

ORDINANCE 2023-13
as amended

**AN ORDINANCE AMENDING THE WHITESTOWN EMPLOYEE MANUAL
WITH RESPECT TO VARIOUS MATTERS**

WHEREAS, on December 14, 2022, the Town Council of the Town of Whitestown, Indiana (“Town Council”), adopted Ordinance No. 2022-41, an Ordinance Adopting An Updated Employee Manual (“Manual”) for the Town of Whitestown (“Town”); and

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

WHEREAS, the Town Council now desires to amend/clarify the Manual as set forth herein.

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

Section 1: The following shall be added as an additional paragraph in the Disciplinary Procedures and Employee Conduct policy in “Section 3: Basic Employee Policies” of the Manual:

Discipline should be reported to the department head and human resources. Both the Town Manager and/or Director of Human Resources shall have the authority to terminate an employee where appropriate.

Section 2: The Vacation Time policy in “Section 4: Attendance and Time Away from Work Policies” of the Manual (“Section 4”) is hereby amended and restated as set forth in the attached Exhibit A (additions in underline, deletions in ~~strikethrough~~).

Section 3: The following is added to the floating holiday in Paid Holidays in Section 4 (additions in underline):

15. Floating Holiday – date of use chosen by the employee, must be taken in full eight (8) hour increment. Not eligible for rollover or payout upon termination of employment.

Section 4: The third paragraph of the Personal Time Off (PTO) policy in Section 4 hereby amended and restated as follows (additions in underline, deletions in ~~strikethrough~~):

All PTO may be taken in a minimum of ~~two (2) hour~~ thirty (30) minute increments.

Section 5: The fifth paragraph of the Overtime policy in “Section 5: Compensation, Hiring, Promotion and Termination Policies” is hereby clarified and restated as follows (additions in underline, deletions in ~~strikethrough~~):

Subject to the pre-approval of their supervisor, non-exempt, civilian employees may accrue ~~take~~ compensatory time off in lieu of overtime payment ~~upon request and with the pre-approval their supervisor.~~ The Town may at any time determine to pay overtime compensation in lieu of providing the accrued compensatory time off. Any accrued compensatory time not taken within six months of accrual ~~being earned~~ will be cancelled and the employee will receive payment for those compensatory hours not taken.

Section 6: The following shall be added as an additional paragraph in the Health Insurance policy in “Section 6: Employee Benefits” of the Manual:

Town contributions to HSAs, where applicable, are paid under the following schedule:

1. 50% of the Town’s annual contribution is deposited in January of the respective year. The remaining 50% is deposited over the remaining eleven (11) months.
2. If an employee begins employment after January 1 of the respective year, the Town’s pro-rated contribution is divided up over the remaining months left of the calendar year and deposited each month.

This payment schedule supersedes the schedule set forth in Ordinance 2018-02.

Section 7: Execution of Amendment. Upon adoption of this Ordinance, the Director of Human Resources shall make all amendments stated herein to the Manual (including updating the table of contents as needed).

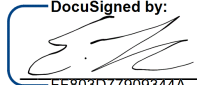
Section 8: Severability. The terms, paragraphs, sentences, words, policies, and procedures of this Ordinance, the Exhibits, and the Manual are separable, and if a court of competent jurisdiction hereof declares any portion of this Ordinance, the Exhibits, or the Manual unconstitutional, invalid, or unenforceable for any reason, such declaration shall not affect the remaining portions thereof.


Section 9: Superseding Clause. The amendments stated herein supersede all prior inconsistent portions of the amended sections and subsections of the Manual, and all prior inconsistent portions of the Manual, which do not include the amendments approved herein, are similarly superseded by this Ordinance. All other provisions of the Manual remain unchanged.

Section 10: Effective Date. This Ordinance is effective immediately upon passage.

Introduced on June 14, 2023, and adopted by the Town Council of the Town of Whitestown, Indiana, on this 14th day of June, 2023, by a vote of 4 in favor and ____ against.

THE TOWN COUNCIL OF THE
TOWN OF WHITESTOWN, INDIANA

DocuSigned by:

EF803D779D9344A...
Eric Nichols, President

ATTEST:
DocuSigned by:

0A9483A78E9B4B5...
Matt Sumner, Clerk-Treasurer
Town of Whitestown, Indiana

4589704

Exhibit A

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 (2) hour increments. When requesting more than two (2) consecutive days off, but less than one week, you must still request and have advance approval to take the vacation time and it must be requested at least 72 work hours in advance. Requests for leave are not approved automatically and may be denied ensuring staffing requirements can be met. Holidays and Vacation Time will count toward the normal 40-hour work week for overtime determination and pay.

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

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

- ten (10) workdays (80 hours) per year, after twelve months of continuous service
- fifteen (15) workdays (120 hours) per year, after five (5) years of continuous service and thru the ninth (9th) year
- twenty (20) workdays (160 hours) per year, from the tenth (10th) year of service and thereafter

The above applies unless different terms have been negotiated and are included in an employee's offer letter and approved by the Human Resources Department.

For those employees that have not been employed for a full year as of the following January 1, the employee will receive five (5) workdays (40 hours) on January 1.

If an employee has not been employed for a full year as of January 1 in the calendar year of a new hire, if an employee is still employed following the expiration of the 90 day orientation period, 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.~~

The above applies unless different terms have been negotiated and are included in an employee's offer letter and approved by the Human Resources Department.

Vacation time does not accrue for time spent on any unpaid leave of absence. Vacation may not be used until earned.

The scheduling of vacation time is dependent upon each department's operational needs. 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 ensuring proper coverage of essential duties. Department Heads must submit their request for vacation to their respective supervisor in writing as far in advance as possible.

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. If an employee has been employed for a minimum of 10+ years and gives a minimum two weeks' notice, the vacation time will be paid out in full and not subject to proration.

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 calendar year it is carried into. 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.