

# CITY OF WHITING PERSONNEL POLICY MANUAL

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***The following personnel policies shall be recognized as City policies unless otherwise specified in a collective bargaining agreement.***

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## PURPOSE OF THIS MANUAL

This Manual has been prepared to inform you about the City of Whiting's philosophy, employment practices, and policies, as well as the benefits provided you as a valued employee and conduct expected from you.

No personnel policy manual can answer every question, nor would we want to restrict the normal question and answer interchange among us. It is in our person-to-person conversations that we can better know each other, express our views, and work together in a harmonious relationship.

We hope this Manual will help you feel comfortable with us. We depend on you—your success is our success. Please don't hesitate to ask questions. Your supervisor will gladly answer them. We believe you will enjoy your work and your fellow employees here. We also believe you will find the City of Whiting a good place to work.

We ask that you read this Manual carefully, and refer to it whenever questions arise. We also suggest that you take it home so your family can become familiar with the City of Whiting and our policies.

City policies, benefits, and rules, as explained in this Manual, may be changed from time to time as business, employment legislation, and economic conditions dictate. If and when provisions are changed, you will be given replacement pages for those that have become outdated. A copy will also be placed on our bulletin boards.

## WHAT THE CITY OF WHITING EXPECTS FROM YOU

Your first responsibility is to know your own duties and how to do them properly, correctly, and pleasantly. Secondly, you are expected to cooperate with management and your fellow employees and maintain a good team attitude. How you interact with the fellow employees and those whom the City serves, and how you accept direction can affect the success of your department. In turn, the performance of one department can impact the entire service offered by the City. Consequently, whatever your position, you have an important assignment; perform every task to the very best of your ability. The result will be better performance for the City overall and personal satisfaction for you.

You are encouraged to grasp opportunities for personal development that are offered to you. This Manual offers insight on how you can positively perform to the best of your ability to meet and exceed the City expectation.

We strongly believe you should have the right to make your own choices in matters that concern and control your life. We believe in direct access to management. We are

dedicated to making Whiting the City where you can approach your supervisor or any other member of management, to discuss any problem or question. We expect you to voice your opinions and contribute your suggestions to improve the quality of the City. We're all human, so please communicate with each other and with management.

Remember, you help create the healthful, pleasant, and safe working conditions that the City intends for you. Your dignity and that of fellow employees, as well as that of our citizens (customers), is important.

The City needs your help in making each working day enjoyable and rewarding.

## WHAT YOU CAN EXPECT FROM THE CITY

1. Operate an economically successful organization so that a consistent level of steady work is available.
2. Select people on the basis of skill, training, ability, attitude, and character without discrimination with regard to age, sex, color, race, creed, national origin, religious persuasion, marital status, political belief, or disability that does not prohibit performance of essential job functions.
3. Pay all employees according to their effort and contribution to the success of our City.
4. Review wages, employee benefits and working conditions regularly with the objective of providing maximum benefits in these areas, consistent with sound business practices.
5. Provide paid vacations and holidays to all eligible employees.
6. Provide eligible employees with medical, retirement and other benefits.
7. Develop competent people who understand and meet our objectives, and who accept with open minds the ideas, suggestions and constructive criticism of fellow employees.
8. Assure employees, after talking with their supervisors and department head, an opportunity to discuss any problems with the Mayor.
9. Make prompt and fair adjustments of any complaints which may arise in the everyday conduct of our work, to the extent that is practicable.
10. Respect individual rights, and treat all employees with courtesy and consideration.

11. Maintain mutual respect in our working relationship.
12. Provide buildings and offices that are orderly and safe.
13. Promote employees on the basis of their merit and ability.
14. Make promotions or fill vacancies from within the City whenever possible.
15. Keep all employees informed of the progress of the City, as well as the City's overall aims and objectives.
16. Do all of these things in a spirit of friendliness and cooperation so that the City will continue to be known as "a great place to work!"

## **ACCIDENTS**

### **PERSONAL INJURY**

Whenever a City employee is involved or has witnessed an accident where a personal injury has occurred and the injury may warrant immediate medical attention, the employee shall immediately contact the City EMS Unit by calling 911. This action shall be taken for both injuries to City employees and/or injuries to the general public.

If an employee is injured on the job, regardless of the seriousness of the injury, it should be reported to their supervisor immediately. The injured employee's health and welfare are the employer's primary concern after any injury has occurred.

The supervisor shall ensure that all necessary accident and injury reports are filed and submitted to the Clerk-Treasurer's office in a timely fashion.

### **VEHICULAR ACCIDENTS**

Whenever a City employee is involved in a vehicular accident where a personal injury has occurred and the injury may warrant immediate medical attention, the employee shall immediately contact the City EMS Unit by calling 911. This action shall be taken for both injuries to City employees and/or injuries to the general public.

A vehicular accident where property damage has occurred to either a City vehicle, or property owned by the City or by any other entity, public or private, the driver shall immediately report the accident to his supervisor.

The supervisor shall ensure that all necessary accident and injury reports are filed and submitted to the Clerk-Treasurer's office in a timely fashion.

## **SUPERVISOR PROTOCOL**

### **Emergencies: Call 911 – Employee is taken to emergency room**

The Supervisor will complete the following forms and take them to the City Clerk-Treasurer's Office the next business day following the injury:

- In case of a vehicle accident, call WPD so an accident report can be completed.
- Supervisor's Report of Accident form
- Indiana Worker's Compensation First Report of Injury form (if injury is job-related)
- City of Whiting Medical Care Verification Form
- Authorization For Release of Medical, Military, Education and Wage Information

### **All Other Job-Related Injuries – Illnesses**

The Supervisor will complete the following forms and take them to the City Clerk-Treasurer's Office the next business day following the injury:

- In case of a vehicle accident, call WPD so an accident report can be completed.
- Supervisor's Report of Accident form.
- Indiana Worker's Compensation First Report of Injury form

The Supervisor will complete the following forms and forward them to Comprehensive Care:

- City of Whiting Medical Care Verification Form
- Authorization For Release of Medical, Military, Education and Wage Information
- Comprehensive Care Authorization Form

### **Transportation To Comprehensive Care (Non-Emergency)**

- A supervisor should arrange transportation and accompany employee (providing driver and vehicle are available)
- DO NOT allow the employee to drive self for medical treatment.
- DO NOT allow employee to go to his/her own doctor if the injury is job-related

The supervisor should review the Substance Abuse Policy immediately following any accident to determine if drug/alcohol testing is required.

## **ACCOMMODATION**

### **DISABILITIES**

The City will provide reasonable accommodation to enable a qualified applicant to perform the essential functions of the job, which he/she is seeking, and to enable a qualified employee with a disability to perform the essential functions of a job currently held.

Modifications or adjustments may be required in the work environment, in the manner or circumstances in which the job is customarily performed, or in employment policies. Our

goal is to allow an employee with a disability to enjoy the benefits and privileges of employment, equal to those enjoyed by similarly situated employees without disabilities.

We will not be able to make an accommodation that would impose an undue hardship on the operation of the business. The Americans with Disabilities Act defines an undue hardship as an action that requires significant difficulty or expense. Each accommodation request will be handled on a case-by-case basis, and every effort will be made to comply with the Act.

## **RELIGIOUS**

It is the policy of this City to accommodate the religious beliefs of its employees whenever possible. The accommodation, however, cannot exert undue hardship on other employees or create a financial burden for the City.

If the accommodation is not possible, the employee will be expected to assume his/her duties as previously scheduled. No employee will be allowed to wear any religious costume or headpiece in violation of safety rules.

## **AGE**

The City does not discriminate against any individual on the basis of age. Age-based criteria will not be used in making personnel decisions regarding layoffs, selection, promotion, or any other right or consideration of employment.

The City does reserve the right, though, to base its business decisions on factors other than age, including seniority, performance, job worth, team contributions, and those other factors outlined in our job descriptions.

The fact that a more senior employee is replaced by a less senior one, or one not in the category (40 or over) protected by federal law, does not automatically infer age bias. Age discrepancy, whether insignificant or substantial, will not be a consideration in City employment decisions.

The City will not tolerate any kind of age harassment, whether verbal, physical, psychological, or otherwise. Both managers and employees must refrain from speaking or acting in a way that would offend a senior employee because of his/her age. Appropriate discipline, up to and including discharge, will be the result of any proven case of age harassment.

## **AIDS**

The City treats AIDS and HIV infection as disabilities in accordance with our policy on Equal Employment Opportunity (EEOC) and the requirements of the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973.

In addition to the provisions of the City's policies on non-discrimination and reasonable accommodation for disability, the following guidelines are intended to assist managers in maintaining a work environment that is responsive to the workplace issues created by AIDS and HIV (Human Immunodeficiency Virus) infection and the concerns of employees who may request management assistance.

Employees who are diagnosed with AIDS or HIV infection may continue to work if they are deemed medically able to work and can meet acceptable performance standards. The City will provide reasonable performance standards and reasonable accommodation if necessary to enable these employees to continue working.

The City recognizes that a supportive and caring response from managers and co-workers is an important factor in maintaining the quality of life for an employee with AIDS or HIV infection. Managers should be sensitive to the special needs of employees and assist them by demonstrating personal support, referring them to counseling services and arranging for benefits counseling as necessary.

An employee's health condition is private and confidential. An employee with AIDS or HIV infection is under no obligation to disclose his/her condition to their manager or any other employee of the City, unless they desire accommodation. Managers are expected to take careful precautions to protect the confidentiality of information regarding any employee's health condition, including an employee with AIDS or HIV infection.

AIDS doesn't present a risk to the health or safety of co-workers or customers. On the basis of current medical and scientific evidence, the City recognizes that AIDS is a life-threatening illness that isn't transmitted through casual, personal contact under normal working conditions.

## **AMERICANS WITH DISABILITIES ACT**

It is the policy of this City to abide by both the letter and spirit of the law in all aspects of the Americans with Disabilities Act (ADA). The Act prohibits discrimination in all employment practices, including job application procedures, hiring, firing, advancement, compensation, training, and other terms, conditions, and privileges of employment. It applies to recruitment, advertising, tenure, layoff, leave, fringe benefits, and all other employment-related activities.

The City prohibits all discrimination against "qualified individuals with disabilities." This includes applicants for employment and current employees. An individual is considered

to have a “disability” if he/she has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such impairment. We also forbid discrimination against persons because they have a known association or relationship with an individual with a disability.

The ADA applies to impairments that substantially limit major life activities, such as seeing, hearing, speaking, walking, breathing, performing manual tasks, learning, caring for oneself, and working.

An individual with epilepsy, paralysis, HIV infection, AIDS, a substantial hearing or visual impairment, mental retardation, or a specific learning disability is covered, but an individual with a minor, non-chronic condition of short duration, such as a sprain, broken limb, or the flu, generally would not be covered.

We consider a qualified individual with a disability as a person who meets legitimate skill, experience, education, or other requirements of an employment position that he/she holds or seeks.

The City requires the ability to perform “essential” functions to assure that an individual with a disability will not be considered unqualified simply because of inability to perform marginal or incidental job functions. If the individual is qualified to perform essential job functions, except for limits caused by a disability, we will consider whether the individual could perform these functions with a reasonable accommodation.

The City will not ask or require a job applicant to take a medical examination before making a job offer. Except under lawful circumstances, we will not make any preemployment inquiry about a disability or the nature or severity of a disability. But we may ask questions about the ability to perform specific job functions and may, with certain limitations, ask an individual with a disability to describe or demonstrate how he/she would perform these functions.

We will condition our job offer on the satisfactory result of a post-offer medical examination or medical inquiry, since this is required of all entering employees in the same job category. We reserve the right to use a post-offer medical examination to disqualify an individual if it demonstrates that the individual would pose a “direct threat” in the workplace (i.e., a significant risk of substantial harm to the health or safety of the individual or others) that cannot be eliminated or reduced below the “direct threat” level through reasonable accommodation.

We also retain the right to conduct employee medical examinations where there is evidence of a job performance or safety problems, as required by other federal laws, to determine current “fitness” to perform a particular job, and on a voluntary basis as part of employee health programs.

Information from all medical examinations and inquiries will be kept apart from general personnel files as a separate, confidential medical record, available only under limited conditions.

Tests for illegal use of drugs are not medical examinations under the ADA and are not subject to restrictions of such examinations. We reserve the right to conduct them according to City policy and current federal, state, and local laws.

Individuals who currently engage in the illegal use of drugs are specifically excluded from the definition of a “qualified individual with a disability” protected by the ADA when the employer takes action on the basis of their drug use.

An alcoholic is a person with a disability and is protected by the ADA if he/she is qualified to perform the essential functions of the job. While we provide an accommodation to an alcoholic, we reserve the right to discipline, discharge or deny employment to an alcoholic whose use of alcohol adversely affects job performance or conduct.

If an employee feels that he/she has been subjected to discrimination based on a disability by the City, a vendor, a customer, etc., the employee may file a complaint with the Mayor.

This City is dedicated to protecting the rights provided to individuals with disabilities by the ADA. Accordingly, no one in a position of responsibility will retaliate against anyone who asserts the rights provided by the ADA or any state human rights laws.

## ATTENDANCE

Every employee is expected to report for work regularly and on time. Good attendance is a most important job requirement. Failure to meet this requirement could result in discipline up to and including termination.

When employees are absent, others must perform their share of the work. In most instances, absent employees are paid for time not worked. In addition, others who must substitute and accomplish the necessary work frequently receive extra and higher compensation in the form of overtime pay. No additional work is accomplished for these added costs. Lost time must be controlled.

*Definition of absence.* An employee is absent when he/she fails to report for and remain at work as scheduled. Lateness is a short absence at the beginning of the workday. Leaving early, even with permission, before the tour of duty ends, is also an absence. Absence then includes all time lost from the work schedule, whether avoidable or unavoidable, voluntary or involuntary.

*Definition of an unexcused absence.* An unexcused absence is either a day which the employee takes off without having available leave to compensate the employee for the day; or where the employee fails to comply with the call-off policy; or where the reason for the call-off is unacceptable to the supervisor.

If the employee's absence falls under one of the definitions listed above, the absence will still be considered an unexcused absence even if the employee provides a doctor's excuse for the absence.

Employees must clear planned absences in advance with their supervisor, allowing as much notice as they can. When an absence is unplanned, due to illness, an emergency, or some similar cause, employees must report the absence to their supervisor by the start of their shift on the first day of the absence or as outlined in your department's work rules. In case of a long-distance absence of indefinite duration, they must report their status to their supervisor at least once every three working days.

Notification from another employee or relative is not acceptable, except under emergency conditions. An excused absence may include personal or family illness, jury duty, bereavement, or other reasons that would require they miss all or part of a scheduled workday. They should be prepared to substantiate the reason for their absence if asked. If they are absent frequently, they will be required to furnish documentation, including medical statements from their doctor. They may also be required to produce a fitness for duty certificate to return from an absence.

If they fail to give proper notification of their absence or if their supervisor considers their reason unacceptable, they will be charged with an unexcused absence. They may be excluded from overtime work in the week in which they have an unexcused absence.

Failing to report an absence properly can be grounds for disciplinary action, including dismissal. Excessive absences and latenesses, even when reported, may also be grounds for discipline or dismissal.

Unsatisfactory attendance will result in disciplinary action, including suspension and discharge, as well as have an adverse effect on any promotion considerations.

An attendance record for each individual reporting to them is to be kept by managers in a readily accessible place. These records must be updated daily and reviewed regularly. All absences, including latenesses, with all related information are to be entered on the attendance record.

Attendance records are not to be an end in themselves, but a means to an end. They are necessary tools for correction of unsatisfactory attendance. Therefore, attendance records must be utilized. They are of no value unless acted upon.

## AT-WILL EMPLOYMENT

Employment at this City is at-will for an indefinite period of time, unless terminated by either the City or the employee, with or without cause. That means either party may end the relationship.

No written or oral representation by City personnel, other than the Mayor, will create a contract of employment. No employment practices of the City are intended to create a contract of employment. No changes in the City's employment-at-will policy will be effective unless executed in writing and signed by the Mayor.

This City's employment guidelines are intended only as an explanation of its employment practices, policies, and a general guide to working for this City. They do not represent contractual terms of employment. Despite anything that the employee may read into any City material, employment at this City is strictly at-will.

Management is entitled to modify, revoke, or replace any policies and procedures at any time. None of the City's policies are meant to serve as an employment contract.

Employees are expected to behave in a manner consistent with existing policies and codes of conduct.

## AUTOMOBILES

The City provides parking facilities for the use of employees. Employees are to park only in designated areas. Automobiles parked for long periods of time will be towed at the owner's expense.

The City assumes no responsibility for damage to vehicles or theft of articles from vehicles while on City workplace premises. All vehicles parked on City workplace premises are subject to random searches when there is a reasonable suspicion of wrongdoing.

Any time a person uses a personal car on City business (which does not include commuting to and from work) with his/her supervisor's permission, he/she may be reimbursed under a per mile rate, plus out-of-pocket expenses for tolls and parking if receipts are presented.

## BEHAVIOR AT WORK

We take the view that courtesy begins at work. If employees, supervisors and managers treat each other with respect and consideration, they will treat those outside the organization in a proper manner.

If at any time employees feel they are not being treated with respect or courtesy by other employees or any manager or supervisor, they are urged to file a complaint with the Mayor's office. It will not be necessary for employees to go through their immediate

supervisor to file such a complaint. A private investigation will be made and corrective action will be taken, if warranted.

We also identify behavior at work in terms of the following:

- Employees must not work in a manner that willfully obstructs or hinders another employee from completing his/her assigned duties.
- Employees must conduct themselves so that the safety of both themselves and their fellow workers is preserved.
- Personal problems between employees are not to be pursued at work.
- Employees should let their immediate supervisors know where they will be at all times. Employees who work in an office area should also tell the receptionist where they are going and when they expect to return. Returning employees should check in with the receptionist and/or their supervisor.
- Telephones should not be used for personal telephone calls and employees should not have personal visitors unless permission is obtained.
- An employee who changes his/her address or family status should report it in writing to the Clerk-Treasurer's office.
- Contributions may not be solicited of employees of any department unless approved by the department head. Raffles, benefit sales, and the like for charitable organizations must be approved by the Mayor.
- Although we encourage our employees to show common courtesy and to enjoy each other's company, we do not endorse socializing during working hours. Excessive socializing may lead to disciplinary action.

## BENEFITS

Our benefits have been designed to provide economic incentives and support for our employees in a fair and uniform manner, consistent with City objectives. Employees must understand that benefits for which the City either pays in full, through cost sharing or through subsidized rates, add to the City's total payroll costs. Employees should understand that when the City considers offering additional benefits, it must take into account their impact on payroll costs.

The City will periodically review and modify, if necessary, its benefits package to make sure its employees receive adequate benefits within financial constraints. In the event that a benefit is added or withdrawn, employees will be informed as soon as practically possible. A listing of benefits for each employee job classification can be found in the City of Whiting Benefits Manual.

## BREAKS

The schedule for lunch and break periods is set by the department supervisor, or labor contract in a manner which allows operations to continue uninterrupted during the day. Their supervisor will advise them of the schedule for lunch and breaks in their department. In fairness to fellow workers, employees are expected to observe the time limits set for rest and lunch periods.

Employees who return late from lunch or breaks are subject to discipline.

Although employees may take breaks when they wish, employees should make sure that someone remains in the department at all times.

## BULLETIN BOARDS

It is City policy to use bulletin boards as a supplementary form of communication, providing quick dissemination of information to all employees. All notices, which affect employees in any way, will be posted on City bulletin boards. The use of bulletin boards will generally be confined to notices regarding City information or activities.

As circumstances necessitate, the City will post new work rules, changes to existing work rules, safety procedures, work schedules, and related subjects on City bulletin boards throughout all City facilities. Employees are encouraged to check the bulletin board periodically to keep informed of City announcements and information.

All notices other than those posted by the City must be submitted to the department supervisor for approval before posting to any bulletin board. Items must be dated and removed after a specified period of time. The City will not be responsible for the accuracy of the notice being posted.

## CELL PHONE USAGE

Due to the concerns for public and employee safety, the use of cellular phones while on duty must be kept to a minimum. It is strongly recommended that all employees who are operating a motor vehicle while on duty utilize the voice mail systems available with their cellular service versus using the device while driving. The City recognizes the need for certain employees to utilize a cellular phone to conduct City business, but safety concerns must be taken into consideration. If the cell phone must be used as a means to communicate for any purpose, the employee should attempt to park the vehicle during use. Lengthy personal cell phone conversations – those longer than 5-minutes – while on duty, are counter-productive and are prohibited.

This policy is applicable to all employees using a cellular phone or similar device. The Employer will consider abuse of this policy as an act of insubordination which may result in disciplinary action up to and including termination. The Employer also reserves the right to prohibit all personal cellular phone usage while on duty if this policy is ignored and/or abused in the future.

## CONFLICT OF INTEREST

We expect that all employees will avoid activities which create a conflict of interest with their responsibilities to this City. The City also expects that its employees will observe the highest moral and ethical standards in any dealings in which they represent this City.

This City recognizes and respects each employee's right to privacy and to engage in personal activities outside the scope of his/her employment. Each employee also has an obligation, however, to refrain from activities, which conflict or interfere with the City's operations.

In many cases, it is as important to avoid the appearance of a conflict, as it is to avoid the conflict itself. These are some conflicts, which can trigger City discipline.

- *Outside employment.* No employee of this City shall accept simultaneous employment with a firm when that employment would present a conflict of interest. Such a conflict would be most likely if the firm furnishes merchandise or supplies property or services to this City. A conflict might also arise if the hours or conditions of the other job interfere with the employee's performance for this City.
- *Outside business interests.* No employees should establish or maintain an outside business interest that would cause any types of conflict. In addition, no employee may have any personal financial dealings with any individual or business organization, other than a regulated financial institution, that furnishes merchandise or supplies property or services to this City. This includes receiving loans (other than bank loans), commissions, royalties, property interests, or anything of value. No employee should maintain an investment in any such business.
- *Accepting gifts and entertainment.* No employees shall accept gifts of more than nominal value from any individual or enterprise, which does business, or seeks to do business, with this City. Also, no employee shall accept any travel, living or entertainment expenses from such persons or business organizations, either in kind or as an expense allowance. This policy does not cover gifts whose value is so small they are not likely to influence a business decision.
- *Fair competition.* All employees will conduct themselves in a fair and ethical manner when dealing with customers and suppliers.

- *Legal requirements.* No employee will do anything in the conduct of business, which would violate any local, state, or federal law.
- *Political activities.* Employees are encouraged to support political candidates of their choice, by active support as well as by voting. All such activity must be on the employee's own time. There must be no use of City facilities, and the employee must not be perceived as acting on behalf of the City.

The City reserves the right to determine when an activity conflicts with the City's interests and to take whatever action is necessary to resolve the conflict. When necessary, the City may require a conflict of interest statement be signed and recorded and filed with the Clerk-Treasurer.

Employees who are aware of conflict of interest violations are obligated to report them to management immediately. Those who fail to do so will be subject to discipline. It is not necessary for an employee to observe the normal chain-of-command procedures when reporting a conflict of interest. Confidentiality of all employees reporting conflicts of interest will be protected.

Our managers understand that conflict of interest policies are intended to ensure ethical conduct and high standards of integrity. They are not intended to give a manager the right to invade employee privacy. Whenever there is a suspected conflict of interest, an employee should be given a chance to explain his/her side of the story.

## CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT

The City adheres to all the requirements of the Consolidated Omnibus Budget Reconciliation Act (COBRA), as they apply to our employees. Should employees lose their health care coverage under our health care plan as the result of a qualifying event, employees and employees' spouses and dependent children will be given the opportunity to continue to purchase coverage as a group member for the legally-specified period of time following the loss of coverage.

Although employees' rights to elect continuation coverage occur upon the happening of a qualifying event to employees, coverage is not automatic. Employees and employees' spouses and dependents must make an affirmative election of coverage before coverage will begin. An election form will be sent with the notice of eligibility. The election must be made within 30 days of the date coverage is lost or the date that the notice of eligibility is sent, whichever is later. An election is considered to have been made on the date employees send in the election form or a letter indicating an election is being made.

Employees are eligible for continuation coverage if terminated from employment for any reason other than for gross misconduct or if a reduction in hours results in the loss of coverage under our group health plan. Continuation coverage will be available for 18

months from the date of termination or reduction in hours for employees, employees' spouses, and dependent children.

## CUSTOMER RELATIONS

Our customers are the citizens of the City, and employees working with these customers have a special responsibility. To the customer, they are the City, especially when there is a problem. We believe that every customer who registers a complaint deserves to be given serious consideration.

Employees who routinely interact with customers will be expected to know as much as possible about our services. Guidelines can be provided to assist employees in most situations, but there will be occasions when employees must rely on their best judgment. Our goal is to satisfy the customer. If repeated complaints are made concerning the same problem, employees should report it to management immediately, regardless of whether they normally handle complaints.

## DEDUCTIONS FROM WAGES

Our employees have the opportunity to participate in various plans offered by the City. Employees may elect to pay for the cost of participating in those plans by payroll deductions.

Before any deductions from employees' wages are made—other than those required by law such as Social Security, income tax and state unemployment tax, or a court-ordered deduction—employees must authorize the deduction in writing. Forms for authorizing a deduction are available in the Clerk Treasurer's office. No deduction will be made without advance written authorization.

Each payment of wages that employees receive will include a statement of the deductions that have been made from the employees' gross earnings to arrive at the net amount of the wage payment. Should employees need a more comprehensive explanation of the reason for a deduction or how the deducted amount was calculated, they should contact the Clerk Treasurer's office during regular business hours.

## DISASTER PREPAREDNESS

It is the policy of this City to maintain a written and effective disaster preparedness plan and communicate this plan to all employees. We want this plan to provide clear

guidance that will ensure employee safety and the continuation of key business operations in the event of a significant and disruptive disaster occurrence.

The plan will focus on the most likely disaster events that could occur and is not intended to cover every possible situation. These most likely events include workplace violence, long-term electrical outage, long-term phone service disruption, flooding, computer sabotage or failure, inclement weather, fire, earthquakes, and civil disturbance.

In the event of any of these disturbances, the first priority of the disaster plan will be to ensure the safety and health of employees and any others within our facilities. The next priority will be to reestablish any disrupted business operation within 24 hours.

The disaster preparedness plan will be reviewed and updated annually by the Fire Chief.

## DISCIPLINE

Our customary manner of discipline is progressive. That is, generally speaking, for violations of City policies or infractions of City rules that are not serious, we will usually first counsel the employee orally, explaining what he or she did wrong and reminding the employee of the particular policy or rule. If the violation is repeated or another violation occurs, we will generally move to a more formal written reprimand that goes into the employee's personnel file. Repeated violations or another infraction will likely lead to the suspension of the employee. The ultimate discipline is termination.

The City will administer performance based discipline separately than discipline that is related to attendance or tardiness. In other words, an employee will always have two separate paths of discipline, one path for attendance and one path for performance.

Performance related discipline will remain active for a 2-year rolling calendar period. This means that an employee who is disciplined on May 1, 2004 may be advanced to the next level of progressive discipline for any violation occurring before May 1, 2006. The May 1, 2004 infraction will drop off the active discipline list on May 1, 2006. Examples of infractions where an employee may be disciplined for their performance include but are not limited to the following:

- Overtime work without permission or prior authorization
- Unauthorized use of City equipment, time, or property
- Horseplay, practical jokes, or other disorderly conduct
- Negligence in observing safety rules
- Violations of rules established in the City personnel policy manual
- Gambling
- Conduct that reflects adversely on the City
- Verbal abuse of any employee or member of the general public

- Interference with another employee's work
- Damage or destruction of City property through willful or careless acts
- Violations of the City policy against harassment, including sexual harassment
- Possession, distribution, or use of drugs or alcohol on City premises or City time, including in your car on the City parking lot
- Blatant negligence that results in damage to or loss of machinery or equipment or personal injury
- Possession of weapons of any kind on City premises
- Falsification of employment applications or personnel records or lying about credentials
- Theft, fraud, or sabotage against another employee, a citizen, or the City
- Misappropriation of City assets
- Assault, fighting, or other conduct that puts another employee at risk
- Insubordination or refusal to comply with reasonable instructions or duties
- Threat, intimidation, or coercion of another employee or manager
- Acting in clear conflict with City interests
- Release of confidential City or citizen information
- Falsification of time sheets or time cards
- Clocking another employee in or out
- Conviction of a felony
- Accidents resulting in damage or injury in excess of 10,000.00
- Accidents resulting in serious bodily injury and/or death

Attendance related discipline typically remains active for the current calendar year and an employee will receive a clean slate on January 1 of the following year. An exception to this guideline is an employee who has received a 3-day absenteeism suspension during the calendar year. This employee will be placed on a 60-day zero tolerance probation. This exception is valid even if the sixty (60) day period extends into the following calendar year. Examples of infractions where an employee may be disciplined for their attendance behavior include but are not limited to the following:

- Tardiness
- Absence for work
- Excessive absenteeism or tardiness

Since absenteeism is a negative employee behavior that erodes employee productivity and is a severe drain on the City's finances, a "Progressive Disciplinary Action Schedule for Absenteeism and Tardiness" has been developed as a means to control the problem. This schedule is included in this section of the policy.

It is not possible for us to plan in advance for all situations of employee infractions that may occur. To be fair to all our employees, we must maintain a flexible approach to discipline to ensure that the "punishment" always fits the "crime." Therefore, we will discipline an employee in a given situation, as we believe best suits the employee's violation and the particular situation. The following chart identifies the normal path of progressive discipline. ***We take all violations of City policies and rules seriously***

***and reserve the right to skip any steps in the sequence and go directly to termination as well as repeat levels of discipline for minor infractions.***

**Note: The following schedules apply to all Full-time and Part-time City employees including those covered under collective bargaining agreements unless specific contradictory language is present in the bargaining agreement. Then the bargaining agreement will take precedence.**

<b>LEVELS OF PROGRESSIVE DISCIPLINE</b>	
<b>Level 1</b>	<b>Oral Warning</b>
<b>Level 2</b>	<b>Oral Reprimand</b>
<b>Level 3</b>	<b>Written Reprimand</b>
<b>Level 4</b>	<b>1-Day Suspension</b>
<b>Level 5</b>	<b>3-Day Suspension</b>
<b>Level 6</b>	<b>Subject to Discharge</b>
<b>Level 7</b>	<b>Termination</b>

## PROGRESSIVE DISCIPLINARY ACTION SCHEDULE ABSENTEEISM & TARDINESS

TRIGGERING EVENT (non-FMLA certified)	DISCIPLINARY ACTION
<b>Tardiness</b> (Reporting late for work):	
1 <sup>st</sup> Offense	Oral Warning
2 <sup>nd</sup> Offense	Oral Reprimand or advance 1-level per occurrence
Subsequent Offenses	Written Reprimand or advance 1-level per occurrence
<b>Attendance:</b>	
Absence certified as FMLA	12-week FMLA leave calendar begins
Failure to report off before start of shift	Oral Reprimand or advance 1-level
Failure to report off	Written Reprimand or advance 1-level
Absent 3 consecutive days without notice	Subject to discharge
Failure to provide medical care verification (when required)	Loss of pay and written reprimand or advance 1-level
Exhaustion of all paid or approved leave	Oral Warning
Reporting off sick with no sick leave left but employee has other excused leave available	Excused leave automatically used for absence and Oral Reprimand or advance 1-level
Excessive absenteeism (1 <sup>st</sup> unexcused day)	1-Day Suspension or advance 1-level
Excessive absenteeism (2 <sup>nd</sup> unexcused day)	3-Day Suspension or advance 1-level
Receiving a 3-Day Suspension	Final warning and 60-day zero tolerance probation
Excessive absenteeism (3 <sup>rd</sup> unexcused day)	Subject to discharge
Completion of 60-day zero tolerance probation	Retreat 1-level
Violation of 60-day zero tolerance probation	Immediate discharge

For all matters regarding disciplinary action, the supervisor shall complete the City of Whiting Notice of Disciplinary Action, a copy of which is attached to this Policy Manual and incorporated herein.

For matters regarding attendance issues, the supervisor shall complete the City of Whiting Attendance Final Warning Notice of Probation, where appropriate, a copy of which is attached to this Policy Manual and incorporated herein.

## DISCLAIMERS

These employment policies represent the personnel guidelines of the City. We retain the absolute right to modify or alter these policies based upon professional and business concerns we consider in the best interests of all involved, including management and employees.

These policies are only guidelines. They do not represent an employment contract and employees should not treat them as such. They are designed to enhance City operations. They may be changed with or without notice, although we will endeavor to keep employees abreast of any changes necessary. All policies described herein can be changed at any time and without notice.

No member of management has the authority to bind the City to any of the terms or provisions of the terms or provisions of these policies.

The City will make reasonable efforts to provide secure employment and rewarding careers to its employees. But we make no guarantee of length of employment or advancement.

All employees will be asked to sign the following:

- *In consideration of my employment, I agree to conform to the rules and regulations of the City, and my employment and compensation can be terminated with or without cause and with or without notice, at any time, at the option of the City or myself.*
- *I understand that no City manager or representative of the City, other than the Mayor of the City, has any authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the foregoing.*
- *The policies and benefits described by City material are not intended to be conditions of employment and the City reserves the right to alter, modify, amend, or terminate these policies and benefits. Irrespective of any statement contained in any document or information issued by the City or any of its representatives, employment is not guaranteed for any length of time with or without cause. No employee other than the Mayor of the City has the authority to enter into any contrary agreement.*

- *The City is committed to maintaining its competitive position in the employment marketplace. Over the years we have made progressive changes in our employment benefit package in order to continue this positive position. However it is agreed that neither this offer of employment, its acceptance, nor the maintenance of personnel policies, procedures, and benefits create a contract of employment*

## DISCRIMINATION

This City does not engage in any unlawful employment discrimination, which we define to be:

- To fail or refuse to hire, or to discharge, any individual, or to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, disability, age, or national origin; or
- To limit, segregate, or classify employees or applicants for employment in any way, which would deprive any individual of employment opportunities or otherwise adversely affect his/her status as an employee, because of such individual's race, color, religion, sex, disability, age, or national origin.

The City does not base hiring, compensation, promotion, or any other employment decisions on the basis of an individual's personal characteristics. All such decisions are based on specific job-related performance standards, many of which can be measured objectively, such as attendance.

The City will not tolerate discriminatory slurs or epithets in the workplace and is absolutely committed to maintaining a bias-free working atmosphere. Jokes or slurs made in the presence of a minority employee are considered to be a violation of our discrimination policy.

Employees who are subjected to any discriminatory practices are urged to report it to their supervisors, or to the Mayor. Employees who are found guilty of discrimination will be subject to discipline, up to and including discharge.

## DRESS CODE

A neat professional appearance is a requirement of the City. It is expected that all employees will exercise good judgment and dress appropriately for their jobs. These are the factors that they should take into consideration when determining appropriate dress:

- The nature of their work;
- Safety considerations, such as necessary precautions when working near machinery or hazardous work areas; employees will be required to wear proper safety equipment at all time, without exception for any reason;
- The nature of their public contact, if any, and the normal expectations of outside parties with whom they will work;
- The prevailing dress practices of other workers in similar jobs.

When an employee's dress does not comply with established standards, the normal response should be to discuss the matter with the employee. If continued counseling fails to bring the desired response, the supervisor may initiate disciplinary action.

If the City agrees to purchase, rent or lease specific work clothing, uniforms or safety equipment for an employee, the employee is required to wear said equipment while performing his job duties as a condition of employment. Failure to do so may result in disciplinary action up to and including termination. Example: Steel-toed safety boots.

## ELECTRONIC COMMUNICATION – ACCEPTABLE USE

The City of Whiting, Indiana wishes to strike an equitable balance between office technologies, an employee's right to privacy and the City's interests in confidentiality and prevention of system abuse. The Electronic Communication Acceptable Use Policy is intended to provide each user of the system with the guidelines and procedures associated with the use of the City's voice mail/email/Internet systems ("the system").

This policy is applicable and binding on users of the system, contractors, vendors, partners, associates, and all others accessing and/or using the system through on-site or remote terminals.

The system and all data transmitted or received through the system, are the exclusive property of the City. The use of the system should be for City business, however, the City acknowledges and authorizes de minimus personal use.

The City reserves the right to monitor, intercept and/or review all data transmitted, received or downloaded over the system. The user is hereby given notice that the City will exercise this right periodically, without prior notice and without the prior consent of the user. The City's interests in monitoring and intercepting data include, but are not limited to: protection of City's proprietary and classified data; managing the use of the City's system; preventing the transmission or receipt of inappropriate materials by users; and/or assisting the user in the management of electronic data during periods of absence. The user should not interpret the use of password protection as creating a right or expectation of privacy for the user. In order to protect everyone involved, **users have no right or expectation of privacy with regards to the receipt, transmission**

## **or storage of data on or associated with the City's Voice Mail/Email/Internet Systems.**

Employees are not permitted to use a code, access a file, or retrieve any stored communication unless authorized to do so or unless they have received prior clearance from an authorized City representative. All pass codes are property of this City. Only authorized persons can use e-mail. Employees may not use unauthorized codes, passwords, or other means to gain access to e-mail belonging to others.

The policy depends upon the ethical conduct of all users. Although the City will periodically monitor system use, each individual user is empowered and encouraged to monitor use of the system, ensuring they meet the highest standards of professional conduct. All communications over the system should be business-related, professional and representative of the high ethical standards that are the trademark of the City. Users need remember that the system is a public forum and users should only access those web sites or communicate to third parties with whom the user would be willing to leave a business card or other form of identification.

Users are not permitted to transmit, receive or retain from the system, communications that:

1. Contain obscene, profane, abusive or threatening language or graphical representations;
2. May be construed as discriminatory, harassing or offensive by reference to race, national origin, gender, religion, age, disability, sexual orientation, or any other legally protected criteria;
3. Contain references to any sexual acts, sexual relationships, or personal relationships;
4. Furthers any illegal activity;
5. Reveals information in violation of the Indiana Public Records Law; or
6. Are used to solicit or approach others for commercial ventures, religious or political causes, outside organizations, or other non-job related solicitations without prior consent of the City.

The City is committed to the protections of each individual user's rights with regards to equal protection and a work environment free of sexual harassment or illegal conduct. To aid in ensuring the quality of the work environment, the City encourages and requires users to report suspected violations of this policy. All reports and investigations will remain confidential to the extent possible.

Any user or departmental entity who/which abuses the privilege of City-facilitated access to the Internet or email will be subject to disciplinary action up to and including denial of service, service termination, or termination of employment. The City also reserves the right to advise the legal department of alleged violations.

As a condition of initial and continued employment, employees are required to sign an e-mail use agreement form.

## EMERGENCY LEAVE

All full-time regular employees who have been retained past one year, but as a result of a long illness, non-job related injury, numerous illnesses, and/or being a responsible care provider, and have exhausted all available paid leave, may apply for Emergency Leave.

Emergency Leave will pay eligible employees the equivalent monetary value of the hours of sick leave based upon voluntary contributions of Vacation and Sick Leave time by City employees wishing to donate the same on behalf of the employee requesting Emergency Leave. Surplus leave donated but not utilized by the employee on Emergency Leave will be re-credited back to the donor employee on a pro-rata basis. Emergency leave requests shall only be granted by the Mayor.

All requests for leave under this section as well as all certifications which are required for this leave shall be made in writing on the forms provided by the City of Whiting or the U.S. Department of Labor as they currently exist and as they may be amended from time to time. Copies of said forms are incorporated into this Policy Manual.

## EMPLOYEE ASSISTANCE PROGRAM

Almost any personal problem can be successfully treated if it is identified early and referral made to appropriate care. This applies to problems of marital or family distress, mental illness, emotional distress, alcoholism, or drug dependency.

The City believes it is in the interest of employees, employees' families and the City to offer an Employee Assistance Program (EAP) to help employees deal with such problems under strict confidentiality.

Employees and their dependents that have problems, which they feel may adversely affect job performance or personal well-being are encouraged to voluntarily seek confidential assistance in the EAP. Employees are assured that their jobs or promotional opportunities will not be jeopardized by utilizing the EAP and that all contact and records will be confidential.

It is the intent of the City to provide meaningful assistance for employees with personal problems that may affect job performance. We want to provide assistance in ways that will allow and cause employees to exercise personal initiative in pursuit of problem control and solutions.

## EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of this City that an individual's race, color, religion, sex, disability, age, or national origin are not and will not be considered in any personnel or management decisions. We affirm our commitment to these fundamental policies.

All recruiting, hiring, training, and promoting for all job categories is done without regard to race, color, religion, sex, disability, or age. All decisions on employment are made to abide by the principle of equal employment.

All promotion decisions will continue to be made in accordance with equal employment opportunity principles and only valid job requirements will be used.

All other personnel actions such as compensation, benefits, transfers, layoffs, and return from layoffs, will be administered without regard to race, color, religion, sex, age, disability, or national origin, except when there is a *bona fide* occupational qualification.

Any employees of this City, whether supervisory or non-supervisory, who practice discrimination will be subject to disciplinary action. If employees believe that an incident of discrimination has occurred that is offensive or objectionable, that causes discomfort or humiliation, that creates a hostile environment or that interferes with job performance or advancement opportunities, they are urged to bring the matter promptly to the attention of any supervisor, manager, or the Mayor.

## ETHICS

### PREAMBLE

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

The City has also joined the Shared Ethics Advisory Commission and commits to participation with that group, employee training, and conducting business in accordance with the standards and beliefs contained therein.

## **OUR VALUES**

### **Honesty/Integrity**

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

### **Respect/Civility**

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

### **Accountability/Responsibility**

- To not participate in any decision where I have a conflict of interest or from which my family, business and professional associates or I may personally benefit.
- To not use my position, public property or public resources for the personal benefit of myself, my family or my business and professional associates.
- To never solicit or accept any favor or benefit for my family, my business and professional associates or myself that might be construed as influencing the performance of my public duties.
- To make full public disclosure of the nature of any conflict of interest prior to any action taken.
- To avoid disclosing or abusing the information that I gain by virtue of my position for the personal benefit of myself, my family or businesses and professional associates.
- To not engage in direct competition with our respective community while I am an employee, an appointed official, or an elected official.
- To support the public's right to know the truth and encourage diverse and civil public debate in the decision-making process.

### **Fairness/Justice**

- To promote non-discrimination in my decision-making for our respective community and to make decisions based upon the merits of the issue at hand.

- To recognize the function of government to serve the best interests of the citizens.
- To use my authority to promote the efficient and effective delivery of public services.
- To refrain from proposing services where adequate resources are not available.
- To work to remedy the imbalance where inadequate resources adversely affect the best interests of the citizens.

Behavior inconsistent with the values set forth in this code may be redressed by the traditional instruments of governance including state law, ordinances, and work rules.

## FAMILY AND MEDICAL LEAVE ACT

The City will grant family and medical leave for the reasons specified in the federal Family and Medical Leave Act (FMLA) or according to applicable state laws. All requests for leave under the FMLA shall be submitted in writing on forms provided by the City of Whiting or the U.S. Department of Labor, a copy of which is attached to this policy and incorporated herein.

Family and medical leave is unpaid leave. The employee may elect to use accrued paid leave during family leave or medical leave. The City will not require the employee to do so.

If an employee has worked for the City for a minimum of 12 months and 1,250 hours in the past 12 months, the employee is eligible for family and medical leave. If the employee is eligible for family and medical leave, the employee is entitled to 12 weeks in a 12-month period.

If leave is requested for the birth of the employee's child or the placement with the employee of a child for adoption or foster care, leave must be taken within 12 months after the birth or placement of the child.

Leave for serious health conditions may be taken intermittently or on a reduced leave schedule when that type of scheduling is medically necessary. If the employee requests intermittent leave or leave on a reduced schedule, the City may require that the employee transfer to a temporary, alternative job for which the employee is qualified and that better accommodates the intermittent or reduced hour leave than the employee's regular job. The temporary position will have pay and benefits equivalent to the employee's regular job.

When requesting leave for the serious health condition of a family member or for the employee's own serious health condition, the City requires that the employee provide certification issued by the attending health care provider of the need for leave.

If the City finds reason to doubt the validity of the certification, it may require, at its own expense, a second medical opinion from a health care provider designated or approved by the City, but not regularly employed by the City. Should the second opinion differ from the original certification provided by the employee, the City may, at its own expense, require that the employee obtain a third opinion. The opinion of the third health care provider, designated or approved by both the City and the employee, is final and binding.

If the employee and the employee's spouse are employed by the City, they are entitled to a combined leave of up to 12 weeks in a 12-month period for the birth, adoption or placement of a child for foster care or to care for a sick parent.

In order to prepare for the employee's absence during family and medical leave, the City requires 30 days written notice of the employee's intention to take leave. If, due to emergency or unforeseen circumstances, the employee is unable to provide such notice before taking leave, notice as soon as possible and practical is acceptable.

At the end of a family and medical leave, the employee will be returned to the position the employee held when leave began or will be given an equivalent position with like employment benefits, pay and other terms and conditions of employment. No benefits that accrued prior to taking leave will be lost because family and medical leave is taken. However, the employee will not be entitled to accrue further seniority or employment benefits while on leave. In addition, the employee is not entitled to any right, benefit, or position of employment other than a right, benefit, or position of employment that the employee would have been entitled to if the employee were not on leave.

If family and medical leave is taken because of the employee's serious health condition, the employee is required to provide certification prior to returning from leave that the employee is able to resume work.

If the employee does not return to work at the expiration of family and medical leave, the City may require the repayment of health insurance premiums it paid on the employee's behalf during the leave period. Reimbursement will not be required if the employee does not return from leave because of the continuance, recurrence, or onset of a serious health condition that prevent the employee from performing the employee's job or because of further circumstances that are beyond the employee's control.

The City will require medical certification that the employee cannot return to work because of the employee's own illness or the illness of a family member that the employee is needed to care for.

## **MILITARY FAMILY LEAVE ENTITLEMENTS**

In accordance with amendments to the FMLA, there are two types of Military Family Leave Entitlement. First, an eligible employee is entitled to take up to 12 workweeks of

job protected leave in the applicable 12-month period for any “qualifying exigency” arising out of the active duty or call to active duty status of a spouse, son, daughter or parent. This leave is unpaid unless the employee wishes to use accrued vacation time and only applies to military members in the National Guard or Reserves. It does not extend to family members of military members in the Regular Armed Forces.

Qualifying exigencies include:

1. Issues arising from short notice deployment;
2. Military events and related activities;
3. Certain childcare and related activities;
4. Making or updating financial and legal arrangements;
5. Counseling, the need for which arises from the active duty or call to duty;
6. Taking up to **five (5)** days leave to spend time with covered military member who is on short-term temporary, rest and recuperation leave during deployment;
7. Attending to post deployment activities;
8. Any other event that the employee and employer agree is a qualifying exigency.

Second, eligible employees are entitled to take up to 26 workweeks of job-protected leave in a single 12 month period to care for a covered service member with a serious injury or illness. This leave is unpaid unless the employee wishes to use accrued vacation and/or sick time. This leave may be taken intermittently whenever medically necessary.

Provisions of Military Family Leave Entitlement are subject to change as the federal law changes. Provisions regarding whether leave is paid or unpaid is determined by the terms and conditions of the City of Whiting FMLA Policy. For Military Family Leave to care for a serious injury, if the City employs both husband and wife, the family is limited to a combined total of 26 workweeks in a single 12 month period.

## FIGHTING

Fighting will not be tolerated on City premises at any time, for any reason. If a fight does occur, the immediate supervisor will interview all witnesses to get the facts as to who started the fight and why. Employees will be expected to cooperate in any such investigation. Those found guilty of fighting will be subject to discipline, up to and including discharge. Any employee who strikes a manager or supervisor for any reason may be subject to immediate discharge.

Any private conversations overheard that constitute physical threats against other individuals can and will be used as the basis for discipline, up to and including termination.

Employees who display fighting tendencies or threaten violence in the workplace may be subject to immediate termination. No talk of violence or joking about it will be tolerated. The City broadly defines fighting and violent tendencies to include physically

harming another, shoving, pushing, harassing, intimidation, coercion, brandishing weapons, and threats or talk of violence.

We will not tolerate employees being in the possession of any weapons, including weapons transported in employee vehicles, both inside the workplace and in the parking area.

## FIRE PREVENTION

The City expects each employee to do everything possible to safeguard City facilities from damage by fire. Employees can help prevent such a disaster by keeping their work area clean and free of rubbish and by observing all rules regarding fire prevention. Our fire prevention policy is designed to ensure that all reasonable steps are taken to preserve life and property from exposure to fire hazards.

Employees must know the phone numbers of the fire department and other emergency units. If this information is not posted in their immediate work area, employees should tell their supervisor immediately.

Smoking in “no smoking” areas is prohibited and may result in termination.

## FUNERAL LEAVE

The City provides the following bereavement leave for all full-time employees with such leaves also covered under labor contracts.

In the event of a death in the employee’s immediate family (their spouse, son, daughter, brother, sister, mother, father, mother-in-law, father-in-law, grandparent, grandchild, a person who is legally acting in one of those capacities, another relative living in their residence, a step-child or a step-parent), they will be given time off, up to a maximum of three days, with pay, to make arrangements and/or attend the funeral. We expect every employee to discuss with his/her appropriate supervisor the amount of time they will actually need. Employees may use a vacation day to attend the funeral of a close friend or relatives other than those listed above.

## GAMBLING

The City believes that employee gambling can lead to financial hardships and bad morale. All forms of gambling, including card playing, lotteries, dice, horse wagering, or

betting on sports is prohibited on City premises. Violators will be disciplined, up to and including discharge.

Employees who sell or attempt to sell sports pool cards or run other betting pools will be subject to discipline, including discharge. Employees found guilty of acting as bookmakers will be subject to immediate termination.

The City recognizes that gambling can be an addiction and suggest counseling to employees who recognize their problems.

## GARNISHMENT

When employees' wages are garnished by a court order to repay a debt that employees have incurred but cannot pay, the City is legally bound to withhold the amount indicated in the garnishment order from employees' paychecks. Federal and state guidelines protect a certain amount of employees' income from being subject to such creditor garnishment.

So long as employees' financial concerns do not interfere with employees' performance on the job, the City will merely make the deduction and payments as required and there will be no further job-related repercussions.

A garnishment is a legal action by a creditor requiring the City to withhold a specified amount from employees' earnings. The amount of money withheld is based on employees' "disposable earnings," which is what is left when federal and state income taxes, FICA taxes, and other necessary deductions have been made.

The City honors garnishment orders for child support in compliance with federal and state law. Service on the City of a child support withholding order takes priority over other garnishments, which are currently pending against the same employee. If employees do not have enough disposable earnings to cover both orders, the creditor garnishment order will be suspended.

In response to a court or administrative order either employees or the City (on employees' failure to act) must enroll employees' dependent children in the City's medical plan. Enrollment of dependent children will be made without regard to the plan's enrollment periods. Premiums will be withheld from employees' pay, subject to restrictions in federal and state law.

## GASOLINE-FUEL USE POLICY

The City of Whiting has installed a keyed access system to monitor and control the dispensing of gasoline and diesel fuel. This system is used to access fuel for all City

owned vehicles. The City of Whiting realizes that there may be instances where employees may be required to use his/her personal vehicle to perform services on behalf of the City during the work day. Since the geographic area of the City is so small, it is not practical for employees to keep mileage claims for half-mile or quarter-mile trips. It also is not practical for the City to maintain a fleet of vehicles for employee use during normal business hours.

As a result, the City has made the determination that it will issue gas keys to those employees whose daily job functions require travel throughout the City and who do not have access to a City vehicle. This policy shall generally cover department heads and inspectors.

The process shall be as follows:

1. The Mayor shall make a written determination as to which employees have job responsibilities which entail daily travel within the City.
2. The Mayor shall present the determination to the appropriate department head who is assigned the task of supervising the gas key system.
3. The department head will issue an access key to each position which shall provide the employee with access to the City gas pumps.
4. Each transaction will be tracked and monitored automatically by the system as related to each employee and vehicle.
5. The purpose of this policy is to reimburse the employee for gasoline used during the course of the work day, not for personal use or for commuting purposes.
6. The Clerk-Treasurer shall have the authority to conduct a periodic audit to determine reasonableness of the expense to the City, to verify compliance and to review for abuse.
7. The Board of Public Works and Safety reserves the right to amend or cancel this policy at any time.

## GIFTS

In general, an employee of the City of Whiting, shall not accept a gift or other monetary consideration if the gift or consideration can or can be perceived as influencing an official action of the City or a City employee for the personal gain of the individual or the gain of any other individual, group or company.

## GRIEVANCES

An employee grievance procedure is available to employees as a fair and effective means to resolve work-related complaints and problems. Such procedures are included

in labor contracts. By using the procedure, employees can call upon their supervisors and City officials to evaluate their cases and decide whether or not they have been treated fairly.

Employees can use the procedure when they feel a work-related decision is not consistent with established City policies and practices.

Employees should discuss their grievances with their immediate supervisor within three days after the incident. If they are not satisfied, they should take their grievance to the next supervisory level if one exists in their department.

Where employees believe it would be inappropriate to discuss their grievance with their immediate supervisor, they may bypass the supervisor and seek assistance from the next level of management to the Mayor.

If the grievance is not settled, employees should submit it in writing to the Mayor (within five days after the incident if the grievance involves disciplinary action).

Grievances may include, but are not limited to, such things as discipline (the grievance procedures do not apply to employees who have been dismissed from City employment), transfer, job posting, selection, unfair assignment of vacation or holiday time, a personal request that was denied, etc.

Employees cannot use the procedure to appeal decisions related to the City's responsibility to determine City direction or strategy, or operating decisions such as the number and assignment of employees, establishing rules of conduct, determination of the hours and days of work, starting and quitting time, wages and benefits, etc.

The City will not permit any supervisor, manager, or employee to engage in any form of retaliation against any employee availing him/herself of the grievance procedures.

## HARASSMENT

The City prohibits all forms of illegal harassment of employees by managers, fellow employees, employees of outside vendors, or visitors.

The City will not tolerate harassment of its employees. Any form of harassment related to an employee's race, color, sex, religion, national origin, age, physical or mental disability, or marital or veteran status is a violation of this policy and will be treated as a disciplinary matter.

For these purposes, the term "harassment" includes, but is not necessarily limited to, slurs, jokes, or other verbal, graphic, or physical conduct relating to an individual's race, color, sex, religion, national origin, age, physical or mental disability, or marital or veteran status.

Harassment also includes unwelcome sexual advances, requests for sexual favors, and other verbal, graphic, or physical conduct of a sexual nature. Violation of this policy by an employee shall subject him/her to disciplinary action, up to and including discharge.

Harassment does not refer to occasional comments of a socially unacceptable nature. Harassment is a form of inappropriate conduct that undermines the employment relationship.

If an employee experiences or witnesses harassment in the workplace, they should report it immediately to their supervisor. If the supervisor is the person who is harassing the employee, the employee may approach any member of City management or the Mayor. All allegations of harassment will be quickly investigated. To the extent possible, the employee's confidentiality and that of any witness and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, the employee will be informed of the outcome of that investigation.

The City will permit no employment-based retaliation against anyone who brings a complaint of harassment or who speaks as a witness in the investigation of a complaint of harassment.

Employees will receive a copy of the City's harassment policy when they begin working. If at any time employees would like another copy of that policy, they should contact the Mayor's Office. If the City should amend or modify its harassment policy, employees will receive an individual copy of the amended or modified policy.

The City's Harassment Policy can be found online at [www.whitingindiana.com](http://www.whitingindiana.com) or in the Administrative Policies section of this Manual.

## HAZARD COMMUNICATIONS

It is the policy of this City to provide a safe workplace for its employees based on guidelines established by Occupational Safety and Health Administration (OSHA) and other available recommendations. The City has developed this program to assure that each of its employees receives the information and training they need so they may work safely with hazardous chemicals found in the workplace.

The City complies with all federal and state "Right to Know" laws, which means employees will be made aware of any chemical hazards they may face at the workplace. Employees will also receive special training concerning the labeling, handling, and disposal of hazardous substances, and what steps should be taken in the event of a spill.

Employees have a right to access records concerning their exposure to chemicals in the workplace.

# HIRING

We are an equal opportunity employer and will not discriminate in the hiring process on the basis of sex, religion, race, color, age, disability, marital or veteran status, or national origin. Complete records of this process will be kept, and all job openings not filled from within the City will be placed as equal employment opportunity ads.

The City will always try to hire the best qualified applicant. Whenever possible, new positions for which the City will advertise will be posted for all current employees to see. Files of applicants will be maintained in each department. We will review these files when seeking new employees.

The City will conduct its employee selection policies and procedures so as to achieve the best possible match between applicants for jobs and open positions. In no way will any City employee or manager exert personal or professional prejudice against any applicant because of sex, color, race, religion, age, disability, marital or veteran status, or national origin.

Applicants who falsify their job applications or who furnish misleading information are subject to immediate termination at the time that the fraud is uncovered.

All new hires will be subject to pre-employment alcohol and drug testing as described in the City of Whiting Substance Abuse Testing Program. Any new hire which may have access to a city vehicle as a result of employment will be subject to a motor vehicle records check.

All new hires for positions that involve Public Safety, childcare or supervision or other sensitive positions may be subjected to additional screenings such as; criminal history and sex offender registry background checks.

All new hires of the Street and Sanitation Departments will be required to obtain a valid CDL license issued by the State of Indiana within one (1) year of date of hire. This license is considered a condition of employment and will not be subject to the grievance procedure. Failure to obtain the required CDL by the employee's first anniversary date will result in immediate dismissal. The City will cover the costs associated with the obtaining and maintaining the CDL license. As a continued condition of employment, the employee must maintain a valid CDL license from the State of Indiana and must notify the City of any changes to the status of the license within three (3) business days of the change of status. The employer may allow the employee time during the work day to go take any required tests for obtaining the CDL license, provided the employee schedules the time at least three (3) business days ahead of time.

All new hires of the Street and Sanitation Department will be given a conditional offer of employment, subject to a DOT pre-employment physical. The City will cover the costs associated with the physical and will direct the potential employee to the provider of the City's choice. Private physicals will not be accepted.

## HIRING DOCUMENTS

It is our policy to employ only those persons who are entitled to work in the United States.

It is also City policy to comply with the immigration laws of the United States. Accordingly, all employees are required to have the legal right to work in this country. In accordance with the regulations of the Immigration and Naturalization Service (INS), the City will require individuals to establish their right to work in this country.

All offers of employment are conditioned on the individual establishing the right to work in this country. On the first day of work, all individuals will be required to produce documents acceptable under the INS regulations to establish that right.

All job candidates will be required to provide proof of work eligibility and identification and complete the employee portion of the I-9 immigration form. This rule applies to former employees, but not those who return from leaves of absence or who are transferred within the City.

## HOLIDAYS

The holiday schedule will be determined by the Mayor and labor contracts.

All full-time employees will receive holiday pay at their regular rate:

- Provided they work a full shift on their last scheduled work shift prior to the paid holiday;
- Provided they work a full shift on their first scheduled work shift following the holiday;
- Should they be unable to work either of those two days because of illness.

If a holiday occurs during the employee's vacation, the employee's vacation will be extended by the number of holidays falling during the vacation period or an equal number of vacation days will be carried forward for future use.

If any scheduled paid holiday falls on a Saturday, the holiday will usually be observed on the preceding Friday. If the holiday falls on a Sunday, the following Monday will usually be observed as the holiday.

Approved time off for holidays shall be counted as hours worked for purposes of calculating overtime compensation.

The City recognizes that there may be religious holidays (other than those already designated as holidays) that employees would like to observe. It may be possible to arrange these holidays as scheduled days off, authorized absences without pay, or personal time off. Requests for the time off to observe religious holidays, must be approved by the employee's supervisor.

## INCLEMENT WEATHER

It is City policy to continue operations despite weather conditions unless an emergency threatens to make employee transportation to or from work impossible or dangerous.

Employees are expected to show up for work regularly and on time. Occasionally, weather may become a factor and no employees should attempt to come to work in dangerous weather conditions.

If City facilities open and are forced to close early because of the weather, all employees who reported to work will be paid. Employees who made no effort to come in will not be paid. All employees are urged to make every possible effort to get to work if the facility remains open.

All employees who can't report to work due to inclement weather will be required to charge their absence against accrued vacation time or sick leave. Authorized City closings due to inclement weather will not be charged against accrued vacation time or sick leave.

## INDEPENDENT CONTRACTORS

It is City policy to withhold no taxes from payments to independent contractors. Independent contractors are solely responsible for paying all federal and state income, sales, and other taxes for itself and assistants it may hire. The City will complete and file a Form 1099-MISC, Miscellaneous Income, for each independent contractor who contracts to do work with the City. Independent contractors will also be responsible for compliance with the Indiana E-Verify law so long as such law is in effect and the certification required regarding no investment in Iran.

Independent contractors are responsible for providing their own tools and equipment. When necessary, independent contractors may use the City's telephone for local telephone calls and photocopy machines.

Under no circumstances will the City reimburse independent contractors for business, travel, and other expenses unless specifically agreed to in writing.

All independent contractors doing business with the City will sign written contracts. Oral agreements are not binding on the City. The contract will delineate the job to be done, time frames, payment schedule, and other relevant issues.

Independent contractors will agree to complete the job for which they are hired, or they will be held liable for the failure to complete the job. All disputes will be litigated in State of Indiana court.

## INSUBORDINATION

Refusal of a legitimate order, physical reactions, or the use of obscene or otherwise objectionable language to a supervisor or manager, among other actions, are considered insubordination. They undermine the discipline and authority needed in the workplace and cannot go unchallenged. Insubordination may result in discipline, up to and including discharge.

Employees are expected to know the rules they are expected to follow. If they understand why a rule is necessary, they will be far more likely to cooperate in observing it. If they disagree with a rule or think it is unfair or unnecessary, they should talk to their supervisors about it. They should also recognize that some rules are more important than others and will be treated that way. The City will always consider the seriousness of the rule in question versus the employee's entire work record.

No personnel action will be taken against employees if they refuse an order because they believed their safety was at stake or a different course of action was available that would have been safer. If they are subject to insubordination discipline procedures, we will take these factors into consideration:

- Safety or health concerns;
- Their previous work and discipline record;
- Provocation or stress;
- Confusion or ambiguity in orders;
- Use of obscene or threatening language or physical gestures

## INSURANCE

The City maintains a comprehensive insurance program for the protection of all eligible full-time employees. Complete details of these insurance benefits are provided in City insurance booklets, and are available from the Clerk-Treasurer's Office.

## INVESTIGATIONS

All of our livelihoods depend upon the success of the City government, and when that success is threatened because of drug use, theft, or other wrongful activities, it is incumbent upon all of us to resolve the problem as quickly and as accurately as possible. Investigations protect both employees and the City and, as a result, their livelihood.

If employees ever at any time have any questions regarding the policy or the procedures of an investigation, they should not hesitate to contact the Mayor's Office. The City reserves the right to use any lawful method of investigation which in its sole discretion it deems reasonable and necessary to determine whether any employee has engaged in conduct warranting disciplinary action.

If employees refuse to have their possessions searched, they will be warned that their lack of cooperation may be grounds for termination. If they continue to refuse to cooperate, they will be asked to sign a statement indicating that they refused to cooperate in the investigation. If they refuse to sign such a statement, they will be subject to discipline, up to and including discharge.

The results of the investigation will be made available only to those employees with the need to have access to it. Those persons whom the City has reason to believe have engaged in actions contrary to the policies or best interests of the City will be subject to termination.

## JOB DESCRIPTIONS

The purpose of a written job description is to ensure that every employee has a clear and concise explanation of the exact tasks, which they are expected to perform.

Job descriptions will be prepared when a new job or position is created or when an existing position is significantly altered. Revisions should be made as quickly as possible after a position's character changes.

The goal of each job description is to give a clear, concise, and easily understood portrayal of the position. If there is something in a job description that employees do not understand, they must call it to the attention of their immediate supervisor. If parts of the job are not explained in the description, that should also be reported to a supervisor.

Every job description should include the essential duties and responsibilities which an employee performs every day or at regular intervals. It should also include occasional duties, which they may be asked to perform on occasion, but which are not part of the normal job functions.

## JURY DUTY

The City will not discharge, threaten, or withhold benefits from employees because the employees have received or responded to a summons, served as jurors, or attended court for prospective jury service.

Employees are paid for the time they are absent for jury duty, less the amount they receive for performing jury duty service.

If employees are excused from duty early or are not required to be present in court, they are expected to be on the job. Employees must give advance notice of the need for time off for jury duty. A copy of the summons should accompany the request.

## LATENESS

Lateness is disruptive, costly and not fair to the City or other employees. Chronic lateness will not be tolerated and will result in discipline, up to and including discharge.

Lateness disrupts schedules, adds to overtime costs and places additional responsibilities on other employees in a department. Employees are expected to be in their work areas and ready to work at their designated time.

Employees who are going to be unavoidably detained are expected to call the City and inform their supervisors. Attendance is a critical part of performance and employees who are frequently late lower their performance ratings and undermine their chances for promotion and job security.

Employees must fill in their own time sheets or punch their own time cards when they start or stop work. Anyone attempting to sign or punch any sheet or card other than his/her own may be dismissed. If an employee forgets to sign in or out on the time sheet or neglects to punch a card, they should notify their supervisor immediately.

## LEAVES OF ABSENCE

*Note:* Leave requests under the Family and Medical Leave Act are covered in a separate policy.

Employees may find that personal, health, or family problems make it necessary to be absent from work for extended periods. Requests for leaves of absence without pay for limited periods will be considered by management, depending on the reasons and circumstances for the request. Management retains the right to deny the requested leave of absence for any reason other than medical leave for the employee, or a parent, spouse, or dependent child. Medical certification or a note from a state licensed physician or other related documentation may be required before the leave begins.

Employees must submit a written request to their supervisors, explaining the reason for the request and the anticipated length of the absence. Advance notice of 30 days is required when foreseeable for a leave of absence to be granted.

Normally an employee won't be able to request a leave of more than 12 continuous weeks, although management may make exceptions under certain circumstances. All bonus and accrued-to-date vacation days remaining at the time the leave of absence begins must be used before the leave begins. After those days are used, the remaining leave becomes "unpaid" and all other paid benefits, including employer paid health insurance premiums, pension contributions and vacation accrual will cease. The exception to this rule is the leave of absence for medical reasons, which allows the remaining balance of paid sick days to be used before the leave of absence begins.

The City will endeavor to return employees to the same or equal job they had prior to the leave of absence. We cannot guarantee the same job; however, the employee will suffer no loss in employment status. Employees who are granted a leave of absence for any reason shall suffer no loss in net creditable service to the City in so far as vacation, retirement and length of service awards are concerned.

## LITERATURE

No one may distribute literature or post notices on City premises without written permission from the Department manager. All requests for such activities will be in accordance with these standards:

- Whether the activity would interfere with work performance or be offensive to other employees;
- Whether the activity is governed or prohibited by law;

- The relevance of the activity to the workforce as a whole (e.g., a recreational program for employees would normally be approved; an announcement by an outside organization, such as a professional team, might not);
- Whether the activity would affect the impression received by citizens or visitors.

The decision by management as to whether literature will be allowed to be distributed will be final and binding. Employees who violate this policy will be subject to discipline, up to and including discharge.

## LOAFING

Loafing is sleeping or intentionally slowing down on the job. An employee who loafs is subject to disciplinary action, up to and including discharge. As loafing places an undue burden on all responsible workers, all supervisors will report instances of suspected loafing. Employees are encouraged to bring instances of loafing to their supervisor's attention.

Sleeping on the job is considered to be gross insubordination and can result in immediate termination. In addition to its impact on productivity, sleepy or drowsy employees can constitute a safety hazard that can result in serious injury or even death. If employees are experiencing drowsiness, they should report it to their supervisor immediately.

Prescription or even nonprescription drugs may result in drowsiness. Employees should notify their supervisors whenever they are taking such medication. For certain jobs involving moving machinery or other safety factors, they may be excused until their illness has been cured.

## MAIL

When sending mail, employees are expected to follow all City policies. For example, no abusive, harassing, or anonymous U.S. or interoffice mail is to be sent. No pornographic items are to be sent or received. No confidential information is to be disclosed in mail to persons outside the City. Any contracts sent via facsimile are to be followed by a mailed original. Use of the City mail system will be treated as permission to open mail sent or received to ensure compliance with City policies.

Employees are expected to use common sense in the use of our mail system. Our paramount goal is to communicate efficiently and effectively with our citizens and vendors. In keeping with the City policy of treating everyone with respect, the mail

system may not be used to harass anyone. Any employee who is subjected to harassing mail or interoffice memos should report such events to his/her supervisor or any manager of the City, in accordance with our harassment policy.

Unless clearly marked "personal," all mail will be treated as intended for the City and may be opened by designated personnel. To ensure compliance with City policies, even personal mail may be subject to inspection. Employees should review the City policies regarding harassment, moonlighting, conflict of interest, solicitation, and confidentiality, as each applies to our mail services.

Any employees who violate any City policies with respect to the mail are subject to discipline, up to and including discharge.

## MATERNITY LEAVE

It is our policy to treat pregnancy, childbirth, and related medical conditions according to the leave requirements outlined in the Family and Medical Leave Act of 1993 (FMLA). The City also complies with all applicable local and state laws, in spirit as well as in specific detail.

Should any provision of this policy be found to be inconsistent with an applicable legal requirement, the law shall prevail. All other provisions of this policy that are consistent with the law will remain in effect.

In order to qualify for a maternity leave, we ask that employees make such a request in writing to their supervisors within the first three months of the pregnancy. Their personal physician's certification of their condition, plus the expected date of delivery, must be included in the written request. With the doctor's approval, employees may continue to work up to their expected delivery date, depending upon their medical circumstances and the nature of their jobs.

In case an employee is physically unable to perform her regular job duties at any time during her pregnancy, either she or her supervisor may request that she be placed on maternity leave. Such a request must include a statement from her physician attesting to her medical condition.

The return to active employment should be no sooner than considered medically safe by a physician. It may sometime be necessary to consult with an employee's physician regarding any question of medical propriety that may arise. After the maximum legal leave period is exhausted, an extension may be granted if a medical condition exists that is substantiated by a physician.

## MEDICAL

*Note:* Medical policy requirements will be applied in conformance with the requirements of the Americans with Disabilities Act. Applicants will be required to pass a physical examination that will include drug and alcohol screening. The examination will be administered by a physician designated by the City, and paid for by the applicant.

Every applicant must complete the medical history form completely and honestly. Withholding or changing information can result in immediate disqualification, or subsequent termination.

Any employee who suffers a work-related injury must submit to a drug test within 24 hours or face discharge. This does include vehicular accidents or accidents that injure another employee.

Employees who suffer a work-related injury or illness on the job must report it immediately to their immediate supervisor. Leaving a workstation for medical reasons without notifying their immediate supervisor can result in discharge. The City will arrange transportation of the injured or sick employee to a physician or hospital.

All employees are required to report to their jobs in appropriate mental and physical condition, ready to work. If an employee may be impaired because of taking medication according to a doctor's prescription, he/she is expected to discuss it with their supervisor before commencing work that day.

Following medical treatment, an employee must meet the following conditions:

- Complete a Workers' Compensation report as required. Proving false information will result in discharge.
- Keep medical appointments as required.
- Return to work when cleared by a physician. Returning employees must provide certification from a physical indicating they will be able to work satisfactorily and safely. Employees who fail to return to work after receiving medical clearance may be discharged.

In some cases, the City may offer modified duties on a temporary basis to returning employees. If the City elects to do so and if the employee is cleared for light duty, he/she must accept it or face discipline, up to and including discharge.

Employees who have an alcohol or drug abuse problem are strongly encouraged to use the Employee Assistance Program available through the City. When work performance is impaired, however, use of this or other programs does not preclude appropriate action by the City. The City retains full and final discretion on whether, when, and under what conditions an employee may be reemployed after an instance of substance abuse.

An employee may be granted a medical leave of absence for illness or injury. This type of leave must be supported by a doctor's statement indicating the type of illness or injury and the expected duration. All medical leaves will adhere to the requirements of the Family and Medical Leave Act.

Medical examinations are City property and will be released to applicants, employees, or doctors only if required by law.

## MILITARY LEAVE

The City will grant military leaves of absence as required by law and by the needs of employees who are members of the military service. Any full-time employee who is called to active military duty will be granted a military leave of absence.

The duration of the leave will be the term of enlistment plus any additional time that may be required by the government. It will include a reasonable allowance of time for travel and adjustment.

Reenlistment or any other voluntary extension of the tour of duty may affect the leave of absence. On return from military leave of absence, the employee will be reinstated as required by law, subject to these conditions:

- The employee must apply for reinstatement within the time required by law;
- If the employee's former job is not available, the City will provide a job of similar status, seniority and pay. Adjustments and exceptions to this policy may be made as circumstances require.

When the employee is released from military service and is ready to return to work, he/she should go to a City doctor for medical examination at City expense. The purpose of this examination is to determine the employee's fitness for reemployment. If, as a result of the doctor's examination and report, it is learned that there are physical disabilities, the case may require a waiver completed by the doctor and approved by Workers' Compensation.

As promotions and merit increases are based solely on performance, they will generally not be available to individuals on military leave.

The City makes it a policy not to discriminate in any way against employees who are members of the military. The employee's job will not be in jeopardy if a military leave of absence is requested or taken.

Note: Also see the "Family and Medical Leave Act" section for additional information.

## MOONLIGHTING

It must be realized that employment with the City is the employee's primary responsibility. Outside employment will not be considered an excuse for poor performance, absenteeism, lateness, or refusal to work overtime. Should the outside employment cause or contribute to any of these situations, it must be discontinued.

Employees are required to disclose the nature of any outside employment to their immediate supervisor. Noncompensated jobs on behalf of charitable, civic, and educational organizations are excluded from this disclosure requirement. The intent is not to prohibit all outside employment, but to ensure that the conduct of employees is not harmful to City obligations and interests in any manner.

The City will not pay medical benefits for injuries or sickness resulting from employment at an outside organization.

## NATIONAL ORIGIN

The United States is a diverse nation, and many ethnic groups have contributed to its growth and development. It is our policy to make employment, benefits, promotion, and working conditions available to all U.S. citizen workers and non-citizens who are legally permitted to work in the United States, without discrimination on the basis of nationality.

The City adheres to the policy of not allowing any applicant or employee to be discriminated against or harassed because of national origin. The Equal Employment Opportunity Commission (EEOC) defines national origin discrimination broadly as including, but not limited to, the denial of equal opportunity because of an individual's, or his/her ancestor's, place of origin; or because an individual has the physical, cultural, or linguistic characteristics of a national origin group.

We must be especially careful not to deny equal employment opportunity for reasons, which are grounded in national origin considerations, such as:

- Marriage to or association with persons of a national origin group;
- Membership in or association with an organization identified with seeking to promote the interests of national origin groups;
- Attendance or participation in schools, churches, temples, or mosques, generally used by persons of a national origin group;
- An individual's name or spouse's name being associated with a national origin group.

Ethnic slurs and other verbal or physical conduct relating to an individual's national origin constitute harassment when this conduct:

- Has the purpose or effect of creating an intimidating, hostile, or offensive work-environment;
- Has the purpose or effect of unreasonably interfering with an individual's work performance; or
- Otherwise adversely affects an individual's employment opportunities.

## NEPOTISM

The City permits the employment of relatives, which includes, husbands, wife, child, parent, brother, sister, brother-in-law, sister-in-law, mother-in-law, and father-in-law. The following guidelines reduce the possibility or perception of favoritism and avoid placing related staff in embarrassing positions.

- Related staff may not be assigned to positions where one relative may have the opportunity to check, process, review, approve, audit, or otherwise affect the work of another relative;
- Related staff may not be assigned to positions where one relative might influence the salary progress or promotion of another.

This policy relates to full-time and part-time employment , and will be applied in accordance with applicable state and federal laws, including the State of Indiana Nepotism Policy for elected officials. Questions or comments about the policy or its application may be addressed to the Mayor.

## ORIENTATION

The City provides an orientation program to help new employees to become acquainted with their positions as quickly and as beneficially as possible. It is the duty of the Clerk-Treasurer's Office to acquaint new employees with the City's benefit programs, and provide them with a copy of this personnel policy manual.

It is the responsibility of new employees' immediate supervisors to instruct new employees in their job responsibilities and how to perform required tasks. All policies and practices that have a direct bearing on employees and how their positions contribute to the City's successful operation will be explained in detail.

Immediately after the orientation, each supervisor will ask if the employee has any questions or wishes to clarify any of the points covered.

## OVERTIME AND COMPENSATORY TIME

Overtime and compensatory time are administered under the stated requirements of the Fair Labor Standards Act (FLSA). Following FLSA guidelines, each City employee is designated as either NON-EXEMPT or EXEMPT from federal and stated wage and hour laws.

Non-exempt employees, whether hourly or salaried, are entitled to overtime compensation/compensatory time off under the specific provisions of federal and state laws.

Exempt employees are excluded from specific overtime provisions of federal and state wage and hour laws.

Overtime compensation is paid to all non-exempt employees in the form of monetary reimbursement or compensatory time, in accordance with federal and state wage and hour restrictions. Overtime pay is based on actual hours worked. Time off on holidays and vacation leave shall be counted as hours worked for the purposes of calculating overtime compensation. Time off on sick leave, personal leave, compensatory time or any other leave of absence will not be considered as hours worked for the purposes of calculating overtime compensation.

Non-exempt employees eligible for overtime shall be paid straight time for hours worked up to 40 hours per week; and paid at a rate of one and one-half times the hourly wage for all approved hours worked in excess of 40 in a work week.

The City will make every reasonable effort to distribute overtime when scheduling employees for overtime hours.

No employee will work overtime or receive compensatory time without direct, written authorization from his/her immediate supervisor. Failure to receive such authorization will subject the employee to disciplinary action, up to and including termination of employment.

Calculating compensatory time is based on actual hours worked. Time off on holidays and vacation leave shall be counted as hours worked for the purpose of calculating compensatory time. Time off on sick leave, personal leave, compensatory time or any other leave of absence will not be considered as hours worked for the purpose of calculating compensatory time. Use of compensatory time must be determined in advance of submission of the payroll.

Elected officials and department heads shall monitor employee accrual of compensatory hours and ensure that employees schedule use of compensatory time within six months from the date it was earned.

## PART-TIME EMPLOYEES

Part-time employees are defined as those employees whose position and job description require working twenty nine (29) hours or less per week. The City acknowledges that there may be instances where a part-time employee may work more than twenty nine (29) hours per week, but the employee's annual work hours shall not exceed fifteen hundred eight (1,508) hours.

During those instances where a part-time employee works more than forty (40) hours per week due to seasonal demand, the city shall comply with the Fair Labor Standards Act and pay over-time in accordance with all applicable rules and regulations.

Part-time employees may accumulate vacation and sick benefits in accordance with and in proportion to the policies of the City of Whiting. A part-time employee is not entitled to pension or insurance benefits with the City of Whiting.

## PAY

It is the City's goal to pay reasonable and equitable wages and salaries to all its employees. The rate of pay shall be comparable to wage and salary rates paid for similar positions within the market and region in which the City is located.

The City will, in its salary administration and wage and hour policy, follow the rules and regulations set forth by federal and state labor laws.

The City reserves the right to establish incentive pay plans, based on City earnings and employee performance appraisals.

Applicable federal, state, and local income taxes, as well as federal Social Security taxes, are withheld from each paycheck. The City reserves the right to obey all laws that pertain to payroll, including garnishments.

Employees will be paid according to designated wage payment dates.

## PENSIONS

### **PUBLIC EMPLOYEES RETIREMENT FUND (PERF):**

Eligible City employees are covered by PERF, a retirement program established and maintained by the State of Indiana. PERF pays benefits to cover workers or their dependents upon retirement, death and, in certain cases, serious illness or injury. The employee contributes a percentage of employee's gross wages, and the City contributes a percentage of employee's gross wages for deposit in an annuity savings account. The contributions and accumulated interest credits are refundable when an employee terminates employment prior to being eligible for benefits. PERF's Employer Financed Pension requires 10 years of service to become vested.

## PERFORMANCE APPRAISALS

Employees' performance may be appraised at least every 12 months by their immediate supervisor. The formal review will consist of a written appraisal followed by a discussion of the evaluation. Informal reviews should be conducted on a continuing basis.

The appraisal's purpose is to help supervisors evaluate performance in an objective, consistent, and uniform manner. It will be based on job performance and employee qualifications, which will be based on each position's job description and work standards.

Subjective factors, such as personal habits and outside activities, will not be considered.

Employees will have the right to express disagreement with any points made, correct any inaccuracies, and make written comments concerning all aspects of the appraisal.

## PRIVACY

Although the health and safety of its employees is of vital importance to the City, what employees do on their own time, which may affect their health and safety, is not regulated by us. No one will be discriminated against or disciplined for using lawful substances outside of working hours and away from City premises, including tobacco or legal drug and alcohol products.

If, however, use of lawful substances outside of working hours and away from City facilities affects the employees' on-the-job performance, appropriate steps will be taken under our discipline policy.

While the City has a duty to its employees, its clients/citizens, and the public to investigate off-duty employee behavior, which may affect them, it also has an equally important duty to protect employees from unwarranted invasions of their privacy.

Possession or use of intoxicating beverages, unauthorized medical drugs, and controlled substances on City property or use of these substances in a manner that affects work will subject employees to discipline, up to and including discharge.

## PROBATION

The City recognizes two separate conditions under which employees may be placed on probation.

The first is the 90-day introductory period for new employees. This period is established to benefit the employee and the City. It is a period of adjustment and adaptation, both personally and in terms of learning the job requirements and work rules. If, at any time during this period, the employee is unable to adapt successfully to the requirements of the position, the department, or the City as a whole, employment can be terminated immediately. The employee's supervisor may offer advice and counseling when a problem becomes apparent, but is not required to do so. Employees may be given advance notice, but that also is not required.

The second type of probation is for inadequate performance or improper behavior at any time after the probationary period for new employees. An employee may also be placed on probation for a designated period to correct recognized performance shortcomings that they are able and willing to correct.

Despite any probation policy, employees can be discharged immediately if it appears they are unable or unwilling to correct a problem, if dismissal or layoff is necessary for economic reasons, or if their continued employment would be contrary to the City's best interest or the welfare and safety of other employees.

## PROMOTION

Our City policy on promotions encompasses the same equal employment opportunity philosophy as our hiring, discipline, and all other decision-making processes. No individual will be denied a promotion because of a personal characteristic not related to the effective performance of the position in question.

All opportunities will be widely publicized, when possible.

We will use objective, job-related criteria to make selections; apply the same standards to everyone; and won't raise or lower them for individual employees.

Factors to be considered in promotions include education, experience in present and previous jobs, performance record, ability, work ethic, and skill.

## PROPERTY

All employees are expected to exercise care in the use of City property. Negligence in the care and use of City property, or unauthorized removal or personal use of City property, may be cause for discipline. City property issued to employees, including software, and manuals, must be returned if employment with the City is terminated, either voluntarily or involuntarily. If City property is not returned, employees will be responsible for the value of the property.

No employee will remove City property from the premises without written permission from the supervisor or department head that is responsible for the property in question. Examples of the kind of property subject to this policy are:

- Books, office supplies, and equipment;
- Personal property owned by the City or other employees;
- Confidential literature including contracts, and records;
- Computer disks, tapes, and other storage media.

Removing or attempting to remove City property without proper permission can result in discipline, up to and including termination.

Employees are advised not to bring personal property of value to work. The City will not be responsible for the loss or theft of personal items on the premises.

## RECORDS

Employees may examine their personnel records in accordance with state law. Records exempt from this inspection include potential job assignments, predictions of the future salary, and personnel planning information. Employees have the right to correct, ask for a deletion, or write a statement of disagreement with any item in the file. They may not remove files unless specifically authorized.

In order to make corrections on a personnel record file, employees must first submit a formal request in writing. If the request is granted, then the changes will be made under the employees' direction while they are present. If the request for a correction is turned down, employees can then request that their statement of disagreement with the personnel file be placed within the file. That statement of disagreement is to be a permanent fixture in the personnel file.

When employees are hired, they fill out documents including employment applications and medical records. Employees sign a statement on the employment application testifying that all of the information furnished is true. The statement also warns that falsification of employment records is considered a serious offense and may lead to termination at any point of employees' career with the City. If at some later date it is determined that an employment record has been falsified, the employees will be subject to immediate discipline, up to and including dismissal.

Appropriate discipline will also be dispensed for falsification of any reports pertaining to absence from work, claims made about injuries while on the job or on City premises, claim made on benefits provided by the City or government agencies, as well as any falsification of City communications or production records.

The City has a commitment to the privacy of personal information kept in its personnel records. It uses only ethical and lawful means to gather information about or from applicants or employees. Whenever reasonable, the City gathers it directly from the employees concerned. Personal information about employees, which is not job-related, will not become part of employees' files. Medical files are kept separately from the personnel files.

## REDUCTION-IN-FORCE

The City will attempt to provide appropriate employment for all employees. If a layoff is necessary to protect the City's financial or operational status, it reserves the right to reduce its work force either permanently or temporarily. It also reserves the right to reduce its work force when substantial changes in status or technology necessitate such action.

This policy does not apply to policy-making positions, part-time positions, temporary positions or probationary employees, that are terminable at will. The City will not layoff full time employees and replace those positions with part-time employees. Layoffs may occur in any order at the discretion of management. However, if all other qualifications are equal, seniority will be used as a determining factor.

Employees who are subject to layoff will be given as much notice as possible of the reduction in force and at least two (2) weeks notice in writing if the layoff is for more than five (5) working days. Laid-off employees will be recalled first if qualified or their

former position becomes available again. In the event that two or more qualified employees were laid off on the same date, the recall will be governed by seniority.

## REFERENCES

It is our policy to answer requests for references as completely and honestly as possible. Employees' performance and attitude will determine the type of reference they will receive if they leave the City. All requests for information about them, however, will be handled responsibly, and only qualified personnel will be involved.

Usually only facts concerning dates of employment and title are given. Additional information about employees' performance will be furnished only if the employee signs a consent agreement for the release of this information. Only facts about their performance will be given and only after a written request has been received from an authorized individual.

Information will be given to duly authorized requests from law enforcement agencies, including investigators, summonses, subpoenas, and judicial orders. The City need not inform an employee that personal information has been disclosed to law enforcement agencies if it concerns an investigation into the employee's on-the-job conduct, especially when an employee's actions endanger other employees or City security or property.

All requests for references about current, retired, or terminated employees must be referred to the City's designated contact. No supervisor is authorized to give any information about current or former employees without the approval of the designated contact.

## REHIRE

Former employees may be considered for rehire if they meet the following conditions.

- They submit a written application.
- They meet the requirements of an open position.
- They were in good standing at the time of termination. Former employees should not be rehired if their past employment was not satisfactory as indicated by the recommendation of their former supervisors.

Individuals returning from active duty and who are entitled to reinstatement will be reinstated to their former jobs or provided jobs of similar seniority, status, and pay.

To be eligible for reinstatement to the same job, individuals must still be qualified to perform it. If they are not qualified for their former positions, then they will be allowed to attempt to qualify for a similar job. If former employees have to acquire additional skills to perform their former jobs, they can apply for a similar job, and then have a reasonable time in which to acquire the skills needed for the former job.

If hired, former employees' new seniority date will be the date of the most recent hiring—and all new and future employment records will be maintained in a new employee file.

## RELIGIOUS DISCRIMINATION

It is against City policy to discriminate against any person based on religious beliefs or practices. It is our policy not to ask employees about their religious convictions or practices. When an offer of employment is extended, applicants will be informed of the regular schedule and potential for overtime work in the job, and potential conflicts will be explored.

It is our policy to accommodate the religious beliefs of our employees whenever possible. The accommodation, however, cannot exert undue hardship on other employees or create a financial burden for the City. If the accommodation is not possible, the employee will be expected to assume his/her usual duties as previously scheduled. No employee will be allowed to wear any religious costume or headpiece in violation of safety rules or business dress codes.

Employees will be permitted to use vacation days as “personal” days for religious observances, to observe a period of mourning prescribed by religious or ethical beliefs, or to prepare for religious observances. Employees are requested to give their supervisors at least two weeks' notice of observances of religious holidays.

No City employees, especially in a supervisory capacity, are allowed to assert their religious beliefs on others. Religious harassment, too, is strictly prohibited. All violations may be subject to discipline, up to and including discharge.

## RESIGNATION

It is our policy that the employment relationship may be terminated at-will, at any time, by the employee or the City. When employees leave the City voluntarily, they are expected to submit a letter of resignation at least two weeks prior to their last day of work. When giving notice, they should speak with their immediate supervisor and the Clerk-Treasurer or his/her designated representative.

It is the City's policy to process terminating employees according to a standardized procedure for the following purposes:

- To ensure the consistent and equitable treatment of terminating employees;
- To conduct exit interviews in order to receive suggestions that terminating employees may have for improving employment conditions;
- To review medical conversion privileges and other pertinent employee benefits matters;
- To reclaim keys, City vehicles, supplies, or any other City property prior to separation of employment.
- To issue unemployment compensation forms as required by state law, and insurance notifications as required by federal law;
- To arrange for distribution of final paycheck.

## SAFETY & HEALTH

Safety and health protection is a quality of life issue, which has a high priority in all of our business activities. Our goal is to minimize human injury or illness and property loss or business interruption caused by accidents, fire, or other hazards. We believe this will be achieved to the degree that all City members accept and fulfill the safety and health responsibilities inherent in each job. Individually, we must recognize hazards, anticipate possible exposures and risks, and then act to eliminate or control them.

The City expects that its workers will give their best efforts to the prevention of industrial accidents and diseases. The City will provide the necessary direction and aid to accomplish this goal and will also reward or discipline employees according to their actions in behalf of safety or health concerns.

Employees are responsible for working as they are instructed to safely produce a quality product or service. Employees are also responsible to themselves and to the City for reporting unsafe conditions or practices to management. It is then management's responsibility to act as conditions warrant.

No employee should ever perform a task or work with equipment that he/she considers to be unsafe.

Note: Related information is included in the "Dress Code" section of this Policy.

## SEARCHES

Supervisors have the authority to request that any employees open for inspection any package or other container brought on or taken from City premises. The term “City premises” includes, but is not limited to, City offices, all work areas, desks, rest areas, parking lots, driveways, loading docks, and any vehicle owned or leased by the City.

Random searches of City property, including desks and employee vehicles parked at City premises, can be conducted at any time when there is reasonable certainty that property has been taken.

If an employee is found to be carrying City or other employees’ property without authorization, he/she is subject to discipline, up to and including termination.

Prohibited items or substances will be turned over to law enforcement authorities when appropriate. Any employee found in possession of an item or substance prohibited by this policy will be sent home and will be subject to further discipline, up to and including discharge.

Any employee who refuses to comply with a search or investigation in accordance with this policy will be subject to discipline, up to and including discharge.

## SECURITY

It is our policy to protect the security of City property and records through the establishment of necessary controls and procedures.

In the event of theft, suspicious activity, or dangerous incident, employees should report the situation to their supervisor. The supervisor will assess the situation and, if appropriate, contact the police.

The City reserves the right to inspect bags, parcels, or containers being removed from the premises. Further, in the interest of health and safety, the City reserves the right to inspect the workplace, including lockers, desks, files, etc.

Possession, consumption, or sale of intoxicating liquor or drugs on City property or reporting for work under the influence of liquor or drugs is forbidden. Violators are subject to disciplinary action, up to and including termination.

Employees are expected to use designated entrances and exits.

All keys, access codes, City records, documents, and other property must be turned in at separation of employment.

Security problems and violations cannot be handled in a constructive manner unless City management knows about them. Our security policy, therefore, places a strong emphasis on reporting security-related incidents so that the proper action can be taken.

## SENIORITY

Seniority credit will be given from the date of starting work. Seniority is a measure of length of City service based upon date of hire, and it is one factor, which is considered in certain employment decisions, such as promotions, vacation scheduling, layoff, or recall. Employees lose seniority upon permanent separation of employment.

## SEXUAL HARASSMENT

It is the policy of this City to ensure a work environment free of sexual harassment. In accordance with that philosophy, unwelcome sexual advances; requests for sexual favors; sexual demands; or other verbal, physical, or visual conduct of a sexual nature will constitute sexual harassment when:

- Submission to the conduct is either an explicit or implicit term or condition of employment;
- Submission to or rejection of the conduct is used as a basis for an employment decision affecting the person rejecting or submitting to the conduct;
- The conduct has the purpose or effect of unreasonably interfering with an affected person's work performance, or creating an intimidating, hostile, or offensive work environment;
- In third-party situations, one individual is offended by the sexual interaction, conduct, or communications between others.

The City bases its determination relative to employment, training, compensation, and promotions on job-related qualifications in compliance with Equal Employment Opportunity laws and regulations, which prohibit discrimination based on sex. Federal and state laws make sexual harassment unlawful. Just as we do not tolerate violations of other laws in our workplace, we do not tolerate violations of the laws prohibiting sexual harassment.

The City believes that all employees are entitled to a workplace free of harassment, and expects that all employees will treat each other and our customers/citizens with courtesy, dignity, and respect. We take our obligation to maintain a workplace free of harassment very seriously. Sexual harassment is a form of misconduct, which constitutes a serious offense and subjects offenders to disciplinary action, up to, and including discharge.

The City will exercise reasonable care to prevent or correct any sexually harassing behavior by launching prompt and thorough investigations, and enforcing appropriate disciplinary actions. In order to prevent and remedy sexual harassment in the workplace as quickly as possible, employees are encouraged to take full advantage of the City's preventive and corrective opportunities.

Employees who experience or witness sexual harassment in the workplace must report it immediately to their immediate supervisor. If that is the person who is harassing the employee, the employee may approach any other member of the City's supervisory group. All allegations of sexual harassment will be investigated. To the extent possible, the employee's confidentiality and that of any witness and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, the employee will be informed of the outcome of that investigation.

The City will permit no employment-based retaliation against anyone who brings a complaint of sexual harassment or who speaks as a witness in the investigation of a complaint of sexual harassment.

## SEXUAL ORIENTATION DISCRIMINATION

It is our policy that all employees have a right to work in an environment free of discrimination, which includes freedom from harassment—whether the harassment is based on sex, age, race, national origin, religion, sexual orientation, marital status, or membership in other protected groups. The City prohibits harassment of its employees in any form—by supervisors, co-workers, customers/citizens, or suppliers.

Harassing conduct in the workplace, whether physical or verbal, committed by supervisors or others, is prohibited. This includes: slurs, jokes, or degrading comments concerning sex, age, race, national origin, religion, sexual orientation, marital status, or membership in other protected groups; repeated offensive sexual flirtation, advances, or propositions; continual or repeated abuse of a sexual nature; graphic verbal comments about an individual's body; and the display in the workplace of sexually suggestive objects or pictures.

The City takes the position that a person's sexual orientation is an individual decision and no employee will be discriminated against for exercising this right. Under no circumstances should employees' sexual orientation interfere with their job performance or resulting appraisals.

Employees who ridicule or physically abuse co-workers because of sexual orientation will be subject to discipline, up to and including discharge.

The City recognizes that sexual harassment can exist where the harasser and the harassed are of the same gender. Therefore, the City prohibits harassing conduct in the workplace, regardless of the gender of the accuser and the accused.

Employees who feel they are being harassed because of their sexual preference may bypass their immediate supervisor and file a complaint with any member of the City's supervisory group.

The City will not be held responsible for sexual orientation harassment unless it is made aware of the problem through our complaint procedures.

## SICK LEAVE

*Note:* All sick leave restrictions shall comply with the requirements of the Family and Medical Leave Act, when appropriate.

Sick leave is a benefit to be used in the case of actual illness, injury or to seek legitimate medical care or medical testing for the employee or a family member of the employee, which prohibits employees from performing their duties. The City of Whiting Benefits Manual identifies the number of sick leave days, either paid or unpaid, for each employee classification of the City.

Every employee is required to report their absence to their supervisor no later than the time established by the department where he/she is employed.

The City reserves the right to ask for medical care verification (doctor's certificate) of illness or disability, or require employees to submit to a medical examination by a qualified physician selected by the City. In the event medical care verification (doctor's certificate) of illness is required or requested, any associated costs will be borne by the employee. Only properly completed "Medical Care Verification Forms" which are available from your supervisor will be accepted as verification. The following specific situations shall automatically require medical care verification (doctor's certificate) upon return to work:

- After the 3<sup>rd</sup> consecutive day of sick leave before returning to work on day 4.
- Whenever a sick leave day is used to begin or extend a vacation week.
- All FMLA certified absences.

Failure to provide a properly completed "Medical Care Verification Form" (doctor's certificate) upon return to work may result in loss of sick leave benefits for the days in question. Any violation or abuse of the sick leave policies may result in disciplinary

action. Please refer to the “Progress Disciplinary Action Schedule for Absenteeism and Tardiness” in the “Discipline” section of this policy for additional details.

Note: A properly completed “Medical Care Verification Form” (doctor’s certificate) does not exempt the employee from disciplinary action under the terms of this policy. The primary purpose of the “Medical Care Verification Form” (doctor’s certificate) is to determine if an employee’s absence qualifies for sick leave benefits (sick pay) as outlined in the City Benefits Manual or respective collective bargaining agreement.

Although it is incumbent on every employee to strive for a goal of no absences, we recognize the right of employees to the legitimate use of sick and injury leave benefits. There is no intent to deny employees access to those benefits when warranted. However, we have the right to expect regular attendance of our employees and take corrective action for excessive absenteeism.

Sick leave may be accumulated beginning with sick leave earned in calendar year 2009. The employee payroll records will reflect the accumulated sick time for each employee. There is no additional action required by the employee to accumulate sick days. This will occur automatically from year to year and administered by the Clerk-Treasurer’s office. Employees will not be compensated for accumulated sick leave not taken in the event of termination, resignation, retirement or death.

## SMOKING

The City recognizes the right of its employees to work in an environment free of tobacco smoke. The City also recognizes the rights of employees who choose to smoke to make personal decisions without interference, as long as these decisions do not interfere with the rights of other employees.

Given the documented risk of environmental tobacco smoke by the Environmental Protection Agency, the right to a smoke-free environment in the workplace takes precedence over individual desires to smoke. Therefore, smoking is strictly prohibited in City owned or leased vehicles and buildings, including offices, hallways, waiting rooms, restrooms, lunch rooms, elevators, and meeting rooms, unless the specific area has been identified by the Mayor as a designated smoking area.

This policy applies to all employees, clients/citizens, contractors, and visitors. Employees who violate this smoking policy will be subject to discipline, up to and including termination.

The City will comply with all state and local ordinances controlling smoking in the workplace.

## SOLICITATION

The City does not allow non-employee solicitation on its property. Salespersons will not be permitted to solicit employees on City property. Anyone who comes onto City property to solicit its employees for any reasons will be asked to leave and if necessary, escorted off the premises.

The same rule applies to persons who come onto City property to distribute flyers or other literature. Any employee who is approached by someone wanting to sell something or hand something out is asked to report it to their supervisor.

During work time, employees are expected to devote their time to work activities. Social solicitations are to take place only during break times and non-work times in areas where they will not disturb other people who are working. In addition, distribution of flyers and literature must be done on non-work time and only with the express permission of the elected official or department head.

City equipment or supplies may not be used to reproduce or distribute literature unrelated to City business.

## SUBSTANCE ABUSE

Creating a healthy and safe work environment is a top priority of this City. This substance abuse policy has been established to help keep employees healthy, productive, and free from injury.

This policy reflects our commitment to our employees and our belief that drug or alcohol abuse poses a serious risk, not only to the individual but to other employees. In addition to emphasizing the City's belief that safety and health are essential, the policy also underscores our firm commitment to a drug-free workplace.

The possession, use, or sale of alcohol, unauthorized or illegal drugs, or the misuse of any legal drugs on City premises or while on City business is prohibited and will constitute grounds for termination.

The City restricts certain items and substances from being brought on or being present at City premises and prohibits employees and others working at City premises from reporting for work or working with detectable levels of drugs or alcohol in their systems.

Employees who come to work under the influence of alcohol or any illegal drug will be subject to discipline, up to and including termination.

The term “City premises” includes City offices, work locations, desks, parking lots and any vehicle engaged in City operation. Random searches of City premises, including personal effects and employee vehicles parked at City premises may be conducted at any time.

The City will establish such procedures, besides testing, as it finds necessary to effectively enforce its drug policy. That may include a requirement that employees cooperate in personal or facility searches when there is reason to believe drugs or alcohol are present, when their performance is impaired, or when their behavior is erratic. Refusing to cooperate with these procedures may be cause for disciplinary action, including termination.

The Substance Abuse Testing Program Policy, enacted by the City of Whiting Board of Public Works and Safety on February 22, 2005 and amended on April 20, 2009, is incorporated into this Policy Manual. All employees are governed by the Policy and all new hires are required to sign the Acknowledgement Form upon commencement of employment. Any amendments to the Substance Abuse Testing Program Policy which are adopted by the Board of Public Works and Safety are applicable upon passage and employees will receive proper notification.

The Substance Abuse Testing Program Policy can be found online at [www.whitingindiana.com](http://www.whitingindiana.com) or in the Administrative Policies section of this Manual.

## THEFT

City property is a valuable asset, costly to replace. All employees must protect it from theft, loss, and damage. City property includes knowledge and information as well as physical goods.

Cameras, typewriters, computers, books, magazines, stationery, copiers, and supplies are for City business only and are not to be used for personal matters unless approved by the employee’s supervisor.

None of the above items are to be removed from the office for other than City business. If it is necessary to use any of these items outside the office for City business, employees must get written permission from their supervisor and be responsible for the items’ safekeeping and return.

Any employee who violates this policy is subject to immediate dismissal.

## TIME CLOCK

There is a punch card system in operation, which records the actual time-in and time-out for each day for each employee.

Any employee found to be inserting another employee's key or card to add hours in that employee's absence, or removing it so the employee does not receive full credit for hours worked, will be subject to disciplinary action.

## TRAINING

The City offers its employees every practical opportunity to upgrade their job skills and improve their opportunities for promotion. We will provide appropriate training and education to prepare employees for new jobs or to increase the skill levels in their current positions.

The City may require additional training or skills upgrading when changes in structure, work procedures, technical skills, or health and safety procedures occur. Employees have the right to refuse a recommendation for additional training and education, but each refusal will be noted in the employees' permanent personnel file.

The City does not discriminate against any employee because of race, creed, religion, national origin, age, sex, or disability in offering education or training opportunities.

## UNEMPLOYMENT COMPENSATION

Employees who lose their jobs because of business conditions are eligible to collect unemployment insurance until they are recalled or find other employment. This insurance is financed almost exclusively by City taxes that are paid to the state.

If employees quit without good cause or are discharged for misconduct or refusing an offer of suitable work, they are not eligible to collect unemployment insurance. The City will appear at any state hearing to dispute employees' eligibility under those conditions.

To qualify for continuing benefits, employees must be available and able to work. Employees who have worked for a minimum period, or part-timers, may not be eligible to collect unemployment benefits.

## VACATION

It is the practice of this City to provide employees with an annual paid period for rest and relaxation. The objective of vacations is the maintenance of employee health and morale. Vacation eligibility is dependent on employees' status as full-time employees; cumulative City service at the end of the "vacation accrual year"; and the period of active service rendered by the employees during the accrual year.

If employees choose a vacation period, which includes a paid holiday, they will not have the holiday time charged to their vacation account. If they leave after completing one year of service and provide the required notice, their vacation time will be paid. If they fail to take vacation within the time period specified, or resign without giving notice, they may forfeit their vacation pay, depending on state law.

The City reserves the right to determine vacation schedules and to rearrange vacation schedules. Further, the City may alter its vacation policy at any time. This policy is also covered under labor contracts.

Any Class 1 or Class 2 employee that wishes to rollover (accumulate) vacation time to the next calendar year must do so by completing the Vacation Carry Over Request Form. This form must be submitted by December 15<sup>th</sup> of each year, must be approved by the Mayor, forwarded to the Clerk-Treasurer's office and the original placed in the employee's personnel file.

## VIOLENCE

The City has a "zero tolerance for violence" policy. If employees display any violence in the workplace or threaten violence in the workplace, they are subject to immediate termination. No talk of violence or joking about violence will be tolerated.

The City prohibits the following:

- Any act or threat of violence made by an employee against another;
- Any act or threat of violence, including, but not limited to, intimidation, harassment, or coercion;
- Any act or threat of violence which endangers the safety of employees, customers/citizens, vendors, contractors, or the general public;
- Any act or threat of violence made directly or indirectly by words, gestures, or symbols;
- Use or possession of a weapon on the City premises.

It is a requirement that employees report, in accordance with this policy, any behavior that compromises the City's ability to maintain a safe work environment. All reports will

be investigated immediately and kept confidential except where there is a legitimate need to know.

## WHISTLE BLOWING

The City will protect employees who report in good faith what they reasonably believe to be a violation of state or federal law or conditions or practices that would put the health or safety of employees at risk.

We ask that employees first report the alleged violation, condition, or practice to a person with supervisory authority over the employee and give the City time to remedy the situation. No employees will be discharged, threatened, or discriminated against in any manner for reporting what they perceive to be wrongdoing.

## WORKERS' COMPENSATION

Workers' compensation insurance provides benefits for job-related injuries. All employees are covered and the entire cost of this insurance is paid by the City. Our Workers' Compensation insurance costs are based on the number of injuries the City suffers. The lower our injury rate, the lower our costs.

One way to keep our Workers' Compensation costs under control is to work safely and follow all rules and regulations. The City will enforce all safety rules, and employees who violate them will be disciplined, up to and including termination.

Employees should report injuries immediately so that they can receive fast and effective treatment.

Should any employee sustain a work-related injury, our Workers' Compensation insurance will provide medical coverage and income replacement for the period of the employee's disability, as required by law.

## WORK HOURS

The City's normal workweek and work hours per day are established to ensure consistency and effective City operations.

Certain jobs require employees to be physically present at specific times during the day, as established by the supervisor. Failure to follow supervisor's time requirements will subject employees to discipline.

All non-exempt employees who are asked to work overtime or compensatory time will be paid 1.5 times their base rate for any work over 40 hours per week. Any day that an employee does not show up for work at all will be charged as a full day of absence, whether vacation, bonus, or sick time.

# RECEIPT & ACKNOWLEDGMENT OF THE CITY OF WHITING PERSONNEL POLICY MANUAL

This Personnel Policy Manual is an important document intended to help you become acquainted with the City of Whiting. This Manual will serve as a guide; it is not the final word in all cases. Individual circumstances may call for individual attention.

Because the general business atmosphere of the City, economic conditions are always changing, the contents of this Manual may be changed at any time at the discretion of the Mayor. No changes in any benefit, policy or rule will be made without due consideration of the mutual advantages, disadvantages, benefits and responsibilities such changes will have on you as an employee and on the City.

Please read the following statements and sign below to indicate your receipt and acknowledgement of the City of Whiting Personnel Policy Manual.

\*\*\*

*I have received and read a copy of the City of Whiting Personnel Policy Manual. I understand that the policies, rules, and benefits described in it are subject to change at the sole discretion of the Mayor at anytime. I understand that this Manual replaces/supersedes all other previous manuals for the City of Whiting.*

\*\*\*

*In consideration of my employment, I agree to conform to the rules and regulations of the City, and my employment and compensation can be terminated with or without cause and with or without notices, at any time, at the option of the City or myself.*

\*\*\*

*I understand that no contract of employment other than "at will" has been expressed or implied and that no circumstances arising out of my employment will alter my "at will" employment relationship unless expressed in writing, with the understanding specifically set forth and signed by myself and the Mayor.*

\*\*\*

*I understand that, should the content of this Manual be changed in any way, the City may require an additional signature from me to indicate that I am aware of and understand any new policies.*

\*\*\*

*I understand that my signature below indicates that I have read and understand the above statements and have received a copy of the City Personnel Policy Manual.*

\_\_\_\_\_  
Employee's Printed Name

\_\_\_\_\_  
Position

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date

# PERSONNEL POLICY MANUAL REVISIONS HISTORY

## January 18, 2005

1. Minor modifications to the “Attendance” section.
2. Included reference to the City of Whiting Benefits Manual in the “Benefits” section.
3. Revised entire “Discipline” section.
4. Revised “Gifts” section to reference Ethics Ordinance.
5. Corrected error in “Holidays” section regarding holiday pay and overtime compensation.
6. Revised entire “Sick Leave section
7. Adjusted page numbers accordingly for above revisions.

## January 16, 2007

1. Revised Administrative Aide Job Description
2. Revised Community Development Director Job Description
3. Added new Economic Development Director Job Description
4. Revised Administrative Aide/Community Development Director Physical/Cognitive Abilities Description

## April 20, 2009

1. Revised Index accordingly.
2. Added new section “Accidents”.
3. Revised Attendance section to define “unexcused absence”.
4. Revised Discipline section to require proper documentation.
5. Created new Discrimination/Harassment in the Workplace Policy
6. Revised Dress Code section to mandate the wearing of work clothing, uniforms and safety shoes for all employees if the City purchases, rents or leases said equipment.
7. Revised Electronic Communication section to include “acceptable use” language.
8. Added new section entitled “Emergency Leave”, which allows employees to donate sick leave and/or vacation leave to employees in need.
9. Added new section “Ethics” that incorporates the Ethics Ordinance adopted by the Whiting City Council.
10. Revised FMLA section to:
  - a. Require proper documentation.
  - b. Clarified the use of paid leave in relation to FMLA leave.
  - c. Add Military Leave provisions.
11. Revised “Funeral Leave” section to include step-child and step-parent.
12. Added new section entitled “Gasoline-Fuel Use”.
13. Revised Hiring section to:

- a. Require CDL licenses for some employees.
- b. Require pre-employment physicals and drug and alcohol screenings.
- 14. Revised Leave of Absence section to:
  - a. Clarify eligibility
  - b. Clarify applicable benefits
- 15. Added new Part-Time Employee section to:
  - a. Define Part-Time Employee
  - b. Clarify benefits
- 16. Revised Reduction in Force section to clarify procedure.
- 17. Revised Sick Leave section to:
  - a. Clarify the use of sick leave for medical appointments and testing.
  - b. Allow the accumulation of sick days.
- 18. Revised Smoking section to prohibit smoking in City owned or leased vehicles
- 19. Revised Substance Abuse section to reference BPW approved policy.
- 20. Revised Substance Abuse Policy for additional clarity.
- 21. Revised Vacation section to require proper documentation for rollovers.
- 22. Added "Forms" section
- 23. Revised multiple Job Descriptions to account for additional responsibilities and new positions.

### **May 18, 2009**

- 1. Clarified language defining Part-time Employee.

### **May 20, 2014**

- 1. Amended language regarding hours for part-time employment.
- 2. Revised responsibility for review of Disaster Plan.
- 3. Revised Ethics and Gift language to acknowledge participation in the Shared Ethics Advisory Commission.
- 4. Revised language for Independent Contractor to include statutory requirements for E-Verify Program and No Investment in Iran Certification.
- 5. Revision language in Nepotism section to acknowledge state nepotism policy.
- 6. Revised language in Performance Appraisals to make them optional rather than mandatory.