tolerated.

Sexual Harassment

It is the policy of the Town to provide an environment free from sexual and sex-based harassment. It is against the policy of the Town for any employee, whether a manager, supervisor, or co-worker, to sexually harass another employee. Sexual harassment or sex-based harassment occurs when unwelcome conduct of a sexual nature becomes a condition of an employee's continued employment, affects other employment decisions regarding the employee, or creates an intimidating, hostile or offensive working environment. The Town also prohibits third party sexual harassment of its employees, such as by customers or vendors.

Sexual and sex-based harassment may include:

- Requests for sexual favors
- Unwanted physical contact, including touching, pinching or brushing the body
- Verbal harassment, such as sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions and threats
- Non-verbal conduct, such as display of sexually suggestive objects or pictures, leering, whistling or obscene gestures
- Acts of physical aggression, intimidation, hostility, threats or unequal treatment based on sex (even if not sexual in nature) and
- Adverse treatment based on gender stereotyping.

Any employee who believes he or she has been sexually harassed should report the conduct immediately to the Town Manager or the Town Council President. No victim retaliation or discrimination will result from any good-faith complaint made under this policy.

A thorough and impartial investigation of all complaints will be conducted in as timely and confidential a manner as reasonably possible given the need for investigation. Any employee of the Town who has been found, after appropriate investigation, to have sexually harassed another employee will be subject to disciplinary action up to and including discharge.

General Non-Harassment Policy

In providing a productive working environment, the Town believes that its employees should be able to enjoy a workplace free from all forms of discrimination, including harassment on the basis of race, color, religion, gender, sexual orientation, national origin, age, mental or physical disability, genetic (including family medical history) information, or other legally-protected status. It is the Town's policy to provide an environment free from such harassment.

It is against the policy of the Town for any employee, whether a manager, supervisor or co-worker, to harass another employee. Prohibited harassment occurs when verbal or physical conduct that defames or shows hostility toward an individual because of his or her race, color, religion, gender, sexual orientation, national origin, age, mental or physical disability, genetic (including family medical history) information, or other legally-protected status, or that of the individual's relatives, friends or associates; creates or is intended to create an intimidating, hostile, or offensive working environment; interferes or is intended to interfere with an individual's work performance; or otherwise adversely affects an individual's employment opportunities. The Town also prohibits third party harassment of its employees, such as by customers or vendors.

Harassing conduct includes, but is not limited to, the following:

- Epithets, slurs, negative stereotyping, or threatening, intimidating or hostile acts, which related to race, color, religion, gender, sexual orientation, national origin, age or disability.
- Written or graphic material that defames or shows hostility or aversion toward an individual or group because of race, color, religion, gender, sexual orientation, national origin, age or disability and that is placed on walls, bulletin boards or elsewhere on the Town's premises, or that is circulated in the workplace.

Any employee who believes he or she has been harassed in violation of this policy should report the conduct immediately to the Town Manager or the Town Council President. No victim retaliation or discrimination will result from any good-faith complaint made under this policy.

A thorough and impartial investigation of all complaints will be conducted in as timely and confidential a manner as reasonably possible given the need for investigation. Any employee of the Town who has been found, after appropriate investigation, to have harassed another employee will be subject to disciplinary action up to and including discharge.

Disability Accommodation

Employees who believe they have a mental or physical disability and require reasonable accommodation to perform the essential functions of their job should contact the Town’s designated ADA Coordinator. The Town will then engage in an interactive dialog with the individual employee to verify the existence of a disability covered under applicable law, identify possible accommodations, and determine which accommodations the Town can and will reasonably provide under the specific circumstances.

Section 3: Basic Employment Policies

Employment Status

The Town's employees are either 'sworn' officers or civilian employees. The Fire and Police Department have 'sworn officers', while all other Town employees are considered civilian employees.

The Town maintains standard definitions of employment, and classifies employees in accordance with these definitions:

Town employees are:

- **FULL-TIME:** Employees working in an established position, requiring a standard work week of forty (40) hours each week, and eligible for Town benefits;
- **PART-TIME:** Employees working in an established position, requiring a standard work week of less than forty (40) hours; or
- **TEMPORARY/SEASONAL:** Those employed for a limited and specific period of time and they may also work a non-standard schedule.

Town employees are also:

- **SWORN OFFICER (NON-CIVILIAN):** Employees working in law enforcement, fire or other public safety duties as stipulated by state and federal laws; or
- **CIVILIAN EMPLOYEE:** All other Town employees, *e.g.*, utility employees, office assistants, clerks, street workers, etc.

Town employees are also defined as either:

- **EXEMPT:** Those employees who are employed in an executive, administrative or professional capacity and who are considered exempt from the federal minimum wage and maximum hours laws; or
- **NON-EXEMPT:** Those employees who are not employed in an executive, administrative or professional capacity and who are covered by the federal minimum wage and maximum hour's laws.

All employees, regardless of employment status, are subject to all Town rules and procedures, unless specifically detailed by state and/or federal laws for sworn officers or non-civilian employees. Please refer to the department specific supplemental departmental policies, procedures and general orders manual.

On occasion, the Town may contract with non-employees (*i.e.*, independent contractors) for a specific period of time to perform a specific job or project according to conditions agreed upon in a fully executed contract between the Town and the independent contractor. While independent contractors are expected to abide by certain Town rules and standards, they are not employees and are not subject to the rights, privileges, and benefits, accorded to Town employees.

Pre-Hire Testing

Certain pre-hire testing is required for select positions. Refer to the department specific supplemental departmental policies, procedures and general orders manual for details.

Orientation Period – 90 Days

Newly hired employees of the Town shall be required to successfully complete a ninety (90) day Orientation Period. Such employees will be evaluated in writing by their appropriate supervisor on or about completion of the Orientation Period. The Orientation Period allows management to closely observe and evaluate employees' fitness and suitability for the duties they have been assigned.

After completing the 90 days, employees will be evaluated and informed of a satisfactory or unsatisfactory rating by their supervisor. An unsatisfactory rating at any time during the 90 day period may result in termination of employment either immediately or at the end of the period. Employment remains at-will during and after successful completion of the Orientation Period except as otherwise provided in a specific statute covering the employee's employment.

Sworn officers (fire and police) are not subject to the 90 day Orientation Period. Please refer to the department specific supplemental departmental policies, procedures and general orders manual for sworn officers Orientation Periods.

Temporary workers who are placed on assignment with the Town through a temporary services agency are not considered employees of the Town. If a temporary work is subsequently hired by the Town as a full-time employee, the employee's 90-day Orientation Period starts on the employee's first day worked as an employee for the Town, which then becomes the official hire date for that employee.

Job Duties and Responsibilities

During Orientation Periods, the supervisor will explain the job responsibilities and performance standards expected for the position, including reviewing the job description. Job responsibilities may change at any time during employment, and employees may be asked to work on special projects or assist with other work necessary or important to the operation of the department or Town. Employee cooperation and assistance in performing such additional work is expected. The Town, in conjunction with Department Heads, reserves the right at any time, with or without

notice, to alter or change job responsibilities, reassign or transfer job positions or assign additional job responsibilities, within the specific departments of employment.

Disciplinary Procedures and Employee Conduct

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 an employee's conduct falls below these standards, disciplinary action may be taken.

Town policy with respect to the imposition of discipline for inappropriate behavior, performance shortcomings, or attendance problems is generally progressive. Minor offenses or performance issues will generally be handled through the following progressive steps:

1. Oral warning
2. Written warning
3. Suspension without pay, up to five (5) days
4. Demotion and/or
5. Termination

However, depending on the nature and seriousness of the offense, one or more of the progressive steps may be bypassed in any particular situation. Certain violations of Town policies or protocol may be so severe or egregious as to compel termination of employment even for the first offense.

Absence and tardiness is dealt with according to the Absence and Tardiness policy in this Manual.

The following infractions will result in disciplinary action up to and including termination of employment. This list is not intended to include all offenses for which an employee may be disciplined or discharged.

- Excessive tardiness or absence.
- Leaving Town premises during working hours without permission.
- Failing to report an absence within one-half (1/2) hour of starting time.
- Unprofessional behavior while performing job duties.
- Neglect of duty and/or failure to perform assigned duties.
- Failure to follow established work procedures and policies.
- Gambling on Town Premises.
- Horse play, use of machinery, equipment, or tools in a hazardous manner, or abuse of such machinery, equipment, or tools.
- Creating or contributing to any unsanitary condition.
- Failing to report any mistake by yourself or another person that could affect the Town's operations or the quality or quantity of its services.
- Posting unauthorized notices on Town property.

- Restricting one's own production or interfering with the production of other employees.
- Conducting personal business on Town time.
- Violating safety regulations, engaging in unsafe conduct or failing to report unsafe conduct or conditions.
- Failing to make an immediate report of an occupational injury or immediately reporting a slowly-developing injury once the employees is aware of the injury and that it is work-related.
- Failing to return from leave of absence as scheduled.
- Improper or fraudulent use of any leave or leave benefit.
- Insubordination, including the failure or refusal to obey the orders or instructions of a supervisor or management, the use of abusive or threatening language toward such individuals, or any conduct that undermines supervisory authority.
- Unauthorized disclosure of confidential or proprietary Town information.
- Loafing, loitering or sleeping on the job.
- Mistreatment towards or disrespect of the public, fellow employees, supervisory personnel, fellow employees, supervisors or citizens.
- Using abusive or threatening language.
- Violating the Town's Substance Abuse/Drug-Free Workplace policy. Violation of the Town's Ethics Policy.
- Clocking in/out or completing another employee's time card/sheet, or allowing another employee to do the same for the employee.
- Absence without notification for two or more workdays.
- When acting in the capacity of a Town employee, possessing firearms on Town premises except out-of-sight in the employee's locked vehicle or possessing any other weapon, explosives, or other dangerous device on any Town premises, without authorization from the Town (*exception*: police officers and code enforcement officers).
- Carrying a firearm, other weapon, explosives or other dangerous device in a Town vehicle without authorization from the Town (*exception*: police officers).
- Fighting or committing an assault.
- Falsifying or failing to disclose completely all information requested or recorded on any employment, personnel, or other record of the Town or its suppliers, customers, or insurance carriers.
- Stealing or commission of any criminal offense on Town property or while on duty.
- Damage to or improper use of Town property negligently or willfully.
- Unauthorized possession of Town property.
- Requesting and/or obtaining another employee's computer system passwords.
- Making false or malicious statements about employees, supervisors, management, the Town, or its officials, visitors, or vendors at any time.
- Disorderly, offensive, or illegal conduct.
- Conviction of a felony, or conviction of another offense that calls into question the employee's suitability for his or her position, does or could harm the Town's reputation, or interferes with or calls into question the employee's ability,

suitability, or judgment to properly perform job duties. The Town also reserves the right to place an employee on suspension or otherwise take disciplinary action pending the outcome of charges against an employee as considered reasonably necessary in the best interests of the Town.

- Dishonesty against the Town.
- Unauthorized use or possession of Town property or equipment for personal reasons.
- Violating the Town's equal employment opportunity or anti-harassment policies.
- Violating any policy in this Manual or in any specific departmental policies, procedures and general orders manual.

Each department may have supplemental disciplinary policies specific to that department. Please refer to the department specific supplemental departmental policies, procedures and general orders manuals.

Process for Discipline Violations

A copy of all written disciplinary action shall be given to the affected employee and shall also be placed in the employee's personnel file. Please refer to the department specific supplemental departmental policies, procedures and general orders manual.

Outside/Competing Employment

No employee shall have other outside employment or activities that cause conflict with their responsibility as an employee of the Town. Further, unless authorized in writing in advance by the Town Manager or Fire and/or Police Chief (as applicable to the employee's position), employees are not permitted to engage in outside employment for any contractor or company that has a contract with the Town during the period of that contract or to engage in any outside employment which is performed on Town premises or entails using Town owned programs, property, materials, tools or equipment. The purpose of this policy is to ensure that employees maintain the ability to properly and efficiently perform their job duties and responsibilities, including complying with any overtime requirements, in accordance with the policies and operational objectives of the Town department in which each employee works.

Outside employment will not be considered a valid reason for absenteeism, tardiness, or poor job performance. Before accepting outside employment, employees should inform their supervisor of their intention so that the supervisor can ensure that such employment does not present an unacceptable conflict of any kind with the Town or with your continued employment with the Town.

Employment of Relatives

Prior to extending any offer for employment with the Town (or any Town Department or Agency) to any person who has a relative employed with or serving as an elected or appointed official of the Town, and prior to the promotion of any existing employee who

has a relative employed with or serving as an elected or appointed official of the Town (or any Town Department or Agency), the Town Council must be provided notice and must approve such employment or promotion.

To ensure compliance with this policy, all applicants and persons being considered for employment or promotion with the Town (or any Town Department or Agency), must verify an relatives employed with or serving as elected or appointed officials of the Town.

For the purpose of this policy, a relative includes a spouse, parent, child (natural or adopted), stepchild, brother, half-brother, sister, half-sister, stepbrother, stepsister, niece, nephew, aunt, uncle, daughter-in-law, son-in-law (including half-bloods and adopted children).

Ghost Employment

Employees are prohibited from performing work for themselves or for other persons or entities or engaging in non-Town related business during their Town work hours or utilizing Town property or equipment for that purpose.

Personal Conduct

The Town respects the privacy interests of its employees and recognizes their right to conduct their personal lives free from interference from the Town. Nonetheless, employees should keep in mind that, even while off duty, they represent the Town to the public and should strive to preserve the Town's reputation. In addition, certain types of off-duty conduct may reflect poorly upon an employee's character and judgment and thereby influence his or her standing as a Town employee. Therefore, employees who engage in unprofessional or criminal conduct or other serious misconduct off-duty may be subject to disciplinary action by the Town, including termination of employment, if such conduct is determined by management to be harmful to the Town image, inconsistent with expectations of our employees, or otherwise adversely affects the Town's legitimate business interests.

Employee Apparel

Employees should dress in a professional manner appropriate to their position. Those employees whose positions require them to wear a uniform or other specific work wear must wear the required apparel unless otherwise authorized. Employees who have questions regarding appropriate dress at work should consult their supervisor. Violators of the Town's dress code may be sent home to change and will not be paid for the time away from work unless the employee is salaried exempt.

Nursing Mothers

The Town will provide breaks and a private location for employees to pump breast milk. Upon request, the Town will provide a cold storage space for keeping the milk until the end of the workday; otherwise, employees may provide their own portable cold storage device.

Section 4: Attendance and Time Away From Work Policies

Attendance and punctuality are very important – absences cause a slowdown in the work and added burdens for fellow employees. Good attendance is expected from all employees. The Town does realize that there are times when absences and tardiness cannot be avoided. Each employee's absenteeism and tardiness records are kept on file with the Department Head and the Human Resources Office. Excessive absenteeism and tardiness will not be tolerated and will be cause for disciplinary action up to and including termination.

Attendance and Tardiness

Employees that are unable to report to work for a regularly scheduled work day are required to notify their supervisor at least one hour prior to the start of the shift. Employees should call every day they are absent unless they are on an approved leave of absence. Employees who do not properly give notice to document their absence, or who are habitually tardy, will be subject to the following disciplinary action:

1. Absent first time without contacting the supervisor - a written warning will be issued and a copy placed in the employee's personnel file.
2. Absent the second time without contacting the supervisor - a one day suspension without pay will occur and a copy of the disciplinary action will be placed in the employee's personnel file.
3. Absent a third time without contacting the supervisor - employment will be terminated with immediate termination of employee benefits.
4. If the employee is absent without leave or notification for three (3) consecutive days, this will result in automatic termination of employment and the employment termination notification will be mailed to the employee. There will also be an immediate termination of employee benefits unless otherwise required by the applicable benefits plan or by law.

Similar steps may be used for habitual tardiness, with a record of the tardy times and how often it occurs accompanying any actions taken.

Individual departments will schedule work days or shifts as most appropriate to the business at hand. Additional detail is provided within the department specific supplemental departmental policies, procedures and general orders manual.

Emergency Closure/Weather Related Absences/Tardiness:

If a weather related emergency is declared for Central Indiana or Boone County restricting vehicular traffic, then only essential Town personnel will be required to come in to perform their normal work duties. All other personnel should contact their immediate supervisor to determine whether their attendance is required. For employees who are advised not to report to work on any such weather emergency day, they will be compensated at their regular rate of pay as though a full shift had been worked. For Town employees who must work when such a weather emergency has been declared, they will be compensated in the same manner as for working on holidays.

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

Non-Emergency/Weather Related Closure

In inclement weather and/or on special occasions (including, but not limited to, days prior to holidays) the Town Manager, after consulting with the Town Council President, shall have the authority to close the Town's offices and send employees home with or without pay. In such an event, the Town Manager or designee shall notify all Town employees of the proposed closure (including an early closure). In addition, the Town Manager or designee shall insure that notice of the closure is posted at the Town Hall and at the Utility Office.

Medical Leave of Absence

If an employee expects to be absent from work for more than three consecutive days (weekends, shifts included) as a result of illness, injury or other disability (including pregnancy), he or she must submit a written request for medical leave to their Department Head and the Human Resources Office at least 30 days before the anticipated commencement of the leave. In the case of an emergency or when 30 days' notice cannot otherwise be provided, the employee or a member of the employee's immediate family should notify the employee's supervisor or manager as soon as possible. The written leave request normally should follow this notification by no more than three duty days.

In all situations, the employee's request for medical leave must be supported by a physician's certification of the medical need for leave. This certification must be furnished within 15 days of the employee's leave request. The employee also may be required to submit to an examination by a physician selected by the Town before the leave of absence will be approved. If circumstances require an extension of leave for any reason, the employee must provide the Town with a physician's statement attesting to the employee's continued medical condition and inability to work. As well, an employee returning from medical leave must submit a doctor's statement indicating that the employee has been released to return to work.

The maximum duration of a medical leave of absence is 26 weeks. If an employee is unable to return to work after 26 weeks, his or her employment may be terminated unless otherwise required by applicable law. Also, unless otherwise required by applicable law, the Town cannot guarantee reinstatement of the employee upon completion of an approved leave of absence. Nonetheless, the Town will make every effort to return the employee to a comparable job, subject to budgetary restrictions, the Town's need to fill vacancies, and the Town's ability to find qualified temporary replacements.

As a general matter, medical leaves of absence under this policy are unpaid. However, an employee on medical leave must to use any unused accrued vacation, personal days, and earned compensatory time while on a medical leave of absence (except as not otherwise permitted by law). Employees may be eligible for short-term disability benefits (if available), and/or long-term disability benefits (if available) under the Town's policies during their medical leave. Please refer to the department specific supplemental departmental policies, procedures and general orders manual.

Personal Leave of Absence

A full-time employee who has completed at least one year of service with the Town may request an unpaid personal leave of absence for a period of up to 30 days. A personal leave must be requested in writing at least 30 days in advance to the Department Head and then the Human Resources Office, unless necessitated by an emergency, in which case oral notification should be followed by prompt written application for the leave.

Personal leave may be granted for any justifiable reason at the Town's discretion through the Council, Departmental Commission or Council appointed department designee, provided the leave does not seriously disrupt the Town's operations. All unused, accrued vacation and personal days must be used before a personal leave will be granted.

The Town cannot guarantee reinstatement to employees returning from personal leave (unless such leave is covered by the Family and Medical Leave Act), but will make every effort to reinstate employees to their former positions if business requirements permit. Please refer to the department specific supplemental departmental policies, procedures and general orders manual.

Family and Medical Leave Act

The Town complies with all applicable federal and state labor and employment laws, including the Family and Medical Leave Act of 1993 (FMLA). Under the FMLA, eligible employees are entitled to certain rights, and have certain obligations, with respect to unpaid leave for certain family and medical reasons.

FMLA Leave Eligibility

An eligible employee under the FMLA is an employee who has been employed by the Town for at least 12 months, who has worked at least 1,250 hours in the past 12 months, and who works at a facility in which at least 50 employees are employed by the Town either at that facility or within 75 miles of that facility.

The 12-months that an employee must have been employed by the Town to be eligible for FMLA leave need not be consecutive. Except in certain limited circumstances relating to military leave, any period of employment with the Town prior to a break in service of 7 months or more will not be counted in computing the 12-months' service requirement.

Reasons for FMLA Leave

An eligible employee may take FMLA leave for one of five different reasons. Specifically, an eligible employee may take FMLA leave of:

- Up to 12 weeks per Leave Year to care for a newborn child, or a child newly placed in the employee's custody through adoption or foster care, for a period of up to one year after such birth or placement;
- Up to 12 weeks per Leave Year to care for the employee's spouse, child, or parent who has a Serious Health Condition;
- Up to 12 weeks per Leave Year because of the employee's own Serious Health Condition, if that condition renders the employee unable to perform his or her job functions;
- Up to 12 weeks per Leave Year because of a Qualifying Exigency arising from the fact that the employee's spouse, son, daughter, or parent is on Covered Active Duty; or
- Up to 26 weeks within a Single 12-Month Period to care for a Covered Servicemember who is the employee's spouse, daughter, son, parent, or next of kin who is a member of the Armed Forces (including National Guard or Reserves) and who is undergoing medical treatment, recuperation, or therapy; is in outpatient status; or is on the Temporary Disability Retired List for a Serious Injury or Illness suffered in the line of duty; or a veteran who is undergoing medical treatment, recuperation or therapy for a Serious Injury or Illness suffered in the line of duty and who was a member of the Armed Forces (including National Guard or Reserves) at any time during the five years preceding the date of treatment, recuperation or therapy.

Any leave taken by an eligible employee for one or more of these reasons will be counted against that employee's annual FMLA leave entitlement. An employee may not combine forms of leave to exceed the maximum entitlement under the law. In other words, an employee is only eligible for a total of 12 or 26 weeks of FMLA leave a year, as applicable, depending on the reason for the leave.

Limits on Spousal Leave

Spouses who both work for the Town will be limited to a combined total of 12 weeks FMLA leave per Leave Year for the birth, adoption, or foster placement of a child or to care for a parent with a Serious Health Condition. Spouses who both work for the Town will likewise be limited to a combined total of 26 weeks FMLA leave during the Single 12-Month Period to care for a Covered Servicemember.

Definitions

Covered Active Duty

For current active duty members of the Armed Forces, "Covered Active Duty" means duty during deployment to a foreign country.

For members of a reserve component of the Armed Forces, "Covered Active Duty" means:

- duty during service in a foreign country as part of any operation designated by the Secretary of Defense as one in which members of the Armed Forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force;
- an operation that results in a call to duty of certain members of the Armed Forces from retirement, the reserves, the National Guard, or state militias; or
- any other operation which is the result of a national emergency declared by the President or Congress.

Covered Servicemember

Means:

- a current member of the Armed Forces (including National Guard or Reserves) who has suffered a Serious Injury or Illness incurred in the line of duty for which he or she is undergoing medical treatment, recuperation, or therapy; is otherwise in outpatient status; or is on the Temporary Disability Retired List; or
- a veteran who is undergoing medical treatment, recuperation or therapy for a Serious Injury or Illness and who was a member of the Armed Forces (including National Guard or Reserves) at any time during the five years preceding the date of treatment, recuperation, or therapy.

Leave Year

For the purpose of this policy (with the exception of leave to care for a Covered Servicemember), the leave year within which an eligible employee may take his or her 12 weeks of FMLA protected leave means a calendar year.

Next of Kin

Means the nearest blood relative of the injured Covered Servicemember as defined by applicable law and regulation.

Qualifying Exigency

Qualifying exigencies include the following relating to the active duty or call to active duty status of a covered military servicemember:

- Issues arising from the short notice (seven or less days) deployment of the employee's spouse, daughter, son, parent, or Next of Kin in the military ("Servicemember") for a period of seven days from the date of notification;
- Military events and related activities;
- Certain childcare and related activities;
- Making and updating financial and/or legal arrangements;
- Attending counseling for the covered military servicemember or the child of the covered military servicemember;
- Taking up to **fifteen** days of leave to spend time with a covered military servicemember who is on short-term temporary rest and recuperation leave during deployment;
- Attending certain post-deployment activities;
- Any other event that the Town and the employee agree is a Qualifying Exigency and agree as to both the timing and duration of the leave; and
- Care of a Covered Servicemember's parent (including directly caring for the parent, arranging for care of the parent by another, admitting or transferring the parent to a care facility, or attending meetings with care providers for a parent at a care facility) who is incapable of performing self-care in three or more daily living activities (*e.g.*, grooming, hygiene, bathing, dressing, or eating) or instrumental activities of daily living (*e.g.*, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using a telephone, or using a post office, etc.).

Serious Health Condition

Means an illness, injury, impairment, or physical or mental condition that involves either:

- Inpatient care (*i.e.*, an overnight stay) in a hospital, hospice, or residential medical-care facility, including any period of incapacity (*i.e.*, inability to work, attend school, or perform other regular daily activities) or subsequent treatment in connection with such inpatient care; or
- Continuing treatment by a health care provider, which includes:
 - (a) A period of incapacity lasting more than three consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also includes:
 - treatment two or more times by or under the supervision of a health care provider (*i.e.*, in-person visits, the first within 7 days and the second within 30 days of the first day of incapacity unless extenuating circumstances exist for the latter); or
 - one treatment by a health care provider (*i.e.*, an in-person visit within 7 days of the first day of incapacity) with a continuing regimen of treatment under the supervision of a healthcare provider; or
 - (b) Any period of incapacity related to pregnancy or for prenatal care.
 - (c) Any period of incapacity or treatment for a chronic Serious Health Condition which:
 - continues over an extended period of time
 - requires periodic visits (at least twice a year) to a health care provider, and
 - may involve occasional episodes of incapacity rather than a continuing period of incapacity.
 - (d) Any period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective. Only supervision by a health care provider is required, rather than active treatment; or
 - (e) Any absences to receive multiple treatments (and recovery from such treatment) for restorative surgery or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days if not treated.

Serious Illness or Injury

For the purpose of determining whether an eligible employee's spouse, daughter, son, parent, or next of kin is a Covered Servicemember who has suffered a qualifying illness or injury in the line of duty, this means an injury or illness that renders the servicemember unable to perform the required duties of their office, grade, rank or rating.

Single 12-Month Period

The Single-12 Month Period pertaining to leave to care for a Covered Servicemember begins the first day the employee takes FMLA leave to care for the Covered Servicemember and ends 12 months after that regardless of the Leave Year used by the Town for other types of FMLA leave.

Requesting FMLA Leave

The Town will provide the necessary forms to request FMLA leave. Employees must give the Town at least 30-days' notice of their intent to leave under the FMLA if the leave is foreseeable. If the leave is not foreseeable, employees must make a good faith effort to provide notice as soon as practicable and must generally comply with the Town's customary call-in requirements. Any employee who fails to give the requisite notice may be delayed in receiving authorization for leave.

Employees must provide information sufficient to enable the Town to determine whether the leave may be FMLA-qualifying and the anticipated timing and duration of the leave. The Town may require information showing that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave. If the leave is for a condition for which the Town has previously approved FMLA leave, the employee must specifically reference that qualifying reason for the leave or the need for FMLA leave.

Notification of Designation

Absent extenuating circumstances, the Town will notify employees whether their leave has been approved as FMLA-qualifying no later than 5 business days after receiving sufficient information to make this designation. If known at the time of the designation, the Town will notify the employee of the amount of leave that will be counted against the employee's FMLA entitlement. If this information is not known at the time of the designation, the Town will provide such information, upon the employee's request, once every 30 days if leave is taken within that time period. If an employee is not eligible for FMLA leave, the Town will advise the employee why that is the case.

Compensation for FMLA Leave

Generally, FMLA leave is not paid. However, an eligible employee may elect to take any accrued paid vacation leave or, for personal medical leave, paid sick days in lieu of

taking unpaid leave under the FMLA. Such paid leave will be counted towards the employee's 12 or 26 weeks of FMLA leave granted per leave year. Employees do not continue to accrue paid leave time under Town policies while on FMLA leave.

Intermittent or Reduced Hours Leave

In the case of leave taken to care for a seriously ill spouse, child, or parent; due to the employee's own Serious Health Condition; a Qualifying Exigency; or to care for a Covered Servicemember, an employee may take leave intermittently (*i.e.*, periodically) or on a reduced hours schedule (*i.e.*, reduced number of working hours per day or per week) only when such leave is medically necessary and certified as such. Otherwise, such leave is not permitted except at the sole discretion of the Town. An employee who takes leave intermittently or on a reduced leave schedule may be temporarily transferred to another position for which the employee is qualified to better accommodate that leave.

Job and Benefits Security

An eligible employee who takes leave under the FMLA and who returns to work before his or her annual FMLA entitlement has expired will be restored to the position he or she held when the leave commenced, or to an otherwise equivalent position with respect to pay, benefits, and other terms and conditions of employment, unless the employee would no longer have been employed in such a position had the employee not taken such leave. Additionally, any unused employment benefits that had accrued to an eligible employee prior to the commencement of leave will be restored upon return from FMLA leave.

Continuation of Group Health Plan Coverage

Group health plan coverage will be maintained by the Town during an eligible employee's period of FMLA leave to the same extent and under the same circumstances as it ordinarily is furnished to that employee. Employees should contact the Human Resources Office to make arrangements to pay the employees' premium payments for group health plan coverage. The Human Resources Office will notify eligible employees concerning the amount of each premium payment. Failure to pay such premiums during leave or according to the arrangements made with the Human Resources Office may result in the loss of health coverage. An eligible employee who fails to return to work after the expiration of the FMLA leave period for reasons that are not beyond his or her control will be expected to reimburse the Town for health care premiums paid by the Town during the leave period.

Certification of the Need for Leave

In cases of leave to be taken to care for a family member with a Serious Health Condition, a Covered Servicemember who has suffered a Serious Injury or Illness in the line of military duty, or due to the employee's own Serious Health Condition, an eligible

employee must provide the Town with a completed and signed health care provider certification indicating that the employee requires FMLA leave. The Town will provide the appropriate forms for such certification.

In cases of leave due to a Qualifying Exigency arising out of the active duty or call to active duty of a covered military servicemember, the Town requires that an employee's request for leave be supported by appropriate documentation as required by applicable law and regulation.

In all cases, the forms certifying and supporting the need for FMLA leave must be returned within 15 calendar days after the employee gives notice of intent to take FMLA leave unless not practicable. Failure to return this certification in a timely manner may result in delays in securing authorization for leave and the Town may deny FMLA coverage until the required certification is provided. Failure to return the certification at all will preclude the employee from taking leave.

The Town also may require, at its own expense, a second and third health care provider opinion (except with respect to leave to care for a Covered Servicemember) if there is a question as to the validity of the certification provided by the employee for leave relating to a Serious Health Condition.

An eligible employee also may be asked to furnish the Town with subsequent health care provider certifications on a reasonable basis during the employee's leave period except if the employee is on leave to care for a Covered Servicemember. An eligible employee's failure to furnish subsequent certifications may result in termination of the employee's right to leave.

The Town may seek recertification of the need for leave as permitted by statute and regulation.

Return to Work

An employee returning to work from FMLA leave of absence must be able to perform the essential functions of his or her job. If a reasonable accommodation is required, the employee must notify the Town's ADA Coordinator. An eligible employee on FMLA leave must submit to the Town a medical release (*i.e.*, fitness for duty certification) indicating that the employee is able to return to work and perform the essential functions of the employee's position. The Town will furnish the employee with a list of essential functions to facilitate this process. Failure to submit a medical release will preclude the employee from being restored to his or her employment with the Town.

Non-Discrimination/Non-Retaliation Policy Statement

The Town will not: (1) interfere with, restrain, or deny the exercise of any right provided under the FMLA; (2) discharge or discriminate against any person for opposing any

practice made unlawful by the FMLA; or (3) discharge or discriminate against any person for his or her involvement in any proceeding under or relating to the FMLA.

Bereavement Leave

A bereavement leave must be arranged with the appropriate supervisor/Department Head. The request must state the relationship with the deceased and the length of time of the requested absence. Upon returning to work, some type of documentation supporting the need for the leave should be furnished to the Department Head, such as a Memory Card from the funeral home with the deceased name and information or an obituary from the newspaper.

All full and part-time employees will be granted paid bereavement leaves as follows:

- five (5) days, or the equivalent of one shift for sworn fire officers, for a death in the employees' immediate family: Defined as spouse, parent, child, siblings (including half or step) or other relative living in the home
- three (3) days, or the equivalent of one-half shift for sworn fire officers, for grandparents, in-laws (mother-in-law, father-in-law)
- two (2) days for aunts, uncles, or cousins

With respect to the death of the above family members, employees may use earned vacation time if additional time off is needed. Additional unpaid days may also be granted if approved by the Department Head or Town Council Representative.

In the event of the death of a co-worker, employees will be granted one-half ($\frac{1}{2}$) day of paid leave for the funeral attendance. Employees may request and be granted time off without pay to attend other funerals, or may use other earned vacation or PTO time.

Leave for Military Duty

The Town provides compensation for two weeks during annual reserve and National Guard military training for regular full-time employees who have completed the Orientation Period. Regular part-time and temporary/seasonal employees do not qualify for military leave compensation.

The amount of the military leave compensation paid is the difference between military pay and regular pay based on a 40-hour workweek.

Military reservist employees and those volunteering for or called to active military duty are entitled to reemployment with the Town upon their return from duty and all other rights under applicable federal and state laws relating to military service leave.

In addition, besides the military leave benefits discussed above, employees who request a military leave of absence may elect to use any accrued vacation pay in lieu of unpaid leave, and may elect to continue health care benefits to the extent permitted by law, during their military leave of absence.

Family Military Leave

Under Indiana's Military Family Leave Act (IMFLA), eligible employees are entitled to an unpaid leave of absence to spend time with certain family members who are engaged in or called to active military service.

An eligible employee under the IMFLA is one who has been employed with the Town at least 12 months, who has worked at least 1,500 hours during the 12-month period immediately preceding the leave, and who is the spouse, parent, grandparent, sibling or court-appointed guardian or custodian of a person who is ordered to active duty. Active duty means full-time service on active duty orders in the armed forces of the United States or the National Guard for a period that exceeds 89 consecutive calendar days.

An eligible employee may take IMFLA leave of up to ten (10) cumulative working days per calendar year, during one or more of the following periods:

- Within the 30 day period before a spouse, son, daughter, grandson, granddaughter or sibling ("military family member") begins active duty;
- During a period when the military family member is on leave; or
- During the 30 day period after a military family member's active duty orders are terminated.

IMFLA leave is not paid, however, employees may use earned vacation time in lieu of taking unpaid leave.

Job and Benefits Security

An eligible employee who takes leave under the IMFLA and who returns to work before his or her IMFLA leave entitlement has expired will be restored to the position the employee held when the leave commenced or to an otherwise equivalent position with respect to seniority, pay, benefits, and other terms and conditions of employment.

Employee Notice and Leave Request Requirements

An eligible employee must give the Town at least 30-days written notice of his or her intent to take leave under the IMFLA unless the military family member's active duty orders are issued less than 30 days prior to the requested leave. An eligible employee must also provide a copy of the activity duty orders, if available, along with the leave request.

The Town reserves the right to require verification of the employee's eligibility for IMFLA leave. If an employee fails to provide such verification, then his or her absence will be considered unexcused.

Continuation of Group Health Plan Coverage

The Town will maintain group health plan coverage for an employee who takes IMFLA under the same terms and conditions as active employment.

Non-Discrimination/Non-Retaliation Policy Statement

The Town will not interfere with, restrain, or deny an employee's exercise of right under the IMFLA.

Witness and Jury Duty

Employees are eligible for paid leave during regularly scheduled working hours for mandatory jury duty. Employees may take unpaid time off work if they are subpoenaed to court as a witness or may use unused accrued, vacation or personal time to cover the leave. The employee must notify his/her supervisor immediately upon receiving the court notice and prior to the court date.

In order to be paid for jury duty, the employee must follow the guidelines below and forward the paperwork to the Clerk Treasurer's Office within two (2) days after the court date(s). The employee will receive a standard day of pay, but the employee must submit the written statement provided from an appropriate court official that states the date(s) served, the total amount of pay received (including all compensation and mileage payments) and the duly executed (endorsed) court paycheck to the Clerk-Treasurer.

It is the employee's responsibility to keep his or her supervisor informed about the amount of time required for jury duty. An employee is expected to return to work on the day released from jury duty for the remainder of the work day or work shift if half or more of the work day or shift remains. Regardless, the employee should contact their supervisor to see if they are needed at work if they have any question as to whether to come to work that day or not.

Vacation Time

Vacation time is intended to give an employee time for rest and relaxation. This is beneficial both physically and mentally to the employee and the Town feels it is important for employees to take vacation time away from work. Vacation time may be taken in a minimum of hour (4) hour increments.

All full-time employees of the Town shall accrue vacation time on a calendar year basis as follows:

For those that have been employed full-time for a full year as of January 1, the vacation schedule is as follows:

- Up to five (5) work days (40 hours or 1 shift), during the first twelve (12) months of continuous service (as detailed below)
- ten (10) work days (80 hours) per year, after twelve months of continuous service
- fifteen (15) work days (120 hours) per year, after five (5) years of continuous service and thru the ninth (9th) year
- twenty (20) work days (160 hours) per year, from the tenth (10th) year of service and thereafter

If an employee has not been employed for a full year as of January 1, the following prorated vacation schedule applies:

- Hired in the first quarter of the year, 5 days or 40 hours
- Hired in the second quarter of the year, 4 days or 32 hours
- Hired in the third quarter of the year, 3 days or 24 hours
- Hired in the fourth quarter of the year, 2 days or 16 hours

Vacation time does not accrue for time spent on any unpaid leave of absence.

The scheduling of vacation time is dependent upon each department's operational needs. Please refer to the department specific supplemental departmental policies, procedures and general orders manual. All vacation time must be requested as far in advance as possible in writing, with a minimum of two (2) weeks' notice to the Department Supervisor for approval. Department Supervisors are to submit their request to the Manager over their area. Vacation requests are approved by the Department Heads at their discretion and may be denied to assure proper coverage of essential duties. Department Heads and Managers must submit their request for vacation to the Town Council Representative in writing as far in advance as possible with a minimum of a two (2) week notice.

Upon separation from Town employment by discharge, retirement, lay-off, or resignation giving a minimum two weeks' notice, an employee shall receive prorated compensation for earned and accrued but unused vacation time for that year. If an employee resigns and does not give a minimum of two weeks' notice, the employee will not be paid for any earned, unused vacation.

Unless otherwise specifically approved by the Council, a maximum of five (5) vacation days may be carried over from one year to the next year, but must be used within the first six (6) months or they will be lost. Vacation does not accrue between one calendar year and the next and may not be taken until earned. Employees are not entitled to pay in lieu of taking time off for vacation, unless otherwise specifically approved by the Town Council. The Town Council may, in its sole discretion, approve payment in lieu of taking accrued vacation. The Council may also, in its sole discretion, approve a greater than five (5) day accrued vacation carryover.

Paid Holidays

The Town recognizes the following 10 holidays:

1. New Year's Day
2. Martin Luther King's Day
3. Presidents' Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. General Election Day
8. Veterans Day
9. Thanksgiving Day
10. Day after Thanksgiving
11. Christmas Day
12. Day after Christmas
13. Floating Holiday – date of use chosen by the employee

A holiday that falls on a weekend will be observed on either the preceding Friday or the following Monday to coincide with local custom. To be eligible for holiday pay, civilian employees must have worked their regularly scheduled hours the workday before AND the first scheduled workday after the holiday or have been absent for one of the following reasons: (1) the employee was sick on that day (or days) as documented by a note from a licensed physician; (2) the employee was on an approved vacation day; or (3) the employee was on any other pre-approved excused and paid day off under Town policy. If a civilian employee is on vacation when a holiday is observed, the employee will be paid for the holiday and will be granted an alternative day of vacation at a later date.

Part-time employees are eligible for holiday pay when their normally scheduled day or hours of work fall on a Town recognized holiday. Adjustment of schedules to achieve holiday pay will not be allowed, and to be eligible, the part-time civilian employee must have worked his or her regularly scheduled hours the workday before AND the first scheduled workday after the holiday.

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

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 six (6) hours the first of each month, 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.

Inactive Status/Job Abandonment

Any employee who, for whatever reasons, is unable or refuses to perform any active service for the Town for 16 consecutive weeks or who misses more than 16 non-consecutive weeks of active service during any 12-month period shall be removed from the payroll and terminated, unless the employee requests and is granted a further defined period of extended leave as a reasonable accommodation under the Americans with Disabilities Act (ADA) or additional leave is required to care for an injured servicemember under the federal Family and Medical Leave Act (FMLA). Employees who are unable to fulfil these service requirements but are otherwise in good standing with the Town will, upon future application, be considered for any open positions for which they are qualified and which they can perform with or without reasonable accommodation. Further, if they are rehired within six months of their termination date

they will retain their length of service with the Town.

Layoff and Recall

The Town may reduce staffing levels due to lack of work, lack of funds, or job elimination for the purposes of economy and/or efficiency. In the event of a layoff or cutback, the Town Council Members, in consultation with various Commissions and/or Oversight Boards, Supervisors and Department Heads, shall determine in which positions, departments and/or offices the reductions will occur.

Employees will be selected for retention or layoff on the basis of performance, ability, qualification(s) and as a last criterion (*i.e.*, with all other things being equal), seniority. Employees who are affected by a layoff will be provided a seven (7) day notice in writing.

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

Medical Leave and Dual Employment

To assure integrity and to promote a more rapid recovery and return to work, no employee who is on an approved medical leave of absence from the Town, whether FMLA-covered or not, shall be permitted to provide services or labor to another employer or through self-employment while on such leave without the express written permission of the Town. This prohibition also extends to intermittent and reduced work schedule leaves. A violation of this policy will subject the employee to discharge. Please contact the Town Manager or designee if you have any questions or concerns regarding the application of this policy to any specific leave situation, or if you are aware of any leave abuse by a co-worker.

Section 5: Compensation, Hiring, Promotion and Termination Policies

It is the desire of the Town Council to provide wages, salaries and benefits to employees in a manner comparable with similar positions in the industry and/or comparable units of government, keeping with the philosophy, goals, objectives and financial resources of the Town.

Background Checks

The Town conducts background checks for certain positions. The purpose of these background checks is to confirm and supplement personal information about qualifications, experience and character, and assist the Town in determining suitability for employment or continuing employment, driving privileges and work assignments. These checks may be performed at any time during the employment relationship as well as prior to employment.

It is Town policy to check applicant and employee references, job histories, and educational qualifications. The Town will also confirm certification and licensing requirements on a periodic basis. In addition, every applicant and employee of the Town will be subject to ongoing criminal background checks. Employment or continued employment is contingent upon acceptable results of these routine background checks. However, a criminal record will not automatically exclude an individual from consideration for employment or from continued employed with the Town.

A valid driver's license and acceptable driving record is required for all employees who will drive on Town business. Motor vehicle records will be obtained on employees prior to employment and no less than every twelve months thereafter. Absence of a valid driver's license or the existence of an unacceptable driving record may result in denial or termination of employment in appropriate circumstances.

Applicants and employees will be required to complete the necessary documentation to authorize background checks and/or provide certified copies of their driving record and background check. Refusal to provide or execute this documentation may result in denial or termination of employment.

Departmental specific requirements with regard to pre-hire testing and conditional offers of employment may be in place. Refer to the specific supplemental departmental policies, procedures and general orders manual for additional information.

Hours of Work

Each department of the Town has different requirements for work hours. Please refer to the department specific supplemental departmental policies, procedures and general orders manual.

Time Clock / Time Sheet Use

- All hourly (*i.e.*, non-exempt) civilian employees are required to clock in at the start of their shifts, including lunch breaks, and clock out at the end of their shift if there is a time clock in their area of employment. Otherwise time sheets must be kept, as per instructions from the Human Resources Office. All time must be recorded daily.
- Employees may not clock in or clock out for another employee for any reason. If either is done, it will be grounds for disciplinary action up to and including immediate termination for both parties involved.
- If for any reason an employee forgets to clock in or clock out, the time card must be filled out by the employee and approved by their supervisor.
- Employees must clock in by the scheduled start time of work to be 'on time', unless otherwise pre-approved by their supervisor.
- Employees may not clock in more than 10 minutes earlier than scheduled unless pre-approved by their Department Head or supervisor.
- If paid time off, *i.e.*, vacation, comp, personal time off, is to be used in any given week it must be noted on the time card/sheet, and approved by the supervisor.
- Hourly employees are not to work off-the-clock. If any supervisor or manager asks an hourly employee to work off-the-clock, this should be reported to the Town Manager promptly. Non-exempt employees are assured that they will not be discriminated or retaliated against for making a good faith report under this policy.
- Falsification of time worked will be grounds for immediate termination.

Work Hours and Breaks

All civilian employees working a (seven) 7 hour or greater shift shall be afforded a non-paid, one-half hour lunch break. Scheduling the lunch break will be determined by the Department Head or immediate Supervisor. All employees are permitted a ½ hour unpaid lunch period when working 7.5 or more hours per day

All civilian employees working a 7.5 hour day or greater shall also be afforded a paid morning and an afternoon break, not to exceed 15 minutes in length. Scheduling break times will be at the discretion of the Department Head or immediate Supervisor.

All civilian employees working less than 7 hours, but 4 or more hours in a day shall be afforded at least one paid break, not to exceed 15 minutes in length. Scheduling break time will be at the discretion of the Department Head or immediate Supervisor.

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

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.

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.

Pay Period

Pay periods are bi-weekly and payroll will be directly deposited into the employees' designated bank accounts. All time sheets must be turned into the supervisor or directly to the Clerk/Treasurer's Office no later than Tuesday morning by 9 am of the week payroll is paid. Failure to turn in time sheets by this time may cause a delay in the paycheck being processed. For questions concerning a pay check please contact the Human Resources Office. Employees should promptly notify their supervisor of any errors in their paychecks.

Improper Deductions from Salary

The Town recognizes that with limited legally permissible exceptions, no deductions should be taken from the salaries of our exempt employees. If the employee believes that any improper deduction has been made from salary, the employee must report the matter immediately to the Town Manager or designee. If the deduction is deemed inappropriate, the employee will be promptly reimbursed for the entire amount at issue and the Town will make a good faith commitment to avoiding any recurrence of the error.

Performance Evaluations

The Supervisor or appropriate person will evaluate the job performance of new employees at the end of 90 days and yearly afterwards in or around October. New hire performance evaluations are for the purpose of assessing suitability for the job and progress toward performance goals, not for awarding pay increases. The intent of performance evaluations is to determine whether or not an employee is maintaining an acceptable level of job performance or if that employee is placed in the right job position. Evaluations should be used as an instrument to pinpoint, address, and help employees improve upon any job deficiencies or weak areas of performance. Evaluations should also identify an employee's strong points or areas of expertise to assist in specific areas of their department.

Performance evaluations will include factors such as the quality and quantity of work, attendance record, and knowledge of the job, initiative, work attitude, and attitude toward others. The performance evaluation should help the employee to become aware of progress, areas of needed improvement, and objectives or goals for future work performance. Positive performance evaluations do not guarantee increases in compensation or promotions. After the review, employees will be asked to sign the evaluation report simply to acknowledge that it has been presented and discussed with the employee by the supervisor and that the employee is aware of its contents.

Although the intent of performance evaluations is not for the purpose of disciplining employees, they may be used as a basis for disciplinary action if the employee repeatedly fails to maintain an acceptable level of job performance.

Town employees may be considered for pay increases based on the yearly evaluations of their supervisors, with input provided to the Town Council for consideration. Any pay increase given at the yearly evaluation is effective at the start of January and will not be received until the paycheck which includes the first week worked in January.

Promotions, Transfers and Intra-Departmental Transfers

It is the policy of the Town to fill all positions with the best-qualified people. The Town also prefers to promote from within whenever possible. As positions become available, management will, at its discretion, either directly promote or transfer a qualified employee of the Town or open the position for application by internal and external candidates.

If a position is opened for application, it will be posted for at least five workdays, with the required qualifications for the position indicated on the listing. Frequently, job vacancies will be advertised with outside sources during the same period they are posted internally. This is done to speed up the recruiting/screening process and to aid in ensuring that vacancies are filled by the most qualified persons.

To apply for a position, employees must submit a form memorandum to the Department Heads and the Human Resources Office referencing the position and requesting an interview. The Human Resources Office will assist each department in scheduling interviews as requested.

State law requires additional procedures and/or review for Fire and Police Commission Boards. Please refer to the department specific supplemental departmental policies, procedures and general orders manual.

Termination of Employment

While the Town hopes each employee will remain for a long time, it is anticipated that employees will leave. As such, upon termination, the Town hopes the employee will give as much notice as possible – preferably a minimum of two weeks. When giving two weeks' notice, vacation, and personal time should not be used in lieu of notice. If a two week notice of the intent to leave the Town's employment is not given, the employee will not be eligible for reemployment at a later date.

At the time of employment termination, a representative of Human Resources will offer to meet with the employee to conduct an exit interview. At that time, the details of leaving will be discussed, arrangements for the final paycheck will be made, and

information regarding any insurance coverage and other information relative to employment will be explained.

Individuals no longer employed by the Town, through voluntary or involuntary termination must return all Town owned property, including, but not limited to:

- Cell phones, Sim cards, Blackberrys and Pagers
- Vehicle keys
- Building keys
- Tools
- Uniforms
- Credit cards
- Computer equipment
- Weapons (police only)
- Computer passwords
- Testing supplies, course books, etc.,

If Town issued property is not returned on or before the final day of employment, the Town will consider taking all appropriate and available legal action against the employee to recoup the cost of such property.

State law requires additional procedures and/or review for Fire and Police Commission Boards. Please refer to the department specific supplemental departmental policies, procedures and general orders manual.

Personnel Records

The Town and its individual departments maintains a personnel file on each employee. This file includes information such as the employee's job application, resume, offer of employment, records of training, documentation of performance appraisals and salary increases, and other employment records. It is the responsibility of each employee to promptly notify the Human Resources Office of any changes in personal data. Personal mailing addresses, telephone numbers, number and names of dependents, marital status, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports must be accurate and current at all times.

Personnel files are the confidential property of the Town and access to the information they contain is restricted, and is not subject to the Public Access to Records and/or the Open Door Law. Generally, only supervisors and management personnel who have a legitimate reason to review information in a file are allowed to do so. Also, with reasonable advance notice, the Town will permit current employees to review their own personnel files in the presence of someone from the Human Resources Office. At no time will the employee be permitted to copy, alter or destroy any documentation contained in his or her personnel file. However, employees may ask that a note be placed in their file regarding any problems or concerns the employee may have with the

contents of his or her personnel file at the time of the review and may have a Department Head or Town Representative present. Please refer to the department specific supplemental departmental policies, procedures and general orders manual.

Reference Requests

All requests for an employment reference must be directed to the Human Resources Office. No manager, supervisor or other employee is permitted to provide a reference for current or former employees without prior authorization from the Human Resources Office. The Town's general policy regarding references for employees who have left the Town is to disclose only the dates of employment and the title of the last position held. If the employee provides written authorization, the Town may also provide a prospective employer with information regarding the amount of salary or wage last earned. No further information will be disclosed to third parties without an executed release holding the Town and the third party harmless for such disclosure and its use. The Town reserves the right, in its discretion, not to respond to a request for additional employment information.

Section 6: Employee Benefits

Employee benefits are subject to change at any time at the discretion of the Town and taking into account applicable law. In the event of any conflict between benefits information in a policy in this Manual and the actual benefits plan itself, the benefits plan document is controlling.

Health Insurance

The Town provides health, life, vision and dental insurance for all of its full-time employees and those employees averaging a minimum of 35 hours per week over the course of a year. Full-time employees are eligible for a health insurance benefits package (including dental and eye care) after 90 days of employment, effective on the first day of the following month. Employees are responsible for paying a portion of the premium payments at the applicable rates and the Town pays the balance. Benefit eligible employees who wish to have their spouses and/or dependents included in the insurance plan are required to pay a portion of the monthly premium for that coverage on a payroll deduction basis. The cost for additional coverage will be deducted from the employee's payroll check in equal amounts from the first two (2) pay checks each month.

The group insurance policy and the summary plan description issued to employees set out the terms and conditions of the health insurance plan. These documents govern all issues relating to employee health insurance and in the event of a conflict between these plan documents and this policy, the plan documents control. Additional copies are available from the Human Resources Office.

Short- and Long- Term Disability Plans

The Town provides short-term and long-term disability benefits for its full-time employees. The group insurance policies and summary plan descriptions set out the terms and conditions of the short term disability and the long term disability plans, including eligibility requirements. Those documents govern all issues relating to short-term and long-term disability insurance and are available from the Human Resources Office.

457 Plan

The Town provides a 457 plan for all full-time, part-time, civilian and sworn employees. Under the plan, employees may elect to make contributions to the plan through salary deferral, but are not required to do so. The terms of the plan are set out in the written plan document and summary plan descriptions issued to employees and additional copies are available from the Human Resources Office.

Public Employees Retirement Fund (PERF)

The Town currently participates in the Public Employees Retirement Fund for qualified Town employees in covered position, pursuant the rules and regulations of PERF. The Town also participates in the 1977 Police and Firefighters' Retirement & Disability Fund (1977 Fund), pursuant to the rules and regulations of the 1977 Fund and as administered by PERF. Documents for PERF and the 1977 Fund are available from the Human Resources Office.

Continuing Education and Advanced Certifications

Town departments with sworn officers and departments with civilian employees have differing needs for continuing education and advanced certifications.

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

Certification, Licenses or Degrees

If a job position requires certain educational degrees, licenses or certifications, the employee is responsible for furnishing current copies of such to the appropriate person in their department or directly to the Human Resources Office.

Such degree, license or certification must be appropriately maintained in good standing during the length of employment when required for the position.

It is the employee's responsibility to inform their Department Head of the loss of any license(s) or certifications(s) previously provided for employment in a position. Failure to inform the appropriate persons will be grounds for immediate termination.

In the event the minimum requirements or qualifications of such degree, license or certification are changed by external law or technological advancement, it is the sole responsibility of the employee to meet the new requirements within the time period stipulated by the law for maintaining the degree, license or certification.

Employees failing to maintain the minimum requirements and qualifications as needed for the position held are subject to a reduction in position and pay provided there is an open position. If no such opening exists, the Town has no obligation to create one and the employee is subject to termination. Please refer to the department specific supplemental departmental policies, procedures and general orders manual.

Tuition Reimbursement Policy

Full-time employees of the Town may qualify for tuition reimbursement for certain expenses related to improving jobs skills relevant to their employment with the Town, or to help prepare for the possibility of additional future job responsibilities. The employee

must submit a Tuition Assistance Request Form in a form approved by the Town Manager, and meet applicable requirements to become eligible for any tuition assistance. All courses must be pre-approved for reimbursement by the employee's direct supervisor, where applicable, and the Town Manager. Each course will be evaluated separately and the Town makes no commitment to provide assistance towards every course required for a degree. If courses are approved, the Town will reimburse tuition upon course completion and proof of requirements set forth below. As a prerequisite to participating in the program, eligible employees must also sign a Repayment Plan Agreement to facilitate repayment of tuition assistance payments to the Town in the event that the employee voluntarily leaves the Town or is terminated for any reason other than due to a reduction in force or job elimination within a three year period after their last reimbursement. Additional requirements and procedures for the program are set forth below.

A. Employee Eligibility

Only current, regular, full-time employees who have been continuously employed by the Town for one year or more are eligible to receive tuition reimbursement for eligible courses or degree study programs. Employees are ineligible for any tuition assistance if they are part-time employees, are on a leave of absence, or have received any written disciplinary action within a six month period prior to the start date of the course for which they are seeking reimbursement.

B. Eligibility of Course or Study Program

1. The course must have a direct relationship to the employee's performance in the employee's current position or be directly related to the improvement of relevant job skills as determined and approved by the Town Manager.
2. The course must be taken at an accredited college or university, or an approved vocational or trade school. Accredited correspondence schools and programs are acceptable.
3. Courses must be taken outside of scheduled working hours or with an adjustment in the work schedule approved by the employee's supervisor and the Town Manager.
4. The employee must maintain an acceptable level of job performance throughout the course.

C. Application for Reimbursement

1. To be eligible for reimbursement, the course must be approved prior to the employee beginning the course.

2. The employee must submit a written Tuition Assistance Request Form to his/her supervisor and the Town Manager, describing in detail the course and how it meets the eligibility criteria set forth in subpart B above, at least 60 days before the course begins.
3. The Town Manager, along with the employee's supervisor(s), as applicable, will review the request and provide a written response approving or denying the request within 30 days of receiving a completed request form. Reasons for denial may include, but are not limited to, insufficient funding or appropriations for the requested expenses.

D. Reimbursement Criteria

1. After completion of a course, the employee must provide the Town Manager evidence of the grade(s) received. Employees will not be reimbursed for courses that they failed to complete or for which they received a grade lower than a "C." If the course was "Pass/Fail," the employee must "Pass" to receive reimbursement.
2. The employee must provide receipts for tuition, fees, and books, for purposes of reimbursement.
3. Reimbursement may be made according to the following schedule:
 - Employed continuously for 1 to 2 years: 50% reimbursement
 - Employed continuously for 2 years or more: 75% reimbursement
4. The maximum annual reimbursement for an employee for any calendar year shall be \$5,000.
5. There is no limit to the number of courses an employee may take and receive reimbursement towards, so long as the courses meet the eligibility criteria in this policy and are pre-approved for reimbursement.
6. An employee is only eligible for reimbursement for any given course one time.

E. Repayment of Reimbursed Tuition

In the event an employee receives assistance, the employee shall repay the Town for the last 12 months of reimbursed fees if the employee voluntarily leaves the Town or is terminated for any reason other than due to a reduction in force or job elimination within a three year period after their last reimbursement. The last 12 months of tuition would be repaid according to the following schedule:

- 100% paid back if the employee voluntarily leaves the Town or terminated for

any reason other than due to a reduction in force or job elimination within one year after their last reimbursement.

- 75% paid back if the employee leaves the Town or is terminated for any reason other than due to a reduction in force or job elimination cause from one to two years after their last reimbursement.
- 50% paid back if the employee voluntarily leaves the Town or is terminated for any reason other than due to a reduction in force or job elimination from two to three years after their last reimbursement.

An employee submitting a Tuition Assistance Request Form will also need to execute a Repayment Plan Agreement in a form approved by the Town Manager. Reimbursements may be subject to taxes.

Worker's Compensation

The Town provides comprehensive worker's compensation insurance at no cost to employees in accordance with Indiana's Worker's Compensation Act. This protection covers any work-related injury or illness that requires medical treatment. Worker's compensation coverage does not extend to benefits for injuries that occur during an employee's voluntary participation in any activity outside of normal working hours, including any off-duty recreational, social, or athletic activity sponsored by the Town.

Worker's compensation insurance generally provides limited benefits to eligible workers in the form of medical treatment, compensation for lost wages, and compensation for the loss or use of parts of the body. If any employee dies in a workplace accident, the employee's dependents may become eligible to collect death benefits. Benefits are generally available to employees after a short waiting period.

Employees who sustain work-related injuries or illnesses, no matter how minor, must inform their supervisor immediately. In the event of a slowly developing injury, the employee must report the injury as soon as the employee becomes aware of it and that it is work-related. Failure to timely report such injury or illness may compromise an employee's eligibility for and ability to claim worker's compensation benefits.

Employees that go on Worker's Compensation Leave will be placed on the "inactive" payroll and shall not accrue Paid Time Off such as vacation, PTO days etc., during this time. No employee shall receive Workers Compensation and any other form of payment (e.g., for paid vacation, etc.) at the same time. If the employee's work-related injury or illness qualifies for FMLA leave, then FMLA leave will run concurrently with the time off for the work-related medical issue.

COBRA

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their families the opportunity to continue health insurance coverage under the Town's health plan when a qualifying event would normally result in the loss of eligibility. Some common qualifying events are voluntary and involuntary termination of employment other than for gross misconduct, reduction in an employee's work hours, transition between jobs, death, divorce, or a dependent child no longer meeting eligibility requirements.

The Town will provide employees with written notice describing their rights under COBRA when they become eligible for health insurance continuation coverage. The notice will provide important information about the employee's entitlements and obligations. Should employees be aware of a qualifying event or have questions regarding COBRA coverage, they should contact the Human Resources Office.

Advanced Travel Approval

Except in the case of an emergency with the approval of the Town Council President or Vice-President, any employee seeking to have out of state travel reimbursed or otherwise paid for by the Town must first obtain approval of the Town Council at least thirty (30) days before the first travel date. The Town Manager shall have an application prepared that an employee can use to seek Council approval. This section requires that the applications be submitted so that the Council can review and vote on the application at a public meeting.

Section 7: Safety and Security

Health and Safety

The Town's policy is to promote and provide a safe and healthy work environment for all employees. The Town complies with all applicable State and federal laws and regulations pertaining to occupational health and safety. In order to assist the Town in this goal, it is necessary for all employees to follow departmental safety practices and work rules and to be observant for any potential hazards in their work environment.

All employees must perform their jobs in a manner that considers their own personal safety as well as the safety of their co-workers. Please report any safety concerns or on-the-job injuries to your supervisor as soon as you are aware of them. If an employee feels that an unsafe or hazardous condition exists in the workplace they are expected to report such immediately to the supervisor.

All Departments will maintain an active safety program and documentation for such in compliance with all OSHA requirements. Please refer to the department specific supplemental departmental policies, procedures and general orders manual.

Workplace Violence

The Town is committed to preventing violence in the workplace and maintaining a safe work environment. Given the increasing violence in society, the Town has adopted the following guidelines to deal with intimidation, harassment or other threats of violence that may occur on its premises.

The Town will not tolerate any conduct that threatens, intimidates or coerces an employee, customer or member of the public at any time, including off-duty periods.

Pursuant to the Firearms policy, when acting in the capacity of a Town employee, employees are prohibited from possessing firearms on Town premises except out-of-sight in the employee's locked vehicle or possessing any other weapon, explosives, or other dangerous device on any Town premises, without authorization from the Town (*exception: police officers and code enforcement officers*). Employees are also prohibited from carrying a firearm, other weapon, explosives or other dangerous device in a Town vehicle without authorization from the Town (*exception: police officers and code enforcement officers*).

All suspicious individuals or activities, including actual or threats of potential violence, both direct and indirect, should be reported immediately to your supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors or other members of the public. Employees should not attempt to intercede or otherwise become involved with any actual or potentially intimidating, harassing or violent situation.

Employees are encouraged to bring their disputes or differences with other employees to the attention of an appropriate member of management before the situation escalates into potential violence. The Town will promptly and thoroughly investigate all reports of actual or threatened violence as well as suspicious individuals or activities. The identity of the individual making a report will be protected to the extent reasonably practicable under the circumstances given the need to investigate. In order to maintain workplace safety and the integrity of its investigation, the Town may suspend employees, either with or without pay, pending investigation. Any employee determined to have participated in any threatened or actual violence or other conduct that violates these guidelines, will be subject to disciplinary action, up to and including termination.

Non-Smoking Policy

Smoking, as well as the inhalation or exhalation of vapors or other substances from electronic cigarettes, is prohibited on all Town owned property and within all Town facilities, including Town vehicles, whether or not they are occupied by more than one person. Such prohibition includes, but is not limited to, smoking or the use of electronic cigarettes at Whitestown parks and trails. The No-Smoking Ordinance #2008-12 (as amended) shall be followed by all employees.

Substance Abuse / Drug-Free Workplace Policy

It is the policy of the Town to prohibit the use, possession, sale, manufacture, or transfer of alcohol or illegal drugs or a controlled substance not prescribed for the employee by a physician, while on Town premises or in the performance of Town business. Employee use of alcohol while attending social events off the premises as a Town employee or representative is permissible only to the extent that it does not compromise the safety of the employee or others, does not adversely affect the Town's reputation or standing and is not unlawful.

The Town reserves the right to test applicants for employment and current employees for the use of illegal drugs and controlled substances. Current employees shall be subject to drug/alcohol testing if the Town has reason to suspect that they are under the influence of alcohol or illegal drugs at work or in the course of representing the Town, if they are involved in an on-the-job accident or other incident that was or could have been the fault of the employee and did or could have involved personal injury or property damages or a legal claim against the Town, or are returning to work after an extended leave of absence.

Applicants who refuse to complete the necessary drug information and consent paperwork or who test positive will be refused employment. Current employees who refuse to complete the necessary drug information and consent paperwork or who test positive will be subject to discipline up to and including termination of employment, even for a first offense. Performance shortcomings that arise from the use of illegal drugs or alcohol (e.g., attendance issues, insubordination, or safety violations, etc.) shall warrant and be subject to discipline independently from their cause.

As a condition of continuing employment with the Town, each employee must:

1. Abide by the terms of this policy and
2. Notify the Town of any criminal drug statute conviction for a violation occurring in the Town's workplace no later than five (5) days after such conviction.

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

Any violation of this policy will result in either discipline, up to and including termination of employment, and/or a requirement of satisfactory participation in a drug abuse assistance or rehabilitation program, depending on the nature and seriousness of the offense.

Drug-Free Awareness Program

To assist in ensuring compliance with the Town's Drug-Free Workplace Policy, the Town has established a Drug-Free Awareness Program to inform employees about:

1. The dangers of drug abuse in the workplace;
2. The Town's policy of maintaining a drug-free workplace;
3. Any available drug counseling, rehabilitation, and employee assistance programs; and
4. The penalties that may be imposed upon employees for drug abuse violations.

Participation in our Drug-Free Awareness Program by all employees is mandatory.

AIDS and AIDS-Related Conditions

The Town recognizes that Acquired Immune Deficiency Syndrome (AIDS), its related conditions such as AIDS Related Complex (ARC) and persons with seropositive test results for AIDS and/or ARC may be the source of considerable concern and may pose significant and delicate issues for all employees. As a result of such recognition, the Town has established guidelines for handling issues that may arise when an employee is affected by these conditions. Please refer to the department specific supplemental departmental policies, procedures and general orders manual.

The Town is committed to maintaining a safe and healthy work environment for all employees. Consistent with this commitment, the Town will treat AIDS and/or ARC the same as other illnesses in terms of all employee policies and benefits, such as group health and life insurance, disability, leaves of absence and other disability benefits.

Based on the overwhelming weight of available medical and scientific opinion, there is no evidence that such diseases are casually transmitted in ordinary social or occupational settings or circumstances. Therefore, subject to changes in available medical information and/or specific conditions involving the potential for transmission of these diseases, it is the policy of the Town that employees with such diseases or any of their related conditions may continue to work as long as they are otherwise able, with or without reasonable accommodation, to perform the essential functions of their positions. Employees who are affected by AIDS and/or ARC or any other life threatening illness will be treated with compassion and understanding in dealing with their personal crises. Co-workers will be expected not to refuse to work or withhold their services for fear of contracting such diseases by working with such an affected employee and not to harass or otherwise discriminate against such a person.

Recognizing the need for all employees to be able to be accurately informed about these diseases, the Town will make every effort to have information available regarding the facts about them, how they are transmitted and not transmitted, and how best to keep them from spreading. Employees who would like to be provided with this information should contact the Human Resources Office.

Employees affected by or concerned about AIDS and/or ARC or any of their related conditions are encouraged to contact their supervisor or Human Resources Office to discuss their concerns and to obtain additional information. All such communications will be treated by the Town with strict confidentiality.

Town Property

Employees are responsible for the security, proper maintenance, and correct use of cell phones, vehicles, keys, uniforms, tools, credit or gas cards, computers, computer passwords, computer software and any other equipment owned, supplied or issued for use as an employee of the Town.

Employees are prohibited from using or loaning Town Vehicles, materials, equipment and labor for personal or private use regardless of whether it is during work or non-working time.

Persons no longer employed by the Town, through voluntary or involuntary terminations, must return all Town owned property including, but not limited to, cell phones, vehicle and building keys, tools, uniforms, credit cards, computer passwords or any other materials supplied by the Town for the position held.

Visitors in the Workplace

For safety, security and liability reasons, no one other than Town employees should be permitted in department buildings or facilities (including Town Vehicles) or any non-public areas of Town property, unless specifically authorized by the Department Head

or Town Council. Sales persons and contractors should have prior approval from the relevant Department Head and sign in and out when visiting the facilities.

All visitors, including off-duty employees, must enter the Town facilities through the office reception areas. Thereafter, they will receive directions or be escorted to their destination. Employees are responsible for the conduct and safety of their visitors. Because of safety and security reasons, family and friends of employees, including off-duty employees, are discouraged from visiting. In cases of emergency, employees will be called to meet any visitor in the reception area.

Fire Station visitation is limited to 8 a.m. to 8 p.m. No visitors may be present after 8 p.m. without prior Department Head approval.

If an unauthorized individual is observed on Town premises or facilities, employees should immediately notify their supervisor or any other member of management, who will escort the individual to the office reception area or otherwise take appropriate measures.

Employees who violate or encourage or enable violation of this policy will be subject to disciplinary action, up to and including termination.

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

Inspection of Property

Lockers, vehicles, desks and file cabinets are Town property and must be maintained according to Town rules and regulations. They must be kept clean and are to be used only for work-related purposes. To ensure compliance, the Town reserves the right to inspect all Town property without prior notice to the employee and/or in the employee's absence.

Prior authorization must be obtained before any Town property may be removed from Town premises.

An employee's personal property, including, but not limited to tool boxes, packages, purses and vehicles on Town property, may be inspected upon reasonable suspicion of unauthorized possession of Town property, weapons or illegal drugs. Please refer to the department specific supplemental departmental policies, procedures and general orders manual.

Town Owned Vehicles and Equipment

When using any Town property, equipment or vehicles, employees are expected to exercise reasonable care and follow all operating instructions, safety standards and guidelines. Additionally, all employees are responsible for notifying their supervisor if any equipment, machines, tools or vehicles appear to be damaged, defective or in need of repair or maintenance. Prompt reporting of these concerns may prevent deterioration of equipment and possible injury to employees or others. The employee's supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

All employees must be 18 years or older in order to operate equipment or machines and must receive proper training and prior management approval to operate any Town equipment. Further, employees must also be legally licensed to drive a Town vehicle. Employees are responsible for any parking fines or tickets received while using a Town vehicle.

Employees who are required to drive/operate a Town owned vehicle in the course of their employment shall be subject to the following conditions and restrictions:

- Drivers/Operators must maintain a valid Indiana Driver's License appropriate for the class of vehicle being used and provide a current copy to the Human Resources Office and must be able to meet insurability standards/requirements of the Town's liability insurance provider.
- Immediate reporting to the Department Head or Supervisor of any condition (medical, physical etc.) that adversely affects the employee's ability to operate vehicles or other equipment, any driver's license revocation or suspension, and/or traffic a conviction such as, but not limited to, DUI/DWI.
- Use seat belts in all vehicles
- No texting while driving. Doing so is against the law.
- Drivers/Operators must report all defects, deficiencies or problems with vehicles or equipment to their supervisor immediately.
- No unauthorized passengers, drivers or operators are permitted on/in Town vehicles.
- Town employees and Board Members are considered authorized users of Town vehicles by the Town's motor vehicle insurance carrier and must follow all the guidelines set forth in this policy.

Employees who are assigned a Town vehicle for duty to domicile travel are subject to all Internal Revenue Service Rulings regarding such usage. The use of a Town vehicle for

commuting is considered by the IRS to be a taxable benefit. Provisions for Public Safety Officials may differ from the above.

Employees may use the assigned Town vehicles only for the Town purpose(s) specifically authorized.

Reimbursement for necessary emergency road service and or repairs, parking, and so forth require appropriate receipts for reimbursement. Approval for emergencies can be obtained by phone from a Town Council Member or contact the Human Resources Office for assistance.

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

Motor Vehicle Accidents

In the event of a motor vehicle accident while on Town business or involving a Town vehicle, the employee must do the following:

- Provide any assistance possible to the injured and call the Police.
- Do not move any vehicle unless instructed to do so by the Police or emergency personnel.
- Write down all pertinent facts: The other driver's name, address, telephone number, license plate number, driver's license number, name of insurance company and policy number, and the name, address and telephone number of any injured parties and witnesses.
- Do not make any oral or written statements about fault. Employees should give their name, address, and telephone number, insurance and same pertinent information as above.
- Employees must notify their supervisor and submit a written report as soon as possible. The written report and police case number must be given to the employee's supervisor and the Human Resources Office as soon as possible.

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

Employee Accidents

In the event that an employee is injured and or involved in any accident while performing job-related duties or responsibilities, if physically able, the employee must immediately report such injury and/or accident to the law enforcement or emergency personnel and also to his/her immediate supervisor. The employee must make a

written statement of the facts and circumstances surrounding the accident and/or injury when physically capable of doing so.

If the employee is unable to comply with the above reporting requirements, the Supervisor shall immediately notify the Human Resources Office and provide as many details as possible. The Human Resources Office shall ensure that a written statement is obtained thereafter from the employee and submitted to the appropriate offices for follow up.

If an employee is injured and physically unable to complete the balance of the work day, the employee will be paid for the remainder of that day. Further absence may require the employee to apply for benefits pursuant to Workers Compensation.

All employees will be required to submit to a drug/alcohol test if involved in any accident that was or could have been the fault of the employee and which did or could have caused injury to the employee or others or that resulted in property damage or that may result in a legal claim against the Town. Failure to submit to a drug/alcohol test if requested to after an accident may be grounds for immediate termination.

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

Firearms

Employees may not bring firearms or ammunition onto Town property unless they are legally authorized to possess and transport such firearms or as authorized by the Town (e.g., police officers and code enforcement officers). In addition, unless otherwise authorized by the Town, the firearms must not be loaded, the firearms and ammunition must be kept in the employee's locked vehicle in the trunk, glove compartment, or otherwise out of sight, and employees are prohibited from removing the firearms or ammunition from their vehicle or having them in plain sight during the work day or at any time on Town premises. Employees are also prohibited from carrying a firearm in a Town vehicle without authorization from the Town (*exception*: police officers and code enforcement officers).

Section 8: Monitoring and Use of Electronic Technology

Cellular Devices

Use of Cellular Devices

The Town may provide cell phones and other mobile/cellular devices (collectively “cellular devices,” each one a “cellular device”) to certain employees for use in conducting Town business. These cellular devices shall be used primarily for business-related purposes and any personal use of such resources must satisfy the conditions set forth in this section. This policy provides guidance as to the appropriate circumstances for the Town to purchase and to provide service support for cellular devices for use by employees. In addition, this policy establishes the procedures for documenting the use of Town-provided cellular devices and reimbursement to the Town of any non-incidental personal use of such devices.

Certain employees may be provided Town owned cellular devices to assist them in conducting public business or in the performance of their required duties for the Town. Employees so assigned shall be responsible for reimbursing the Town in an amount fixed by this section for any incidental personal calls made or received on the cellular device or for any other incidental personal use of the cellular device assigned to the employee. Cellular bills must itemize and identify incoming and outgoing telephone calls, messages, and data usage for the billing period. Each individual employee who is assigned a municipal cellular device shall be responsible for identifying personal use on each itemized monthly bill (*i.e.*, a “Call/Use Log”).

Certain other employees may be reimbursed for charges on an employee-owned cellular device for authorized calls made in support of public business or the performance of their required duties for the Town. In the event an employee is requesting a reimbursement for charges on an employee-owned cellular device, the employee shall submit to the Human Resources Office a call/use log showing the calls/use for which the employee is seeking reimbursement.

Incidental Personal Use

Personal use of cellular devices must not adversely affect the performance of an employee’s official duties or the functions of an employee’s department. Such personal use shall not (i) directly or indirectly interfere with the user’s employment or other obligations to the Town; or (ii) burden the Town with noticeable incremental costs.

Use Agreement

An employee who is to be provided a cellular device must, prior to receipt of such equipment, sign an agreement acknowledging that use of the cellular device will be limited to Town Business and only incidental personal use.

Fixed Fee for Personal Use; Opt-Out; Reimbursement for Personal Use that Exceeds Usage Plan

- (A) In order to reimburse the Town for incidental personal use of a municipal provided cellular device, except as stated in subsection (B) below, the assigned employee will be required to pay to the Town the amount of fifteen dollars (\$15.00) per month while the employee continues to use a municipally provided cellular device. In addition, the employee will be required to pay any amounts incurred under subsection (C) below. The employee may arrange the manner of payment with the Office of the Clerk-Treasurer.
- (B) The Town Manager may, in his or her sole discretion and on an individual employee basis, waive the fifteen dollar (\$15.00) per month fee for an employee who agrees to not use the municipally provided cellular device for any personal use. Any employee for whom the fee is waived will still be required to submit a monthly Call/Use Log in the same manner as other employees. If, in the opinion of the Town Manager, any personal use appears on that Call/Use Log, the employee:
1. Shall immediately pay that month's fifteen dollar (\$15.00) fee plus any amounts provided in subsection (C) below;
 2. Will be required to pay all subsequent month's fees; and
 3. At the discretion of the Town Manager, may be required to hand over any municipally provided cellular device and lose all cellular device privileges.
- (C) Further, any personal use attributable to an employee (or employees) that causes the Town's cellular device plan to exceed, in whole or in part, the monthly contract rate, shall be the individual responsibility of each such employee. The Town Manager or designee shall determine which employee's (or employees') individual use is/are responsible for causing the Town's cellular device plan to exceed the Town's monthly contract rate. The Town Manager's or designee's decision on this matter shall be final.

Administration and Responsibilities

The Town Manager or designee shall be responsible for establishing, maintaining, acquiring, and recommending, in accordance with established organizational policies,

the placement of cellular devices into service in those instances where such technology will ensure and/or substantially support the ability of Town employees to carry out the basic duties and responsibilities of their jobs when other methods of expedient communication are not available or appropriate. The Town Manager or designee will evaluate the service plan and determine the most appropriate and cost effective plan. The Town Manager or designee will administer and oversee the municipally owned cellular device and shall identify issues and concerns regarding cellular device usage to be addressed by employee supervisors, or the Town Manager or designee.

An employee assigned a municipally provided cellular device is responsible for safeguarding the equipment and controlling its use. The employee is required to reimburse the Town as provided above. The employee is expected to avoid using the cellular device under any circumstances where such use might create or appear to create a hazard. In that regard, employees are prohibited from using a municipality provided cellular device while operating a Town owned motor vehicle or while operating a personal vehicle on Town business. Further, employees are prohibited from texting while driving as doing so is unlawful.

The employee should immediately report the theft or loss of such cellular device to his or her department and to the service carrier, if applicable. Upon separation from Town employment, the employee is required to promptly return any such cellular devices to the Town.

Computer Systems Password Policy

All employees and personnel that have access to organizational computer systems must adhere to the password policy defined below in order to protect the security of the network, protect data integrity, and protect computer systems.

Password Purpose

Passwords are an important component of information and network security. The use of a user id and password combination serves to identify and authenticate a user to system resources and information assets. It is only through authenticated access that the enterprise can be assured that systems and data are being used appropriately. As such, passwords must be constructed, used and protected appropriately to ensure that the level of security they are meant to establish is actually achieved. The purpose of this policy is to provide the guidelines necessary for all of the employees of the Town to create appropriate passwords and to use them and protect them in an appropriate manner.

This policy applies to all employees of the Town who have any form of computer or application account that requires password access. Examples of accounts include, but are not limited to:

- Workstation (desktop/laptop)
- Network
- E-mail system
- Accounting application
- Customer information database
- Internet-based services and hosted sites

General Password Information

1. Password construction, lifecycle and re-use parameters are aspects included within this password policy.
2. Passwords should not be based on well-known or easily accessible information, including personal information, nor should they be words commonly found within a standard dictionary.
3. Password expiration is monitored and maintained by the IT manager and specific automated policies that have been put into place at the domain servers. Three days prior to password expiration, users will receive a notice asking whether they wish to change their password.
4. The Town will use technical measures to ensure that users conform to the policy.
5. All passwords must conform to the guidelines outlined below.

Password Construction Guidelines

Passwords need to meet a minimum standard of complexity, sometimes referred to as a 'Strong Password'. In order for a password to be considered complex it must have the following:

1. Minimum length – typically 8 characters or more.
2. Include special characters and number – password should contain at least one number (0-9) and a special character (!@#\$\$%^&*).
3. Include a capitalized character.
4. It is generally accepted that a longer password is significantly stronger than a shorter one. When creating long passwords, it is best to think of a 'pass phrase' rather than a password.

As an example: **My d0g h@s a brown coat** is considered to be a strong password. Note the substitution of a zero for the o in dog and the use of the @ sign for a in has.

Password Lifecycle Guidelines

Passwords will have a maximum age of three (3) months and a minimum age of one (1) day. As such, passwords must be changed every three (3) months and cannot be changed more frequently than once a day. The computer system will advise the user when it is time to change the password and will not allow the user access until the password has been updated.

Password Reuse Guidelines

Passwords may be reused every 12th password renewal. As such a new password is required for the first 11 expiries; thereafter the first password can be reused. A new password is deemed to have been created when at least one or more characters in a password have changed. It is recommended that a completely new password be used each time a new password is required.

Password Protection Guidelines

1. Passwords are to be treated as confidential information. Under no circumstances is an employee to give, tell, or hint at their password to another person, including IT staff, administrators, superiors, other co-workers, friends, and family members.
2. Under no circumstances must any member of the organization request an employee's password. Should a request be made to an employee to provide a password, the employee must immediately inform both the IT department and the Town Council President.
3. Passwords are not to be transmitted electronically over the unprotected Internet, such as via e-mail. However, passwords may be used to gain remote access to Town resources via the Town's Virtual Private Network or SSL-protected Web site.
4. No employee is to keep an unsecured written record of his or her passwords, either on paper or in an electronic file. If it proves necessary to keep a record of a password, then it must be kept in a controlled access safe if in hardcopy form or in an encrypted file if in electronic form.
5. Do not use the "Remember Password" feature of applications.
6. Passwords used to gain access to Town systems are not to be used as passwords to access non-Town accounts or information. Similarly, passwords used to access personal, non-work related accounts are not to be used to access Town accounts.

7. Each application, system and data point should be protected by a different password. The use of the same password to protect all access is strongly discouraged.
8. If an employee either knows or suspects that his/her password has been compromised, it must be reported to the IT Department and the password changed immediately. If the minimum aging requirement has not been met for the password, the IT department will reset the minimum aging for the account allowing the user to create a new password.
9. The IT Department may attempt to crack or guess users' passwords as part of its ongoing security vulnerability auditing process. If a password is cracked or guessed during one of these audits, the user will be required to change his or her password immediately.

Enforcement

Any employee who is found to have violated this policy may be subject to disciplinary action, up to an including termination of employment.

Electronic Equipment Use and Privacy

The Town provides computers with Internet and email access and certain electronic equipment to employees to improve business communications and productivity. All Town computers and other electronic equipment are the property of the Town. All documents and communications received or sent from any of the Town offices or departments or using its electronic equipment are also the Town's property and are therefore confidential property of the Town. Employees may not engage in unauthorized use, disclosure, copying or removal of any such documents or communications from their place of employment.

All privacy-related information must be protected. Privacy information must not be copied onto portable media such as disc drives, flash drives, or CD/DVD without specific written permission of the Department Head in that area. The written permission must state the information the employee is authorized to copy and the reason for it along with the date it is to be returned to the Town.

Downloading, uploading or installing any programs or files to a Town computer or network without advance written permission from a Department Head is strictly prohibited. Employees violating this rule may be held responsible for all licensing fee violations or fines resulting from an unauthorized software installation and will otherwise be subject to discipline.

Employees may not use Town owned computers, software, facsimiles, copy machines, telephones or other electronic equipment for their personal needs unless prior approval

is obtained from their supervisor. Even with approval such personal use must be minimal.

All licensing of software is for Town purposes and such software may not be used or copied for individual use. To do so would be considered theft from the Town. Unacceptable uses of the Towns' electronic systems includes, but is not limited to:

- Violating copyright or other intellectual property laws.
- Viewing, transmitting, retrieving or storing material that may in any way be considered pornographic or obscene.
- Transmitting any messages containing derogatory, harassing or inflammatory remarks about an individual or group's race, color, religion, gender, national origin, age, disability, sexual orientation, other legally-protected status, or other characteristic or attribute not related to their job performance.
- Transmitting any abusive, profane or offensive language.
- Transmitting any maliciously false information or information the employee knows or has reason to believe is defamatory or libelous.
- Sending or posting any chain letters, jokes, or advertisements not directly related to some business purpose or activity.
- Using the Company's email system or Internet access for any other purpose that is illegal, may damage the Company's reputation or is otherwise contrary to the Company's best interest, and is not protected by applicable law.

Further, employees are prohibited from transmitting or posting any confidential business material, financial information, trade secret or other proprietary information outside the organization without the prior authorization of the Town Manager or designee.

Monitoring

Employees should have no expectation of privacy in the use of any Town owned equipment. Inspection and monitoring of incoming or outgoing electronic mail on any computer or by mail can occur at any time without prior notice. The computers used by employees are the property of the Town and may be inspected and monitored anytime without notice to the employee.

The Town may conduct audio and/or video surveillance of any and all workplace areas, excluding only bathrooms. The Town may also monitor telephone and electronic resource usage without advance notice and on a random or selective basis. Every effort will be made to confine monitoring to the legitimate needs of the Town.

Continuing to work for the Town after you have become aware or should have become aware of this monitoring policy constitutes the employee's acknowledgement of and consent to the monitoring policy.

If during the inspection or monitoring an employee is determined to have violated the Town's Use Policy the employee may be disciplined as set forth in this Manual as well as the department specific supplemental departmental policies, procedures and general orders manuals, up to and including termination of employment.

If during an inspection of the employee's computer it is found to have been logged on to any websites of an obscene, sexual or pornographic nature or otherwise violated Town Policy, it will be grounds for discipline up to and including immediate termination of employment. Please refer to the department specific supplemental departmental policies, procedures and general orders manual.

Social Media Policy

I. Policy:

A. Purpose. Social media provides a potentially valuable means of assisting various Town departments and their employees in carrying out their duties and responsibilities to the Town. Where it would be appropriate and beneficial to the Town and its constituents, departments are encouraged to actively pursue the use of social media. This policy identifies potential uses (*i.e.*, Supported Social Media) that may be explored or expanded upon as deemed appropriate by Department Heads, as well as responsibilities associated with the use of Social Media.

The purpose of this policy is to provide notice to employees of the Town that their use of social media must conform to the law and this policy. This policy is designed to promote and govern the professional and personal use of social media in a responsible manner and to avoid uses that can: (1) breach confidentiality by revealing protected information about the Town, its citizens, its vendors and suppliers, or its employees; (2) expose the Town to potential or perceived, whether or not actual, legal liability for employer or employee behavior that may be unlawful, harassing, offensive, or maliciously false; or (3) interfere with employees' productivity and/or their ability to perform the duties and responsibilities of the Town.

The Town also recognizes the role social media plays in the personal lives of some employees. Personal use of social media can have an impact on employees in their official capacity with the Town. This policy provides information and sets parameters for acceptable use of social media by Town employees.

While this policy is primarily focused on addressing employees' use of social

media, all Town board and committee members are expressly reminded to proceed with the utmost caution if using social media in their official capacity. Board and committee members are responsible for their own adherence to Indiana law governing ethics and operations and activities of local government officials. Misuse of social media may be cause for removal of appointed officials.

- B. No Expectation of Privacy.** There is no expectation of privacy for electronic communications through, by, of, relating to, or affecting the Town or its operations. The Town reserves the right to review and/or monitor all electronic records and communications, at any time, with or without notice, including individual user folders and other information stored on the Town's electronic communications systems. In accessing the Internet using Town electronic systems, including social media sites, users should assume that all connections and sites visited will be monitored and recorded. This understanding helps to ensure compliance with Town policies, assists when internal investigations must be conducted, and supports the management of the Town's information systems. Use of the Town's electronic communication devices, including but not limited to Town-issued email accounts, Internet services, Intranet, cell phone services, smart phones (e.g., iPhones, Droids, etc.), pagers, Town-owned lap tops and computers provided for home use, and computer software constitutes acceptance of such monitoring.

II. Definitions and Related Policies:

- A. Approved Social Media Sites or Use.** The Town will support the use of certain social media sites by Town Departments. All Department-sponsored or "official" social media sites or pages shall be approved by the respective Department Head or his/her designee, and shall be maintained in coordination with the Town's Chief Information Officer (CIO). All official Town social media sites and pages must clearly indicate they are maintained by the respective Department, and shall prominently display Department contact information. Use of social media purporting to be "unofficial" Town sites or pages, or purporting to represent the Town on social media in a manner that is not officially approved is prohibited.

The Town's logo, a Department logo, or some other distinguishing graphic symbol should be displayed on all official Town social media sites.

All content posted on official Town social media sites shall adhere to applicable laws, regulations, and policies, including the Town's information technology policies.

Employees representing any Town Department via official Town social media sites or pages shall at all times conduct themselves appropriately as representatives of the Department and, accordingly, shall adhere to all Town and Department standards of conduct. In this context, employees shall identify themselves as a member of their respective Department and shall not

disseminate confidential information of any nature through social media sites or pages.

The following is an exclusive list of approved social media sites for official use, subject to modification by the Town Manager:

1. **Linked-In:** Including the Town's account and individual Department accounts.
2. **Twitter:** In order to expand our online presence, the Town will link **some** of its web-content to the Town's Twitter account. This is currently the only approved official use of Twitter. This portion of the policy does not include Twitter use by individual employees in a non-Town related capacity.
3. **Blogs:** The Town may authorize the use of one or more blogs. **Departments** or Officials interested in creating a blog should submit a proposal to the Town Manager.
4. **Facebook:** The Town may authorize use of Facebook for practical applications such as linking to department pages so that information posted in **one** location may be shared with those who have "Friended" the department's Facebook page.
5. **YouTube:** The Town may authorize use of YouTube for practical **applications** such as posting the video of town meetings and Town events

B. Non-Approved Social Media. The Town does not permit the official or non-official use of any social media site on behalf of or as a representative of the Town that is not explicitly mentioned above in section II.A. However, the Town reserves the right to amend the list of approved sites for official use at its discretion, as new technologies and applications are constantly in development and additional legitimate work uses of social media may need to be accommodated in the future.

Non-approved social media use unrelated to the Town or its operations (*i.e.*, for personal use) is neither encouraged nor discouraged. Examples of non-approved social media with respect to the Town include, but are not limited to, the following:

1. MySpace
2. Twitter (non-Town related individual accounts)
3. Friendster:
4. Orkut
5. Non-Town Blogs or Message Boards.

6. Instagram

C. **Terms:** The following definitions apply throughout this policy.

1. The Town: Town of Whitestown
2. Officials: Individuals who hold office in the Town, whether elected or appointed.
3. Employees: All persons employed by the Town regardless of position.
4. Users: Employees of the Town (individuals or groups) who use, direct, or control a social media account.
5. Social Media: Online forums in which Users participate in the exchange of ideas, messages, and content, including blogs, microblogs, wikis, and social networking sites (e.g., Facebook, LinkedIn, MySpace, Classmates.com, Twitter).
6. Social Network: An online platform where users can create profiles, share information, and socialize with others using a range of technologies.
7. Electronic Media: All forms of electronic communication, transmission, or storage, including but not limited to, websites and any content contained therein or related thereto.
8. Blog: Short for "Web log," a blog is a self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments.
9. Page: The specific portion of a social media website where content is displayed, and managed by an individual or individuals with administrator rights.
10. Post: Content an individual shares on a social media site or the act of publishing content on a site or page.
11. Profile: Information that a user provides about himself or herself on a social networking site.
12. Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, videotape, or related forms of communication.
13. Wiki: Web page(s) that can be edited collaboratively.

III. **General Provisions:**

- A. While employees may maintain and use personal web pages and websites, blogs, microblogs, social networking sites and other forms of social media while off- duty, their status as employees of the Town requires that the content of any

postings on those social media sites or other web pages not be in violation of existing Town by-laws, policies, directives, rules or regulations. The Town's image as a professional organization comprised of professional employees is key to maintaining the respect of its constituents. Although the Town recognizes that employees may choose to express themselves by posting personal information upon electronic media sites through personal websites, social networking sites, blogs, microblogs, chat rooms, or other electronic means or by making comments upon electronic sites hosted by other persons, groups or organizations, this right of expression is not free from limitation. That is, while the Town acknowledges its employees have the First Amendment right to free speech, that right is not absolute and extends only to matters of public concern. Therefore, employees must exercise caution with respect to comments they post concerning the Town, a particular department of the Town, and/or other employees of the Town. Even when not acting in an official capacity, an employees' conduct on social media can have an impact on the Town, whether positive or negative.

- B.** Individuals must use good judgment and act responsibly when using any form of social media, and must ensure that their statements and actions on social media do not violate this or any other Town policy.
- C.** Employees' use of social media is also subject to the Town's Communications Policy and Harassment Policy, as well as the Town's other policies and standards of conduct, rules, regulations, and ordinances.
- D.** All use of social media must conform to the following regulations:
 - 1.** All users are expected and required to conduct themselves in a manner consistent with the Town's policies and standards of conduct.
 - 2.** Users must not harass any Employees in contravention of the Town's anti-harassment policies, regardless of the time, place, form, or manner in which the information is posted or transmitted. Online postings that harass or threaten any other Town employees, officials, or persons are expressly prohibited. See Town Harassment Prevention Policies for further guidance. Harassing or discriminatory comments may be deemed inappropriate in violation of this Policy even if the Town's name or the names of any of its Employees are not posted in the comment.
 - 3.** Employees may not portray themselves as speaking on behalf of the Town, unless expressly authorized by the Town to do so.
 - 4.** While public sector employees have the right to post comments anonymously under the First Amendment, they may not do so in a manner that otherwise violates this policy.
 - 5.** Users are expressly prohibited from using social media to engage in any activity or conduct that violates federal, state, or local law (e.g., software or data piracy, child pornography, etc.).

6. Access to and use of social media must not interfere with employees' productivity and/or ability to perform their duties and responsibilities for the Town.
 7. Employees are prohibited from using social media to engage in any activity that constitutes a conflict of interest for the Town.
 8. Department heads and supervisors are expressly prohibited from using any review or recommendation feature or system on a social media site (e.g., LinkedIn) to post reviews or other comments about subordinate employees.
 9. Employees are expressly prohibited from using social media to request, acquire, or purchase genetic information as specified by EEOC regulations
 10. Employees are prohibited from using Town computers to access social media sites or pages for personal use, including but not limited to engaging in political activity or private business.
 11. Employees shall observe and abide by all copyright, trademark, and service mark restrictions when posting material on electronic media or social media sites or pages.
- E. This policy is not intended to interfere with employee rights under Indiana law. To the extent there is deemed to be any conflict, Indiana law controls. This policy is also not intended and shall not be applied to interfere with employees' constitutionally protected rights.
- F. **Complaints or Problems of Misuse.** Should any employee of the Town receive information about or become aware of a violation of this policy, including but not limited to a harassing, offensive, threatening or intimidating communication via a social media site from another employee of the Town, the employee should report the violation to the Town Manager or the Town Council President as soon as possible. Any employee of the Town who is aware of any violation of this policy may also report such violations to his or her department head.
- G. **Questions.** Anyone who is unsure of whether a particular posting or contribution to online social media violates this policy is encouraged to contact the Town Manager's Office. As a general rule, if you are hesitating to post something, it probably should not be posted, but questions and concerns are nevertheless welcomed and encouraged.
- H. **Discipline.** Any individual who violates this policy shall be subject to appropriate discipline, up to and including termination of employment. The Town intends to follow each provision of this policy but reserves the right to change any

provision at any time if circumstances warrant or require. A failure to enforce this policy does not constitute a subsequent waiver of any violation of this policy. This policy shall be read and interpreted in conjunction with all other Town policies and procedures.

- I. **Deletion.** The Town of Whitestown reserves the right and will remove comments/materials from Town social media tools when those comments/materials, in the Town's sole discretion, are:
- a) Potentially libelous or defamatory
 - b) Obscene or sexually explicit
 - c) Personal attacks, insults, profane, name-calling, or threatening
 - d) Plagiarized material or material that potentially violates intellectual property rights
 - e) Private, personal information published without consent
 - f) Political or commercial promotions or spam, or business solicitations
 - g) Off-topic or that link to material that is off topic
 - h) Embedded images from external sources
 - i) Violate any law or promote the violation of any law
 - j) Encourage or constitute prohibited discriminatory or harassing conduct
 - k) Made by a person masquerading as someone else

Town employees must document (screenshot, copy or photograph) the item to be deleted and keep it on file prior to deletion.

Section 9: Town Integrity

Confidentiality of Town Information

It is the responsibility of all Town employees to safeguard sensitive and confidential business material, financial information, trade secret or other proprietary information outside the Town without the prior authorization of the Town Manager.

The nature of our business and the economic well-being of the Town is dependent upon protecting and maintaining certain proprietary information. Continued employment with the Town is contingent upon compliance with this policy. Sensitive Town information is defined as trade secrets or confidential information relating to customers, business and strategic plans, Town projects and programs, accounting, pricing, contracts, and negotiations. Unless otherwise identified by management, all employees shall assume that such information is confidential.

All requests from the public for information are to be immediately submitted to the Human Resources Office for response.

Business Ethics and Conduct

Code of Ethics / Conflict of Interest

In order to maintain the integrity of Town Government and the confidence that the public has in it, it is essential that Town employees not use their positions for personal or private gains. Any person found in violation of the Code of Ethics or Conflict of Interest shall be subject to disciplinary action up to, and including termination.

No employee shall have a personal interest in or be employed by any private interest with which the Town does business, nor act as an agent for or render services on behalf of any private interest where such activities could be incompatible with the duties or responsibilities of said employee. If there is an instance where this could be misconstrued by the public or others, a CONFLICT OF INTEREST form must be filed at the Human Resources Office.

No resources or proprietary information obtained and used in an employee's position with the Town may be used for the employee's own private gain or another's private gain. Use of an employee's position, title or any authority associated with the employee's office to coerce or induce a benefit for the employee others is strictly against the Code of Ethics of the Town. Further, employees are not to use Town equipment, tools, or other resources for non-Town business or personal purposes without authorization from the Town.

The copying of software used in the position of a Town employee for personal use is strictly forbidden. All license agreements preclude the use of such software on any machine other than that on which it is legally registered.

Protection and proper use of all Town assets is the responsibility of all employees. Accurate and complete books and records must be kept in all positions of employment or office and are subject to timely and authorized disclosure.

Receiving gifts shall conform to the following guidelines for all employees of the Town. Any exceptions or items not covered below must be approved by the Town Council President or Vice-President:

- 1) Opportunities, benefits and services that are available under the same terms and conditions as to the 'general public' shall be considered as acceptable gifts.
- 2) Educational materials and conference admissions are acceptable.
- 3) Food or refreshments not exceeding \$25 per person in value on a single calendar day is acceptable; such shall be consumed on the premises from which they are purchased, prepared or catered.
- 4) Food, refreshments, lodging, transportation and other benefits resulting from outside business or employment activities that are customarily provided to others in similar said circumstances are acceptable if the benefits have not been offered or enhanced because of the 'official position' of the employee (or outside activities that are not connected to the official duties of an employee).
- 5) Any item or items from any one source during any calendar year shall not have a cumulative total of more than \$100 in value.
- 6) "Intra-governmental gifts" means any gift given to an officer or employee from another employee. "Inter-governmental gifts" means gifts from an employee from another governmental entity. These shall adhere to the same guidelines as all other gifts.
- 7) All gifts should be reported by the receiver to the Department Head and the Town Manager or designee for a record of such gifts received.
- 8) No employee shall at any time solicit or accept any gift or personally gain from any outside source wishing to secure business with the Town.
- 9) Employees shall not borrow money from or lend money to any customers, suppliers, or vendors of the Town other than recognized financial institutions (e.g., banks, credit unions, etc.).

It is important to avoid not only any situation that is an obvious conflict of interest such as those above, but also any situation that may give the appearance of being a conflict of interest.

If at any time you have a question as to whether or not it is appropriate to accept a gift, please contact the Town Manager or designee for verification prior to receiving such a gift.

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

Duty to Report

The Town operates best with an atmosphere of mutual trust, cooperation, and integrity. Acts of theft, dishonesty, fraud, and sabotage are obviously very damaging to the Town and can be harmful to its economic well-being, reputation, and internal culture. We believe that everyone who works here has a duty of loyalty to the Town and is responsible for reporting any actual or suspected misconduct, including but not limited to worker's compensation or FMLA abuse; theft, misappropriation, or unauthorized disclosure of Town confidential or trade secret information; sabotage or abuse of Town equipment or resources; illegal behavior; and other detrimental conduct or acts of dishonesty against the Town. Reports of such misconduct should be directed to the Town Manager or Town Council President and will be kept as reasonably confidential as practicable given the need to investigate. Employees also have a duty and are expected to fully cooperate with any internal and external investigation into any alleged wrongdoing.

Section 10: Employee Issues

Open Door Policy

The Town is concerned with any situation affecting the employment relationship and is committed to correcting any condition or situation that may cause unfairness or misunderstanding. Therefore, it is the Town's policy to provide a mechanism that permits employees to take concerns to their immediate supervisor and higher levels of management.

The employee should first discuss the concern with his/her immediate supervisor in an attempt to resolve it. If the problem is with the immediate supervisor or is not resolved to the employee's satisfaction, the employee should discuss the issue with the next successive level of management in his/her chain of command or the Town Manager or designee. Not all concerns can be resolved to everyone's satisfaction; however, in each case the issue will be addressed and responded to by management.

If the complaint relates to alleged discrimination or harassment, please follow the reporting procedures set forth in the Equal Employment Opportunity and/or anti-harassment policies in this Manual.

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

Employee Acknowledgements

Employee Acknowledgement of Receipt of Employee Manual

This is to certify that I have read this Employee Manual and am familiar with its contents. I understand that it is not a binding contract, but a set of guidelines for the implementation of personnel policies. I understand that the Town of Whitestown may modify any of the provisions of this Manual at any time, with or without notice, and may deviate from any provision of this Manual in its sole discretion. I also understand that notwithstanding any of the provisions of this Manual, I am employed on an at-will basis. My employment may be terminated at any time, either by me or by the Town, with or without cause. I understand that no representative of the Town, other than the Town Council as a whole, has any authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the foregoing. I acknowledge that I do not in any way rely upon the provisions of this Employee Manual in accepting or continuing my employment with the Town of Whitestown.

I have read and understand the Employee Manual and will abide by the policies as part of the conditions for continued employment by the Town of Whitestown, Boone County, Indiana.

Employee Signature: _____

Employee Name (Printed): _____

Date: _____

Acknowledgement of Receipt of Drug-Free Workplace Policy

I hereby acknowledge having received a copy of the Town's Drug-Free Workplace Policy. I agree, without reservation, to abide by the policy.

Employee Signature: _____

Employee Name (Printed): _____

Date: _____

Acknowledgement of Receipt of Password Policy Protection Guidelines

I hereby acknowledge having received a copy of the Town's Password Policy Protection Guidelines. I agree, without reservation, to abide by the policy.

Employee Signature: _____

Employee Name (Printed): _____

Date: _____

Acknowledgement of Receipt of Equal Employment Opportunity and Anti-Harassment Policies

I hereby acknowledge having received a copy of the Town's Equal Employment Opportunity Policy, Sexual Harassment Policy, and General Non-Harassment Policy. I agree, without reservation, to abide by these policies.

Employee Signature: _____

Employee Name (Printed): _____

Acknowledgement of Receipt of Cellular Device Policy

I hereby acknowledge having received a copy of the Town's Cellular Devices Guidelines. I agree, without reservation, to abide by the policy.

I further acknowledge that upon (and in consideration of) signing this acknowledgement, I will receive a Town-provided Cellular Device(s). I agree and acknowledge that use of any Town-provided Cellular Device(s) will be limited to Town Business and only incidental personal use.

Select One:

- I intend to use the Town-provided Cellular Device for incidental personal use.
- I agree not to use the Town-provided Cellular Device for any personal use.

Employee Signature: _____

Employee Name (Printed): _____

Date: _____

Town-provided Cellular Device(s): _____

For the Town Manager To Complete

I _____, Town Manager for the Town of Whitestown, have reviewed the above completed Acknowledgement of Cellular Device Policy for _____ (name of employee). Based on the above, I have determined pursuant to the Town's Cellular Devices Guidelines that (select one):

- _____ (name of employee) shall be required to pay the Fifteen Dollar (\$15.00) per month fee for use of the Cellular Device;

TOWN OF WHITESTOWN

TUITION ASSISTANCE REQUEST FORM

Employee Name _____ Request Date _____

Title / Department _____ Supervisor _____

Course Title _____ Educational Institution _____

Course Start Date _____ Course End Date _____

Cost of Tuition \$ _____ Cost of Books \$ _____ Cost of Fees \$ _____

Does this course apply to the pursuit of a degree? _____ Yes _____ No

_____ Bachelor's _____ Master's _____ Doctorate _____ Other

Estimated Graduation Date _____

What specific knowledge or skill will you learn (attach additional pages as appropriate)?

How will the acquired knowledge or skill help improve your performance and/or prepare you for more advanced responsibilities (attach additional pages as appropriate)?

REPAYMENT PLAN AGREEMENT

Should you ultimately receive tuition reimbursement from the Town of Whitestown ("Whitestown"), you agree to reimburse Whitestown for your last 12 months of reimbursed fees if you voluntarily leave Whitestown or are terminated for any reason other than due to a reduction in force or job elimination within three years after your last reimbursement. You further agree to pay the reasonable attorney fees and costs incurred by Whitestown to enforce this Agreement.

The last 12 months of tuition would be repaid to Whitestown according to the schedule below.

Repayment schedule:

- 100% payback if you voluntarily leave Whitestown or are terminated for any reason other than due to a reduction in force or job elimination within one year after your last reimbursement.
- 75% payback if you voluntarily leave Whitestown or are terminated for any reason other than due to a reduction in force or job elimination within one to two years after your last reimbursement.
- 50% payback if you voluntarily leave Whitestown or are terminated are terminated for any reason other than due to a reduction in force or job elimination within two to three years after your last reimbursement.

You understand and agree that this Agreement does not alter the at-will employment relationship between you and Whitestown.

Employee Signature _____

Date _____

Supervisor and Town Manager Approval:

Supervisor Signature _____

Date _____

Town Manager Signature _____

Date _____