



**CITY OF CARMEL**

**CIVILIAN PERSONNEL POLICY HANDBOOK**

JANUARY 1, 2020



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**CHAPTER 1**  
**INTRODUCTION**

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**CHAPTER 1**  
**INTRODUCTION**

**A. SCOPE AND INTENT OF HANDBOOK**

This employee handbook describes the personnel policies and procedures that govern civilian employment by the City of Carmel (“City”). These policies and procedures are subject to change by the City at any time and for any reason, in the City’s sole discretion. Such changes will be posted or otherwise provided to employees. City employment policies are based upon and are to be applied consistent with applicable federal and state laws and local ordinances. **Whenever the provisions of this handbook conflict with applicable laws and ordinances, such laws and ordinances shall supersede the provisions of this handbook.**

The primary purpose of this handbook is to promote understanding of the City’s employment policies and procedures and consistency in their implementation.

None of the statements or materials contained herein constitutes an express or implied contract of employment. All employment is at-will and may be terminated at any time, with or without cause and with or without notice. Any oral or written statements to the contrary are hereby expressly disavowed and should not be relied upon by any current or prospective employee.

To the extent that the policies and procedures included herein are reflected in Carmel City Code, this handbook applies to all civilian employees. Sections that are not codified apply to employees in departments that report directly to the Office of the Mayor. The City Clerk and/or the City Judge may choose to extend to their employees all or part of the non-codified policies and procedures described in this handbook.

**B. PERSONNEL POLICY ADMINISTRATION**

Each employee is responsible for reading and understanding this handbook and abiding by its provisions.

All employment policies are issued from the Mayor’s Office with the approval of the Board of Public Works and Safety and/or the Carmel Common Council. Primary responsibility for administering the policies and procedures outlined in this handbook rests with the Director of Human Resources, department heads and supervisors. Questions and comments regarding City policies may be directed to those individuals. Corporation Counsel will provide legal opinions on employment policies and procedures as requested by the Director of Human Resources.

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**CHAPTER 2**  
**EMPLOYMENT POLICIES**

**A. EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of the City to comply with the requirements of the law and adhere to a broad view of civil rights in the implementation of all facets of equal employment opportunity. This policy applies to all aspects of the employee-employer relationship, including recruiting, hiring, training, promotion, compensation, benefits, discipline, termination and all other terms, conditions and privileges of employment. The City grants equal employment opportunity and equal treatment to all employees, applicants and recruits, and hires and promotes qualified individuals without regard to race, color, religious belief, sex, age, national origin, ancestry, disability, genetic information, veteran status, sexual orientation or gender identity.

All City contractors and their employees, subcontractors and agents shall comply with all existing and future laws prohibiting discrimination against any employee or any applicant for employment or for subcontract work in the performance of any project for the City.

**B. HIRING**

The City is committed to recruiting and selecting qualified applicants to fill vacant positions. An applicant must meet the minimum job qualifications for a position in order to be considered a candidate for that position. Qualification standards may include education, training, licenses, certifications, work experience, skills and/or abilities. All hiring shall be conducted in accordance with the City's policy of equal employment opportunity to ensure open and fair competition for all applicants.

Any applicant who knows or reasonably anticipates that he or she requires reasonable accommodation in any phase of the application process should endeavor to notify Human Resources at the **beginning** of the process.

In order to provide City employees opportunities for growth and change, many position openings will be posted internally before external applicants are sought. Openings will generally be emailed to all employees and posted in each department for a period of at least one week. However, the City is under no obligation to post all openings, or to wait until the posting period is over to seek external applicants. Posting decisions will be made jointly by the department head and the Director of Human Resources, based upon the nature of the position, the required qualifications and other relevant considerations. The posting process does not guarantee that a qualified internal applicant will be selected to fill a position.

Positions that are open to external applicants will be posted, at minimum, on the Human Resources/Jobs page of the City website ([www.carmel.in.gov](http://www.carmel.in.gov)). If there is no open position that matches the applicant's skills and interest, he or she may fill out a Job Interest Card, and will be notified by email when an appropriate position becomes available.

Applications will be accepted for posted openings only. All applicants, including internal applicants, must submit an application. The City requires most applications to be submitted electronically, but paper applications may be accepted for temporary/seasonal positions. An applicant should follow all the instructions included in the job posting. The City reserves the right, in its sole discretion, to determine what constitutes a valid application and to reject applications that do not meet the posted requirements.

An application is valid for sixty (60) days or until the position is filled, whichever is longer. After sixty (60) days a new application may be required. Names of applicants who meet the qualification standards for an open position shall be forwarded to the department head or his or her designee for further consideration.

Any material misstatement or omission on an application or resume or in the interview process may result in disqualification of the applicant, or termination of the employee, when detected.

The City shall conduct interviews, reference checks and other appropriate pre-employment tests as necessary to identify the candidate best qualified for the position. All pre-employment testing will be conducted in compliance with equal employment opportunity laws. Every offer of employment is contingent upon results of a background check and drug test, which will be performed at the City's expense by a vendor of the City's selection. Each new employee must be able to provide documentation of United States citizenship or right to work in the United States.

Former employees who seek re-employment with the City must follow the same procedures as any other applicant. Applicants who were previously terminated from City employment for reasons other than lack of work or lack of funds will not be considered for re-employment.

### **C. EMPLOYEE CLASSIFICATION**

An employee of the City is an individual who is actively carried on City payroll records and who receives wages and/or employee benefits from the City. Employee classification descriptions are as follows (categories are not mutually exclusive):

Department Head or Director: An employee who is appointed by the Mayor to the position of Corporation Counsel, City Engineer, Fire Chief, Police Chief, Street Commissioner, Golf Course General Manager or City Controller, or who is appointed director of the department of Utilities, Administration, Community Relations and Economic Development, Community Services, Redevelopment, Human Resources or Information and Communication Systems.

Full-Time Employee: An employee who is regularly scheduled to work at least thirty-seven and one-half (37.5) hours per week, or seventy-five (75) hours in a two (2) week pay period, and who maintains employment on a year-round basis. Regular full-time employees are eligible for all City benefits, leaves and paid time off. For health insurance purposes only, a full-time employee is one who averages thirty (30) hours or more per week throughout a calendar year. An employee who works a full-time schedule on a temporary/seasonal basis is not a full-time employee.

Full-Time Golf Course Employee: An employee of Brookshire Golf Course who is regularly scheduled to work at least two thousand eighty (2080) hours in a calendar year. The benefits of full-time golf course employees are the same as other full-time employees, except for overtime/compensatory time off and holiday pay, which differences are described herein.

Part-Time Employee: Generally, an employee who is regularly scheduled to work fewer than thirty-seven and one-half (37.5) hours per week, or seventy-five (75) hours in a two (2) week pay period. However, a part-time employee is limited to an average of twenty-eight (28) hours per week, or fifty-six (56) hours in a two (2) week pay period. All exceptions must be approved in advance by the Director of Human Resources. Part-time employees may elect to participate in the City's deferred compensation plan, but are not eligible for other City benefits, leave or paid time off, except as required by law.

Temporary/Seasonal Employee: An employee whose services are seasonal or related to special projects and are intended to last no longer than eighty-five (85) days. There are no limits on the number of hours per week a temporary/seasonal employee may be scheduled to work, except as dictated by budgetary constraints or as required by law. Temporary/seasonal employees are not eligible for City benefits, leave or paid time off, except as required by law.

Conditional Employee: A full-time employee during the first three (3) months of employment. The period of conditional employment may be extended by a department head if the employee is notified, in writing, and the reasons for the extension are documented in the employee's file. In no case shall the period of conditional employment be greater than six (6) months in duration.

During the conditional period, the employee's supervisor will observe the employee's ability to perform the duties and meet the requirements of the position, and will make an evaluation of the employee's performance. Termination or transfer may occur at any point during this period without employee recourse to the appeals process set forth herein.

An employee may not utilize paid time off ("PTO") during the conditional period, except for City holidays, although the benefits will accrue and can be used after the conditional period ends. An extended conditional period notwithstanding, all City employees shall be eligible to participate in all applicable City sponsored benefits after completion of the initial three (3) month period of continuous full-time employment.

Probationary Employee: A full-time or part-time employee who has shortcomings related to performance and/or behavior and has been given a chance to show improvement or be terminated.

A probationary period may be the result of an employee's annual performance appraisal or other circumstances. The shortcomings and expectations for improvement shall be documented in writing and shared with the employee. A probationary period is not a required part of the disciplinary process.

The length of a probationary period is at the discretion of the department head.

Independent Contractor: An individual who independently contracts to provide services to the City, is

not a City employee and is not eligible to receive City benefits. An independent contractor's total compensation is determined by the terms of his or her contract with the City.

#### Changes in Employment Status

If an employee changes his or her employment status from one classification to another, the employee's benefits eligibility may change. For employees who transfer from part-time or temporary/seasonal to full-time employment, the date of the transfer is treated as the hire date for purposes of benefits eligibility.

#### **D. NEPOTISM**

The City recognizes that members of the same family may desire to pursue similar careers. The City must be sensitive, however, to the potential for bias in employment decisions and the necessity of maintaining professional work relationships. The City will not employ individuals in positions that result in one relative being in the direct line of supervision of another relative. An employee hired prior to July 1, 2012, is not subject to this policy unless the individual has a break in employment with the City.

An employee hired on or after July 1, 2012, who is a relative of another employee that begins serving a term of elected office with the City may remain employed by the City and may retain his or her position or rank, even if this would otherwise violate the policy. However, the individual may not be promoted to a position if the new position would violate this policy.

For purposes of this policy, the words and phrases contained herein shall have the following meanings:

**Relative** means spouse, parent, child (including adopted child), brother, sister, aunt, uncle, niece, nephew, son-in-law, daughter-in-law, step-parent, step-child, step-brother, step-sister, half-brother or half-sister.

**Employed** means employed in a full-time, part-time, temporary, intermittent or hourly basis. This term does not include an individual who holds only an elected office. This term does include an individual who is party to an employment contract with the City.

**Direct line of supervision** means an elected official or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement or performance evaluation. This term does not include the responsibilities of the Mayor or the Common Council, as provided by law, to make decisions regarding salary ordinances, budgets or personnel policies of the City.

It will be the responsibility of each department director to ensure that:

- All supervisory relationships within the department conform with the requirements of this

policy;

- Family relationships that do not violate this policy are managed so as not to disrupt the operations of the department. The director shall have the authority to adjust work assignments, shifts and physical work locations to maintain an appropriate distance between relatives working in the same department; and
- A relative of a current employee who applies for a position in the department is evaluated on his or her merits and not given special consideration.

A director may adopt a policy of not employing relatives in his or her department, even if there would not be a direct line of supervision between the relatives, as long as the policy is in writing and consistently administered.

## **E. ETHICS**

Following is a **summary** of the City's Ethics Policy, which applies to all employees, elected officials and officers of the City and its agencies. The entire policy is set forth in Carmel City Code § 2-184, as may be amended from time to time, a copy of which is available from Human Resources.

### Definitions

For purposes of this policy, the words and phrases contained herein shall have the following meanings:

**Agency** means every department, office, board, commission and committee of the City.

**Business Entity** means a sole proprietorship, partnership, unincorporated association, trust, firm, corporation and/or limited liability company.

**Compensation** means any money, thing of value, service or economic benefit conferred upon or received by any employee from any person except the City or an agency in return for services rendered or to be rendered. Compensation does not include items or property excluded herein from the definition of gifts or honoraria.

**Elected Official** means the City's duly elected Mayor, City Clerk and Common Council members.

**Employee** means any individual, other than an elected official, who is employed by the City.

**Ethics Board** means the City of Carmel Ethics Board.

**Ethics Policy** means the Code of Ethics established and included in its entirety in Carmel City

Code §2-184, as may be amended from time to time.

**Gifts or Honoraria** means money or other property that is given to an employee without reasonable value being provided in exchange. Gifts or honoraria do not include:

- Invitations, tickets, food and drink provided to an employee, elected official, or officer, or a member of his or her immediate family during the conduct of official City business or at public ceremonies; or
- Mementos or souvenirs of nominal value received at public ceremonies or commemorating official City business; or
- Invitations or tickets to political fundraising dinners or public events when used by an employee, elected official or officer, or a member of his or her immediate family; or
- Food or drink consumed by an employee, elected official or officer in connection with official City business at a convention, reception or gathering of other public officials and/or municipal employees; or
- Travel or other expenses paid or reimbursed as a result of speaking engagements, educational training or personal appearances made by virtue of an employee's, elected official's or officer's official position or duties.

**Immediate Family** means:

- An employee's spouse, brother, sister, step-brother or step-sister; or
- Any child (biological or adopted) who is unemancipated and less than eighteen (18) years old and/or who receives more than fifty percent (50%) of his or her support from the employee, elected official or officer and/or his or her spouse; or
- A parent or step-parent of an employee or of his or her spouse.

**Material Interest** means ownership of five percent (5%) or more of a business entity, except for an interest that is no greater than that which is cumulatively held by the general public.

**Officer** means a person appointed to an office or position in any agency.

**Pecuniary Interest** means an interest that results in, or is reasonably intended to result in, an ascertainable increase in the income or net worth of an employee, elected official or officer, or a member of his or her immediate family.

**Person** means any individual, association, corporation or other legal entity.

Prohibited Behavior

**Gifts and Honoraria:** No employee, elected official or officer shall accept gifts or honoraria that individually exceed the value of \$100.00 or cumulatively exceed the value of \$250.00 in any calendar year from any entity that is doing business with the City.

No employee, elected official or officer shall accept anything of monetary value from any person whose intent is to obtain special consideration or influence as to any action by the employee, elected official or officer in his or her official capacity. However, nothing in this policy prohibits the receipt of political or other contributions that are lawful and are reported in accordance with Indiana law and/or are accepted on behalf of the City or an agency.

**Improper use of official position:** No employee, elected official or officer shall use or permit the use of his or her official position, or funds or property under his or her official control, direction or custody for a purpose that is primarily for the private benefit of the employee, elected official or officer or a member of his or her immediate family. However, nothing in this policy shall prohibit the private use of property that is available on equal terms to members of the public generally (e.g., library books or golf courses), the use of property in accordance with City policy in the conduct of official business, the use of vehicles or other equipment by off-duty employees, in compliance with departmental rules and/or the employment of any employee, elected official or officer or a member of his or her family by the City or its agencies.

**Disqualifications:** Any employee, elected official or officer shall disqualify himself or herself from, and refuse to take final action on, any matter in which he or she, or a member of his or her immediate family, has a pecuniary interest, and upon which the employee, elected official or officer would be required to act in the discharge of his or her official duties, except for the adoption of the annual City salary ordinances and the City budget.

Statement of Economic Interests

All elected officials except the City Court Judge, and all City employees, officers and officials who have an economic interest subject to disclosure, are required to file a Statement of Economic Interests on or before the 31<sup>st</sup> day of March each year, pertaining to the immediately preceding calendar year. Each such person is responsible for determining whether he or she has any economic interests subject to disclosure.

The Statement of Economic Interests shall be affirmed as to its truth and accuracy under penalties of perjury, and shall include the following information pertaining to the individual who submits it:

- The name of the employee, elected official or officer; and
- The business address of the employee, elected official or officer; and

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- The position the employee, elected official or officer holds with the City or an agency; and
- Each employer of the employee, elected official or officer (in addition to the City of Carmel); and
- A listing of all gifts or honoraria reasonably believed to have an individual value in excess of \$100.00 and/or an aggregate value in excess of \$250.00 that the employee, elected official or officer received during the past calendar year from any business entity doing business with the City and/or an agency; and
- A statement of whether the employee, elected official or officer or any member of his or her immediate family has a pecuniary interest in any contract with the City or an agency during the past calendar year, and, if so, a description of the pecuniary interest; and
- The name of each business entity from which the employee, elected official or officer received any compensation during the preceding calendar year, except for those items herein excluded from the definition of gifts and honoraria; and
- The name of any business entity in which the employee, elected official or officer or a member of his or her immediate family owns a material interest and which business entity is doing business with the City or an agency.

The Statement of Economic Interests shall be filed with the Office of Corporation Counsel. The Statement will be made available to the public only as required by Indiana's Access to Public Records Act or a final court order.

### Conflict of Interest Disclosure

The filing of a Statement of Economic Interests does not excuse an employee who has or who anticipates a conflict of interest as defined by Indiana Code § 35-44-1-3, as may be amended from time to time, from filing a separate Uniform Conflict of Interest Disclosure. Conflict of interest statements should be filed with the City Clerk's office

### Enforcement

The Common Council has established the City of Carmel Ethics Board, which has the power and responsibility to adopt rules and regulations to promote and enforce high standards of ethical conduct in City government, provide a program of educational assistance and information regarding ethical conduct to all employees, elected officials and officers, and investigate complaints regarding any violation(s) of the City's Ethics Policy. The Ethics Board will have access to the annual Statement of Economic Interests.

### Advisory Opinions

Upon the written request of an employee, elected official or officer, the Ethics Board may render a written opinion concerning any matter covered by this policy. Such opinions shall be advisory in nature, and not binding upon the City or its agency.

### Complaints

Any employee, elected official or officer of the City, or a citizen of Carmel, may file a complaint alleging violation of the City's Ethics Policy. If the complainant is an employee, he or she must follow all applicable department rules, regulations and chain-of-command in filing his or her complaint, unless it is not reasonably possible or appropriate to do so.

All complaints shall be filed with the Secretary of the Ethics Board. The Office of Corporation Counsel can assist in getting the complaint to the appropriate individual. All complaints and all records pertaining thereto shall be subject to disclosure only as required by Indiana's Access to Public Records Act (Indiana Code § 5-14-3, as may be amended from time to time) or a final court order.

All complaints must be in writing and must be signed by the complainant under oath and the penalties of perjury. The complaint shall state the nature of the alleged violation(s), the date, time and place of each occurrence, and the person(s) charged with the alleged violation. The complainant shall provide the Secretary with all available documentation and other evidence supporting the allegations set forth in the complaint. The Secretary shall promptly provide a copy of the complaint and all relevant documentation to the person charged with the violation.

Following is a **summary** of the investigation/hearing process. The specific procedures and timetable for an investigation, hearing and/or appeals are set forth in Carmel City Code § 2-184, as may be amended from time to time:

- Upon receipt of a written complaint, the Secretary shall conduct an investigation into the allegations contained therein. If the Secretary finds, after investigation, that there are no reasonable grounds to believe that a violation of the Ethics Policy has occurred, or that any or all of the complaint is frivolous, the Secretary shall dismiss the complaint, or that portion that is unfounded or frivolous. If the Secretary dismisses all or part of a complaint, he or she shall do so in writing, setting forth the facts and provisions of law upon which the dismissal is based, and provide copies of the written dismissal to the complainant, the person charged with the violation and the Ethics Board. The complainant shall have the right to appeal the decision of the Secretary to the full Ethics Board, which may uphold, modify or reject the Secretary's decision.
- If the Secretary finds reasonable grounds to believe that a violation of the Ethics Policy has occurred, or if the Ethics Board fully or partially overturns the Secretary's dismissal, the Ethics Board shall hold a public hearing. At the hearing, the person accused and the complainant shall each be entitled to be represented by counsel, to present exhibits and

other evidence, to cross-examine witnesses and to argue the law and the facts before the Ethics Board. The entire burden of proof by a preponderance of the evidence and of persuasion shall remain on the complainant at all times.

- Upon completion of the hearing, the Ethics Board shall issue a written decision stating its opinion as to whether the policy has been violated, and setting forth the specific findings of fact and conclusions of law upon which the decision is based. A copy of the decision shall be delivered to the complainant, the person accused and the Mayor. This written determination shall constitute a public record.
- If, upon completion of the process, the Board determines that an employee has violated the Ethics Policy, the Ethics Board shall also provide to the Mayor, for his or her consideration, its written recommendations as to the proper resolution of the matter. The Ethics Board's written recommendations are advisory and/or deliberative in nature, and are not subject to the mandatory disclosure requirements of Indiana's Access to Public Records Act.

### Disciplinary Action

Any employee who is found by the Carmel City Court to have failed to timely file a Statement of Economic Interests as required by this policy shall be subject to a fine of not less than \$50.00 nor more than \$500.00 for each month or portion thereof, beginning with the month of March in the applicable calendar year, during which the Statement is delinquent, in addition to the other provisions of this policy.

Any other violation of this policy shall be cause for such disciplinary action as may be deemed necessary and proper by the Mayor, consistent with the City's personnel ordinances and rules. The Mayor is not bound by the Ethics Board's determination and/or recommendations, and may conduct his or her own investigation prior to imposing discipline on any employee or officer under his or her authority and/or control. A written response outlining any action taken by the Mayor as a result of the recommendation of the Ethics Board shall be provided to the Ethics Board by the Mayor.

Notwithstanding the above, this policy shall not diminish employee rights granted by the City under any personnel ordinance or rule. Any adverse employment action taken or monetary fine imposed on any employee pursuant to this policy shall be subject to judicial review as provided by applicable law.

This policy does not prevent the facts set forth in a complaint filed with the Ethics Board from also being submitted to the Hamilton County Prosecuting Attorney and/or the State Board of Accounts.

### Harassment

No employee, elected official or officer shall harass or otherwise take adverse action against any

person merely because such person filed a good faith complaint pursuant to this policy.

### False Complaints

Any employee, elected official or officer who files a complaint or testifies in bad faith, shows reckless disregard for the truth and/or knowingly provides false information shall be subject to disciplinary action, up to and including immediate termination. Such discipline does not preclude the possibility of the individual falsely charged from pursuing private civil action against the employee, elected official or officer.

## **F. CONFIDENTIALITY**

In the course of performing their jobs, City employees may be exposed to a variety of information regarding City business and individual members of the public as they interact with City government. Employees are expected to protect the security of confidential information, but must also reasonably respect and accommodate the public's right to public information, as required by applicable federal and state laws and/or local ordinances. If ever in doubt regarding the disclosure of specific information, employees should ask their supervisors or department heads for assistance in determining whether information should be released. All requests for records pursuant to Indiana's Access to Public Records Act, other than routine disclosures that have been pre-approved by the Office of Corporation Counsel, must be immediately forwarded to Corporation Counsel for response.

## **G. CITY PROPERTY AND EQUIPMENT**

The Board of Public Works and Safety ("Board") has custody of and responsibility for all real property and facilities belonging to the City. Additions and/or alterations to any City property or facility, as well as requests for use of City property or facilities outside the normal conduct of City business, must be approved by the Board.

In order to protect the integrity of City-wide systems, the Director of Information Systems must approve all modifications to computer hardware and software, the telephone system and other communications equipment.

All paper and electronic files prepared in the course of City business are the property of the City and may not be reproduced, altered or removed outside the normal course of business without the written consent of the department head.

City employees may not at any time use City property for personal purposes or personal gain. Only City-authorized work may be done on City premises or using City facilities, supplies, or equipment. If equipment owned by the City is lost, stolen or damaged due to an employee's negligence or misconduct, the City may require that the employee reimburse the City for the fair market value of the item. The employee may also face disciplinary action, up to and including immediate termination.

Scrap or surplus material that has market value shall be disposed of by auction, public sale, sealed bid or other means authorized by Indiana Code § 5-22-22, at the discretion of the department head. No employee has authority to claim or sell City-owned materials or equipment on the employee's own behalf, or to benefit from its disposal.

Scrap or surplus that has no value to the City and no market value shall be disposed of as trash.

## **H. SUBSTANCE ABUSE**

### Substance Abuse Policy

The City is firmly committed to maintaining the highest level of public confidence, respect and safety. In order to protect the integrity of its personnel and operations, the City demands a drug-free and alcohol-free workplace.

As a condition of employment, each City employee is required to read, accept and sign the following statement:

“The City of Carmel prohibits any City employee from using, being under the influence of or possessing alcohol or non-prescribed controlled substances ("Prohibited Substances") during working hours and at ALL times while in City vehicles or conducting City business.

The only allowable exception to this policy as it would apply to Prohibited Substances is the use of a controlled substance at work when prescribed by a physician or dentist in the treatment of an employee. When controlled substances are prescribed and so used, the employee shall immediately notify his or her supervisor of any such prescribed medications that may impair the employee's ability to operate vehicles, heavy machinery or equipment, or to perform the essential functions of the employee's job. Such disclosure is also required for non-prescription drugs, such as cough medicine or cold medicine, that contain alcohol or other substances that may affect job performance. The intent of this disclosure requirement is to protect an employee from injuring himself or herself or others when the prescribed or non-prescribed medications could impair the ability to function safely.

Any City employee in violation of the above-stated policy will be subject to disciplinary action that may include immediate termination.

As a condition of employment, I agree to abide by the terms of this policy. I also agree to notify the City, through its Department of Human Resources, of any and all criminal drug or alcohol statute charges, complaints and/or convictions that I receive for any alleged violation that occurred in the workplace or otherwise in the course of my employment with the City no later than five (5) days from the date of my receipt of the same.”

Employees who have substance abuse problems are expected to immediately obtain treatment and counseling. The City provides access to those services through the Employee Assistance Program. Supervisors will make every effort to work with employees who are experiencing problems with substance abuse, while at the same time protecting the integrity and safety of the City's employees, citizens and property.

### Drug and Alcohol Testing Policy

Following is a **summary** of the City's Drug and Alcohol Testing Policy. Each employee received, either at the inception of the program or at the time of hire, a copy of the complete policy, and should refer to the policy for further details of the testing program. Questions regarding this policy may be referred to an employee's supervisor or to the Director of Human Resources.

As part of the City's effort to maintain the quality of City services and to ensure that the City is a safe and healthy place to work, a drug and alcohol testing program has been developed to detect the use of illegal substances and misuse of alcohol, to ensure that employees with substance abuse problems are referred to appropriate professional help, and to outline disciplinary procedures for those who fail to comply with the City's Substance Abuse Policy.

The United States Department of Transportation ("DOT") mandates drug and alcohol testing for employees whose job duties require a commercial driver's license ("CDL"). The City also tests applicants who have been offered employment, and those employees who hold positions that impact public safety or the safety of co-workers. In addition, all City employees will be subject to testing on the basis of reasonable suspicion and after certain accidents. If an employee tests positive under such conditions, he or she will also be subject to appropriate disciplinary action and follow-up testing.

As a condition of employment, all City employees are required to agree in writing to be tested for drugs and/or alcohol as outlined in this policy.

The following conduct is strictly prohibited during working hours and at all times while on City property, in City vehicles or conducting City business: (i) using, being under the influence of, or possessing illegal drugs; (ii) using or being under the influence of legal drugs that are being used in a manner other than prescribed; (iii) using or being under the influence of legal drugs whose use can adversely affect the ability of the employee to perform his or her job safely, without disclosing such to a supervisor prior to being detected; (iv) selling, buying, soliciting to buy or sell, transporting, or possessing illegal drugs; (v) using alcohol within four (4) hours before performing a Safety-Sensitive Function or performing in a Safety Impact Position; (vi) using or being under the influence of alcohol at any time while driving or performing any other Safety-Sensitive Function; (vii) consuming any amount of alcohol while on duty, while driving a City vehicle, or while conducting City business; (viii) testing positive for illegal drugs and/or alcohol in circumstances that violate this policy; (ix) refusing to consent to be tested for drugs and alcohol; (x) failing to submit to a drug and/or alcohol test as directed by the City; (xi) failing to stay in contact with the City and its Medical Review Officer ("MRO") while awaiting the results of a drug test; (xii) violating any applicable federal, state or local requirements governing the use of drugs or alcohol; (xiii) doing anything to obstruct the City's goals with respect to drugs and alcohol; (xiv) failing to report another

employee who violates this policy when the employee who fails to report has reasonable suspicion to believe the policy has been violated; and (xv) falsely reporting a violation of this policy, if the report is intentionally false or is made with a reckless disregard for the truth.

The City will conduct tests under the following conditions:

- after an offer of employment but before an applicant is hired for any City job (drug test only);
- on a random basis for employees required to have a Commercial Driver's License (drug and alcohol test) and for employees in positions that may have a discernible effect on public safety or on the safety of co-workers (drug test only);
- following certain accidents (drug and alcohol test);
- when reasonable suspicion exists that the employee is under the influence of drugs and/or alcohol (drug and/or alcohol test); and
- as a follow up to a positive test conducted for any of the aforementioned reasons (drug and/or alcohol test).

To ensure the integrity and accuracy of each test, all specimen collection, analysis and laboratory procedures will be conducted in accordance with DOT protocols. This includes, among other things: (i) procedures to ensure the correct identity of each covered employee at the time of testing; (ii) a chain-of-custody procedure to ensure that the specimen is not mishandled, contaminated or tampered with; (iii) the use of a trained Breath Alcohol Technician ("BAT") and DOT-approved testing devices for conducting alcohol tests; (iv) use of a laboratory that has been certified by the National Institute for Drug Abuse ("NIDA") for drug tests; (v) confirmation of an initial positive drug screen by a second analysis using gas chromatography/mass spectrometry ("GCMS"); (vi) confirmation of an initial positive alcohol screen by a second analysis; (vii) appointment of a qualified Medical Review Officer ("MRO") to review drug tests results before they are reported to the City's designated Drug and Alcohol Testing Administrator ("DATA").

Drug tests will require the employee to provide a specimen of his or her urine. The collection process may be monitored by a person of the same gender as the employee to prevent specimen tampering. Alcohol tests will require a breath specimen.

Positive drug and alcohol tests and other violations of the Drug and Alcohol Testing Policy will result in disciplinary action, up to and including immediate termination.

The City will pay for all initial and confirmatory drug and alcohol tests required by this policy, as well as for the services of an approved Substance Abuse Professional ("SAP") and for all drug and alcohol counseling provided through the City's Employee Assistance Program ("EAP"). Fees for counseling/rehabilitation/testing services supplied by other providers shall be the sole responsibility of the employee to the extent that such services are not covered by the City's health insurance plan.

The results of all individual drug and alcohol tests will be considered confidential and will be kept in a secured location with controlled access. The release of an individual employee's results will be made only in accordance with the employee's written authorization or as otherwise permitted or required by applicable laws, orders, regulations or ordinances.

## **I. HARASSMENT**

In accordance with its Equal Employment Opportunity policy, the City is committed to providing a workplace free from harassment on the basis of race, color, religious belief, sex, age, national origin, ancestry, disability, genetic information, veteran status, sexual orientation and gender identity.

### Sexual Harassment

Sexual harassment offends the dignity of all individuals involved, leads to a decline in workplace productivity and morale, and is illegal under Title VII of the Civil Rights Act of 1964, as amended. It is the firm intent of the City to provide a working environment in which all employees are free from sexual harassment by supervisors, employees, members of the public and outside vendors with whom they have contact while on City property or while performing City business. All City employees are expected to understand their own rights and to observe the rights of others.

### Definition of Sexual Harassment

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- such conduct has the purpose or the effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment also includes any harassment based on gender, even if it is not of a sexual nature.

Sexual harassment may include, but is not limited to: the display of sexually oriented posters, pictures, drawings or cartoons; sexually suggestive or explicit comments, teasing, jokes or insults; graphic commentary about an individual's body or clothing; looks and gestures of a suggestive nature; repeated requests for dates or similar meetings outside work; implicit or explicit requests or demands for sexual favors; the promise of preferential treatment on the job in exchange for sexual favors; physical contact such as unnecessary touching, fondling, grabbing, pinching, rubbing, brushing against, cornering, hugging or kissing; and physical assault.

Complaint and Investigation Procedures

An employee who believes he or she is the victim of sexual harassment is encouraged to promptly and clearly advise the offender that the behavior is unwelcome and request that it cease. If the employee does not feel comfortable contacting the offender, or if the unwelcome behavior continues, the employee should report the offensive behavior to the supervisor, department head or Director of Human Resources. The report should be as specific as possible and include a description of the behavior, when it occurred, any action taken, and the response to such action. The Director of Human Resources shall be notified of all such reports.

Immediately upon notification, the Director of Human Resources shall conduct an investigation, primarily through interviews with the complainant, the alleged offender and other staff/witnesses, as necessary. (In the Police Department, the investigation will be carried out by the Chief of Police or his designee.) At the conclusion of the investigation the Director of Human Resources will submit a written report to the department head and Corporation Counsel along with a recommendation, if warranted, for disciplinary action. The final recommendation regarding discipline will come from the department head, subject to the approval of the Mayor. The department head is responsible for administering discipline.

If the department head is the alleged offender, or if the Director of Human Resources believes it is otherwise appropriate, the investigation must be conducted in cooperation with Corporation Counsel, unless Corporation Counsel is the alleged offender, after which the Director of Human Resources will make the final recommendation regarding discipline.

If the alleged offender is Corporation Counsel, the investigation must be conducted in cooperation with outside legal counsel selected by the Mayor. If the alleged offender is the Director of Human Resources or the Chief of Police, Corporation Counsel will conduct an investigation as outlined above and make a final recommendation regarding discipline.

The Mayor is responsible for administering all discipline to any department head, including Corporation Counsel, the Director of Human Resources and the Chief of Police.

The privacy of the employee reporting the sexual harassment and the alleged offender will be respected to the extent an effective response permits. The Director of Human Resources, Corporation Counsel or Chief of Police, as applicable, will maintain a confidential file of all allegations under investigation, and only those members of management with a reasonable need to know will have access to the file during an investigation. If a complaint is substantiated, a record will be entered into the offender's personnel file. No record of a substantiated complaint will be kept in the victim's file.

Any employee who feels his or her allegations of sexual harassment have not been taken seriously, investigated thoroughly or resolved satisfactorily may file a complaint with the Mayor, who shall assign the matter to be investigated and, following such investigation, provide the employee with a written response to his or her complaint.

## Discipline

Sexual harassment is a serious violation of City policy. Any employee who engages in sexual harassment is subject to disciplinary action, up to and including immediate termination. In determining the appropriate discipline, the incident or situation will be viewed in its entirety, including the frequency and severity of the harassment.

Disciplinary action, up to and including immediate termination, will be taken against any employee who files a complaint of sexual harassment that is intentionally false or made with a reckless disregard for the truth. An employee who retaliates against another employee for reporting sexual harassment is also subject to disciplinary action, up to and including immediate termination.

Supervisors and managers are responsible for understanding and complying with this policy, for promptly reporting all allegations of sexual harassment, for assisting with investigations as required, and for administering discipline. Any supervisor or manager who fails to carry out these responsibilities may be subject to disciplinary action, up to and including immediate termination.

The contracts or service agreements of vendors who are reasonably believed to have engaged in sexual harassment shall be subject to cancellation as permitted by law, and the vendors themselves subject to appropriate legal action.

## Other Types of Harassment

Harassment based on race, color, religious belief, age, national origin, ancestry, disability, veteran status, genetic information, sexual orientation, gender identity or other classifications protected under federal or state law or Carmel City Code is also prohibited and will be subject to the procedures and disciplinary action outlined above.

## Bullying and Hazing

Workplace bullying and hazing are inconsistent with a commitment to dignity and respect for all employees, and will not be tolerated.

“Bullying” in the context of this policy is defined as overt, unwanted, repeated acts or gestures (including verbal or written communications or images transmitted in any physical, electronic or digital manner), physical acts, aggression or any other behaviors committed by an employee or group of employees against another employee or group of employees with the intent to harass, ridicule, humiliate, intimidate or harm, creating for the targeted employee an objectively hostile work environment that:

- places the targeted employee in reasonable fear of harm to his or her person or property;
- has a substantially detrimental effect on the targeted employee’s physical or mental health; or

- has the effect of substantially interfering with the targeted employee’s job performance and/or the employee’s ability to participate in or benefit from the rights and privileges provided by the City for its employees.

“Hazing” in the context of this policy is defined as any willful act or practice by an employee or group of employees, directed against another employee or group of employees, which, with or without intent, is likely to cause danger, punishment, pain or bodily harm, compromise the employee’s dignity by causing him or her to be the object of malicious amusement, ridicule or public embarrassment or shame, lead to substantial emotional strain or psychological harm, or impair performance.

Reports of bullying and hazing will be subject to the same investigatory procedures as reports of harassment. Any employee who engages in bullying or hazing is subject to disciplinary action, up to and including immediate termination, regardless of whether the behavior occurred on City property or elsewhere. In determining the appropriate discipline, the incident or situation will be viewed in its entirety, including the frequency and severity of the behavior. Some such behavior may also be subject to criminal charges.

#### Other Workplace Misconduct

This policy does not limit the City’s authority to correct workplace conduct that is unprofessional or otherwise unacceptable, regardless of whether such conduct meets the legal or standard definition of harassment, bullying or hazing.

#### Training

The City will periodically require all employees to attend training on harassment issues, and may require training for all employees, selected groups of employees or individuals on bullying and hazing as it deems relevant and necessary.

### **J. WORKPLACE VIOLENCE**

The safety and security of City employees, vendors and contractors, and members of the public who conduct business with the City, is of vital importance. Acts or threats of physical violence, including intimidation, harassment and/or coercion, that involve or affect City employees or that occur on City property or in the process of performing City business, are not acceptable and will not be tolerated.

All acts or threats of violence, as well as the perceived potential for violence, shall be reported immediately to a supervisor or, if the supervisor is involved, to the next higher level of management. Making a report in good faith will not reflect negatively on an employee with respect to the terms and conditions of employment. The supervisor shall report all incidences to the department head, who will investigate and take appropriate action. Such action may include removing any person who engages in prohibited behavior from the premises pending outcome of the investigation, as well as notifying the police and/or Corporation Counsel.

No civilian employee of the City is permitted to carry a gun of any type on his or her person during working hours or at any time while on City property or in a City vehicle, nor may any employee store a gun in or on any City property, including a City vehicle. An employee who has legal possession of a firearm will not be prohibited from keeping such firearm locked in the trunk of his or her personal vehicle, or in the glove compartment or otherwise out of sight in his or her locked personal vehicle while on City property. All guns must be kept out of sight in a locked personal vehicle at all times while on City property. Any employee who feels the need to carry a gun or any other weapon should speak with his or her supervisor regarding the dangers of the position in question and alternate methods of ensuring personal safety.

Any employee who exhibits warning signs or risk factors for perpetrating violence in the workplace may be referred to the City's Employee Assistance Program or to another appropriate program for evaluation and treatment. The City may require a fitness-for-duty assessment prior to the employee's return to work.

Any employee who receives a protective order or restraining order that includes City-owned or City-leased premises as a protected area is required to provide the department head, Corporation Counsel, and the Director of Human Resources with a copy of the order, and to discuss with them what pre-emptive actions may be necessary. The City may, on behalf of an employee, seek a Workforce Violence Restraining Order to prohibit further violence or threats of violence by a person if: 1) the employee has suffered unlawful violence or a credible threat of violence from the person; and 2) the unlawful violence has been carried out at the employee's place of work or the credible threat of violence can reasonably be construed to be carried out at the employee's place of work.

Violations of this policy by any employee will lead to disciplinary action, up to and including immediate termination and/or legal action, as appropriate. If the source of the prohibited behavior is a member of the public or someone who does business with the City, the response may include barring the person from the premises, terminating the business relationship and/or criminal prosecution.

#### **K. AMERICANS WITH DISABILITIES ACT**

In compliance with the Americans with Disabilities Act ("ADA") and Section 504 of the Rehabilitation Act of 1973, the City is committed to removing barriers that prevent employees with disabilities, who are otherwise qualified, from enjoying the same employment opportunities that are available to those without disabilities. The City will make reasonable accommodation(s) to allow a qualified employee with a disability to perform essential job functions as long as the accommodation does not create an undue hardship for the City or a direct threat to the health or safety of the employee or others.

It is the responsibility of an employee who is or becomes disabled and requires a reasonable accommodation to notify his or her supervisor and to work with the supervisor to develop the accommodation. The City is not obligated to accept an employee's specific accommodation request and may require the employee to submit medical documentation of his or her condition or, at the City's cost, to be evaluated by a physician or rehabilitation specialist selected by the City.

The Director of Human Resources and Corporation Counsel must be notified of any requested or proposed accommodation(s) and shall be consulted when formulating a response to such a request.

If an employee cannot be reasonably accommodated in his or her current position, the City will attempt to find a vacant position for which the employee is qualified. The City makes no guarantee that a suitable position will be available.

All requests for accommodation, decisions regarding accommodation and medical information obtained as a result of this policy shall be documented and kept in a confidential file separate from the employee's personnel file and released only on a need-to-know basis or as required by law.

## **L. EMPLOYEE RECORDS**

Each City employee has a personnel file in the Department of Human Resources, which contains information necessary to make employment-related decisions and to comply with legal requirements. A centralized records management system enables the City to establish and maintain a uniform, complete and accessible employment record of all City employees, develop clear and efficient procedures for processing all employee transactions, and create a bank of data for evaluating personnel management policies and procedures, as well as control access to confidential employee information.

### Contents of Files

Departments shall forward all required or pertinent employee information (e.g., application materials, performance evaluations, promotions, pay increases, disciplinary actions, leave of absence request forms, commendations, training certifications, transfer and separation records, etc.) to the Department of Human Resources to be placed in the appropriate employee files. Working files may be maintained by individual departments. All information in an employee's working file shall also be included in the employee's Human Resources file, except notes prepared and/or collected in anticipation of a performance evaluation, disciplinary proceeding or other employment action that will ultimately be placed in the file. In case of discrepancies, the Human Resources' employee file shall be deemed the official record of employment.

Employees shall report changes in their name, address, telephone number and/or other appropriate personal information to the Department of Human Resources. Change packets are available from Human Resources and from departmental office administrators. Employees are encouraged to also submit copies of educational degrees/certificates, commendations and other job-related materials.

### Access to Files

Employees may view their personnel files at the office of the Department of Human Resources after completing a request form. Employees may also give written authorization for their representative to view their files. Supervisors are allowed to view the files of personnel who work under their supervision or those who have applied for a position under their supervision. Other access to personnel files is governed by applicable law, and all requests must be made to the Director of Human Resources.

Personnel files shall be viewed under general supervision, and shall not be removed from the Department of Human Resources. Copies will be made by the City at the request and the expense of the employee, his or her representative, or any other person authorized to view a file pursuant to City policy or applicable law.

#### Verification of Employment and Reference Checks

All written requests for employment verification shall be directed to the Payroll office for response. Verbal requests may be forwarded to the Department of Human Resources. Reference checks for former employees shall be forwarded to the Director of Human Resources, who will provide appropriate information or designate a department head to provide such information.

#### Public Information in Employee Personnel Files

The following information in an employee's personnel file is public information: an employee's name, compensation, job title, business address and telephone number, job description, education and training background, previous work experience, first and last dates of employment, information relating to the status of any formal charges against the employee and information concerning disciplinary actions in which final action has been taken and that resulted in the employee being disciplined or terminated. Generally, all other employee information is confidential, and shall not be disseminated without first confirming the appropriateness of such dissemination with the Director of Human Resources and Corporation Counsel.

### **M. PERFORMANCE APPRAISALS**

The City's ability to provide quality services to residents and visitors is closely tied to the performance of its employees. To measure and manage performance in order to achieve optimal outcomes, the City has implemented an annual performance appraisal system.

The goals of performance appraisals under this system are to:

- Create an ongoing dialogue between supervisors and employees regarding the City's expectations and the employee's progress in meeting those expectations;
- Document performance based on assigned job duties and established performance goals;
- Create a consistent and permanent record of an employee's performance;
- Identify opportunities for continuing training and education to enhance the skills required by the employee's position, or necessary for advancement;
- Establish measurable performance goals for the upcoming year;
- Identify obstacles that prevent the employee from performing at optimum levels;

- Develop plans to improve performance that does not meet expectations;
- Enable management to make informed decisions regarding an employee's job assignments and/or continued employment with the City; and
- Establish eligibility for annual salary increases.

The performance appraisal process has two components to be completed annually: an Employee Self-Assessment and a supervisor's Performance Appraisal. A Performance Improvement Plan will be required in cases where performance does not meet minimal expectations.

Each employee hired prior to May 1<sup>st</sup> of any given year will participate in the performance appraisal process for that year. All forms from 2014 and after are completed electronically and are available in the City's intranet for an employee to review and/or print at any time

The performance appraisal is a valuable mechanism to give an employee feedback on his or her work performance, but it should not be the only source of communication used by a supervisor. Problems that arise throughout the year should be dealt with immediately and not saved for the performance appraisal.

Employees should demonstrate good work habits, make sure they understand job requirements and performance expectations, ask if they have questions or feel they need additional training, and be open to constructive criticism. Supervisors should provide timely and honest feedback, and be receptive to comments and questions from an employee.

## **N. DISCIPLINE**

Behavior that fails to meet the City's established standards of performance or conduct will be addressed promptly. Disciplinary action shall be determined by an employee's supervisors, based upon the totality of the circumstances, and shall be proportionate to the severity, frequency and consequences of the employee behavior. Severe offenses—particularly those that are illegal, unethical, or dangerous—may warrant immediate suspension or termination.

To the extent that off-duty conduct affects an employee's fitness for his or her job, impacts an employee's ability to perform the essential functions of the job or reflects poorly on the City, such conduct may be subject to disciplinary action, up to and including termination. An employee is required to report to his or her supervisor any misdemeanor or felony charges filed against the employee, no later than the end of the employee's first work shift after the charges have been filed.

A list of some of the offenses that may warrant immediate termination is below. For these and other acts of employee misconduct, supervisors and department heads shall administer appropriate discipline, which may include the following: coaching, counseling, verbal warning, written reprimand, probation, suspension, demotion and/or termination. **The City's use of different types and levels of discipline does not alter the City's policy of employment-at-will. The**

**City may terminate an individual's employment, or an individual may terminate his or her own employment with the City, at any time, with or without cause and with or without notice.**

Disciplinary Offenses include, but are not limited to:

- Falsifying an application for employment, time sheet, or other work record
- Misuse, unauthorized reproduction or removal of City records or documents
- Insubordination
- Harassment or discrimination
- Breach of duty in connection with work
- Unauthorized use or removal of City property
- Negligent or willful destruction of City property or malicious damage to City property
- Use of or possession of illegal drugs or alcohol on the job
- Unauthorized possession or use of firearms or explosives
- Fighting on City time or on City property
- Threatening or doing bodily harm to a co-worker or a member of the public
- Bullying, intimidating or otherwise creating a hostile work environment
- Lewd or indecent behavior
- Conviction on a misdemeanor or felony charge, particularly as it relates to current employment
- Absenteeism or tardiness; failure to report absence properly
- Leaving work station during regular working hours without permission
- Use of obscene or abusive language
- Inappropriate use of City telephones (including voice mail), computer systems (including email) and equipment
- Smoking in prohibited areas
- Sleeping on the job
- Violation of safety rules
- Unlawful gambling on City property
- Unauthorized use of City property
- Violation of ethics policy
- Disclosure of confidential information
- Conduct unbecoming a City employee, either on duty or off duty
- Unsatisfactory job performance
- Failure to comply with City or department policies, rules or regulations

### Documentation

All disciplinary action, including a verbal warning, shall be documented in writing and entered into the employee's personnel file.

Documentation shall include as much of the following as is appropriate in a given situation: a thorough description of the unacceptable conduct; the disciplinary action being taken; the potential consequences to the employee of further unacceptable conduct; notice that the document will be placed in the employee's personnel file; the signature of the supervisor taking the disciplinary action; the signature of

the employee indicating he or she has discussed the problem with the supervisor (an employee's refusal to sign the document shall not invalidate the disciplinary action); and the date of the discussion. The employee shall also be given the opportunity to submit a written attachment outlining his or her version of events.

### Review and Appeal

To ensure fairness and consistency for employees, department heads are required to notify the Director of Human Resources prior to the imposition of any disciplinary suspensions of more than five (5) days, or any involuntary terminations. The Director of Human Resources will review documentation pertaining to the suspension or termination and, in conjunction with the department head and Corporation Counsel, evaluate the appropriateness of the disciplinary action.

An employee (except a conditional employee or a mayoral appointment, who may be terminated without recourse) may appeal an involuntary termination to the Board of Public Works and Safety. The appeal must: (i) be in writing; (ii) state in clear and concise terms the basis of the appeal, including any evidence that the termination was in violation of City policy; and (iii) be delivered to Corporation Counsel's office within fifteen (15) days of the date of termination. All appeals shall be ruled upon within forty-five (45) calendar days from the date received by Corporation Counsel.

## **O. SEPARATION**

Since City employees are at-will employees, their employment may be terminated at any time by either the City or the employee. Subject to the at-will provision, following are conditions relating to different types of employee separation:

Resignation: Employee submits written resignation to his or her immediate supervisor. The City requests notice ten (10) working days prior to the separation date.

Retirement: Employee submits written notice of intent to retire from his or her position with the City. The City requests prior notice of at least six (6) weeks for non-management positions and three (3) to six (6) months for management positions to allow time for adequate planning and transition.

Abandonment of Position: Employee is absent from work for three (3) consecutive scheduled work days without giving required notice, or fails to return from leave within three (3) days of scheduled return. This is treated as a voluntary resignation.

Layoff: Employee is laid off by the City due to lack of available work and/or budget constraints. Factors that may be taken into account in determining order of layoff include performance history, skill level, length of service and/or attendance history. If possible, department heads will give at least two (2) weeks' notice in advance of a layoff.

Failure to Return after Leave: Employee fails to return to work within the proper time frame after a voluntary or involuntary leave of absence.

Restructuring: Employee's position is eliminated or significantly changed due to a restructuring within the employee's department. If possible, department heads will give at least two (2) weeks' notice before a position is eliminated. The City will make every effort to place employees affected by a restructuring in other available positions, although the City makes no guarantee a suitable position will be available.

Disability: Employee is totally and permanently disabled and is unable to perform the essential functions of his or her job, despite reasonable accommodation. In such cases an employee may be eligible for disability compensation through optional long-term disability insurance or the Public Employees' Retirement Fund ("PERF").

Death: Employee is deceased. The department head and/or the Department of Human Resources will act on behalf of the employee and his or her family in completing the necessary forms.

Termination: Employee is discharged for failure to meet job requirements, for violation of the City's employment policies or work rules, or for any other lawful reason.

#### Employee Exit Process

An employee who separates from the City, for whatever reason, will be given the opportunity to meet with a representative of the Department of Human Resources on or before the last day of employment for an exit interview designed to advise employees of their benefit rights, collect City property, identify and resolve management problems and obtain data on separations as a basis for analyzing turnover.

#### Separation Date

The official date of separation is always the last day actually worked, and benefits are calculated up to and including that date. If the employee is on leave when a resignation is tendered or an employee is involuntarily terminated, the effective date will be the date the City is notified of the intent to resign or the date of the termination. In no case can employment be extended by using paid or unpaid time off. The final paycheck(s) will be deposited into the former employee's bank account on the next regularly scheduled payday.

#### Contact Information

If an employee moves after employment is terminated, he or she should provide the City with current mailing and personal email addresses so that pertinent information can be provided to him or her.



**CHAPTER 3**  
**ON THE JOB**

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**CHAPTER 3**  
**ON THE JOB**

**A. HOURS OF WORK**

The basic work week for most full-time civilian employees of the City is thirty-seven and one-half (37.5) hours, usually between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday. Some offices are open more than thirty-seven and one-half (37.5) hours per week, and, as such, stagger shifts for operational or customer service purposes. Employees working other shifts shall be subject to their supervisors' scheduling, based on a thirty-seven and one-half (37.5) hour work week. Managers may make seasonal adjustments to working hours.

Full-time golf course employees are scheduled to work forty (40) hour weeks, though shifts may vary considerably depending on the time of year, weather conditions, course usage patterns and other business factors.

Meal periods for full-time employees shall be not less than one-half (0.5) hour nor more than one (1) hour per day, and shall be scheduled with the supervisor to ensure all offices are adequately staffed during the meal period. Meal times for part-time employees are mutually determined by the employee and his or her supervisor. Meal periods are not considered time worked and will not be compensated. Employees must get supervisor approval to work through the meal period and to accumulate unused meal time for later use, such approval to be granted only under special circumstances.

Except as otherwise required by law, rest breaks may be granted at the supervisor's discretion, but are not a right of employment. Breaks shall not exceed fifteen (15) minutes twice a day. Break time may not be taken at the beginning or end of a work shift or immediately before or after lunch, nor may break time be accumulated. A break not taken is forfeited. Inherent in the practice of allowing breaks is the absolute necessity of having personnel available at all times to ensure staffing of telephone and public contact locations. Work demands may preclude the granting of a rest break, unless such break is required by law.

The City makes every effort to ensure employees that their expected hours will be available, thereby enabling the calculation of bi-weekly pay with reasonable accuracy. However, business considerations may warrant a greater or lesser number of hours or days, and this policy is not a guarantee of minimum or maximum hours or days of work.

In the event that planned or unplanned circumstances lead to the cessation of some or all non-emergency operations, the Mayor and department heads will decide on a case-by-case basis whether employees will be paid for time not worked, in accordance with applicable law. The customary practice is that only under extraordinary circumstances will employees be paid for time not worked.

**B. ABSENTEEISM/TARDINESS**

Each employee is crucial to the successful conduct of the City’s daily business. Absenteeism and tardiness place an undue burden on co-workers and may cause a disruption of services to the public. Therefore, each employee is expected to be on time, fully prepared to work, each and every day he or she is scheduled to work. Any employee unable to report for work at the scheduled starting time shall notify his or her supervisor as soon as possible, but always prior to the start of the scheduled shift, using whatever means required by the supervisor (telephone, email or text). In emergency cases, such notice shall be provided as soon as possible. Failure to provide timely notification may result in disciplinary action, up to and including immediate termination.

Absence

An “excused absence” is an absence that is authorized in advance or meets the notification guidelines listed in the Paid Time Off (“PTO”) policy. Failure to report to work without appropriate notification and/or satisfactory explanation will count as an “unexcused absence.”

Tardiness

“Tardiness” is defined as arrival at the employee’s work station after the designated starting time at the beginning of the day, the end of a break, or the end of a meal period. An unauthorized early departure will also be treated as a “tardy.”

Disciplinary Action

Supervisors will monitor employee absences, both excused and unexcused, and tardiness. At the supervisor’s discretion, disciplinary action may be initiated for excessive absenteeism or tardiness, or patterns that indicate abuse of the City’s time-off policies.

Supervisors shall have the right and responsibility to require proof of illness or other emergency, and to take disciplinary action if proof is not provided, upon request, in the following situations:

- When an employee has six (6) or more unexcused absences in any twelve (12) month period;
- When an employee has an unexcused absence for two (2) or more consecutive days;
- When an employee has an unexcused absence on the last scheduled work day immediately preceding a holiday or the first scheduled work day immediately following a holiday;
- When an employee routinely has unexcused absences on a Friday or Monday, or any other day that precedes or follows a workweek;

- When an employee has any number of unexcused absences on a day when the employee's absence is particularly detrimental to department operations; or
- Under any other circumstances in which an employee's pattern of usage suggests a breach of his or her duty to use PTO responsibly in accordance with this policy.

Unexcused absences may result in disciplinary action, up to and including immediate termination.

The supervisor will review all relevant circumstances to determine appropriate disciplinary action. A history of tardiness or excessive absence may also be reflected in an employee's performance appraisals and/or pay increases.

### **C. CUSTOMER SERVICE**

The citizens of Carmel expect and deserve an efficient and effective workforce. City employees are required at all times to provide prompt, courteous and professional service to the public, as well as to their co-workers. Internal and external customer service problems should be reported to a supervisor.

### **D. DRESS/APPEARANCE**

Dress, grooming and personal hygiene standards affect the image the City presents to the community. All City employees are expected to dress appropriately for their positions and to maintain reasonable standards of neatness and cleanliness. Generally, employees should avoid extremes and strive for a tidy and business-like appearance on the job. When in doubt about a particular style of clothing or grooming, an employee should ask his or her supervisor in advance whether it is appropriate.

An employee who reports to work inappropriately attired or groomed will be sent home and directed to return in compliance with City standards. Under such circumstances, the employee will not be compensated for the time away from work. Violations of the dress, grooming and personal hygiene standards may result in disciplinary action, up to and including immediate termination.

Each department may establish its own dress/appearance guidelines, consistent with its unique work activities and work environment. Such guidelines must be written and distributed to all members of the department, and may include standards for clothing, footwear, hygiene, hair, jewelry and body art. Employees are expected to comply with their own department's established standards, as well as with the City's requirements.

Those employees in positions requiring safety apparel are obligated to follow all instructions for use of special apparel and other protective equipment.

**E. NURSING MOTHERS**

Nursing mothers at City Hall may request a private room for expressing breast milk, and cold storage for that milk.

Time spent expressing milk shall be paid to the extent that it does not exceed twenty (20) minutes in the morning and twenty (20) minutes in the afternoon, for a maximum forty (40) minutes per day. If the employee's department regularly allows breaks during the day, the time spent expressing milk shall run concurrently with a break. Any additional time required to express milk shall be taken during an employee's unpaid lunch break.

Other arrangements will be made for employees working outside City Hall to express breast milk at their work location. Contact Human Resources for details.

**F. SMOKING AND TOBACCO USE**

As a result of documented health risks associated with smoking and second-hand smoke, the use of all tobacco/smoking products, including cigarettes, e-cigarettes, vaporizers, cigars, pipes and chewing tobacco, is prohibited on City property. City property includes all City buildings and facilities, City-owned or leased vehicles and City grounds.

Exception: City employees who work a shift longer than twelve (12) hours may use tobacco products during any portion of their shift, but only outside of buildings and City vehicles. In these circumstances, smokers must comply with Carmel City Code § 6-161 and must also be twenty-five (25) feet or more from building entrances or in their personal vehicles, and must not be directly in front of a public access doorway.

Employees who would like to quit using tobacco products should contact Human Resources for a list of resources available to help them quit.

**G. TELEPHONE USE**

The City's telephones are essential business tools and should not be used for unnecessary personal calls. When local personal calls (either incoming or outgoing) are necessary, they shall be kept to a minimum in frequency and duration. To promote an appropriate level of attention to business matters, use of personal cell phones, for calling, texting or any other purpose, should also be kept to a minimum. Department heads and/or supervisors have the right to require that personal cell phones be silenced during work hours.

All long-distance phone calls made by employees from their business phones, and paid by the City, must be related to City business. Personal long-distance telephone calls shall not be billed to the City. If an employee must make a personal long-distance call while at work, he or she should use a personal cell phone.

Employees who carry City cell phones for business reasons are responsible for all charges attributable to specific personal calls, including local calls. No reimbursement is required for personal calls that do not generate a charge (i.e., those that fall within a limit of “free” minutes allowed by a selected plan). However, an employee will be responsible for reimbursement if personal calls cause the employee to exceed the number of “free” minutes and thus carry an additional charge.

Cell phone records will be reviewed regularly to ensure that each employee is enrolled in a plan with the optimum number of “free” minutes for his or her business needs, and the plan may be revised at any time.

Employees who must reimburse the City for personal cell phone use should deliver a check, payable to the City of Carmel, to the City Controller’s office as soon as possible, but no more than thirty (30) days after the phone invoice is submitted for payment.

Many City cell phones offer access to features including, but not limited to, cameras, texting, games, music and the Internet. The features available on City cell phones that aid an employee with his or her job duties, such as Internet connectivity, email, texting or a camera shall be used at all times in a manner consistent with business purposes. When accessing capabilities beyond making and receiving phone calls, cell phones are subject to the same rules as computers (see Information Technology Policy below). Employees who incur excess charges for personal use of a City cell phone’s features are responsible and shall pay for them in the same manner as they pay for personal phone calls.

Due to legal requirements for the City to retain and provide access to public records, employees should not use personal email accounts to conduct City business, whether it is via a City cell phone, personal cell phone or other device. Conducting City business via personal email does not relieve the employee from any public records requirements and it creates document retention problems.

The City owns all telephones, ancillary equipment and software provided to employees for business purposes, and all messages sent and received thereon. No employee should have any expectation of privacy in anything accessed, created, stored, recorded, sent or received on or through the City’s telephone equipment or generated as a result of such use. The Mayor, Corporation Counsel, Director of Information and Communication Systems, Director of Human Resources and all department heads have the right, but not the duty, to log, monitor and control the use of the City’s telephone network, including each individual user’s call history and messaging activities. All materials may be reviewed, copied, transcribed, deleted and/or disclosed without the user’s knowledge or consent.

## **H. INFORMATION TECHNOLOGY**

In addition to a wide variety of business applications and functions, the City computer network allows access to email communications, the Internet and other online resources. Open access to worldwide information brings with it the availability of material and usages that are improper, inappropriate and of no value to the City. The City has taken reasonable precautions to restrict access to and usage of its computer network. It is not possible, however, to screen all materials an industrious user could discover while interacting with the network. It is the City’s position that the positive aspects of network

interaction far outweigh the negative, and that it is the responsibility of both managers and employees to use the network responsibly, legally and effectively.

The smooth operation of the City's computer network requires proper usage by all. The following guidelines outline the responsibilities of each employee or other user who utilizes the City's computer network. This policy applies to full-time, part-time and temporary employees, contractors, consultants and any other individuals who perform work for the City, with respect to all equipment that is owned or leased by the City, and all means by which an employee/user may access electronic files and the Internet, including a cell phone, tablet or any other device.

Violations of this policy may result in disciplinary action, up to and including immediate termination. Violation of applicable laws and regulations may also result in criminal prosecution or civil penalties.

If you become aware of anyone using computer resources in violation of this policy, you are obligated to report what you know immediately to your supervisor, department head or the Director of Information and Communication Systems. Failure to report a violation may result in disciplinary action.

#### Help Desk

Hardware, software and network problems should be addressed to the Help Desk Self-Service feature through the City's Intranet home page. A technician will respond to all requests for assistance. An employee who doesn't have Intranet access or needs assistance making a request should call extension 2777, the Help Desk phone number.

#### Individual Accounts

All employees with access to the City's computer network will receive individual email user accounts. Employees are expected to regularly check their accounts and to maintain their accounts pursuant to any relevant policies or procedures implemented by the Director of Information and Communication Systems or their department heads. Training will be provided to an employee upon request. Official City communications and policies may be distributed through individual email accounts. Employees are responsible for checking their email regularly to ensure they receive and comply with those messages and policies. An employee's failure to regularly check his or her email is not an excuse for his or her failure to know and abide by City policies, guidelines and instructions.

#### Cancellation of Privileges

The use of technology and the City's computer network is a privilege, not a right, and inappropriate use may result in restriction, suspension or cancellation of that privilege. Based upon the guidelines outlined in this policy, a department head, in consultation with the Director of Human Resources, Director of Information and Communication Systems and Corporation Counsel, will determine what constitutes "appropriate use" of the City's computer network by an employee. "Appropriate use" may mean no use in some cases. The department head's decision is final. Any employee found to be in violation of this policy will be informed in writing of the violation and of his or her account status. The

Director of Information and Communication Systems may close an account at any time as required to maintain the integrity of the City's computer network or to ensure the security of City employees and equipment. If a violation is deemed to endanger the security of the system, of data or of another individual, the City may take disciplinary action, up to and including the immediate termination of the employee(s) involved.

No Expectation of Privacy

**The City owns the hardware, software and systems provided to employees for business purposes, and all accounts, files and communications created thereon. No employee should have any expectation of privacy in anything accessed, created, stored, recorded, sent, received or printed on or through the City's electronic property or generated as a result of such use. The Mayor, Corporation Counsel, Director of Information and Communication Systems, Director of Human Resources and all department heads have the right, but not the duty, to log, monitor and control the use of the City's computer network, including each individual user's email and Internet activities. All materials may be recorded, reviewed, copied, transcribed, blocked, deleted and/or disclosed without the user's knowledge or consent.**

**If an employee, in spite of the prohibitions in this policy, uses personal devices, personal email accounts or personal cloud-based storage to conduct City business, the employee is on notice that such devices and accounts may become the subject of record requests, discovery requests and/or subpoenas.**

Acceptable/Unacceptable Use

The purpose of the City's computer network is to support communication and information sharing by and between City employees and the outside world. The use of the City's computer network must be in support of and consistent with the City's public mission.

Acceptable use includes the following:

- Creating files related to or in support of an employee's position, or that serve to justify and document activities required by the position.
- Communicating with co-workers, business partners and clients within the context of an employee's assigned job responsibilities.
- Acquiring or sharing information necessary or related to the performance of an employee's assigned responsibilities.
- Participating in educational or professional development activities.

Unacceptable use, including, but not limited to, the following, is strictly prohibited:

## *City of Carmel Civilian Personnel Policy Handbook*

- Accessing any data, server, system or communication from any account you are not specifically authorized to access or use.
- Accessing, using, sharing, altering, copying or removing information outside what is necessary and authorized to fulfill your assigned job responsibilities.
- Making statements about the City or the City's position on issues outside the scope of the employee's authority.
- Copying, attempting to install or transmitting material in violation of software licensing, copyright or intellectual property laws.
- Accessing or distributing personal information or business data that is by law confidential.
- Creating, accessing, or transmitting materials in violation of any law or regulation, or engaging in any illegal activity.
- Viewing, downloading, displaying, printing or transmitting materials of a pornographic, sexually suggestive or explicit nature.
- Posting or transmitting messages or materials that would constitute sexual harassment or any other type of harassment, as defined by the City's policy on harassment.
- Viewing, downloading, displaying, printing or transmitting discriminatory, offensive, profane, abusive, deceptive, fraudulent, intimidating, threatening or defamatory materials.
- Accessing social networking/peer-to-peer Internet sites for more than *de minimis* personal use.
- Listening to or viewing streaming audio and/or video broadcasts, except for business purposes.
- Conducting a personal business or otherwise using the City network for personal gain.
- Soliciting or proselytizing for commercial ventures, religious, charitable or political causes or other non-job-related purposes.
- Blogging, participating in on-line forums or chat groups, playing games, sending chain letters or other mass mailings, and other non-business activities that waste computer resources.
- Engaging in non-job-related email conversations consuming excessive amounts of work time.
- Personal use not pertaining to City business, except *de minimis* use as defined below.
- Using the "All Employee" email address for non-business communications.

These restrictions apply to remote usage as well as on-site usage. The use of another organization's network or computing resources must also comply with the rules appropriate for that network.

### *De Minimis* Personal Use

The City realizes that much of an employee's personal communication and many daily tasks are now accomplished via email or the Internet, and that the ability to dispose of routine personal tasks quickly and easily may allow employees to concentrate more fully on their job responsibilities. The City's computer network may, therefore, be available to employees for *de minimis* personal use that does not otherwise violate this policy. *De minimis* use suggests tasks that are fast and simple, and do not interfere with an employee's completion of regular duties or special assignments. The decision of what constitutes *de minimis* use will be left to the discretion of the department head in consultation with the Director of Human Resources and the Director of Information and Communication Systems.

### Employee Bulletin Board

The City has created an Employee Bulletin Board on which City email users may post items of general interest. An employee will be held responsible for all postings he or she places on the Bulletin Board. Inappropriate postings may subject an employee to disciplinary and/or legal action.

Any employee may use the Bulletin Board to advertise: items for sale or items the employee wishes to give away; items the employee wishes to buy, rent or borrow; services or products the employee is able to provide; upcoming events (fundraisers, garage sales, etc.), or; other information the employee believes would be helpful to co-workers. The employee must have personal knowledge of every item he or she posts, and must be able to vouch for the quality and integrity of any products and services offered. Every posting must be factual and verifiable.

All of the City's rules regarding email and Internet use apply to the Bulletin Board, except that postings need not be work-related. Firearms and other weapons may not be advertised on the Bulletin Board. Other unacceptable uses of the Bulletin Board include, but are not limited to: criticism of individuals or policies; general gripes or complaints; commercial advertisements for businesses or products in which an employee has no financial interest; chain emails, urban legends, pleas for assistance, inspirational stories or other material spread through the Internet that cannot be personally verified; items of questionable taste, including, but not limited to, items that contain profanity, sexually suggestive or explicit messages, hate messages, messages that harass, belittle or cast others in an unfavorable light, and messages that could be embarrassing to co-workers or to the City.

Inappropriate or objectionable items will be removed immediately, at the sole discretion of the Mayor, Corporation Counsel or the Director of Human Resources, and may subject the sender to disciplinary and/or legal action.

### Email Guidelines

Email is a quick and effective means of communication, but it can actually hinder a user's communications and reputation if not used with discretion. All employees should follow these guidelines, as well as their common sense:

- Identify yourself honestly, accurately and completely in each email. Include your City affiliation, function and contact information to assist your customers in communicating with you.
- Use the same care in drafting an email message as you would for any other written communication, as it is a reflection on both you and the City. Your message is a permanent record—misspellings, inaccuracies and all other errors included.
- Due to the absence of voice and facial cues and general body language, email is easily misinterpreted. For this reason, email is not an appropriate tool for every situation. If a message is complex or sensitive, it may be better to make a phone call or schedule a face-to-face meeting.
- Once sent, you have no control over an email message. It can be forwarded to innumerable addresses around the world. If you don't want it forwarded, don't send it to anyone you cannot trust to respect confidentiality.
- Much of what we do is a matter of public record. If there is something you would rather not see in the newspaper, don't send it from your business computer. Remember, even deleted messages can and may be recovered. **All emails, both in-bound and out-bound, are archived and retained according to the City's document retention policy and, as such, are fully discoverable at any time.**
- If you have friends and colleagues, within the City or outside, who send you inappropriate messages, jokes, videos or other materials, delete them immediately and ask them to stop sending such material. You may be held accountable for what you receive as well as for what you send.
- Always exercise extreme caution when receiving unsolicited or unexpected email. If you cannot completely verify the validity of the sender and the email contents, the message should be deleted immediately. Do not open an attachment or select an available Internet link. These emails may look legitimate but can be very destructive. Always err on the side of caution. Do not reply to a suspicious email or use the phone number in a suspicious email to attempt to verify its legitimacy.
- Report repeated or inappropriate spam to the Help Desk, so future messages from the senders can be blocked.

## Social Media

The City understands that social media is a fun and rewarding way for people to share their activities and opinions with family, friends and co-workers. However, because social media posts may reflect on both the employee and the City, the use of social media presents certain risks and requires certain responsibilities. The goal of this policy is to assist employees in making responsible decisions about their use of social media.

In the rapidly expanding world of electronic communications, *social media* means many things. It encompasses all communication or posting of content of any kind on the Internet. This includes communicating or posting to a person's own or someone else's website, blog, journal, diary, social network site, web bulletin board or chat room, as well as any other form of electronic communication.

During work hours, employees should refrain from using social media for personal reasons, and at all times shall refrain from using social media on equipment provided by the City. Employees should not use their City-provided email address to register on social networks, websites, blogs or any other online sites utilized for personal use.

Employees may be allowed to use social media during work hours at the direction of their supervisor for job-related purposes. Also, general information about an employee's work for the City can be shared online at any time, such as would be shared in a typical social exchange. Examples of such information might be job titles and responsibilities, news of upcoming City-sponsored or hosted events and publicly-posted employment opportunities.

Ultimately, each employee is individually and solely responsible for what he or she posts online, both at and away from work. While each employee has the right to speak out on matters of public concern, when creating online content an employee should follow these guidelines:

- Do not post content that adversely affects your job performance or the job performance of your co-workers, or otherwise adversely affects City residents, businesses, vendors, suppliers or others who work on behalf of the City.
- Do not post content that includes inappropriate comments such as discriminatory remarks, harassment, threats of violence or similar unlawful conduct.
- Always be honest and accurate when posting, and correct your mistakes as quickly as possible. You should be open about any altered or deleted posts and remember that even deleted posts can be searched.
- Do not post any information or rumors you believe or know to be false about co-workers, City residents, businesses, vendors, suppliers or others who work on behalf of the City.

- Do not create any link from your private blog, website or other social networking site to a City website without identifying yourself as a City employee.
- Always maintain confidentiality of the City's private data. This private data might include information on projects, policies or procedures. You should not post internal reports, summaries or any other confidential data or communications.
- Your posts should always be fair and courteous to co-workers, City residents, businesses, vendors, suppliers and others who work on behalf of the City. If you choose to post a complaint or criticism, you should avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparages co-workers, City residents, businesses, vendors, suppliers or others who work on behalf of the City, or that might constitute harassment or bullying. Examples of such content might include offensive posts meant to harm someone's reputation or those that could contribute to a hostile work environment on the basis of race, gender, disability, religion or any other status protected by law or City policy.
- You may express only your own opinions in personal posts and blogs and must never represent yourself as a spokesperson for the City. If the City is the subject of online content you are creating, you must be clear about the fact that you are an employee of the City and that the views you share do not represent those of the City, co-workers, City residents, businesses, vendors, suppliers or others who work on behalf of the City. It is best to include a disclaimer such as, "Although I am an employee of the City of Carmel, the postings on this site are strictly my own and do not necessarily reflect the views of the City or of any other officer, official or employee thereof."
- You must not post to or communicate with any media websites, outlets or blogs on the City's behalf unless given permission to do so by appropriate City personnel.

An employee who violates any of the above-listed rules and responsibilities may be subject to disciplinary action, up to and including immediate termination.

### Network Etiquette

Each network user is expected to abide by generally accepted rules of network etiquette. When communicating with individuals outside City government, employees should remember they are representing the City. Every employee is expected to be polite, use appropriate business language and identify himself or herself clearly as a City employee. Employees should not bother co-workers with unnecessary messages, pictures and/or audio or video files, nor should they use the network in a way that would disrupt the business activities of other users, such as downloading large files during peak usage times or streaming audio or video broadcasts.

### Network Security

Security on any computer system is a high priority, especially when the system involves many users and may contain highly sensitive data. The City's Department of Information and Communication Systems regularly updates system security, and may periodically create and update security guidelines for users. All users are expected to comply with such guidelines.

All users must log-off the system when leaving their work stations unattended. Failure to secure a work station defeats the system's security and could potentially allow an unauthorized person access to confidential City information.

Each individual user will be held accountable for any breaches of security attributable to him or her. Any attempt to disable, defeat or circumvent the security system, including, but not limited to the following activities, may be cause for disciplinary action, up to and including immediate termination:

- Downloading, installing, accessing or engaging any software, hardware, system or service designed to circumvent the security of the network, including, but not limited to, network sniffing and spoofing or any other disruption of normal network operations.
- Attempting to bypass system filters or firewalls, or exceed the scope of authorization.
- Deliberately propagating any virus, worm, Trojan horse or other similar code or program.
- Unauthorized attempts to break into any computer system (i.e., hacking), whether it belongs to the City or to any other public or private organization.
- Refusing to cooperate with a security investigation.

Any user who feels he or she can identify a security problem on the City network, or any user who encounters a suspicious or unusual error message, pop-up message or other event that appears to present a cybersecurity concern, should immediately contact the Help Desk before taking any other action.

No user should ever attempt to pay ransom or other payment in response to any threat received through the City's network. Any user who receives a threat, ransomware or blackmail attempt by email or otherwise through the City's network shall immediately contact the Help Desk, which will involve the Director of Information and Communication Systems and any other needed City personnel.

### Passwords

Passwords are an important aspect of computer security. A poorly chosen or unprotected password may result in unauthorized access and/or exploitation of City resources. All City personnel, contractors and vendors with access to City systems are expected to comply with all requirements of the City's password protection policy, as developed and maintained by the

Department of Information and Communication Systems. This policy will be distributed to all employees when it goes into effect and whenever it is amended thereafter.

The following guidelines will help ensure City passwords are protected.

- Do not share passwords with anyone, including a supervisor or co-workers. All passwords are to be treated as sensitive, confidential City information.
- Do not use the "Remember Password" feature of applications.
- Passwords may be stored only in password managers authorized by the organization.
- Multi-factor authentication is highly encouraged and should be used whenever possible.

The Department of Information and Communication Systems will verify compliance with this policy through various methods, including but not limited to, periodic walk-throughs, video monitoring, business tool reports and internal and external audits. Department personnel or contractors may perform password cracking or guessing on a periodic or random basis. If a password is cracked or guessed, it must be changed.

Users are required to change their passwords periodically, or whenever they have reason to believe their password has been compromised.

An employee found to have violated this policy may be subject to disciplinary action, up to and including immediate termination.

#### Installing Hardware/Software

A department head or designated manager, in conjunction with the Director of Information and Communication Systems, must pre-approve the purchase and installation of all hardware and software that will be used on the City's network. No one other than the staff of the Department of Information and Communication Systems shall attempt to install any hardware or software on any computer on any part of the City's network unless permission has been granted by the Director of Information and Communication Systems.

Given the risks associated with computer viruses and copyright infringement, as well as concerns for system consistency and compatibility, all hardware and software installed on the City's network must be owned or licensed by the City. The Department of Information and Communication Systems will not install or support any equipment or programs owned by an employee or obtained from an outside source.

Damage to Equipment, Systems and Data

Each network user is required to secure and maintain all computer assets provided or made accessible by the City. Equipment (other than laptops and tablets) should not be moved without permission from the Department of Information and Communication Systems. Screens, keyboards and other hardware should be periodically cleaned according to manufacturer specifications. Due to the risk of damage caused by spillage, employees are cautioned against eating and drinking near such equipment. Rather than attempting repairs himself or herself, a user should report all malfunctions immediately through the Help Desk.

Any attempt to harm or destroy the City's computer network, including hardware, software or data is strictly prohibited and will subject an employee to disciplinary action, up to and including immediate termination. In addition, an employee found to be responsible for malicious or negligent damage may be required to pay for the cost of repair or replacement of the damaged equipment, systems or data, as well as for any related costs.

Remote Usage

No employee shall access, obtain or attempt to obtain any information from the City's computer network from an off-site location unless such activity is specifically authorized by the employee's department head. All remote connections must be established by the Department of Information and Communication Systems to ensure that appropriate security measures are in place to protect access to and transmission of confidential data.

Fees For Access

No employee may use the City's computer network to access any database or service that charges a fee for access or download any file for which a fee is charged without the prior permission of his or her department head. Absent such permission, the employee will be responsible for paying any fees so incurred. He or she may also be subject to cancellation of network services as well as other appropriate disciplinary action.

Records Retention

Due to the nature of municipal government, many documents stored on the City's computers, email messages sent and received, and online activities are public records. Other documents and records may be subpoenaed in a lawsuit. Therefore all incoming and outgoing emails are archived. Document files are backed up daily and may be retrieved if necessary. These files and messages are accessible even if they have been deleted from a device.

Employees should not conduct City business using personal email accounts, or utilize on-line data transfer or storage accounts which are the employee's personal account or which use a personal log-in. Because of legal requirements for public access and document retention, information or documents pertaining to City business that is within the employee's personal email or other personal accounts may be subject to public record requests, discovery requests and/or subpoena.

Employees should not use their City-provided email address to register for use of any web-based service to transfer, store or share data or documents, unless such action has been approved in writing by the Director of Information and Communication Systems.

#### Disclaimer of Liability for Internet Use

The City is not responsible for material viewed or downloaded from the Internet. The Internet is a worldwide network that provides access to nearly unlimited material, much of it inappropriate for the workplace. It is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. In addition, email containing offensive content may be received unsolicited. Users accessing the Internet do so at their own risk.

#### Reliability

The City makes no warranties of any kind, whether expressed or implied, regarding the computer services it is providing. The City will not be responsible for any damages suffered by users or by anyone else as a result thereof. This includes, but is not limited to, the loss of data resulting from delays, non-deliveries, mis-deliveries or service interruptions caused by either the City's intentional or negligent actions and/or by user negligence, intentional actions, errors or omissions. Use of any information obtained via the City's computer network is at the user's own risk. The City specifically denies any responsibility for the accuracy or quality of any information obtained through its computer services.

### **I. WORKPLACE SEARCHES**

An employee's workspace (office, cubicle, motor vehicle, desk, drawers, file cabinet, locker, closet, etc.) is City property and is subject to inspection or search at any time, without prior notice. If any part of the workplace is secured by an employee's lock or other security device, the employee must provide the City with a duplicate key or the combination at the time the lock is installed. In the City's sole discretion, any employee lock or other security device may be removed or otherwise disabled at any time at the employee's cost and expense. The City will not be responsible for damage to such locks or other security devices. No employee shall have any expectation of privacy with regard to items stored in or on City property.

An employee's personal belongings (handbags, briefcases, gym bags, lunch boxes, etc.) and personal vehicles are also subject to search while on City property, if the City has a specific reason to believe a policy has been violated, illegal or unethical activity is taking place or the safety and security of City personnel or property has been compromised. The search must be authorized by a department head, or, in the absence of the department head, by the manager in charge during the department head's absence. The search must be conducted by the manager who authorized it and observed by a second manager or supervisor. To the extent that a situation allows, the City will explain the reason for the search and permit the employee to observe the search.

An employee may be required to empty his or her pockets, but the employee's person may not be searched except by a police officer in the course of police business.

Failure to consent to or cooperate with a search conducted in accordance with the above guidelines may result in disciplinary action, up to and including immediate termination. An employee who feels that he or she has been the subject of an improper search may file a complaint after the fact with both the Director of Human Resources and Corporation Counsel. Any department head or other manager who is found to have abused the right to search an employee's personal property may be subject to disciplinary action, up to and including immediate termination.

After a search is completed, it must be fully documented by the manager who authorized and conducted it. Documentation shall include the justification for the search, the scope of the search, a list of individuals who observed the search, the results of the search and any other pertinent information. That information shall immediately be communicated to the Director of Human Resources and Corporation Counsel.

Telephone and computer records are also subject to search, as described above.

#### **J. WORKPLACE INVESTIGATIONS**

An employee can be compelled to answer questions pertaining to a workplace investigation. However, an employee who makes a compelled statement during an internal investigation may invoke his or her rights against self-incrimination in subsequent criminal proceedings. An employee who refuses to cooperate with an internal investigation may be disciplined, up to and including immediate termination.

#### **K. SOLICITATION**

The City does not permit solicitation by employees or non-employees during working hours, as it may distract employees from their work and because unwanted solicitation may be considered a form of harassment. Departmental bulletin boards and the electronic Employee Bulletin Board may be used to inform co-workers of the availability of a particular product or service, but employees may not use work time or the City address or any City telephone or computer to make individual sales contacts.

#### **L. SAFETY**

The City and all employees of the City are obligated to comply with the safety standards set by the Occupational Safety and Health Act ("OSHA") as well as other federal, state and local regulations. Safety is a shared responsibility. It is the City's responsibility to provide a working environment free of unreasonable health hazards, to provide training and instruction regarding proper working methods, and to make available special clothing and equipment required to protect employees from particular risks.

It is the responsibility of each employee to report safety hazards and violations immediately, to learn and observe established safety regulations, and to use the protective equipment provided.

If any employee observes an unsafe condition caused by faulty equipment or work practices, environmental hazards, inadequate training or information, carelessness, or any other factor, he or she shall report it immediately to a supervisor. Any safety hazard that is not addressed should be reported to the Director of Administration. The Director of Administration should also be informed of safety hazards that affect more than one department, or those that are not clearly the responsibility of any particular department.

Every work-related injury or illness must be reported to a supervisor immediately, but no later than the beginning of the next work shift. The supervisor is responsible to see that a First Report of Injury/Illness form is completed and forwarded within two (2) business days to the Department of Human Resources. Such reporting is necessary to comply with reporting requirements of OSHA, to ensure appropriate treatment and payment and to identify accident trends and prevent recurrences. Coverage may be denied for claims that are not reported on a timely basis.

Failure to comply with any aspect of the City's safety program may result in disciplinary action, up to and including immediate termination.

#### **M. TEMPORARY LIGHT/LIMITED DUTY ASSIGNMENTS**

When an illness or injury prevents an employee from performing all the essential duties of his or her job, the City will attempt to find a temporary light duty ("TLD") assignment consistent with the employee's abilities. All TLD assignments are at the sole discretion of the City. Nothing in this policy implies or creates an employee entitlement to a TLD assignment.

The goal of this TLD policy is to provide work continuity and rehabilitation in order to expedite the employee's return to unrestricted duties in his or her regular (pre-illness or injury) position.

All TLD assignments are subject to the following guidelines.

##### Availability of Assignment

No TLD assignment is guaranteed. A qualified employee will receive a TLD assignment only if meaningful work is available. The City may not be able to accommodate an employee's light duty request. TLD related to a worker's compensation illness or injury has priority over non-worker's compensation TLD in the event there are a limited number of assignments available.

##### Length of Assignment

All light duty assignments are temporary. A TLD assignment shall generally not exceed twelve (12) work weeks, but one or more extensions may be granted by the employee's department head. Each extension must be documented in writing and must be of a specified duration.

Type of Assignment

TLD assignments may include the employee's regular job with alterations, another position that is consistent with the employee's medical restrictions, a special assignment within the same department or a special assignment in another department.

Limitations on Employees on Temporary/Light Duty Assignment

An employee shall not engage in outside employment while on a TLD assignment.

End of Assignment

A TLD assignment will end immediately upon the attending physician's full release to the employee's regular duties. The assignment may also end when available work consistent with the employee's medical condition is exhausted, or at any other time or for any other reason at the City's sole discretion.

At any time the employee believes, or an attending physician's report indicates, that the employee may never again be able to perform the essential functions of his or her regular job, the employee shall arrange to meet with his or her department head and the Director of Human Resources to discuss employment alternatives, which may include, but are not limited to:

- Reassignment to another position within City government (lateral transfer or voluntary demotion), provided a vacancy exists and the employee meets all the qualifications for the position;
- Employment with an employer other than the City;
- Application for disability benefits.

Medical Reporting Requirements

Employees on a TLD assignment related to a worker's compensation illness/injury shall comply with all requirements established by the City's worker's compensation carrier and approved providers. Employees on a TLD assignment not related to a worker's compensation illness/injury shall provide an updated medical statement from their attending physician, including an anticipated date of return to full duty, every thirty (30) days. An employee cannot return to full duty until released by his or her attending physician to perform all essential job functions.

Compensation

The employee shall receive his or her regular rate of base pay for the duration of the TLD assignment. An employee on a TLD assignment is not allowed to work overtime. The employee will be paid by his or her own department, even if the TLD assignment is in another department.

### Refusal of Assignment

An employee who refuses a suitable TLD assignment shall not be allowed to use time from his or her Sick Leave Bank for the duration of the absence caused by the illness or injury (other paid leave, including PTO and compensatory time, may be used with the written permission of the employee's department head). In addition, following a job related illness or injury, an employee who refuses a suitable TLD assignment may be denied total temporary disability ("TTD") worker's compensation benefits.

### FMLA Rights

Nothing in this policy shall be construed as denying employees their rights under the Family and Medical Leave Act ("FMLA") or any other federal or state law. It is the City's policy to designate a leave of absence due to a job-related or non-job-related illness or injury as FMLA leave. Employees entitled to FMLA leave may accept TLD assignments while they are recuperating, but they are not required to do so (as noted above, failure to accept a TLD assignment will affect the employee's right to substitute paid leave for unpaid FMLA leave). An employee who chooses to take FMLA leave rather than accept a suitable TLD assignment is subject to all the terms of the City's FMLA policy.

### Employee Obligations

An employee on TLD status is expected to comply with all City and departmental policies, rules and regulations, including attendance policies.

An employee on TLD status is expected to attend all scheduled doctor and therapy appointments and to make the necessary effort to return to unrestricted duty at the earliest possible date.

## **N. CITY VEHICLES**

The use of City vehicles is a privilege that is subject to revocation at any time in the City's sole discretion. The following policies are minimum standards prescribed for all employees who operate City vehicles. Employees driving City vehicles should check with their supervisors or department heads for further guidelines unique to their departments.

City employees who operate a City vehicle are required to hold a valid Indiana driver's license and to secure, renew and maintain any other licenses required by law to operate the vehicle. Such employees shall keep their supervisors informed of any traffic ordinance, infraction, misdemeanor, or felony violation they receive as well as any license restrictions, suspensions or revocations.

Take-home vehicles may be assigned if an employee is on-call and has a reasonable expectation of being called in or must regularly attend meetings or visit job sites before work begins or after work ends. The purpose of a take-home vehicle is to enhance departmental operations; it is not intended as a personal convenience or an employment benefit.

Assignment/Usage

Department heads shall determine which employees in their departments will have City vehicles assigned to them and which employees will have access to City vehicles. The following guidelines apply to City personnel using City vehicles:

- The employee assigned to the vehicle, or another employee within the same department and with department head approval, shall be the only person(s) to operate such vehicles.
- An employee using a department vehicle shall exercise good judgment in vehicle utilization, and shall assure that the operation of such vehicle conforms with all traffic laws. All personnel and passengers shall use lap/shoulder belts during the operation of the vehicle. The number of passengers in a City vehicle shall not exceed the number of lap/shoulder belts available.
- While operating a City vehicle, an employee shall have a City ID card in his or her possession.
- No driver or operator of a City vehicle shall cause or allow the vehicle to idle, unless the vehicle is standing in traffic or unless idling is required to operate auxiliary equipment that is required to accomplish the intended use of the vehicle.
- Any traffic or parking violation committed by an employee in a City vehicle is the responsibility of the employee. The City will not pay for traffic or parking tickets.
- Employees away from work for a period longer than three (3) calendar days (not including weekends) shall leave their assigned vehicles on City premises and turn the keys in to the supervisor or department head. Employees on extended leave or suspension of any kind shall not operate City vehicles.
- While conducting City business, employees may take their assigned City vehicle anywhere in Indiana. City business outside of Indiana must be authorized by an employee's supervisor.
- An employee provided with a take-home vehicle may not use the vehicle for personal purposes other than commuting or *de minimis* use, such as a stop for a personal errand at a store or to drop off or pick up children from school on the way to or from work.
- Any employee operating a City vehicle shall be drug- and alcohol-free, and shall notify his or her supervisor of use of any prescription or non-prescription medication that could impair the employee's ability to operate such vehicle, pursuant to the City's Substance Abuse Policy. Employees shall not purchase or transport alcoholic beverages in a department vehicle.
- As outlined in the City's smoking and tobacco use policy, employees shall not use tobacco or tobacco substitute products of any kind or any electronic nicotine delivery device while operating City vehicles.

### Fuel

An employee who is assigned use of a City vehicle, whether on a temporary or long-term basis, is responsible for fueling the vehicle. The City will pay for the purchase of all fuel used by City vehicles in the course of City business. The City may set limits on gas used for commuting purposes. Vehicles should be filled at the Carmel Clay Schools pumps, where an account has been set up for the City. When the school pumps are down, or when circumstances otherwise prevent fueling at the school pumps, an alternate network of gas stations may be used. The employee is required to obtain a receipt for all purchases made at locations other than the school pumps.

### Maintenance and Repair

Each City employee is responsible for obtaining preventive and breakdown maintenance on his or her assigned vehicle, and shall not operate any vehicle that he or she reasonably believes to be unsafe or in need of repair. Preventive maintenance includes oil changes and lubes, tune-ups, tire checks and fluid checks. Some departments have service mechanics on staff, while others use the City' garage. If a City mechanic is not available, or is unable to perform the necessary service, an employee shall ask his or her supervisor for the name of an approved garage. An employee is also responsible for the overall condition of his or her assigned vehicle, including the cleanliness of its interior and exterior.

Any alterations or modifications to City vehicles from original equipment must be approved in writing by the employee's supervisor prior to the alteration or modification.

In the event a City vehicle becomes inoperable due to a breakdown, the employee shall do the following:

- If the breakdown occurs in Hamilton County, the employee shall notify his or her supervisor and have the vehicle serviced at an approved garage. If the vehicle is in need of a tow, the employee shall contact his or her supervisor for the name of an approved towing service.
- If the breakdown occurs outside of regular working hours, the employee shall contact his or her supervisor for assistance. A local wrecker service may be called at the supervisor's discretion.
- If the breakdown occurs outside Hamilton County, the employee shall immediately attempt to notify his or her supervisor to report the problem. If contact cannot be made, the employee shall secure necessary service for the vehicle at a competitive price.

### Accidents

In the event an employee is involved in an accident leading to any property damage or personal injury while operating a City vehicle, the employee shall follow the post-accident procedures outlined on the insurance information cards provided by the City's insurance company and located in the vehicle. An employee must verify that there is an insurance information card in a City vehicle before operating it. In addition to the other instructions provided on this card, the employee must have an accident report

filled out by the appropriate police department for the jurisdiction, whether the accident occurs on public or private property. A copy of the report shall immediately be given to the employee's supervisor.

Employees involved in accidents while driving City vehicles may be subject to drug and alcohol testing, as described in the City's Drug and Alcohol Testing Policy.

**O. TRAVEL/CITY BUSINESS**

Expenses incurred by a City employee who must travel to carry out that employee's official City duties, responsibilities or activities, or to obtain approved training, are reimbursable within the limits stated below. Certain travel expenses may be paid in advance.

Per Diems and Meal Expenses

A per diem is a flat rate reimbursement for any and all expenses incurred in a certain reimbursable travel category. The City will pay per diems for meal expenses only. No receipts are required for a per diem payment, which shall be made only after the employee completes travel and submits a claim for reimbursement. However, the employee must provide a copy of his or her travel itinerary and hotel bill to document actual time of travel. Per diem rates shall be:

- Sixty-five dollars (\$65.00), for meal expenses and tips, if traveling outside the State of Indiana; and
- Fifty dollars (\$50.00), for meal expenses and tips, if traveling within the State of Indiana.
- Per diem rates shall be prorated for partial day travel—however, travel that ends in the early hours of the morning (between midnight and 6:00 a.m.) will not qualify for a partial-day per diem. Eligible expenses incurred during these hours on a return trip will be reimbursed only if receipts are provided.

Meal expenses for travel that is completed within one calendar day are not eligible for the per diem, and shall be paid at actual cost. Original receipts are required to substantiate costs, which are subject to the limits shown above. Receipts should be itemized or, if the vendor does not provide an itemized receipt, include a sworn statement from the employee indicating what food or beverage items were purchased (credit card statements are not adequate documentation). Maximums include tips, which shall not exceed 20% of the cost of the meal.

Advance Payments

All claims for advance payment must be submitted to the City Controller's office no later than ten (10) business days prior to the commencement of travel.

Registration fees, hotel reservations and airfares connected with meetings, schools, seminars or other City-required travel may be paid in advance if supported by a fully itemized claim approved by the department head. Any savings resulting from changes in schedule or transportation or from reduced prices shall be delivered to the City Controller's office, along with written documentation, within the later of ten (10) business days after travel is completed or three (3) business days after the same is received by the employee.

### Reimbursable Expenses

- Meeting, training and seminar fees.
- Private vehicle mileage, which shall be paid at the current United States Internal Revenue Service ("IRS") reimbursement rate, as amended from time to time by the IRS. If an employee drives to an off-site location for a meeting or work assignment, and the distance is further than the employee's daily commute, the employee may submit a mileage claim for the distance from his or her normal workplace to the site of the meeting or assignment. The distance may be obtained from a map application.
- Cost of rental car, collision damage waiver ("CDW") and fuel for transportation between airport, lodging and business location if: (i) the route between airport and lodging or between lodging and business location is not reasonably served by ride-hailing services, taxi, subway or shuttle; or (ii) other forms of transportation are available, but are more costly than a rental car.

**Any City employee who uses a rental car for the conduct of City business shall purchase CDW for the duration of the rental. An employee who fails to purchase CDW shall be personally liable for incurred expenses that would have been covered by the waiver. CDW may also be referred to as LDW (loss damage waiver).**

- Parking fees or tolls (sworn affidavit required if no receipt is provided).
- Fares for ride-hailing services, taxis, shuttles, subways, and other forms of local transportation.
- Meal expenses. For overnight travel, meal expenses are reimbursable at the flat per diem rates listed above. For travel completed within one calendar day, meals shall be reimbursed at actual cost, up to the maximums listed above.
- Coach air fares or fares that are commonly understood to be coach rates, or any lower fare. (Airfare shall include baggage fees and airline surcharges. It shall not include charges for food and drink, which are considered meal expenses.) When personal travel is appended to City-related travel, reimbursement will be made only for the cost of round trip travel to and from the business location. The round trip rate must be documented by a

printed itinerary from a travel agency or website. The department head must approve all such travel in advance.

- Lodging expenses for a standard room. Any upgrade in accommodations shall be the responsibility of the employee.
- Tips or gratuities for bellhops, skycaps, taxi/shuttle drivers and others providing necessary services directly related to City travel (receipt or sworn affidavit required).
- All City-required telephone calls.
- In-room or business services Internet connection, if necessary for City purposes.

#### Non-reimbursable Expenses

- Expenses for entertainment or services not directly serving a City purpose, including, but not limited to, in-room movies, alcohol, mini-bar, laundry, sauna, massage or golf.
- Expenses for purchase of personal items such as clothing, accessories and toiletries.
- Personal telephone calls.
- Rental car for recreational purposes.
- Travel upgrades or fees for schedule changes that result in no savings to the City.
- Fees for acquiring a passport.
- Insurance other than Collision Damage Waiver (“CDW”) or Loss Damage Waiver (“LDW”) offered by a rental car company.
- Expenses incurred by a travel companion who is not conducting official City business if more than that which would be reasonably incurred by the City employee alone.
- Traffic or parking tickets issued for the violation of any law.
- Late/interest fees for expenses charged to an employee’s personal account.
- Travel life insurance policies.

#### Claim Submission Requirements

All reimbursable expenses shall be submitted on an approved expense report, with required documentation attached. Prior to submission for reimbursement, a claim must be reviewed and

authorized by the employee's department head to confirm the claims submitted fall within the guidelines of this section and are within that department's appropriated budget.

Any claim for reimbursement of travel or expenses incurred while on official City business (except meal per diems) must be documented with original itemized receipts. In the event receipts or other appropriate documentation are unavailable, the employee may obtain reimbursement by submitting a sworn affidavit itemizing such expenses and affirming they were incurred on behalf of the City.

## **P. WORK-RELATED CONCERNS/COMPLAINT PROCEDURES**

The City wishes to ensure that all of its employees are treated fairly and equitably in all matters pertaining to their employment. An employee who believes a policy or procedure outlined in this handbook is being applied in an unfair, inconsistent or inappropriate manner may pursue his or her concern through the following steps.

### Informal Procedures

Employees are encouraged to discuss their work-related concerns in detail with their immediate supervisors. If a concern involves an immediate supervisor, the employee may approach the individual at the next level of management. The supervisor will investigate and take appropriate action within the scope of his or her authority or, if necessary, pass the concern along to a higher level of authority, up to and including the department head and/or the Director of Human Resources.

### Formal Procedure

An employee who is unable to resolve a concern using the informal procedure outlined above may direct his or her complaint in writing to the Director of Human Resources and request a review by the Board of Public Works and Safety. The Board is the final authority in such cases. When the Director of Human Resources reasonably determines that an honest attempt has been made to resolve the complaint and that the attempt has failed, he or she will promptly submit the complaint for inclusion on the Board's agenda. The Board will review the complaint and may designate one of its members or an appropriate City employee to conduct a fact-finding investigation, which may include a review of the City's policies, the complainant's personnel file and other written documentation as well as interviews with relevant individuals. The Board will discuss the facts properly presented to it and take appropriate action. The decision of the Board is final.

Not every managerial decision is subject to review. The Board of Public Works and Safety shall confine its review to complaints based upon alleged misapplication of City policy.

**CHAPTER 4**  
**COMPENSATION**

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**CHAPTER 4**  
**COMPENSATION**

**A. RATE OF PAY**

An employee's rate of pay consists of two elements. Base salaries are set annually by the Carmel Common Council. Since 1999, these salaries have been based upon the grade and step system adopted by the Council. The maximum bi-weekly salary for each position is listed in the annual salary ordinance. The actual pay of individual employees in a position may vary, but it will always be equal to or less than the maximum as established by the salary ordinance. Once the employee has reached the maximum salary for his or her pay grade, salary increases shall be limited to cost-of-living adjustments.

An employee's rate of pay shall also include longevity pay for each year of full-time service to the City, the amount to be specified in the annual salary ordinance. An employee must work or be on paid leave at least six (6) months during a year to receive credit for a year of service. An employee who is hired and commences full-time work between January 1<sup>st</sup> and the last scheduled work day in June, will be given credit for the first year of employment on the following January 1<sup>st</sup>. If work commences on or after the first scheduled work day of July of any given calendar year, longevity pay will begin on the first day of the second January following commencement of work. Longevity pay is computed at the end of each year for the ensuing year, and is paid out on a bi-weekly basis.

Should an employee separate from the City and then be re-employed within 100 or fewer calendar days, the employee shall be entitled to full credit for service prior to the separation. After a separation of more than 100 calendar days, a returning employee shall be treated as a new employee for purposes of calculating longevity and shall not receive credit for prior service.

A few additional factors may affect the pay of a small number of employees. Those who work a shift that begins between the hours of 2:00 pm and 11:00 pm are eligible for a shift differential. A small number of jobs and/or employees may also qualify for specialty pay, which recognizes specific knowledge, skills and abilities that are difficult to acquire and/or of particular value to the City.

Pay increases, to the extent they are approved, will be based on a combination of factors, including some factors that the employee controls (such as job performance, work habits, etc.), and some factors that are outside of the employee's control (such as cost of living indexes and City budget constraints). Departmental decisions regarding training and job assignments may also be a factor. The City is under no obligation to provide any employee with a pay increase every year. Except in the case of promotions or other irregular circumstances, increases will be granted only at the beginning of a calendar year.

An employee's pay may be decreased if the employee is demoted to a position with lesser requirements for knowledge, skills, abilities and responsibilities.

**B. HOURS WORKED**

For the purpose of calculating compensation, an employee's hours worked shall include only those hours actually on the job or engaged in work-related activities. Hours worked does not include PTO, sick leave, compensatory time off or other paid absences.

Travel Time

**Single-day travel:** For single-day travel, if an employee travels to an off-site location for a meeting or work assignment, and the travel time is longer than the employee's daily commute, the employee will be compensated for the travel time from his or her normal workplace to the site of the meeting or assignment. The time may be obtained from a map application.

**Overnight travel:** For overnight travel, the hours worked shall include all hours spent in transit, whether as a driver or a passenger. (For air travel, transit time begins when the flight is scheduled to depart and ends when the employee arrives at his or her lodging; it does not include time spent driving between the employee's home and the airport.) Except, however, an employee who is offered public transportation but elects to drive instead shall be paid only for those hours that would have been spent on public transportation. An employee's department head shall have final decision as to the mode of transportation utilized.

While on location, an employee shall be compensated for either the actual numbers of hours worked (in transportation, meetings, conferences, classes, etc.) or the employee's regularly scheduled hours for that day, whichever is greater. An employee shall make every effort to book a room at or near the location of the meeting or class, so as not to spend excessive time traveling back and forth.

The following shall not be considered hours worked: (i) time spent at evening events that serve primarily as social, recreational or networking opportunities; and (ii) time spent at evening events during which a meal and/or alcohol is served, unless work is performed by the employee during the event.

**C. OVERTIME COMPENSATION**

Non-exempt employees must have the approval of their supervisors prior to working overtime, except in an emergency. Unauthorized overtime work may lead to disciplinary action, up to and including immediate termination.

In calculating overtime compensation for employees, the City shall at all times comply with the provisions of the federal Fair Labor Standards Act ("FLSA"), as amended. The FLSA details the manner in which the City compensates non-exempt employees for overtime work. Certain employees in management, administrative, professional and computer-related positions are exempt from the overtime provisions of the FLSA. If in doubt, employees should consult their supervisors to determine whether they are exempt or non-exempt.

### Calculating Overtime

Overtime is calculated on a weekly basis. An employee who works longer than his or her scheduled shift on a given day is not entitled to overtime pay unless the employee also works more than thirty-seven and one-half (37.5) hours in a week (Saturday through Friday). The time worked in a two (2) week pay period cannot be averaged to determine overtime compensation. Each week is calculated separately.

PTO, sick leave, compensatory time off and other paid absences are not included in overtime calculations, but the following time shall always be compensated at the overtime (time and one-half) rate:

- All hours worked on an emergency call-out basis, if: (i) the assignment commences outside the employee's regularly scheduled work hours; (ii) there is no prior notification of the assignment; and (iii) the employee does not have the option of declining the assignment. (This provision specifically includes, but is not limited to, all snow and ice removal operations of the Carmel Street Department.) If the call-out assignment continues into the employee's regularly scheduled work hours, the employee shall revert to his regular rate of pay during the regularly scheduled hours.
- All hours that are an extension of the employee's work day, if the work is unscheduled, the result of an emergency and cannot reasonably be delayed until the next scheduled shift. Emergencies will generally involve threats to public health and safety and/or major equipment failures that impact operational capabilities.

Phone calls handled from home or from another off-site location will be considered work time, but will not automatically qualify for the time and one-half rate.

PTO can be combined with hours worked in a single workweek to create overtime, but such overtime will be paid at the regular rate of pay. An employee will not earn time and one-half until he or she actually works more than forty (40) hours in a work week.

PTO cannot be combined with hours worked in a single day to exceed the employee's regularly scheduled hours, unless the employee has taken PTO and is required to come in to work before and/or after his or her regularly scheduled hours.

The City reserves the right to develop administrative rules to implement time-keeping and overtime policies, which may contain more detail than listed in this handbook. Further explanation of such rules is available upon request to the Department of Human Resources.

### Paying Overtime

Based on budget constraints and/or staffing requirements, a department head may choose to rely solely on monetary compensation or on compensatory time off, as described below, or to use a combination

of such methods for overtime compensation. An employee has a right to know the department's method of compensating for overtime work prior to performing the work.

### Monetary Compensation

Non-exempt employees shall be entitled to compensation at their regular hourly rate of pay for each hour (or portion thereof) worked in excess of thirty-seven and one-half (37.5) but less than or equal to forty (40) in a workweek, in addition to their bi-weekly salary.

Non-exempt employees, whether full-time, part-time, temporary or seasonal, shall be entitled to compensation at one and one-half (1.5) times their regular hourly rate of pay for each hour (or portion thereof) worked in excess of forty (40) in a workweek, in addition to their bi-weekly salary.

Exempt employees are expected to work the hours necessary to fulfill their responsibilities, and are not entitled to overtime pay.

### Compensatory Time Off for Non-exempt Employees

The FLSA allows state and local governments to provide non-exempt employees compensatory time off ("comp time") for overtime work in lieu of monetary compensation.

Non-exempt employees who receive comp time in lieu of overtime pay shall be entitled to comp time on an hour-for-hour basis for each hour (or portion thereof) worked in excess of thirty-seven and one-half (37.5) but less than or equal to forty (40) in a workweek, and on a time and one-half basis for each hour (or portion thereof) worked in excess of forty (40) in a workweek.

Each department head may set limits on the amount of comp time departmental employees are allowed to accrue, subject to the following limitation: a City employee who is not a full-time non-exempt golf course employee may not accrue more than one hundred (100) hours of comp time, which limit includes both those hours that are calculated at straight time and those that are calculated at time and one-half, except in a bona fide emergency.

An employee who reaches his or her comp time hour limit shall receive monetary compensation for all hours worked thereafter until such time as accrued comp time is used and the total again falls below his or her comp time hour limit. An employee's comp time balance can be seen on the ADP electronic timecard page. Discrepancies should be immediately brought to the attention of the Payroll office.

Full-time non-exempt golf course employees shall be entitled to comp time in lieu of overtime pay on a time and one-half basis for each hour (or portion thereof) worked in excess of forty (40) in a workweek, up to a limit of two hundred forty (240) hours. All overtime in excess of two hundred forty (240) hours shall be compensated monetarily at a rate of one and one-half (1.5) times the employee's regular hourly rate of pay. All comp time accrued during a golf season

(March 1<sup>st</sup> through December 1<sup>st</sup>) must be used or paid out prior to March 1<sup>st</sup> of the year immediately following.

An employee shall not be allowed to use comp time until it is accrued. That is, an employee cannot “borrow” time. An employee’s request to use accrued comp time shall be granted within a reasonable time period, provided the request does not unduly disrupt the operations of the department.

A supervisor may elect to apply accrued comp time to hours an employee has missed due to absence, tardiness or unpaid personal or medical leave. Use of comp time under these circumstances does not preclude disciplinary action for inappropriate or unauthorized absence or tardiness.

As comp time is a liability for the City, employees are strongly encouraged to use it by the end of the year in which it accrued. Accrued comp time that is not used by year end shall be paid out if department budgets allow, unless an employee has specific plans to use the time within the first six (6) months of the following year. In no case shall comp time be carried over for more than one (1) year.

The City may, at any time, choose to substitute monetary compensation for accrued comp time. Likewise, an employee may request that accrued comp time be paid out, which request may be honored at the discretion of the director. When employment with the City is terminated, a non-exempt employee shall be paid for all accrued but unused comp time.

#### Compensatory Time Off for Exempt Employees

Exempt employees shall not receive comp time for hours worked in excess of thirty-seven and one-half (37.5) but fewer than forty (40) in a workweek. They shall receive comp time, on an hour-for-hour basis, for all hours in excess of forty (40) actually worked (not including paid time off) in a workweek.

Exempt employees (except golf course employees) may not accrue more than fifty (50) hours of comp time. Once an employee accrues fifty (50) hours, all further accruals shall cease until the balance drops below fifty (50) hours. Accrued hours may be carried forward indefinitely; however, exempt employees are not entitled to be paid for accrued comp time at any time during their employment or at the time of separation from the City. An employee’s comp time balance can be seen on the ADP electronic timecard page. Discrepancies should be immediately brought to the attention of the Payroll office.

Exempt golf course employees may earn an unlimited amount of comp time during the golf season (March 1<sup>st</sup> through December 1<sup>st</sup>). All comp time accrued during a golf season must be used prior to March 1<sup>st</sup> of the year immediately following. Any comp time not used by March 1<sup>st</sup> shall be forfeited.

#### Secondary Employment

A full-time employee may be eligible to hold a secondary job within the City, but combined weekly hours cannot exceed sixty (60) except in case of a bona fide emergency. One job (full-time) must be primary, the other (part-time) secondary. An employee working two jobs, although those jobs may

include different responsibilities in separate and distinct departments and be paid at different rates, is eligible to combine the total hours worked in both departments when computing overtime compensation. If the secondary job causes the employee to work more than forty (40) hours in a workweek, overtime shall be calculated based on that job's rate of pay.

**D. TIMEKEEPING**

Each employee is expected to keep an accurate record of his or her hours worked and paid time off. A supervisor or administrator shall instruct each employee on how to access timesheets and how to record time worked and paid time off. It is the responsibility of each department to ensure that properly completed and approved timesheets are submitted in time to meet the bi-weekly payroll deadline.

For purposes of calculating pay, time worked is recorded to the nearest quarter hour. An hour is broken down as shown below, whether the employee arrives after the beginning of his or her scheduled shift, leaves prior to the end of the shift or takes time off during the course of the shift. **This policy is for pay purposes only and is not an authorization for tardiness; an employee may be disciplined for excessive tardiness, which includes arriving after the start of the scheduled work day or leaving before the end of the scheduled work day.**

- 1 - 7 minutes = “free”
- 8 - 22 minutes = 15 minutes
- 23 - 37 minutes = 30 minutes
- 38 - 52 minutes = 45 minutes
- 53 minutes - 7 minutes past the next hour = 1 hour

Employees cannot be required to arrive early, stay late or use their unpaid meal time to perform work-related activities without being compensated for the additional time. An early start or late departure must be specifically requested and authorized, in advance, by the employee's supervisor (except in an emergency situation). If overtime work has not been specifically requested and authorized, the employee shall begin and end work as scheduled. Employees who choose to arrive early or stay late for personal reasons shall be compensated only for the hours actually worked.

It is the responsibility of supervisors to ensure that timesheets reflect actual hours worked. (Except, however, an employee who is required to report to a work site on a scheduled or call-in basis shall be paid for a minimum of two (2) hours, including overtime and premium pay on holidays, if applicable. Telephone calls handled from home or from another off-site location do not qualify for the two-hour minimum.)

Supervisors are also responsible for ensuring that unauthorized overtime is not permitted.

No employee, except an employee in a supervisory position, may record the time of any other employee. Any omissions of starting and stopping times, as well as any deviation from regularly scheduled hours, must be approved, in advance, by the employee's supervisor. Falsifying time sheets may be cause for disciplinary action, up to and including immediate termination. Any employee directed or encouraged by a supervisor to make an inaccurate entry on a time record shall immediately report this to the Director of Human Resources.

Exempt employees are required to keep track of the hours they work, using the same method as non-exempt employees. Although exempt employees are paid on a salaried basis, pay for personal absences must be deducted from an established leave bank, pursuant to principles of public accountability.

An exempt employee who believes an improper deduction has been made to his or her salary should bring the deduction to the attention of his or her direct supervisor or the Director of Human Resources. All reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee shall be promptly reimbursed for the full amount of such improper deduction and the City will take whatever action it deems necessary to ensure future compliance with deduction rules for non-exempt employees.

**E. PAY PERIODS AND PAYROLL DEPOSITS**

Bi-weekly pay periods begin on Saturday and run through the second Friday following. Timesheets are due at the end of the pay period. Payday occurs on Friday, one week after the end of the pay period. Mandatory deductions will be made from each employee's pay as required by federal, state and local laws. An employee may authorize additional voluntary deductions for approved purposes such as health, life, and long-term disability insurance, flexible spending accounts, charitable contributions and savings and retirement programs. All such authorizations must be in writing.

All employees are required to have their checks direct deposited to the account(s) of their choice. Employees may view and print their pay stubs and W-2 forms from the City's payroll system ([www.workforcenow.adp.com](http://www.workforcenow.adp.com)). Instructions for access and use of this site are available from the Payroll office.



**CHAPTER 5**  
**PAID TIME OFF AND LEAVES OF ABSENCE**

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**CHAPTER 5**  
**PAID TIME OFF AND LEAVES OF ABSENCE**

**A. PAID TIME OFF (“PTO”)**

Definitions

**Benefit Year** means the period from the anniversary date of an employee’s full-time hire to the day preceding the anniversary date the following year (e.g., hire date is June 1<sup>st</sup>; benefit year is June 1<sup>st</sup> through May 31<sup>st</sup>). The **Benefit Year** will vary from employee to employee.

**Paid Time Off (“PTO”)** means time off with pay that **shall** be used for holidays and can otherwise be used at an employee's discretion and with the approval of the employee's supervisor. PTO replaces vacation time, sick time, personal days and holidays.

**PTO Bank** means the amount of PTO that an employee has available to use.

**Unscheduled PTO** means PTO taken with less than twenty-four (24) hours of notice.

Recordkeeping

An employee’s PTO balance can be seen on the ADP electronic timecard page. Discrepancies should be immediately brought to the attention of the Payroll office.

Accruals

PTO shall accrue at the rates indicated below:

Years 1-5 (date of hire through end of year 5)	9.50 hours per pay period
Years 6-12 (beginning of year 6 through end of year 12)	11.25 hours per pay period
Years 13-20 (beginning of year 13 through end of year 20)	12.00 hours per pay period
Years 21+ (beginning of year 21 through date of separation)	13.00 hours per pay period

When an employee reaches an employment anniversary that causes an increase in his or her vacation leave, such adjustment will take place on the first pay period immediately following the anniversary date.

An employee must work and/or be on his or her own paid leave an entire pay period in order to accrue PTO for that pay period. Any employee who is paid for fewer than seventy-five (75) hours in a pay period (eighty (80) hours for golf course employees) shall not be eligible to accrue

PTO for that pay period. This includes an employee who is receiving short- or long-term disability benefits or an employee who is using donated sick time for any portion of a pay period. An exception shall be made for a new employee within the first two full pay periods of his or her employment. If one or more holidays are the only reason the employee is not paid seventy-five (75) hours for the first two full pay periods (eighty (80) hours for golf course employees), the employee shall accrue PTO for those pay periods.

An employee whose absence is due to a work-related injury or illness shall accrue PTO as long as he or she is receiving worker's compensation income replacement benefits.

#### New Employees

A new employee shall receive PTO beginning with his or her first full pay period, but shall not be entitled to use discretionary accrued leave until he or she has completed three (3) months of full-time employment. During this period the employee is **required** to use non-discretionary PTO for holidays unless he or she works the holiday.

Should an employee separate from the City and then be re-employed within one hundred (100) or fewer calendar days, the employee shall be entitled to full credit for service prior to the separation. After a separation of more than one hundred (100) calendar days, a returning employee shall be treated as a new employee for purposes of calculating PTO accruals and shall not receive credit for prior service.

#### Transfer /Termination

The balance in an employee's PTO bank is transferable between any City departments. The employee's new department is responsible for all PTO time the employee brings with him or her.

An employee is eligible to be paid for unused PTO upon leaving the City's employment. However, an employee's termination date may not be extended to use up the PTO Bank balance. The employee's termination date shall always be the last day worked.

#### Use of PTO Bank

**Non-discretionary:** Employees shall be required to use PTO time for any day they would be scheduled to work but for the fact that such day is a declared City holiday. An employee does not have discretion to work the holiday rather than take PTO. Any employee who does not have sufficient time accrued for a holiday shall take the time off without pay.

**Discretionary:** For all other PTO, supervisors shall make a reasonable effort to honor the paid time off requests of employees, consistent with the needs of the department.

At a minimum, an employee shall request PTO as follows:

- For planned absences of three (3) or more work days, at least two (2) weeks in advance;
- For planned absences of two (2) work days or less, 24 hours in advance;
- For unplanned absences due to illness or emergency, prior to commencement of each work day or at the earliest opportunity.

All PTO requests and/or notifications must be made in a manner consistent with each department's documented reporting procedures. Failure to follow procedures may lead to disciplinary action.

Use of PTO with less than twenty-four (24) hours of notice is referred to herein as unscheduled PTO. A supervisor may require proof of illness or emergency when an employee uses unscheduled PTO. An employee using unscheduled PTO shall not be paid for the absence unless he or she has provided any required notification before the commencement of each work day (or, in case of an emergency, as soon as reasonably possible). Failure to provide required notice for three (3) consecutive days will be considered job abandonment and will be treated as a voluntary resignation.

Subject to the minimum notification requirements listed above, each department head may establish a different policy regarding requests for PTO, including, but not limited to: how far in advance leave must be requested; whether requests must be in writing or on a particular form; who is authorized to grant requests for leave; how decisions will be made when multiple requests are made for the same time period; whether PTO may be used to make up for a late arrival or early departure. Such policy must be in writing, distributed to each employee, posted in the workplace and uniformly followed. Unless the department has established a different policy, time off requests shall be granted on a first-come, first-served basis.

An employee will be allowed to use only that PTO time credited to his or her PTO Bank. Time will be credited the day after the end of the pay period for which it is accrued (Saturday). It cannot be taken in advance of, or during, the pay period in which it is accrued.

An employee cannot use PTO on any day in which he or she is not regularly scheduled to work. In other words, PTO cannot be cashed in.

An employee using PTO for his or her own illness, injury or health condition shall not engage in outside employment during the period of leave.

PTO must be used in increments of fifteen (15) minutes.

### Minimum Staffing

Every department shall establish minimum staffing requirements for each of its operations. PTO shall not be granted, except in case of illness, approved FMLA leave or as otherwise required by law, when it will cause the staffing to fall below minimum requirements.

### Employee Responsibilities

The City's goal in creating a PTO policy is to allow employees maximum flexibility in the scheduling and use of paid time off, while at the same time ensuring that City operations are not adversely affected by the use of the privilege.

Thus, the entitlement to paid time off under this policy carries a corresponding duty on the part of each employee to use his or her time responsibly. Such duty includes, but is not limited to:

- Scheduling time off in a manner that ensures a sufficient personal PTO balance to meet unanticipated leave requirements; and
- Giving sufficient and proper notice before using PTO (the notification guidelines stated above are merely minimums); and
- Taking all necessary steps to ensure the employee's job responsibilities can be covered during an absence, and avoiding the use of PTO at times when the employee's absence will be particularly detrimental to the department.

Using PTO in a manner that is detrimental to department operations will be considered a breach of the employee's duty and will be subject to disciplinary action.

Unscheduled PTO, in particular, has the potential to disrupt operations. Supervisors shall have the right to require proof of illness or other emergency, and to take disciplinary action if proof is not provided, in the following situations:

- When an employee requests unscheduled PTO more than six (6) times in any twelve (12) month period.
- When an employee uses unscheduled PTO on the last scheduled work day immediately preceding a holiday or the first scheduled work day immediately following a holiday.
- When an employee routinely uses unscheduled PTO on a Friday or Monday, or any other day that precedes or follows a workweek.
- When an employee uses unscheduled PTO in any amount on a day when the employee's absence is particularly detrimental to the department.

- When an employee's pattern of usage otherwise suggests a breach of his or her duty to use PTO responsibly in accordance with this policy.

### Carryover

An employee will be allowed to carry over a maximum of one hundred fifty (150) PTO hours from one benefit year to the next. Any excess time left in the bank at the end of the benefit year will be transferred to the employee's Sick Leave Bank, subject to a three hundred (300) hour cap. If the employee's Sick Leave Bank reaches three hundred (300) hours, any excess PTO time will be forfeited.

## **B. SICK LEAVE**

Sick leave is built into the PTO accrual. An employee should always keep a sufficient PTO balance to cover minor illnesses. Some employees may have a Sick Leave Bank to cover longer medical absences.

### Initial Funding

Sick leave accrued by an employee prior to June 27, 2009, will be maintained in a Sick Leave Bank and may only be used for the employee's own medical needs, or as otherwise allowed under the City's Family and Medical Leave policy.

### Annual Deposits

At the end of each employee's benefit year, all time in excess of one hundred fifty (150) hours remaining in an employee's PTO Bank will be transferred to the employee's Sick Leave Bank, which is capped at three hundred (300) hours. Any transferred PTO time that would cause the Sick Leave Bank to exceed the cap shall be forfeited. There is no other method of increasing the sick leave balance after June 27, 2009.

### Use of Sick Leave Bank

The Sick Leave Bank is intended for use when:

- An employee is medically unable to work due to an illness, injury or health condition, and is not otherwise compensated by the City or by worker's compensation or disability benefits; or
- The employee has been approved for FMLA leave to care for a spouse, child or parent with a serious medical condition.

The notification requirements and employee responsibilities for using the Sick Leave Bank are the same as they are for PTO. The Sick Leave Bank must be used in increments of fifteen (15) minutes.

An employee's Sick Leave Bank balance can be seen on the ADP electronic timecard page. Discrepancies should be immediately brought to the attention of the employee's supervisor.

The Sick Leave Bank **cannot** be used:

- Until the balance in the employee's PTO Bank is seventy-five (75) hours or less; or
- For illnesses of family members, unless such illnesses have been approved for leave under the FMLA policy.

An employee whose PTO balance reaches seventy-five (75) hours in the course of a work day may elect to split the day between his or her PTO and Sick Leave Bank; an employee may also choose to deplete his or her PTO Bank before using time from the Sick Leave Bank. An employee who accrues PTO while using time from his or her Sick Leave Bank can continue to use sick time as long as the absence is continuous, even if his or her PTO Bank balance rises above seventy-five (75) hours during that absence.

An employee using time from his or her Sick Leave Bank for his or her own illness, injury or health condition shall not engage in outside employment during the period of leave.

Use of the Sick Leave Bank in circumstances other than those specified above may result in disciplinary action, up to and including immediate termination.

A supervisor may require a doctor's statement or other proof of illness or injury after an employee uses three (3) or more consecutive days from his or her Sick Leave Bank, or if an employee's use of the Sick Leave Bank indicates abuse, including:

- Frequent one-half (0.5) day or one (1) day absences; or
- Recurrent use of the Sick Leave Bank on the days before and/or after weekends or holidays or scheduled time off; or
- Repeated use of the Sick Leave Bank on days which the employee reasonably should know his or her absence would have a particularly negative effect on the department.

Repeated abuse of the Sick Leave Bank may be grounds for disciplinary action, up to and including immediate termination.

Maximum Accumulation

No employee can have more than three hundred (300) hours in his or her Sick Leave Bank at any time.

Transfer/Termination

The balance in an employee's Sick Leave Bank is transferable between all City departments. The employee's new department is responsible for all sick time the employee brings with him or her.

An employee's Sick Leave Bank balance will not be paid out upon termination of employment. An employee's termination date may not be extended to use up the Sick Leave Bank balance. The employee's termination date shall always be the last day worked.

Coordination with Disability Benefits

An employee is required to use all but seventy-five (75) hours in his or her PTO Bank and all time in his or her Sick Leave Bank before receiving disability benefits. An employee may elect to use any remaining PTO balance before receiving disability benefits.

Additional Leave

An employee who uses all the accrued time in his or her PTO Bank and Sick Leave Bank is not eligible for additional paid time off, unless the absence falls into another category of paid leave for which the employee is eligible.

An employee who is in need of additional extended leave may apply for unpaid leave as provided by the City's Leaves of Absence policy. Even if additional unpaid leave is granted, the employee may be subject to disciplinary action for misuse of the PTO program.

**C. DONATED LEAVE**

The City provides its employees with a generous amount of paid time off, and all employees are expected to manage their time wisely so it is available when needed. There may, however, be occasions when an employee does not have enough accrued paid time off to cover an unexpected and/or extended medical absence, or to care for a dependent suffering from catastrophic illness or injury. Therefore, under limited circumstances, an employee may supplement a co-worker's paid time off with donations from his or her own PTO or Sick Leave Bank.

A recipient of donated hours must be a full-time employee for at least two (2) years, must be experiencing a disabling injury or illness or must have a spouse or child suffering from a sudden and critical injury or illness that requires hospitalization or full-time in-home care. Other unique factors

will be taken into consideration for a spouse or child on a case-by-case basis for such things as extraordinary travel.

A recipient must use all of his or her own accrued paid time off (PTO, sick leave, comp time) before accepting donated time, and cannot accept more than eight (8) weeks of donated time, based on a thirty-seven and one-half (37.5) hour week, in any calendar year. A recipient will not be eligible to accrue PTO while using donated time, but in all other respects, donated time will be the same as any other paid time off.

No donation of PTO or sick leave may be for a period of less than five (5) hours. Donations in excess of five (5) hours may be made in fifteen (15) minute increments. No donor may give more than thirty-seven and one-half (37.5) hours to any recipient in any calendar year, and a donation cannot take the donor below a balance of seventy-five (75) hours in either his or her PTO or Sick Leave Bank.

Donated time does not need to be repaid.

The complete Voluntary Sick Leave Bank/Paid Time Off Donation Policy is available in Human Resources. If the need for donated time arises, the process is facilitated by Human Resources to ensure all the requirements are met and all the time is properly recorded.

## **D. HOLIDAYS**

### Definitions

**Holiday** in general means the twenty-four (24) hour period from midnight to midnight of a day listed on the annual holiday schedule, unless otherwise specified. However, for pay calculation purposes, the holiday shall consist of those hours an employee would be scheduled to work on a given day if it were not a holiday. The calculation of holiday pay may therefore vary from employee to employee.

**Premium Pay** means the hourly amount, as stated in the Salary Ordinance, a full-time, part-time or temporary employee earns in addition to his or her regular hourly rate, for each hour (or portion thereof) worked on a holiday,

### Holiday Schedule

Each year the Mayor will determine a holiday schedule for City employees. Holidays may vary, but will usually include New Year's Day, Martin Luther King Jr. Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving, the day after Thanksgiving, Christmas and the day before or after Christmas.

### Holiday Compensation

Employees are required to use PTO time for holiday hours they would be scheduled to work but for the fact that such day is a declared City holiday. The hours recorded on the timecard must reflect the full scheduled shift; they cannot be reduced by overtime worked other days in the same week. If the holiday hours cause an employee to exceed forty (40) hours in a week, those excess hours will be paid at straight time; they cannot be banked. An employee may be required to work on a holiday or may be given the option to work; however, this decision is at the discretion of management. An employee may not choose to work a holiday because he or she doesn't have sufficient PTO accrued or in order to save PTO for another time. Notwithstanding the above, however, a department that is operated and/or may be staffed on a 24/7 basis may allow or require PTO to be used for holidays that fall on an employee's scheduled day off and/or for holidays on which the employee is required to work, in order to ensure adequate staffing at all times.

In addition to their regular pay, full-time, part-time and temporary employees required to work on a holiday shall be eligible for premium pay for each hour (or portion thereof) actually worked, as specified in the annual Salary Ordinance. Regardless of the City's holiday schedule, each employee who is required to work January 1<sup>st</sup>, July 4<sup>th</sup> or December 25<sup>th</sup> of any year shall be eligible for premium pay. An employee must report to his or her work site to receive premium pay; work done off-site by telephone or computer will be paid at the employee's hourly rate, but does not qualify for premium pay. Employees who are given the option to work, but are not required to work, on a holiday shall not be entitled to premium pay. Department heads and golf course employees are not eligible for premium pay.

Part-time golf course employees shall receive time and one-half their regular hourly rate for each hour (or portion thereof) worked on a holiday. No golf course employee shall be eligible for holiday premium pay.

## **E. FAMILY AND MEDICAL LEAVE**

The Family and Medical Leave Act of 1993 ("FMLA"), as amended, is intended to help balance the demands of the workplace with the needs of employees and their families. The FMLA provides job-protected unpaid leave for qualifying employees. It is the intent of the City to comply in all respects with the FMLA, as amended. A copy of the entire FMLA is available upon request from Human Resources.

### Definitions

**Contingency Operation** means 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 Military Member** means an employee's spouse, son, daughter or parent on active duty or call to active duty status.

**Covered Service Member** means a current member of the U.S. Armed Forces, including a member of the National Guard or a reserve component of the Armed Forces, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is on the temporary disability retired list for a serious injury or illness incurred in the line of duty. A veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness sustained or aggravated in the line of duty on active duty that occurred any time during the five (5) years preceding the date of treatment, even if it did not manifest itself until after active duty, is also a covered service member.

**Key Employee** means a salaried FMLA-eligible employee who is among the highest paid ten percent (10%) of all City employees.

**Next of Kin of a Covered Service Member** means the nearest blood relative other than the covered service member's spouse, son, daughter or parent, in the following order of priority: blood relatives who have been granted legal custody of the covered service member, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA, in which case the designated individual shall be deemed to be the covered service member's only next of kin.

**Parent** means the biological, adoptive, step or foster father or mother of an employee, or any other individual who had day-to-day responsibilities to care for and financially support an employee when the employee was a child. This term does not include parents "in law."

**Qualifying Exigency** means any one or more of the following when it relates to an employee's spouse, son, daughter or parent (covered military member) who is on active duty or who is notified of an impending call or order to active duty in support of a contingency operation:

- *Short-notice deployment:* to address any issue that arises from the fact that a covered military member is notified of an impending call or order to active duty in support of a contingency operation seven (7) or fewer calendar days prior to the date of the deployment; or
- *Military events and related activities:* to attend any official ceremony, program or event sponsored by the military that is related to the covered military member's active duty or call to active duty, or to attend family support or assistance programs and informational

briefings sponsored by the military, military service organizations or the American Red Cross; or

- *Childcare and school activities:* to arrange for alternative childcare, provide childcare on an urgent, immediate needs basis, enroll in or transfer a child to a new school or day care facility, or attend meetings with staff at a school or daycare facility, when any of these activities is necessitated by the covered military member's active duty or call to active duty; or
- *Financial and legal arrangements:* to make or update financial or legal arrangements to address an absence due to the covered military member's active duty or call to active duty, or to act as the covered military member's representative before a federal, state or local agency for the purposes of obtaining, arranging or appealing military service benefits while the covered military member is on active duty or call to active duty status; or
- *Counseling:* to attend counseling provided by someone other than a health care provider for the covered military member or a child of the covered military member, provided that the need for counseling arises from the active duty or call to active duty of the covered military member; or
- *Rest and recuperation:* to spend time with a covered military member who is on short-term, temporary rest and recuperation leave during the period of deployment (eligible employees may take up to five (5) days of leave for each instance of rest and recuperation); or
- *Post-deployment activities:* to attend arrival ceremonies, reintegration briefings and events and any other official ceremony or program sponsored by the military for a period of ninety (90) days following termination of the covered military member's active duty status, or to address issues that arise from the death of a covered military member while on active duty status; or
- *Additional activities:* to address other events that arise out of the covered military member's active duty or call to active duty status, provided that the City and the employee agree that such leave shall qualify as an exigency and agree to both the timing and duration of such leave.

**Registered Domestic Partner** means an individual in a relationship that meets all the criteria established by the City for such status, and who is properly registered with the City. With respect to a registered domestic partner, an employee shall have all the FMLA rights and responsibilities laid out in this policy as they pertain to a spouse. With respect to the dependent children of a registered domestic partner, an employee shall have all the rights and responsibilities laid out in this policy as they pertain to a son or daughter.

**Rolling Twelve (12) Month Period** (which pertains to all FMLA leave except leave for the purpose of caring for a covered military member) means a twelve (12) month period measured backward from the date each incidence of FMLA leave commences.

**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 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 period of incapacity lasting more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves: (i) treatment two (2) or more times by or under the supervision of a health care provider (i.e., in-person visits, the first within seven (7) days and the second within 30 days of the first day of incapacity unless extenuating circumstances exist for the latter; or (ii) one treatment by a health care provider (i.e., an in-person visit within seven (7) days of the first day of incapacity) with a continuing regimen of treatment under the supervision of a health care provider; or
  - any period of incapacity due to pregnancy or for prenatal care; or
  - any period of incapacity or treatment of such incapacity due to a chronic, serious health condition that: (i) continues over an extended period of time, (ii) requires periodic visits (at least twice a year) to a health care provider, and (iii) may involve occasional episodes of incapacity rather than a continuing period of incapacity.
- *Permanent or long-term conditions*: a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective; or
- *Conditions requiring multiple treatments*: any period of absence to receive multiple treatments by a health care provider (or recover from such treatment) for (i) restorative surgery after an accident or other injury; or (ii) a condition that would likely result in a period of incapacity of more than three consecutive, full calendar days in the absence of medical intervention or treatment.

**Serious Injury or Illness** means an injury or illness incurred by a covered military member in the line of duty that may render the covered military member medically unfit to perform the duties of his or her office, grade, rank or rating.

**Single Twelve (12) Month Period** means the twelve (12) month period beginning the first day the employee takes FMLA leave to care for a covered service member, regardless of the leave year used by the City for other types of FMLA leave.

**Son or Daughter** means a biological, adopted or foster child, a step child, a legal ward or a child of a person standing in place of a parent, who is either under eighteen (18) years of age or who is eighteen (18) years of age or older and incapable of self-care because of a mental or physical disability. The age limit does not apply when leave is requested for active duty of a son or daughter or to care for a son or daughter who is a covered military member.

**Spouse** means a husband or wife as recognized by Indiana law, or a registered domestic partner.

Qualifying Leave (12 Weeks Maximum)

An employee who has: (i) worked for the City for at least twelve (12) months; and (ii) has worked a minimum of one thousand two hundred and fifty (1,250) hours during the twelve (12) months immediately preceding the commencement of FMLA leave, may take up to twelve (12) weeks of unpaid leave in any rolling twelve (12) month period for one or more of the following reasons:

- For birth of the employee's son or daughter or to care for the 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; or
- To care for the employee's spouse, son, daughter or parent with a serious health condition; or
- Because of a serious health condition that makes the employee unable to perform the functions of his or her position; or
- For any qualifying exigency arising out of the fact that the spouse, son, daughter or parent of the employee is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

Leave may be taken intermittently (separate blocks of time for single qualifying reason) or through a reduced schedule (fewer hours per day or fewer days per week) for the care of the employee's spouse, son, daughter or parent with a serious health condition or because of the employee's own serious health condition, if medically necessary, or for a qualifying exigency. Intermittent leave can be taken in increments of fifteen (15) minutes or more. Intermittent or reduced schedule FMLA leave for the birth or placement of a child may be taken only with the prior written approval of the employee's department head.

An employee on intermittent or reduced schedule leave may be required to transfer temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. The alternate position will offer equivalent pay and benefits.

Qualifying leave taken continuously will be designated FMLA leave only after an absence of more than three (3) consecutive **work** days or shifts (despite the fact that a serious health condition may commence after three (3) consecutive **calendar** days).

#### Qualifying Leave (26 Weeks Maximum)

An employee who has: (i) worked for the City for at least twelve (12) months; and (ii) has worked for a minimum of 1,250 hours during the twelve (12) months immediately preceding the commencement of FMLA leave, may take up to twenty-six (26) weeks of unpaid leave in any single twelve (12) month period to care for a covered service member with a serious injury or illness incurred in the line of duty if the employee is the covered service member's spouse, son, daughter, parent or next of kin.

The leave entitlement to care for a covered service member is applied on a per-covered service member, per injury basis. An eligible employee may be entitled to more than one 26-week period of leave if the leave is to care for different covered service members or to care for the same covered service member with a subsequent serious illness or injury, except that no more than twenty-six (26) weeks may be taken within a single twelve (12) month period.

If an eligible employee does not take all of his or her twenty-six (26) weeks of leave entitlement during the single twelve (12) month period, the remaining part of the twenty-six (26) weeks is forfeited.

Leave to care for a covered service member may be taken continuously, or, if medically necessary, intermittently or through a reduced work schedule.

During the single twelve (12) month period described in this section, an employee shall be entitled to a combined total of twenty-six (26) weeks of leave for all FMLA-qualifying reasons, which includes no more than twelve (12) weeks of leave during that single twelve (12) month period for one or more of the following: birth of the employee's son or daughter, and to care for the newborn child; placement with the employee of a son or daughter for adoption or foster care; to care for the employee's spouse, son, daughter or parent with a serious health condition; because of a serious health condition that makes the employee unable to perform the functions of his or her position; and/or a qualifying exigency.

#### Requesting Leave

Employees have certain notification obligations under the FMLA. While an employee need not specifically assert his or her rights under the FMLA or even mention the FMLA in requesting

leave, the employee must provide information sufficient to enable the City to determine whether the leave may be FMLA-qualifying and the anticipated timing and duration of the leave. If the leave is for a condition for which the City has previously approved FMLA leave, the employee must specifically reference that qualifying reason for the leave.

If the employee provides at least verbal notice sufficient to make a supervisor aware that the employee needs FMLA-qualifying leave, it is the responsibility of the supervisor to ensure that the employee is notified of his or her potential rights to FMLA-covered leave.

Whenever foreseeable (e.g., birth or placement of child, planned medical care), the employee shall provide the department head with not less than thirty (30) days advance notice of intended FMLA leave. If circumstances prevent providing thirty (30) days advance notice, the employee shall provide as much notice as is reasonable and practicable. In an emergency, notice may be given by the employee's adult family member or other responsible party. If the employee fails to provide required notice of foreseeable leave with no reasonable excuse, the City may delay the FMLA leave to the extent permitted by law.

The City reserves the right to designate any qualifying leave as FMLA leave, regardless whether the employee has specifically requested FMLA leave. An employee who takes or plans to take more than three (3) consecutive paid or unpaid days or shifts off due to an injury, illness or health condition shall apply for, or be deemed to have applied for, FMLA leave.

An employee is required to comply with all of his or her department's usual and customary notice and procedural requirements for requesting leave, absent extenuating circumstances, and is also expected to make a reasonable effort to schedule medical treatment and other eligible appointments/events so as not to unduly disrupt the ongoing operations of his or her department.

#### Documentation

Any employee requiring FMLA leave must complete and submit an FMLA Request Form to his or her department head, who shall sign the form and forward it to Human Resources. If the employee is unable to complete the form, the employee's department head may do so on the employee's behalf.

If FMLA leave is for the employee's own Serious Health Condition, for the care of a family member with a Serious Health Condition or for the care of a covered service member, a written medical certification must be obtained from the patient's health care provider (or in the case of a covered service member, an authorized DOD provider). Upon receipt of an employee's properly completed FMLA Request Form, Human Resources will provide, within five (5) working days (absent extenuating circumstances), a Notice of Eligibility and Rights and Responsibilities along with the appropriate certification form for the health care provider.

The City may, at its own expense, require a second and third medical opinion (except for leave to care for a covered service member) if there is a question as to the necessity for leave relating to a

serious health condition. The City will designate the health care provider to furnish a second opinion. A third health care provider, whose decision is final and binding, shall be designated or approved jointly by the City and the employee. Pending the receipt of the second or third medical opinion, the employee will be provisionally entitled to FMLA benefits.

If FMLA leave is for a qualifying exigency, the employee must also submit a copy of the covered military member's active duty orders and a certification form. Upon receipt of an employee's properly completed FMLA Request Form, Human Resources will provide, within five (5) working days (absent extenuating circumstances), a Notice of Eligibility and Rights and Responsibilities along with the appropriate certification form for the employee.

The Notice of Eligibility and Rights and Responsibilities will indicate, among other things:

- whether the employee is eligible for FMLA leave, and, if not, why not; and
- the employee's specific obligations with respect to FMLA leave, and the consequences of a failure to meet these obligations.

Any certification forms required to complete the leave application process will be included with the Notice.

After all required documentation is provided by the employee and/or his or her health care provider, Human Resources will send a Designation Notice, informing the employee whether or not his or her leave will be designated FMLA-qualifying.

All certification forms will be supplied by Human Resources and will comply with U.S. Department of Labor guidelines. If an employee fails to provide the required certification in a timely manner, the employee may be denied FMLA leave until such certification is provided.

When an employee's need for intermittent leave due to the employee's own serious health condition or that of a family member lasts beyond a single rolling twelve (12) month period, the City may require the employee to provide a new medical certification in each subsequent twelve (12) month period in compliance with applicable law and regulation.

An employee may also be required to periodically provide a recertification. The City may require such recertification no more frequently than every thirty (30) days, and only in connection with an absence by the employee, except in the following circumstances:

- *More than 30 days:* If the medical certification indicates that the minimum duration of a condition is more than thirty (30) days, the City will wait until the minimum duration passes before requesting a recertification. However, in no case is the City required to wait more than six (6) months before requesting a recertification.

- *Less than 30 days:* The City may request recertification in less than thirty (30) days if the employee requests an extension of the leave, the circumstances described by the previous certification have changed significantly, or the City receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.

If an employee is requesting leave to care for a family member with a serious health condition, for a qualifying exigency, or to care for a covered service member, the City may require the employee to provide reasonable documentation of the requisite family relationship.

To facilitate the communication required by FMLA absences, an employee may be required to make periodic contact with his or her supervisor or another designated member of management throughout his or her absence. Any employee on FMLA leave who is away from the address on file with the City's payroll office for a period of more than three (3) days shall notify the contact person of the phone number and address at which he or she can be reached.

#### Compensation and Benefits under the Family and Medical Leave Act

Leave taken under the FMLA is unpaid. It is, however, the policy of the City to require employees to substitute other applicable earned or accrued paid time, as set forth below, for all or part of the unpaid leave. Such paid leave shall run concurrently with FMLA leave and shall count against the employee's leave entitlement under the FMLA.

- For the birth or placement of a son or daughter (not including the actual childbirth, which is treated as a serious health condition) or for a qualifying exigency, an employee is required to exhaust all PTO in lieu of unpaid leave under the FMLA. The employee may elect, but is not required, to use other paid leave, such as compensatory time off, prior to beginning unpaid FMLA leave. The employee may not use time in his or her Sick Leave Bank for the birth or placement of a child.
- For a serious health condition that makes the employee unable to perform the essential functions of his or her job, to care for the employee's spouse, son, daughter or parent with a serious health condition, or to care for a covered service member, an employee is required to use PTO until his or her PTO balance is seventy-five (75) hours or less and then to exhaust all time in his or her Sick Leave Bank in lieu of unpaid leave under the FMLA. The employee may elect, but is not required, to use any remaining PTO and/or other paid leave, such as compensatory time off, prior to taking unpaid FMLA leave. However, an employee who refuses a suitable light duty assignment will not be allowed to use time in his or her Sick Leave Bank for his or her own serious health condition.

Other paid leave, including PTO and compensatory time off, may be used with the written permission of the employee's department head.

Taking FMLA leave shall not result in the loss of any employment benefit accrued prior to the date on which the leave commences.

The following benefits are not affected during unpaid FMLA leave:

- Group term life insurance, accidental death and dismemberment insurance and short-term disability insurance will remain in force at the City's expense.
- Group health insurance coverage will continue on the same basis as coverage would have been provided had the employee been actively employed during the leave period as long as the employee pays his or her regular portion of the premium on a timely basis. Failure to pay or timely pay such premiums during leave may result in loss of health insurance coverage. Moreover, an employee who does not return to full-time work for a period of at least thirty (30) calendar days at the end of the leave, unless the reason the employee does not return is beyond his or her control, will be expected to reimburse the City for health insurance premiums paid by the City during the leave period. The City shall take action to collect such payments to the extent permitted by law. An employee who chooses not to retain the City's health coverage during FMLA leave will be entitled, upon return from leave, to reinstatement on the same terms as prior to taking the leave.
- Long-term disability insurance will continue on the same basis as coverage would have been provided had the employee been actively employed during the leave period, as long as the employee pays his or her premium on a timely basis. Failure to pay or timely pay such premiums during leave may result in loss of long-term disability insurance coverage, and the employee may be required to provide proof of insurability before coverage is reinstated.
- Although employee and employer contributions to PERF will be suspended during an unpaid leave of absence, no break shall be reflected in the employee's service credit. City service credit, as used to determine longevity, PTO accruals and retiree insurance benefits, shall also continue uninterrupted.

The following benefits are affected during an unpaid FMLA leave:

- An employee shall not accrue PTO for any bi-weekly pay period during which the employee is paid for fewer than seventy-five (75) hours (eighty (80) hours for golf course employees).
- An employee shall not receive holiday pay for any holiday that falls during a period of unpaid leave.

Returning from FMLA leave

The City may require an employee on FMLA leave to report periodically on his or her status and intent to return to work. If the circumstances change and it becomes necessary for an employee to take either more or less leave than originally anticipated, the employee is required to provide notice of the changed circumstances within two (2) business days of being made aware of such change(s). If an extension is requested a recertification may be required.

In no case may the employee be required to take more leave than necessary to resolve the circumstance that precipitated the need for leave.

In general, upon return from FMLA leave an employee is entitled to be reinstated to the same position he or she held when leave commenced, or to an equivalent position with equivalent pay, benefits, working conditions and other terms and conditions of employment. In addition, the position in which the employee is placed will have substantially similar duties, skill, effort, responsibility and authority. The right to reinstatement is not absolute—reinstatement may be denied if:

- The employee would not have been employed by the City at the time reinstatement is requested even if he or she had not taken leave; or
- The reinstatement of a Key Employee will cause substantial and grievous economic injury to the operations of the City; or
- The employee is unable to perform an essential function of his or her position or an equivalent position, with or without reasonable accommodation, because of a physical or mental condition; or
- FMLA leave has been fraudulently obtained.

An employee who has taken leave for his or her own serious health condition is required to provide a medical certification from the health care provider stating that the employee is able to resume work. The City may require that the certification specifically address the employee's ability to perform the essential functions of his or her job, in which case the City will provide the employee with a list of essential job functions to facilitate this requirement. If the employee fails to provide a fitness-for-duty certification, return from leave shall be denied until the certificate is submitted. At the City's discretion, an employee who fails to provide either a fitness-for-duty certification or a new medical certification for a serious health condition may be terminated.

If the City questions an employee's ability to resume work, it may, at its own expense, require a medical examination that is job related and consistent with medical necessity.

If an employee gives unequivocal notice of intent **not** to return to work, the City's obligations under FMLA to maintain health benefits and to restore the employee to his or her position cease.

#### Limitations on FMLA Leave

An employee who is taking FMLA Leave for his own serious health condition shall not engage in outside employment during the period of leave.

Any period of leave that extends beyond twelve (12) weeks in a rolling twelve (12) month period (or twenty-six (26) weeks in a single twelve (12) month period to care for a covered service member) is not FMLA-eligible. After the twelve (12) week (or twenty-six (26) week) entitlement is exhausted, an employee is no longer entitled to the protections of the FMLA.

In the case of spouses who are both eligible City employees, FMLA leave taken by such spouses in any rolling twelve (12) month period shall be limited to a combined total of twelve (12) weeks if the leave is taken for the birth or placement of a son or daughter, to care for a parent with a serious health condition, or due to a qualifying exigency. If the leave is taken to care for a covered service member, or for a combination of caring for a covered service member and for any other qualifying reason, such spouses are limited to a total of twenty-six (26) weeks of leave in a single twelve (12) month period.

Entitlement to FMLA leave for the birth or placement of a child into an employee's family shall expire at the end of the twelve (12) month period beginning on the date of birth or placement.

#### Non-Discrimination/Retaliation

The City will not interfere with, restrain or deny the exercise of any right provided under the FMLA; discharge or discriminate against any person for opposing any practice made unlawful by the FMLA; or discharge or discriminate against any person for his or her involvement in any proceeding under or related to the FMLA.

Any employee who believes that the City has violated the foregoing may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against the City. The City requests, however, that employees bring any such complaints first to the attention of their department head or to Human Resources to allow for resolution. The FMLA does not affect any Federal or State law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement that provides greater family or medical leave rights.

### **F. INDIANA MILITARY FAMILY LEAVE**

An employee who has a family member ordered to active military duty, but who does not meet the FMLA criteria for a qualifying exigency, may be eligible for leave under the Indiana Military Family Leave Act ("IMFLA"), which provides eligible employees with an unpaid leave of

absence to spend time with certain family members who are engaged in or called to active military service.

### Qualifying Leave

An eligible employee under IMFLA is an employee who: (i) has been employed by the City for at least twelve (12) months; (ii) has worked at least one thousand five hundred (1,500) hours during the twelve (12) month period immediately preceding the leave; and (iii) is the spouse, parent, grandparent, sibling, court-appointed guardian or custodian (as construed according to the statute) of an individual who is ordered to active military duty in the Armed Forces of the United States or the National Guard for a period that exceeds eighty-nine (89) consecutive calendar days.

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

- The thirty (30) days before active duty orders are in effect;
- A period in which the person ordered to active duty is on leave while active duty orders are in effect; and/or
- The thirty (30) days after the active duty orders are terminated.

An employee who is eligible for ten (10) or more days of FMLA leave for a qualifying exigency that also qualifies as covered leave under the IMFLA shall not also be eligible for IMFLA leave in the same calendar year.

### Requesting and Documenting Leave

An employee requesting leave under this policy must submit a Military Family Leave Request Form, with a copy of the active duty orders attached, at least thirty (30) days prior to the beginning date of the leave (unless the orders are issued less than thirty (30) days before the requested leave date). The City may require verification of eligibility for the leave. If the employee does not provide verification of eligibility on a timely basis, the absence shall be considered unexcused and may lead to disciplinary action.

### Compensation and Benefits under the Indiana Military Family Leave Act

Although leave taken under the IMFLA is unpaid, the City requires an employee to substitute paid leave, including PTO and/or compensatory time off, for unpaid military family leave. Such paid leave shall run concurrently with IMFLA leave and shall be counted against the employee's leave entitlement under the IMFLA. The time in an employee's Sick Leave Bank may not be substituted for unpaid leave under the IMFLA.

The City will maintain health insurance coverage and other employee benefits for an employee who takes IMFLA for the period of such leave.

Reinstatement

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.

Non-discrimination

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

**G. MILITARY LEAVE**

It is the City's intent to comply at all times with applicable Federal and State law as it pertains to military leave, including, but not limited to, the Uniformed Services Employment and Reemployment Rights Act ("USERRA").

Annual Training

Any employee who is a member, as that term is defined in Indiana Code § 10-16-7-2, of the Indiana National Guard or a reserve component of the U.S. armed forces, is entitled to receive up to fifteen (15) consecutive or nonconsecutive days of military leave annually, without loss of time or pay, for such time as the employee is on Indiana National Guard or reserve component training or duty pursuant to appropriate and authorized military orders. Such time away from the job shall not be charged against the employee's PTO Bank.

Active Duty

Any employee who is a member, as that term is defined Indiana Code § 10-16-7-2, of the Indiana National Guard shall also be entitled to receive an unpaid leave of absence for the total number of days that he or she is on state active duty pursuant to Indiana Code § 10-16-7-7. Such an employee may elect to substitute paid leave (excluding time from Sick Leave Bank) for any portion of this unpaid leave time.

Other Military Duty

USERRA may provide an employee with additional rights as regards unpaid military leave and job reinstatement. In general, USERRA covers all categories of military training and service, including duty performed on a voluntary or involuntary basis, in time of peace or war. A

complete list of current employee rights and obligations under USERRA is available from Human Resources. An employee who exercises rights provided by USERRA shall not be discriminated or retaliated against in any matter of employment for exercising those rights.

#### Compensation and Benefits During Periods of Active Duty

The City shall pay 100% of the employer **and** employee contributions for dependent (spouse and children) health insurance coverage during a period of active duty, other than active duty for training, if the dependents are covered under the City plan.

The City may, in its sole discretion, elect to pay the difference between an employee's active duty pay and the employee's regular City salary or wages, whether the employee's military leave is taken pursuant to Indiana law and/or USERRA, whenever the employee is ordered to active duty other than active duty for training.

Supplemental pay, if provided, shall be subject to the following conditions:

- Supplemental pay will be determined by comparing gross military pay to gross City pay (excluding overtime). If the City's pay is greater, the supplement shall be the difference between the two. If the City's pay is less than or equal to military pay, there shall be no supplement.
- Hardship Duty/Imminent Danger Pay and Family Separation Allowance shall not be included in military gross pay for purposes of calculating supplemental pay.
- To determine gross military pay, the employee is required to submit a military Leave and Earnings Statement ("LES") at the time he reports for active duty, at the time he is released from active duty and at any time between if military pay changes. If military pay increases during the period of active duty and a new LES is not submitted to the City, the employee shall, upon return from active duty, be required to repay the City for any overpayment of supplemental pay.

Questions regarding provisions of USERRA should be referred to the Director of Human Resources.

#### **H. BEREAVEMENT LEAVE**

Up to three (3) days (twenty-two and one-half (22.5) hours) of paid leave shall be granted per calendar year for a death that occurs in a full-time employee's immediate family.

Immediate family is defined as father, mother, husband, wife, brother, sister, child, grandchild or grandparent. Immediate family also includes a mother- or father-in-law, son- or daughter-in-law, sister- or brother-in-law, grandparent-in-law, as well as step-mother or -father, step-children, step-

brother or -sister, step-grandparents or step-grandchildren. In addition, a maximum of one (1) of the three bereavement days each year can be used for an aunt, uncle, cousin, niece or nephew (including step- or in-law relationships).

An employee's Bereavement balance can be seen on the ADP electronic timecard page. Discrepancies should be immediately brought to the attention of the employee's supervisor.

An employee in need of more than three (3) days for bereavement must use PTO or comp time, or seek approval for additional **unpaid** leave through his or her department head, who shall review each request on a case-by-case basis.

An eligible employee must notify his or her supervisor of the death and request bereavement leave. The City reserves the right to require documentation.

This leave cannot be accumulated or carried forward to the following year.

## **I. JURY DUTY/COURT APPEARANCES**

### Jury Duty

Time off shall be granted to any full-time employee who is required to serve on a jury or a grand jury during his or her scheduled work day. The employee shall be paid his or her regular salary or wage for such court time.

The employee shall present a copy of the summons for jury duty to his or her supervisor immediately upon receipt. If the employee is required to report for jury selection or is selected for jury duty, the employee shall provide his or her supervisor with an attendance slip from the court.

An employee shall not waive his or her right to compensation from any court. An employee who receives compensation for jury duty shall remit such payment to the City Controller's office. Any payments made to the employee by the court for expenses (e.g., mileage or meals) may be retained by the employee.

An employee released from jury service during normal working hours shall report to his or her work site as soon as is reasonably practical.

### Other Court Appearances

Time off shall be granted to any full-time employee who is required to appear in court under subpoena (as a witness), to a maximum of one (1) day (seven and one-half (7.5) hours) per calendar year, as long as the employee is not acting as an employee and/or representative of another organization at the time of the appearance. The employee shall be paid his or her regular salary or wage for such time.

An employee who is scheduled to appear in court for personal business must use his or her PTO unless the employee is the victim in a criminal proceeding, in which case, the employee will be allowed up to three (3) additional paid leave days per calendar year for this purpose.

For all court appearances, the employee shall provide his or her supervisor with a copy of the subpoena or notice of proceedings as soon as possible. After each appearance, the employee must provide documentation from the court as to the actual dates and times of attendance.

Court time will also be paid if the employee is participating in a proceeding pertaining to his or her employment with the City. Time off under these circumstances shall be limited only by the legal needs of the City.

**J. SPECIAL/EMERGENCY DAYS OFF**

The Mayor may declare the City in limited operations mode for general business purposes due to weather, special events, or for the general health, safety and welfare of City employees. When the City is in limited operations mode, essential public safety services will continue uninterrupted, but some non-essential services may be curtailed. Limited operations status will be posted on the City's website ([www.carmel.in.gov](http://www.carmel.in.gov)) and may also appear on various radio and television outlets. Whenever possible, a telephone chain will also be set in motion to notify personnel affected by the City's status.

For emergency purposes, each position shall be designated "essential" or "non-essential." The designation bears no relationship to the value of the position or the individual who holds the position. It is strictly a function of whether the position involves tasks that impact public health or safety, which tasks must be performed regardless of circumstances.

Essential civilian employees generally include all Street Department employees and those Water and Wastewater Treatment Plant employees required to maintain operations. Department heads may designate other positions essential as circumstances require.

Whenever the Mayor declares the City to be in limited operations mode, essential employees are expected to report for duty at their regularly scheduled time or as requested by their supervisors. Failure to do so may result in disciplinary action. They will receive their regular rate of pay, including overtime, if applicable.

A non-essential civilian employee who is not specifically called in to work is expected to use his or her best judgment as to whether it is safe and appropriate to report to work on a day the City is in limited operations mode. An employee who elects not to report to work shall not be penalized in any way, but shall be charged PTO time for the day, or for any part of the day not worked as scheduled. If the employee has no time in his PTO bank, the day shall be unpaid.

**K. LEAVE WITHOUT PAY**

Employee Initiated Leave

Every leave not mandated by state or federal law is contingent upon the ability of the City to maintain adequate staffing during an employee's absence.

Unpaid leaves of absence may be granted for reasons other than health, for health reasons that do not meet FMLA criteria, or for individuals who do not qualify for FMLA leave. Such leave shall not exceed six (6) months in any twenty-four (24) month period. All unpaid leave requests must be in writing.

Unpaid leave requests of two (2) consecutive calendar weeks or less may be approved by the employee's department head, who may require that all applicable accrued paid leave be exhausted by an employee before unpaid leave commences.

Requests for unpaid leave of longer than two (2) weeks must be submitted to the employee's department head. The department head will put the request on the Board of Public Works and Safety agenda and will make a recommendation to the Board. The employee may speak on his or her own behalf at the Board's meeting. All applicable accrued paid leave must be exhausted prior to requesting unpaid leave of more than two (2) consecutive weeks in length.

Benefits While on Unpaid Leave

If an employee is on unpaid leave less than the two (2) full pay periods (four (4) weeks) under this policy, the City will continue to pay its designated portion of the employee (and family, if applicable) health insurance premium. The remaining portion will be paid by the employee. Beginning with the third consecutive pay period of unpaid leave (except approved FMLA leave), the employee will be required to pay 100% of the required employee and employer insurance premiums. (An employee will not be allowed to circumvent the requirement of paying his or her entire health insurance premium by returning to work periodically during a leave period.) All bi-weekly premiums are due on payday unless alternate arrangements are made in advance with Human Resources.

The City will continue to pay premiums for group term life insurance, accidental death and dismemberment insurance and short-term disability insurance during the leave of absence. Premiums for long-term disability, optional life, and optional accidental death and dismemberment ("AD&D") insurance must be paid by the employee on a bi-weekly basis. All bi-weekly premiums are due on payday unless alternate arrangements are made in advance with Human Resources.

An employee shall not accrue PTO for any bi-weekly pay period during which the employee is paid for fewer than seventy-five (75) hours (eighty (80) hours for golf course employees).

An employee will not receive holiday pay while he or she is on unpaid leave.

PERF service credit during a leave of absence is calculated according to PERF regulations.

#### Returning From Leave

As long as an employee returns to work by his or her scheduled return date, no further documentation or notification is necessary, unless the leave is for medical reasons. In that case, the employee's physician must release the employee to return to work. Leave extensions must be granted by the department head or the Board of Public Works and Safety, as outlined above, based upon the total length of the leave requested and/or taken.

#### Disciplinary Leave

An employee placed on unpaid leave for disciplinary reasons, or pending resolution of criminal charges, shall accrue and/or receive benefits as outlined above for employee-initiated leave

### **M. ADMINISTRATIVE LEAVE**

The City may, in its sole discretion, place an employee on administrative leave, paid or unpaid.

Paid administrative leave may be used in rare situations where the City deems it advisable for an employee to be away from the workplace through no alleged or suspected fault of the employee.

Unpaid administrative leave may be used when an investigation has been initiated that is based, in part, upon an employee's alleged or suspected misconduct.

An employee may also be placed on administrative leave, paid or unpaid, in other unusual circumstances that do not meet the criteria established for any type of leave described above.

The Director of Human Resources shall determine whether administrative leave, paid or unpaid, is appropriate after meeting with the department head. If necessary, the Director of Human Resources shall also meet with the Chief of Police, or his or her designee, and/or Corporation Counsel, or his or her designee, to address any safety concerns arising out of any alleged or suspected misconduct and the need for preservation of evidence.

The Mayor shall determine whether to place a department head, including the Director of Human Resources or Corporation Counsel, on administrative leave, paid or unpaid.

If an employee was placed on unpaid administrative leave and it is determined that any allegation, claim, or suspicion of misconduct is unsubstantiated, the employee will be paid for the time missed on administrative leave upon his or her timely return to work for the City.

An employee on paid administrative leave shall receive the same benefits as an employee on PTO. An employee on unpaid administrative leave shall receive the same benefits as an employee on Leave Without Pay, as described above—however, the City may, in its sole discretion, elect to pay its designated portion of the employee (and family, if applicable) health insurance premium for any pay cycle beyond the second consecutive pay cycle that the employee is on unpaid administrative leave.

No employee has a right to administrative leave, either paid or unpaid. Nothing in this section is intended to alter the at-will status of any employee and the City has the right to terminate the employee while he or she is on administrative leave.

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**BENEFITS\***

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**\*Many of these benefits are provided through plan documents developed by the City, contracts with outside vendors, or state legislative requirements. In each case, the specific provisions are too complex and too detailed to be included here. Please refer to the appropriate plan document, vendor contract or statute for more complete details regarding these benefits. If a conflict exists between the benefits described here and the official plan documents, the terms of the plan documents will prevail.**



**CHAPTER 6**  
**BENEFITS**

**A. HEALTH INSURANCE**

All full-time employees of the City shall be eligible to join the City of Carmel Employee Health Benefit Plan following a thirty (30) day waiting period that begins on the date of hire. Medical (including vision) and dental insurance are available separately or jointly. Enrollment forms shall be filled out and filed with the City at the time of the new employee's orientation. Any employee who initially declines coverage must wait for the annual open enrollment period to enroll, unless he or she meets the requirements for a special enrollment period.

The City will contribute 75% or more of the premium for single and family coverage, the exact amount to be determined on an annual basis. The employee shall be responsible for the remaining portion of the premium, to be assessed through payroll deduction. The City maintains a Section 125 Plan, which allows premiums to be deducted on a pre-tax basis.

All entitlements to benefits under the City's Employee Health Benefit Plan for an employee and his or her eligible dependents shall cease at midnight on the 30th day after employment is terminated. At the time of separation (unless terminated for gross misconduct) the employee shall be offered an opportunity to continue health benefits under federal Consolidated Omnibus Budget Reconciliation Act ("COBRA") regulations by paying 100% of the cost of the insurance plus a small administrative fee. Information regarding the cost and conditions of COBRA coverage shall be mailed to the employee's home address of record shortly after his or her employment termination date.

Pursuant to City ordinance, retirees hired on or before October 2, 2016, and their eligible dependents, may also qualify for continued coverage. Retirees with less than twenty (20) years of service who qualify for such coverage shall pay 100% of the premiums for themselves and their eligible dependents. Retirees with more than twenty (20) years of service to the City are eligible to have the City pay 50-75% of the employee-spouse premium, depending on the length of service, up to the monthly maximum established by ordinance. Employees hired on or after October 3, 2016, are not eligible for this benefit.

Employees who are disabled or die in the line of duty may be eligible for premium assistance for themselves or their surviving family members. Contact Human Resources for more information.

All coverage for retirees ceases at the time of their Medicare eligibility.

**Health insurance eligibility and benefits are determined solely by the Plan Document, as approved by the Board of Public Works.**

**B. HEALTH SAVINGS ACCOUNT**

An employee who enrolls in a High Deductible Health Plan (“HDHP”) may be eligible to open a Health Savings Account (“HSA”) to pay for eligible medical expenses with pre-tax dollars. The HSA is funded by a combination of employer and employee contributions.

All money in an employee’s HSA belongs to the employee. It can be rolled over from year to year, and it goes with the employee upon termination of employment.

**HSA eligibility and benefits are determined by the federal government and by the vendor contract, as approved by the Board of Public Works.**

**C. FLEXIBLE SPENDING ACCOUNT**

A flexible spending account, also a feature of the City’s Section 125 Plan, allows employees who enroll in the City’s PPO plan to pay a portion of their unreimbursed medical and dependent care expenses with their own pre-tax dollars. The City will pay all administrative fees pertaining to these accounts, which are provided at no cost to the employee.

An employee may elect or decline to participate in a flex account on an annual basis. Once the decision is made, it cannot be revoked during the calendar year except under very limited circumstances defined by the IRS.

**Flexible spending account eligibility and benefits are determined by the federal government and by the vendor contract, as approved by the Board of Public Works.**

**D. PRIMARY PLUS EMPLOYEE HEALTH CENTER**

The Primary Plus Employee Health Center is a part-time clinic operated exclusively for the benefit of those employees and family members enrolled in the City’s health insurance plan. The Health Center is staffed by an internist or family practitioner and other medical professionals who provide acute and preventive care. The ability to treat dependents five (5) years of age or younger may be limited.

To be respectful of every user’s time, visits are by appointment only; walk-ins will not be accommodated. To schedule a visit, use the scheduling tool on the City website or call (317) 688-5415. The website also has a list of Health Center FAQs.

Services provided by the Health Center are free of charge to the employee, as are medications dispensed by the Health Center. Many generic maintenance drugs are also available at no charge for a ninety (90) day mail order supply.

In addition to free medical care and generic prescriptions, the City allows employees to visit the

clinic without using PTO or compensatory time, within certain limitations. If an employee's clinic visit is longer than one (1) hour, including driving time (or longer than two (2) hours when transport of a dependent is involved), the employee must use PTO or compensatory time to make up the difference.

**E. DISABILITY INSURANCE**

The City provides short-term disability insurance for all full-time civilian employees, effective the first day of the month following thirty (30) days of full-time employment. Benefits begin on the 15th day after the onset of a qualifying disability and may continue for up to fifteen (15) weeks.

Optional long-term disability insurance is available to all full-time civilian employees. Employees who elect this coverage will be responsible for the full cost, to be assessed through payroll deduction. Long-term disability benefits begin when short-term disability benefits for a qualifying disability are exhausted, and may continue to age 65.

An employee who declines long-term disability coverage during his or her initial enrollment period must provide proof of insurability to enroll at a later date, and may be declined coverage.

An employee who is on paid leave from the City is not eligible at the same time to receive short-term or long-term disability benefits. The employee is required to use all but seventy-five (75) hours in his or her PTO Bank and all time in his or her Sick Leave Bank before becoming eligible for disability benefits. An employee may elect to use any remaining PTO balance or accrued compensatory time off before disability benefits commence.

All entitlements to short-term and long-term disability insurance provided by the City shall cease at midnight on the last date of employment with the City, unless the employee is entitled to benefits on the separation date.

**Disability insurance eligibility and benefits are determined solely by the vendor contract, as approved by the Board of Public Works.**

**F. LIFE/ACCIDENTAL DEATH AND DISMEMBERMENT INSURANCE**

All full-time City employees shall be eligible for \$20,000 of group life insurance and \$20,000 of accidental death and dismemberment insurance paid by the City. Coverage shall commence on the first day of the month following thirty (30) days of full-time employment.

All entitlements to life insurance and accidental death and dismemberment insurance provided by the City shall cease at midnight on the last date of employment with the City.

Optional life and AD&D insurance is also available to full-time City employees and their dependents. Some underwriting rules may apply. The employee will pay the full cost of all optional insurance

through payroll deduction.

**Life/AD&D eligibility and benefits are determined solely by the vendor contract, as approved by the Board of Public Works.**

#### **G. WORKER'S COMPENSATION INSURANCE**

The City carries worker's compensation insurance on all City employees in order to provide coverage for injuries and illnesses arising out of and in the course of employment. Such insurance shall include coverage for medical benefits and for lost wages. Lost wages are covered at 60% of the employee's regular wages. The City will supplement a full-time employee's worker's compensation benefits for the first six weeks of absence under the provisions of Carmel City Code § 2-46. A copy of the code is available upon request from Human Resources.

All work-related injuries and illnesses for which treatment is necessary shall be recorded on the First Report of Employee Injury/Illness form and submitted to the City's insurance carrier within two (2) business days of the injury or illness. A copy of such form shall be forwarded immediately to Human Resources for recordkeeping purposes.

The City has the right to direct the treatment of work-related injuries. Initial treatment must be provided by the City's designated facility. In case of an emergency, the employee should be taken to the nearest emergency room. An employee who chooses to see his or her personal physician, or any other provider, will not be eligible for benefits from the City's health plan or from the City's worker's compensation plan.

The City is not responsible for accidents or injuries suffered by employees while off the City's premises unless the employee is acting within the scope of his or her employment or at the direction of his or her supervisor, and is conducting City business. Attendance at City-sponsored social events is voluntary and is not covered by worker's compensation insurance.

**Workers compensation eligibility and benefits are determined by state law and by the vendor contract, as approved by the Board of Public Works.**

#### **H. INDIANA PUBLIC RETIREMENT SYSTEM ("INPRS")**

Full-time civilian employees who work or expect to work one thousand (1,000) hours or more per year must participate in the Public Employees Retirement Fund (PERF). An individual who is hired as a full-time City employee becomes a member of PERF on the first day of employment. Two (2) separate and distinct contributions are made to PERF on behalf of City employees.

##### Employer Contribution

The City contributes a percentage of each eligible employee's gross wages to PERF to fund pension

obligations. These payments are **not** credited to a particular employee's account. Employees are eligible for full retirement benefits at age 65 if they have ten (10) or more years of service to the City, the State of Indiana, or any political subdivision of the state participating in PERF. An early retirement plan is available for employees aged 60 with fifteen (15) or more years of creditable service or at age 55 if the employee's age plus years of creditable service are equal to eighty-five (85) or more.

### Employee Contribution

An amount equal to three percent (3%) of each eligible employee's gross wages is credited to an annuity savings account (ASA) for that particular employee. These are regarded as **employee** contributions. However, as part of a salary adjustment that took effect in January 1998, the City makes the contribution on behalf of the employee. An employee is vested in the ASA immediately, but can only withdraw funds when he or she separates from PERF-covered employment or at retirement. The PERF Annuity Savings Account program allows members to actively participate in managing their retirement benefits through self-directed investment options. PERF produces quarterly statements for each annuity account.

A PERF member handbook is available online at [www.in.gov/perf](http://www.in.gov/perf). PERF questions may be directed to Human Resources. However, due to the number and complexity of available retirement options, employees nearing retirement are encouraged to contact the PERF office for information and advice. PERF must be notified at least ninety (90) days in advance of a planned retirement date in order to ensure a smooth transition from the last pay check to the first benefit payment.

**PERF eligibility and benefits are determined solely by the Indiana state legislature, and are not under the control of the City of Carmel.**

## **I. DEFERRED COMPENSATION**

The City has established an elective deferred compensation (457(b)) program for its employees. This is a voluntary, tax-deferred savings plan for employees who wish to supplement their retirement income.

All full-time and part-time employees are enrolled and eligible to participate in the deferred compensation plan immediately upon commencement of employment. An employee must contact the plan advisor to get specific plan information and to enroll.

Because deferred compensation accounts are intended for retirement savings, early withdrawals are allowed only upon termination of employment or in unforeseeable emergency situations. Applications for emergency withdrawals must be made to the plan administrator.

**Loans against deferred compensation plans are not allowed under any circumstances.**

The City will match certain deferred compensation contributions of full-time and part-time employees, to the extent such contributions are allowed by law. (Contributions made under the special catch-up provisions of the plan are not eligible for matching.) The City will match employee contributions at the

levels stated below:

- No match in the first year of employment with the City;
- 10% match after one (1) full calendar year of employment with the City;
- 20% match after two (2) full calendar years of employment with the City;
- 30% match after three (3) full calendar years of employment with the City;
- 40% match after four (4) full calendar years of employment with the City;
- 50% match after five (5) full calendar years of employment with the City.

The City's matching contribution shall not exceed 50% of the employee contribution or the annual maximum established by City ordinance, whichever is lower, regardless of the employee's length of service or personal contribution.

Should an employee separate from the City and then be re-employed within 100 calendar days, the employee shall be entitled to full credit for service prior to the separation. After a separation of more than 100 calendar days, a returning employee shall be treated as a new employee for purposes of the deferred compensation matching program and shall not receive credit for prior service.

A 401(a) account will be established for each employee who is eligible to receive matching funds. Only the matching funds contributed by the City will be deposited into the 401(a) account; employee contributions will be deposited into the 457 account.

An employee is not allowed to withdraw money from a 401(a) account, for any reason, while he or she is still employed by the City.

**Deferred compensation guidelines are determined by the federal government, and by the vendor contracts, as approved by the Board of Public Works.**

**J. EMPLOYEE ASSISTANCE PROGRAM ("EAP")**

On occasion, employees may be troubled by work-related or personal problems that inhibit their ability to effectively perform their jobs. The City's Employee Assistance Program ("EAP") provides full-time employees and their immediate family members short-term counseling, free of charge, to address issues such as marriage problems, divorce or separation, parent-child conflict, stress, depression, alcohol or chemical dependency, financial difficulties and health concerns.

The EAP staff may make referrals for long-term counseling, which shall be at the expense of the

employee if not covered by health insurance. The EAP may make a referral immediately rather than providing short-term counseling if, in the staff's professional opinion, the employee needs a level of assistance they cannot provide.

All counseling sessions are private and are conducted by trained and certified professional staff. Appointments can be made by the employee or, in some instances, intervention may be recommended or required by the City. Use of the EAP is confidential. Unless the counseling has been recommended or required by the City, no City manager or administrator shall have access to the names of employees receiving counseling services through the EAP.

Contact information for the EAP is available on the City website or from Human Resources.

**EAP eligibility and benefits are determined solely by the vendor contract, as approved by the Board of Public Works.**

#### **K. ADOPTION ASSISTANCE**

The City of Carmel Adoption Assistance Program provides financial assistance to employees who are building families through adoption.

##### Benefit

The City will reimburse an eligible employee for qualified adoption expenses to a maximum of \$10,000 per child (lifetime maximum \$20,000 per employee).

If an eligible employee and his or her spouse or domestic partner both work for the City, only one employee can utilize the benefit for each adopted child. The two together are eligible for reimbursement up to \$10,000 per child (lifetime maximum \$40,000). In the case of the simultaneous adoption of two (2) (or more) children, an eligible employee (and his or her spouse or domestic partner, if employed by the City) will be reimbursed to a maximum of \$20,000.

##### Eligibility

A full-time employee is eligible for adoption benefits immediately upon hire, for expenses incurred after his or her hire date. An employee must be actively employed by the City at the time a claim for reimbursement is presented. No claim will be considered after an employee's separation.

The adopted child must be under the age of eighteen and cannot be a child of the employee's spouse or domestic partner. Adult guardianships and adoptions are not included as part of the Adoption Assistance program.

Qualified Adoption Expenses

Qualified expenses are reasonable and necessary expenses which are directly related to, and the principal purpose of which is, the legal adoption of an eligible child. Qualified expenses include:

- Home studies;
- Agency and placement fees;
- Legal fees and court costs;
- Temporary foster care costs;
- Medical expenses of the birth mother (if not covered by insurance);
- Medical expenses of the child (if not covered by insurance);
- Immigration, immunization and translation fees; and
- Transportation and lodging relating to travel necessary for the adoption

Qualified adoption expenses shall NOT include:

- Surrogate parenting arrangements; or
- Adoption arrangements that violate state or federal law; or
- Expenses that are paid or reimbursed by any other public or private adoption assistance program.

Other adoption expenses not specifically allowed or excluded above shall be reimbursable at the sole discretion of the City, which decision shall be final.

Reimbursement Procedures

An eligible employee may apply for reimbursement of qualified expenses up to \$2,500 (\$5,000 in the case of more than one child) after the child is placed in the home. The balance of the benefit is payable at the time the adoption is finalized. No expenses connected with a foreign adoption (i.e., one in which the child isn't a U.S. citizen or resident) will be reimbursed until the adoption becomes final.

Adoption Assistance claim forms are available on the City website or from Human Resources. Original, itemized receipts for all qualified adoption expenses must be attached to the completed

claim form. The final claim form must also include a copy of the adoption decree. All claims must be submitted to Human Resources no later than six (6) months after the final adoption date. Late claims will not be considered.

Qualified expenses for unsuccessful adoptions may be reimbursed with appropriate documentation. The reimbursement will be applied toward the lifetime employee maximum. Expenses connected with a foreign adoption will qualify only if the child is actually adopted.

### Tax Treatment of Adoption Benefits

Following is a summary of current tax laws as they apply to the City of Carmel Adoption Assistance Program. This summary is not intended as tax or legal advice. The tax status of these benefits may be changed at any time by legislative action. An employee should consult with his or her own tax and/or legal advisors for specific information and advice.

As of January 1, 2008, adoption benefits provided by the City of Carmel Adoption Assistance Program are not subject to federal or state income tax withholding but are subject to Social Security and Medicare taxes. Reimbursements will be issued through the payroll system to withhold applicable taxes. Qualified adoption expenses reimbursed by the City of Carmel Adoption Assistance Program may not be also used to claim a tax credit, deduction, exclusion or other benefit under any other federal income tax rule.

## **L. TUITION REIMBURSEMENT**

### Eligible Employees

Full-time City employees taking college-level courses are eligible for tuition reimbursement if they are employed by the City both one (1) year prior to the beginning of the course for which reimbursement is requested and at the time the final request for reimbursement is made.

An employee is not eligible for reimbursement for any course that begins within ninety (90) days after the employee's disciplinary probation, demotion, or suspension.

### Eligible Courses

Courses must be offered through a degree-granting institution that is accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools or an equivalent regional accreditor, as recognized by the United States Department of Education and the Council on Higher Education Accreditation.

Courses must maintain or improve job-related skills, and must be related to an employee's current position or potential career path within the City. The employee's director shall initially determine whether an employee is eligible for tuition reimbursement and whether a particular course is job-related, subject to final approval by the Director of Human Resources. Even if a

particular course is required for a job-related major, the course itself may not be job-related (i.e., may not eligible for reimbursement).

An employee is not eligible for reimbursement for more than two (2) courses in progress at any given time.

### Exclusions

The City will not provide reimbursement for courses that:

- Offer no academic subject matter (e.g., courses whose purpose is to help students prepare for an exam);
- Are provided by an intermediary institution that does not grant degrees;
- Enable students to receive credit for life experience without providing subject matter content or requiring a competency-based assessment;
- Are audited; or
- Will be paid or reimbursed by any other source, including, but not limited to, scholarships, grants or tuition assistance programs offered by other civilian or military employers.

### Terms of Reimbursement

The employee must submit a separate application form for each course for which reimbursement is requested, which application must be approved by the City before the course commences.

Tuition reimbursement will be made after the course is completed and a grade received. The employee must provide proof of payment for the course and books and a report from the school of the final grade.

Reimbursement amounts shall be:

- Eighty percent of the eligible cost of the course for a final grade no lower than "B-";
- Fifty percent of the eligible cost of the course for a final grade of no higher than a "C+" and no lower than "C-" or "Pass" in a Pass/Fail course;
- No reimbursement for a final grade lower than "C-" or a "Fail", regardless of circumstances;

- No reimbursement for an Incomplete (until the coursework is complete) or for a Withdrawal, regardless of circumstances; and
- Tuition reimbursement applies only to course tuition, books, distance education fees and content-specific fees (e.g., lab fees, program fees, technology fees, fees for required supplies and materials, etc.).
- Enrollment and admission fees, orientation fees, campus fees, student activity fees, library fees, parking fees, student health fees, student union fees, athletic fees, graduation fees and other fees not directly related to a particular course do not qualify for reimbursement.
- Combined tuition reimbursement payments for courses ending in any given year shall not exceed \$6,500 per employee.

#### Reimbursement Guidelines for Schools that Charge on a Per-Term Basis

- The City will not make reimbursement until the end of the term, regardless of when a specific course is completed.
- An employee is expected to take the minimum number of hours specified by the school for the term, including both reimbursable courses and non-job-related courses that are not eligible for reimbursement. If the employee takes fewer than the minimum number of hours, reimbursement calculations will nonetheless be based on the minimum. If the employee takes the minimum number of hours or more, reimbursement calculations will be based on actual hours.
- The employee must submit documentation of enrollment and completion for all courses taken during the term, regardless of whether they are reimbursable.

#### Other Program Requirements

No provision of the program authorizes an employee to enroll in a course that meets or that will require travel time during the employee's regular scheduled work hours. Employees are expected to schedule courses that meet outside of work hours.

Any employee who is reimbursed for tuition under this policy is expected to remain with the City as a full-time employee for a minimum of one (1) year after final reimbursement is made. To the extent permitted by law, an employee who fails to do so shall be required to refund the money paid by the City for each course completed less than a year before full-time employment terminates. The repayment requirement will be waived if the employee is unable to work for health reasons or if the City terminates employment for reasons unrelated to performance.

The employee is responsible for paying all taxes due on tuition reimbursement benefits. Any

reimbursement in excess of the maximum amount established by federal law (\$5,250 in 2020) shall be reported on the employee's W-2 form as taxable income.