

# PERSONNEL POLICIES HANDBOOK

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CASS COUNTY, INDIANA

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WAGGONER IRWIN SCHEELE & ASSOCIATES INC

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118 South Franklin Street Muncie, Indiana 47305 765.286.5195

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# **1. PERSONNEL POLICIES HANDBOOK**

**The policies contained in this chapter and throughout the Cass County Personnel Policies Handbook apply to all Cass County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

## **1.1 USE AND REVISION OF PERSONNEL POLICIES HANDBOOK**

This Cass County Personnel Policies Handbook is designed to provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. It is your responsibility to read, understand, and comply with all provisions of the handbook. The Cass County Personnel Policies Handbook describes many of your responsibilities as an employee and outlines the programs developed by Cass County to benefit our employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

Nothing in this policy is intended to, in any sense, constitute a contract of employment. In accordance with Indiana statutes, Cass County is an "At-Will" employer. This means the employee may resign at any time and the employer may discharge an employee at any time with or without cause. This personnel policy is not a contract of employment and in no way grants property interests or contractual rights to County employees. This policy does not create an entitlement or an expectation of continued employment.

No employee handbook can anticipate every circumstance or question about policies. As the County continues to grow, the need may arise to change policies described in the handbook. Cass County therefore reserves the right to revise, supplement, or rescind any policies or portion of the policies from time to time as it deems appropriate, in its sole and absolute discretion. Employees will, of course, be notified of such changes as they occur.

While Cass County believes these policies are accurate, they are only summaries, and any discrepancies between these summaries (such as insurance policies) shall be governed by the actual terms of the underlying, more detailed plan documents. Any questions regarding summaries, their underlying policies and procedures, if applicable, and any discrepancies between them should be directed to your elected official/department head.

## **1.2 EXCEPTIONS AND SPECIAL CONDITIONS**

Cass County's employment practices and policies will apply equally to all employees, unless exempted by law, contract, or the terms of a policy. Where federal and state laws or regulations supersede Cass County policies, employees will be instructed to observe the requirements of these state and federal laws.

All elected officials are excluded from the provisions of these County personnel policies except as noted.

### **1.3 CASS COUNTY DEFINED**

In this personnel policy, the "County" shall be defined to mean the Cass County Board of County Commissioners, the Cass County Council, the elected officials of Cass County, and/or agency and department heads acting individually or in conjunction with each other within the areas of responsibility assigned to said individuals or as defined by applicable statute, constitutional provision, ordinance, case law, or resolution.

### **1.4 PERSONNEL ADMINISTRATION COMMITTEE**

The Cass County Personnel Administration Committee is established and shall meet as deemed necessary to review the application of County personnel policies and perform certain advisory functions such as:

1. Reviewing employee complaints in connection with the problem resolution procedure in the Cass County Personnel Policies Handbook and providing advisory recommendations as warranted;
2. Monitoring personnel policies and procedures and making recommendations for revisions, modifications, additions, and deletions as deemed necessary;
3. Reviewing all employee job classifications and salaries and providing advisory recommendations as warranted: and
4. Reviewing all standard operating procedures adopted by any department.

The Cass County Personnel Administration Committee shall serve yearly and be comprised of five (5) members. The members of the Personnel Administration Committee shall be one (1) County Commissioners and one (1) Council Member. The Human Resources Director by virtue of the position. The Auditor shall be the Committee Secretary by virtue of the position and the County Attorney shall serve as the Committee's attorney.

### **1.5 EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of the County of Cass to provide equal opportunity in employment to all employees and applicants for employment and to prohibit discrimination in employment because of race, creed, religion, color, sex, age, national origin, disability, military status, or any other classification protected under applicable law.

This policy applies to all terms, conditions, and privileges of employment, including hiring, probation, training, promotion, transfer, compensation, benefits, assistance, layoff, recall, employee facilities, discharge, and retirement.

Any employee with questions or concerns about any type of discrimination in the workplace shall bring these issues to the attention of his/her elected official/department head. Employees may raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

## **1.6 MANAGEMENT RIGHTS**

Cass County, as a public employer, retains the sole and exclusive responsibility and authority to manage and direct its workforce on behalf of the public, and to conduct the operations and activities of the County to the full extent authorized by law. Such responsibility and authority shall include but not be limited to:

1. The right to direct the work of its employees.
2. The right to establish policy.
3. The right to maintain the efficiency of public operations.
4. The right to design and implement safety programs for employees.
5. The right to design and implement job training for employees.
6. The right to determine which services shall be rendered to the public and the maintenance procedures, materials, facilities, and equipment to be used.
7. The right to determine job responsibilities.
8. The right to determine, effectuate, and implement the objectives and goals of the County.
9. The right to establish, allocate, schedule, assign, modify, change, and discontinue County operations, work shifts, and working hours.
10. The right to establish, modify, change, and discontinue work standards.
11. The right to hire, examine, classify, train, transfer, assign, and retain employees; suspend, discharge, or take other disciplinary action with employees in accordance with applicable law and to relieve employees from duties due to disciplinary reasons or other legitimate reasons, and make promotions and demotions.
12. The right to determine the size, change, modify, and alter the composition of the work force.
13. The right to determine, establish, set, and implement policies for the selection, training, and promotion of employees in accordance with applicable law.
14. The right to establish, implement, modify, and change procedures and policies for the safety, health, and protection of the County property and personnel.
15. The right to adopt, modify, change, enforce, or discontinue any existing rules, regulations, procedures, and policies.
16. The right to establish, select, modify, change, or discontinue equipment, materials, and the layout and arrangement of equipment.
17. The right to determine the size and character of inventories and their disposal.

18. The right to control the use of property, machinery, inventories, and equipment owned, leased, or borrowed by the County.
19. The right to locate, establish, and organize new departments, divisions, subdivisions, or facilities thereof, and the right to locate and to relocate departments, divisions, subdivisions, and the ability to close and/or discontinue same.

The above enumeration of management rights is not inclusive of all such rights. All rights granted Cass County by constitution, statute, charter, ordinance, or in any manner are retained by the County.

## **1.7 PRODUCTIVE WORK ENVIRONMENT**

It is a policy of Cass County to maintain a productive work environment. Verbal or physical conduct by any supervisor or employee which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment will not be tolerated.

## **1.8 AUTHORIZED ALIEN STATUS AND CITIZENSHIP**

**Verification of Employment Eligibility:** All employees must cooperate with the County in its compliance with the Immigration Reform and Control Act of 1986 and in verifying employment eligibility. New employees shall complete a Form 1-9 and show proof of identity and employment eligibility within the first three (3) days of employment. Employees who refuse to or are unable to supply the documentation necessary to prove that they are American citizens or aliens authorized to work in this country will be terminated.

The County Human Resources Director shall ensure Form I-9s are properly completed and retained as required by law. The Auditor of Cass County cannot process payroll claims for any employee unless the appropriate forms are completed.

## **1.9 E-VERIFY**

Human Resources shall administer the **E-verify enrollment** of all County new-hires; and shall ensure that appropriate forms are properly completed and retained as required by law.

## **1.10 ELIGIBILITY FOR LOCAL PUBLIC BENEFITS**

All County employees shall complete a **Verification of Eligibility for Local Public Benefits Form** to ensure entitlement to a Federal public benefit as defined by I.C. 12-32-1-2 and State or Local public benefits as defined by I.C. 12-32-1-3. This form shall be administered and retained by the Auditor's office as required by law.

## **2. EMPLOYMENT POLICIES**

**The policies contained in this chapter and throughout the Cass County Personnel Policies Handbook apply to all Cass County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

### **2.1 RECRUITMENT**

Authorization to recruit and hire to fill a vacancy in an existing or newly created position rests solely with the elected official/designated department heads.

Basic qualifications of formal education, background, and experience shall be determined before recruiting begins and shall be based on job requirements, as well as applicable federal, state, and local laws.

Vacant and new positions, insofar as practicable, shall be afforded employees, subject to ability and job qualifications to be reasonably determined by management. Open and new jobs shall be publicly posted via the County website for a minimum of five (5) County work days or until said positions are filled, during which time any person may apply. The County encourages internal promotion whenever possible.

At the discretion of hiring officials, based on the urgency and specialization of the job requirements, newspaper, trade journal, and website advertising may be used in recruiting employees. Advertisements shall describe the position, basic qualifications, and state that Cass County is "An Equal Opportunity Employer."

### **2.2 NEPOTISM**

Effective July 1, 2012 Indiana Code 36-1-20.2 specifies that relatives may not be employed by the County in positions that result in one relative being in the direct line of supervision of the other relative. An employee who is employed by the County as of June 30, 2012, is not subject to the nepotism provision unless the employee has a break in employment with this County in the future.

This nepotism policy does not apply to the County Sheriff's spouse employed as the Jail Matron or to relatives of the County Coroner who have previously served as the County Coroner.

Direct line of supervision is defined as an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation.

Indiana Code defines relative to include a spouse; a parent or step-parent; a child or stepchild; a brother, sister, step-brother, or step-sister; a niece or nephew; an aunt or uncle; a daughter-in-law or son-in-law; an adopted child; and a brother or sister by half blood.

Each elected office holder of the County shall annually certify in writing that the officer is following the nepotism policy under Indiana Code 36-1-20.2. Such certification must be submitted to the County Commissioners not later than December 31 of each year.

An elected official or department head that is in violation of this policy may be subject to penalties for perjury which is a class D felony with up to three (3) years prison sentence. The County's failure to adopt policies under Indiana Code 36.1.20.2 (Nepotism) will result in the Department of Local Government Finance not approving the County's budget or any additional appropriations for the ensuing calendar year until the State Board of Accounts certifies the County is complying.

### **2.3 ELECTIVE OFFICER AND COUNTY EMPLOYMENT RESTRICTED**

Effective January 1, 2013 Indiana Code 3-5-9 specifies that a County employee is considered to have resigned from employment with the County if the employee assumes the elected executive office of the County or becomes an elected member of the County's legislative or fiscal body.

A volunteer firefighter may not assume or hold a position on the executive, legislative, or fiscal body of the County if the County receives fire protection services from the department in which the volunteer firefighter serves. Fire protection services provided under mutual aid agreements are excluded. An employee or volunteer who assumes or holds an elected office on January 1, 2013 may continue to hold the office and be employed by the County or serve as a volunteer firefighter until the expiration of the term of office.

### **2.4 CONTRACTING WITH THE COUNTY**

Effective July 1, 2012 Indiana Code 36-1-21 states that the County may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with: (1) an individual who is a relative of an elected official or; (2) a business entity that is wholly or partially owned by a relative of an elected official only if the elected official files a full disclosure which must:

- Be in writing
- Describe the contract or purchase
- Describe the relationship of the official to the business
- Be affirmed under penalty of perjury
- Be submitted to the legislative body prior to final action
- Be filed (within 15 days of final action) with the State Board of Accounts and the County Clerk.

If a contract is entered into with a relative the appropriate agency of the County shall make a certified statement that the contract amount or purchase price was the lowest amount or price offered or make a certified statement of the reasons why the vendor or contractor was selected. Contracts in existence prior to July 1, 2012 are exempt.

An elected official that is in violation of this policy may be subject to penalties for perjury which is a class D felony with up to three (3) years prison sentence. The County's failure to adopt policies or failure to include a statement in the R-100 Personnel Report under Indiana Code 36-1 1-21 (Contracting with a Unit) will result in the Department of Local Government Finance not approving *the* County's budget or any additional appropriations for the ensuing calendar year.

## **2.5 EMPLOYMENT APPLICATIONS**

All applicants are required to complete a Cass County Employment Application, as well as any other forms required for statistical purposes or deemed necessary to process the Application. Prospective employees may only complete and submit a job application in conjunction with a posted position. This standardized job application form shall be submitted to and maintained by Human Resources. The HR Director shall provide elected officials/department heads with copies of all submitted applications.

Applications for County employment shall request only information necessary for rational decision making. Only questions specifically related to occupational standards shall be asked.

All applicants must complete the Cass County Employment Application in its entirety. Applicants must account for periods of employment and unemployment.

The County relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment.

Any misrepresentations, falsifications, or material omissions in any form may result in the County's exclusion of the individual from further consideration for employment, or if the person has been hired, termination of employment.

Placement of an employment application with the County does not mean that an applicant will be interviewed. Equal consideration will be given to all applicants based on qualifications listed for the job.

Applications will be retained in active files for forty-five (45) days, or for the duration of applicant recruitment lists when used. Applications shall be returned to Human Resources prior to hiring or being placed on the County payroll.

All candidates provided a conditional offer of employment shall report to Human Resources for pre-employment processing, drug-testing, and to submit all documents necessary for compliance with federal, state, and local law. This must be completed before the employee is eligible to begin employment with Cass County.

## **2.6 APPLICANT TESTING**

Applicant tests including, but not limited to, basic skills written tests, mechanical or physical agility, and psychological tests may be used by the County in the selection process for certain positions. Such tests are to be related to the requirements of the position. The Board of Commissioners must approve the use of any tests for prospective employees.

## **2.7 PRE-EMPLOYMENT INTERVIEWS**

Pre-employment interviews may be used to gather information and screen applicants for County employment. Interviews shall be conducted by the administrative officer making the employment decision.

## **2.8 CONDITIONAL OFFER OF EMPLOYMENT**

Applicants may receive a conditional offer of employment conditioned on the successful completion of all established prerequisite requirements of the position, which may include passing medical, physical, and mental examinations or requirements, reference and criminal background checks, and driving record requirements. Applicants who receive a conditional offer of employment are not employees of the County unless they receive an official letter of employment. Cass County may withdraw the conditional offer of employment at any time for any reason, except as otherwise prohibited by law.

## **2.9 MEDICAL EXAMINATIONS**

To help ensure that employees are able to perform their duties safely, medical examinations may be required of those positions responsible for public safety and health prior to hiring, or anytime during the course of employment with the County.

After a conditional offer of employment has been extended, applicants may be required to undergo a pre-employment medical examination by a health professional of the County's choice, at the County's expense.

Employees shall be required to submit to fitness for duty medical or psychological evaluations prior to returning from military leave or employee illness or injury leave under the Family and Medical Leave Act (FMLA), or to meet terms and conditions associated with performing job duties. Applicants shall be required to submit to a drug test prior to being hired by the County.

Information on an employee's medical condition or history shall be kept in a confidential medical file that is separate from other employee information. Medical information shall be maintained by Human Resources. Access to this information will be limited to the employee, elected official/department head of the employee, designated employees responsible for processing insurance and workers' compensation claims, and others on a need-to-know basis.

## **2.10 EMPLOYMENT STATUS**

It is the intent of the County to clarify the definitions of employment status, therefore, employees understand their employment status and benefit eligibility. **Any changes in employment status shall be conveyed in writing. No change in employment status is to be construed or inferred without written notification.**

**REGULAR FULL-TIME** employees are those who are not in a part-time or temporary status and who are regularly scheduled to work the County's full-time schedule. A regular full-time County employee shall work thirty-five (35) or more hours per week. Employees are eligible for the County's benefit package, subject to the terms, conditions, and limitations of each benefit program.

**PART-TIME** employees are those who are not assigned to a full-time, temporary, or probationary status and who are not generally scheduled to work the County's full-time schedule. Part-time employees work a maximum of 28 hours per week. However, part-time employees may be required to work additional hours based on staffing and business needs of the County. While part-time employees do receive all legally mandated benefits (such as Workers' Compensation and Social Security benefits), they are ineligible for all of the County's other benefit programs.

## **2.11 PROBATIONARY PERIOD**

The probationary period is intended to give new, rehired, promoted, and/or transferred employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The County uses this period to evaluate employee capabilities, work habits, and overall performance.

All new, rehired, promoted, and/or transferred employees work on a probationary basis for the first ninety (90) calendar days after their "date of hire", except when the ninety (90) days is in direct conflict with statutory requirements (such as merit officers of the Sheriff's Department whose probationary period is one [1] year).

Any significant absence will automatically extend the probationary period by the length of the absence. If the County determines that the designated probationary period does not allow sufficient time to thoroughly evaluate the employee's performance, the probationary period may be extended for a specified period.

At the end of the probationary period, employees shall cease to be probationary employees, unless their probationary status is extended by their elected official/ department head.

During the probationary period, employees are eligible for those benefits that are required by law, such as Workers' Compensation insurance and Social Security. They may also be eligible for other employer provided benefits, subject to the terms and conditions of each benefit program. Employees should read the information for each specific benefit program for the details on eligibility requirements.

## **2.12 EMPLOYMENT REFERENCE CHECKS AND CRIMINAL BACKGROUND CHECKS**

To ensure that individuals who are employed by the County are well qualified and have a strong potential to be productive and successful, it is the policy of the County to check the employment references of all applicants.

For employment reference checks requested by outside employers of past or current County employees, the County will respond in writing only to those reference check inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held.

No employment data will be released without written authorization and a release signed by the individual who is the subject of the inquiry.

All applicants shall be subject to criminal background and Bureau of Motor Vehicle checks, and credit checks for certain positions. Such inquiries shall be conducted by Human Resources.

Employees and former employees shall be provided copies of past performance records upon request, and must acknowledge receipt in writing.

## **2.13 PERSONNEL FILES**

The employment selection procedure shall be documented and recorded and will remain strictly confidential. Accurate personnel records should be kept on file for each employee for a period of not less than seven (7) years and may be used to substantiate employment decisions in the event of inquiry.

The County shall maintain five (5) separate personnel records concerning the employee's employment history.

1. **Personnel File.** The employee's personnel file shall contain the employee's employment application, 1-9 Form, emergency information sheet, employment data information sheets concerning history of employment, insurance enrollment forms, retirement enrollment forms, change in address forms, beneficiary forms, and handbook acknowledgment form. This file shall be maintained by the Auditor. Certain documents in this file shall be deemed confidential and released only to persons on a need-to-know basis.

2. **Administrative File.** The employee's performance file shall contain documentation of performance and salary increases, educational accomplishments, records of training, disciplinary records, and other documentation concerning disciplinary actions, including grievances, absences, tardiness, and other related data. This file shall be maintained by the elected official/ department head. Copies of records affecting employee compensation or benefits will be forwarded to the Human Resources Director.
3. **Medical File.** The employee's confidential medical file shall contain all medical information, including disability information, ADA accommodations, results of drug tests, and other medically related information. This file shall be maintained by Human Resources.
4. **Worker's Compensation File.** The employee's confidential worker's compensation file shall contain all worker's compensation matters. This file shall be maintained by Human Resources.
5. **CDL File.** This file shall be maintained by the Highway Department.

#### **2.14 ACCESS TO PERSONNEL FILES**

Access to confidential personnel files shall be limited to the employee, the elected official/department head of the employee, County Auditor or designee, County Commissioners, County Attorney, and other persons authorized by the County Attorney on a need-to-know basis. The County shall not provide any information pursuant to a subpoena or court order sooner than ten (10) calendar days after the date of receipt.

Within five (5) calendar days of the receipt of the subpoena, the County Attorney shall notify the affected employee(s) of the subpoena to permit the employee(s) to seek any appropriate judicial relief:

Personnel files are property of the County and access to the information they contain is restricted. Only officials or representatives of the County who have a legitimate reason to review information in a file are allowed to do so. With an appointment with their supervisor, an employee may review material in his/her file.

Upon request, the County will provide the employee copies of any documents contained in his/her personnel file.

No information shall be provided to any person concerning the employment of an employee other than the information set out in this policy.

## **2.15 PERSONAL INFORMATION CHANGES**

Personal mailing addresses, telephone numbers, number and names of dependents, changes in marital status, individuals to be contacted in the event of an emergency, educational accomplishments, driver's license status and proof of insurance (where applicable), and other such personal information should be accurate and current. **Any unreported changes in personal status may impact eligibility under the County's benefit plans.** It is the employee's responsibility to convey personal information in written form to Human Resources and the elected official/department head.

## **2.16 ORIENTATION/EXIT INTERVIEWS**

Once employed by the County, the employee will receive a copy of the Cass County Personnel Policies handbook and any applicable workplace rules, including the drug-free workplace policy. It is the responsibility of the employee to read and understand the Personnel Handbook. Each employee shall sign the Employee Acknowledgment form; periodic updates will also be acknowledged. Elected officials/department heads are encouraged to conduct an informal orientation to familiarize a new employee with the County.

Cass County may require scheduling exit interviews at the time of employment termination to afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the County, or return of County-owned property. Suggestions, complaints, and questions may also be expressed. Any elected official/department head that has an employee terminating employment with Cass County shall contact Human Resources to discuss terms of termination and to calculate final compensation of said employee.

Upon termination, employees are directed to contact Human Resources regarding compensation and the status of any County benefits.

## **2.17 PERFORMANCE EVALUATION**

Elected officials/department heads are strongly encouraged to discuss job performance and work goals with employees on an informal day-to-day basis. Additional formal performance reviews shall be conducted to provide both elected officials/department heads and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

Formal performance evaluations shall be conducted at the end of the probationary period before entering regular full-time status, especially if the probationary period is extended. Formal evaluations must also be conducted on an annual basis during the first quarter of each year (January – March). If an employee has received a probationary period evaluation within 6 months of the annual evaluation period, said employee is exempt from the annual evaluation.

Performance evaluations shall be confidential and shall be made available only to the employee, their elected official/department head, and to a prospective elected official/department head if a transfer or promotion is being considered.

Performance evaluation forms are available from HR.

## **2.18 OUTSIDE EMPLOYMENT/CONFLICT OF INTEREST**

An employee may hold a job with another organization as long as he/she satisfactorily, in the opinion of the County, performs his/her job responsibilities with the County. All employees will be judged by the same performance standards and will be subject to the employer's scheduling demands, regardless of any existing outside work requirements.

Employees who are provided Family and Medical Leave under the County's FMLA policy for their own serious illness or injury shall not be engaged in outside employment while on FMLA.

If the County determines that an employee's outside work interferes with performance or the ability to meet the requirements of the County as they are modified from time to time, the employee may be asked to terminate the outside employment if he/she wishes to remain employed with the County.

Employees may not enter into dealings or financial interests in contracts and services performed by Cass County. This includes deriving any direct or indirect profit resulting from the sale, service, contracting, or purchases made on behalf of Cass County.

County employees may not accept financial benefits that would reasonably tend to influence decisions or encourage that employee to disclose confidential County information. Any offers of money, services, benefits, favors, or other possible conflicts should be reported to supervisors and/or the County Commissioners.

Employees having financial interest in a company or substantial investments in a corporation that might benefit from their dealings with the County must file a conflict of interest statement with the County Clerk with a copy to the State Board of Accounts. The County Clerk and Auditor have forms available for use.

Employees are protected from requirements, whether real or implied, to contribute time or money to any person or party. Soliciting political party campaign contributions, promoting fund-raising drives, and even encouraging subordinates and colleagues to contribute to community non-profit organizations are prohibited activities. Violators will be subject to disciplinary procedures.

## **2.19 REQUESTS FOR INFORMATION**

Occasionally, employees of the County are contacted by outsiders for information about current or former employees, or about the organization's policies, practices, or projects. Communication with the public about County issues is the responsibility of the designated official/department head.

Any request or question from the public must be referred to that official. Employees are advised to consult with their supervisor before releasing information which is confidential or privileged by law.

## **2.20 LAYOFF AND RECALL**

Cass County maintains the right to reduce its workforce. Examples of reasons when a reduction might occur include, but are not limited to:

1. Lack of work;
2. Lack of funds or projected lack of funds;
3. Job abolishment; and/or
4. Reorganization.

Whenever a reduction is necessary, the County will determine the classifications in which the layoffs shall occur and the number of employees to be laid off in each department. Determinations on which employees will be laid off will include considerations of employee performance evaluations, employee qualifications, length of continuous service, and operational needs of the County. Compensation for an employee separated due to a layoff will be made on the next scheduled payday. The final check will include vacation and compensatory leave time, as appropriate.

Each recalled employee shall be allowed ten (10) calendar days from the date of receipt of a certified letter explaining the recall to return to work.

Any recalled employees needing more than the ten (10) days to report to work must have written approval from their elected official/department head.

Any employee declining reinstatement to the same classification from which the layoff or displacement initially occurred shall be removed from eligibility for further recall.

### **3. SALARY ADMINISTRATION**

**The policies contained in this chapter and throughout the Cass County Personnel Policies Handbook apply to all Cass County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

#### **3.1 NORMAL WORK WEEK**

The normal work week begins on Saturday and ends on the following Friday. The workweek may be changed by the Board of County Commissioners.

#### **3.2 WORK HOURS**

County offices and departments shall observe the hours of work designated and established by the Board of County Commissioners. The regular work hours may be changed by the Board of Commissioners upon one (1) week notice to each elected official/department head. Certain departments may maintain varied work schedules under special employment conditions set forth by governing statutes.

**Courthouse:** Monday - Friday 8:00 a.m. to 4:00 p.m. daily with one (1) hour unpaid meal period.

**Highway:** Monday - Wednesday 6:00 a.m. to 3:30 p.m. and Thursday 6:00 a.m. to 2:30 p.m. with one-half (1/2) hour unpaid meal period.

**Community Corrections:** Monday - Friday 8:00 a.m. to 4:00 p.m. daily with one (1) hour unpaid meal period.

**E-911:** Employees shall work one (1) of the following two (2) shifts: 6:00 a.m. to 6:00 p.m.; 6:00 p.m. to 6:00 a.m. Meals periods shall vary due to daily workload.

**EMS:** Employees shall work a California Swing Shift. This consists of a 9-day rotation of 24 on, 24 off, 24 on, 24 off, 24 on, 96 off. Meal periods shall vary due to workload.

**Jail:** Employees shall work one (1) of the following three (3) shifts: 7:00 a.m. to 3:00 p.m.; 3:00 p.m. to 11:00 p.m.; and 11:00 p.m. to 7:00 a.m. Jail Commander and Jail Operations shall work Monday - Friday 7:00 a.m. to 3:00 p.m. Jail Matron shall work Monday - Friday 8:00 a.m. to 4:00 p.m. Meals periods shall vary due to daily workload.

**Sheriff's Department:** Deputies assigned to road duty shall work one (1) of the following two (2) shifts: 6:00 a.m. to 6:00 p.m.; or 6:00 p.m. to 6:00 a.m. Meal periods shall vary due to daily workload. Office staff shall work Monday - Friday 8:00 a.m. to 4:00 p.m. daily with one (1) hour unpaid meal period. Detectives, Sheriff, Chief Deputy, Security Director and Secretary assisting County Prosecutor shall work Monday - Friday 7:00 a.m. to 3:00 p.m. Meal periods shall vary due to daily workload.

### **3.2.1 Travel Time**

#### **A. Home-to-Work Travel**

Travel to and from home is not work time, even if an employee must travel from a town to an outlying site to get to the work facility. This is true whether an employee works at a fixed location or at different job sites.

#### **B. Out-of-Town Travel**

An employee who is sent out of town for one day needs not be paid for time spent in traveling from home to the commercial transportation terminal, but must be paid for all other travel time.

#### **C. Overnight Travel**

If an employee travels overnight on business and is gone for more than one day, he/she must be paid for time spent in traveling (except for meal periods) during his/her normal working hours on his/her non-working days, as well as on his/her regular working days. Travel time as a passenger on an airplane, train, bus, boat, or automobile outside regular working hours is not considered work time. Thus, nighttime travel for employees who work during the day is not work time.

Any actual work performed by the employee while traveling is considered work time. However, if an employee drives a car without being offered public conveyance, then the travel time is considered work time.

## **3.3 JOB DESCRIPTIONS**

Cass County positions, except those of elected officials, have been described in job descriptions. Job descriptions are maintained in Human Resources. Copies of job descriptions are available in each office or department and provided to each employee.

To establish a new position or change a current position, the elected official/department head shall submit a request with a detailed job description to the Human Resources Director. HR will review the request and recommend appropriate action to County Council.

New job descriptions or any modifications to existing job descriptions shall be submitted to the Human Resources for approval.

### **3.4 COMPENSATION**

Cass County compensates employees in accordance with decisions by the County or the State of Indiana as budgets are set. Pay for any given position is subject to the annual budgetary process and, as such, may be subject to increase, reduction, or status quo maintenance for any time period.

Elected officials shall be paid an annual salary, which covers the period beginning on January 1<sup>st</sup>, and ending on December 31<sup>st</sup>, and is paid on regular paydays throughout the year.

The supervising elected official or administrator may make suggestions about salary compensation and other pay system concerns; however, the final decision regarding compensation levels rests with the Cass County Council.

### **3.5 WAGE POLICY**

Employees violating the sick leave, personal leave, and/or vacation policy of the County shall be penalized as follows:

- A. Unauthorized time away from work shall be subtracted from existing leave time in the following order: accrued compensatory time, vacation days, personal days.
- B. If employees paid on an hourly wage have no existing leave time as described above, unauthorized time from work shall be deducted from his/her wages.
- C. For employees paid at a salary rate with no existing leave time as described above, the penalty shall be computed by the normal work hours in a year divided into the gross annual salary to determine the hourly rate of pay.
- D. The wages of an elected official cannot be deducted, as set by law.

Additional disciplinary actions may be taken for violations of the sick leave, personal leave, and/or vacation policy, up to and including termination of employment with Cass County.

### **3.6 TIMEKEEPING**

Federal and state laws require the County to keep an accurate record of time worked in order to calculate employee pay and benefits.

The Fair Labor Standards Act (FLSA) and Family and Medical Leave Act (FMLA) require that certain records be kept on each covered non-exempt worker. The record must include accurate information about the employee and data about hours worked and wages earned. Employers are required to maintain the following records:

1. Employee's full name, as used for Social Security purposes, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records;
2. Address, including zip code;
3. Birth date if younger than 19;
4. Sex and occupation;
5. Time of day of week when employee's workweek begins, hours worked each day, and total hours worked each workweek;
6. Basis on which the employee's wages are paid;
7. Regular hourly rate;
8. Total daily or weekly straight-time earnings;
9. Total overtime earnings for the workweek;
10. All additions to or deductions from the employee's wages;
11. Total wages paid each pay period; and
12. Date of payment and the pay period covered by the payment.

IC 5-1 1-9-4 requires that public sector employees maintain records showing which hours were worked each day by officers and employees.

These records are subject to audit by the State Board of Accounts. Time worked is all the time actually spent on the job performing assigned duties.

Every employee is responsible for accurately recording their time worked on County forms or time keeping machines.

Employees should accurately record the time they begin and end their work and the time they begin and end each meal period. Employees should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved by the elected official/department head before it is performed.

Tampering, altering, or falsifying time records or recording time on another employee's time record shall result in disciplinary action, up to and including discharge.

### **3.7 TIME RECORDS**

It is the responsibility of employees to maintain time electronic records, to properly record the time that he/she has worked during a payroll period. Any used accrued vacation time, sick leave, compensatory time, personal leave, or any other approved leave must be listed where indicated. At the end of the payroll period, the employee will sign the time record, verifying its accuracy.

The elected official/department head will review and counter-sign the time record, indicating that the hours claimed were actually worked. Elected officials/department heads shall submit employee time records, including payroll vouchers, to the Auditor's Office for payroll processing.

If corrections or modifications are made to the time record, both the employee and the elected official/department head should verify the accuracy of the changes by signing the time record. Should an employee fail to sign such a time record, the record shall be submitted by the elected official/department head with an acknowledgment that the employee has reviewed the modification.

Failure by an employee to submit a time record when required or submitting a falsified time record may result in disciplinary action.

Elected officials or department heads shall be required to complete general payroll form 99A (Employee Service Record) with each day's hours worked during each year of employment and shall submit this form to the Auditor by January 15, for the preceding year of employment.

For detailed instructions on how and when to complete time record, employees should consult with their elected official/department head.

### **3.8 WORK TIME RESTRICTED**

Non-exempt employees shall not commence any work activities on behalf of Cass County before seven (7) minutes preceding the start of the work shift, or continue work activities more than seven (7) minutes after completion of the work shift, unless specifically authorized by their department head/elected official.

### **3.9 ROUNDING**

Time is to be recorded to the quarter hour, using the seven (7) minute rule (i.e. leeway of seven (7) minutes before and seven (7) minutes after scheduled start and stop times). All employee work commenced more than seven (7) minutes before the stall time work hour will be paid on a quarter hour schedule; all employee work continued more than seven (7) minutes after the end of last work hour will be paid on a quarter hour schedule.

### **3.10 MULTIPLE POSITIONS**

Non-exempt employees working in more than one Cass County position shall count the combined hours worked in more than one position in determining overtime obligations under the FLSA.

### **3.11 PAYDAYS**

Regular employees are paid bi-weekly on Friday. Each paycheck will include earnings for all work performed through the end of the previous payroll period. If a regularly scheduled payday falls on a holiday, employees will be paid on the last day of work before the regularly scheduled payday.

Cass County does not provide pay advances on unearned wages to employees.

### **3.12 PAY CORRECTIONS**

Cass County takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck, and that employees are paid properly on the scheduled payday. The County prohibits improper deductions from wages. Any employee who thinks that he/she has had incorrect deductions from his/her paycheck or was not paid the proper amount should give notice on the day of receipt of such pay or any day thereafter, in writing, to his/her department head with a copy of the notice sent to the Auditor's Office.

The prompt reporting of errors is in everyone's best interest. All reports will be investigated. If it is determined that an improper deduction was made, the error will be corrected on the next payroll date.

### **3.13 PAY DEDUCTIONS/GARNISHMENTS**

No payroll deduction will be made from an employee paycheck unless authorized by the employee or required by law. Employees are required to report changes in family status, address, or other information that could affect amount of deductions withheld. These include Social Security and income taxes, retirement system contributions, court-ordered child support, and any other deductions required by law. The County offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover costs to participate in these programs.

When the County is served a writ of garnishment requiring payment of a portion of the employee's compensation, a processing fee, as allowed by law, may be deducted from the employee's pay and retained by the County.

Questions concerning paycheck deductions and/or methods of calculation should be directed to the County Auditor.

### **3.14 OVERTIME**

Employees shall be given the opportunity for overtime work assignments when operating requirements or other needs cannot be met during regular working hours. Overtime assignments will be made to best meet the operational needs of the County.

Each County employee is designated as **NON-EXEMPT, EXEMPT, or EXCLUDED** from federal and state 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 exempt from special provisions of federal and state wage and hour laws, and are not entitled to overtime compensation or compensatory time off under specific provisions of federal and state laws.

**EXCLUDED** employees are specifically excluded from coverage under federal and state wage and hour laws (e.g. elected officials).

#### **3.14.1 Overtime Compensation**

Non-exempt employees eligible for overtime shall receive non-FLSA compensatory time off or straight time pay for hours worked up to forty (40) hours per week.

In the event that an elected official/department head requires a non-exempt employee to work overtime, such employee shall be granted either overtime compensation in the form of monetary reimbursement at the rate of one and one-half (1½) times the number of hours worked in excess of forty (40) hours in a workweek; or if overtime funds have not been appropriated, the employee will receive FLSA compensatory time as described below. Overtime monetary reimbursement is based on actual hours worked. Time off on holidays, sick leave, vacation leave, personal leave, compensatory time, or any other leave of absence shall not be considered as hours worked for purposes of calculating overtime compensation.

Highway employees that are off-duty and are called-in by the Superintendent to work during an emergency (weather-related or other) will be compensated at the rate of one and one-half (1 ½) times for all time worked during those off hours only. All, "emergency work" time shall not be counted as hours worked for purposes of calculating overtime at the end of the workweek.

#### **3.14.2 Compensatory Time**

When compensatory time is used in place of monetary reimbursement, compensatory hours shall be awarded at a rate of one and one-half (1 ½) times the number of approved hours worked in excess of forty (40) in a work week.

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

Elected officials/department heads may schedule use of employee compensatory time off at the discretion of the elected official/department head. Elected officials/ department heads shall monitor employee accrual of overtime compensatory hours, and ensure that employees schedule use of compensatory time within six (6) months from the date it was earned.

Employees who are not in public safety positions may accrue eighty (80) compensatory time hours before monetary compensation is paid.

Public safety employees may accrue two hundred forty (240) compensatory time hours before monetary compensation is paid.

The County Auditor shall provide a "Compensatory Time off Acknowledgment" form advising non-exempt employees of the County's compensatory time off policy.

This policy applies to all non-exempt employees of the County as determined by the County Council's designation of jobs in compliance with the Fair Labor Standards Act (FLSA). Elected officials/department heads shall provide the Auditor's Office with an accurate and current record of all accrued compensatory time simultaneously with the current payroll.

All elected officials/department heads shall provide a record of certification of their current liability for compensatory time as of the date of the adoption of this handbook. All elected officials/department heads shall provide documentation showing compensatory hours are calculated in accordance with this policy.

Elected officials/department heads shall notify the Auditor when a non-exempt employee has exceeded compensatory time accrual limits of this policy for which monetary pay is owed.

Accrued compensatory hours are paid upon termination of employment; however, the County retains the right to pay compensatory time at any time.

### **3.14.3 Overtime Approved in Writing**

All overtime compensation or compensatory time shall be approved in writing by the employee's elected official/department head at the time it is granted.

A copy shall be maintained in the department of the employee with a copy provided to the Auditor's Office.

### **3.14.4 Failure to Work Scheduled Overtime or Overtime without Authorization**

Failure to work scheduled overtime or overtime worked without prior authorization may result in disciplinary action, up to and including termination.

This policy applies to all non-exempt employees of the County as determined by the County Council's designation of jobs as "non-exempt" under the FLSA.

### **3.15 EMERGENCY CLOSING**

Periodic emergencies, such as severe weather or power failures, can disrupt County operations, sometimes requiring the County Commissioners to close a work facility. If the County buildings are closed by order of the County Commissioners, employees shall be notified by telephone, radio and/or another media outlet.

When County facilities are officially closed by the County Commissioners for emergency conditions, before the beginning of the workday, the time off from scheduled work will be paid to full-time employees affected by the facility closing.

If an employee is required to work at a closed facility, the employee shall be additionally compensated for all such hours worked at his/her normal rate of pay or through compensatory time. Such work must have prior approval by the County Commissioners.

Any employee who reports to work and the facility is later closed due to an emergency after his/her arrival, shall be paid for a full work day without being penalized by using vacation, personal days, compensatory time, or by making up this time within the pay period. However, if a full-time employee does not report to work on a day in which the facility is later closed, time missed will be charged to vacation, personal days, compensatory time, time without pay; or under certain circumstances, the elected official/department head may allow the employee to make up time missed, provided that the time missed is made up within the same pay period and is documented. If a part-time employee cannot report to work, time missed shall be without pay.

Due to the nature of various departments' work, certain employees may not be closed and may work even when the Board of Commissioners has closed the County buildings. Employees of these departments, who are scheduled and work the day the County buildings are closed by order of the Board of Commissioners, shall be paid straight time for time worked, plus straight time for the number of hours of closure occurring during that employee's work hours (Maximum of 8 hours).

Emergency closings may affect singular County facilities and the closing of one County facility does not apply to all County facilities. For example: *The Auditor's office may be closed due to a power outage and affected employees will be covered as described in this policy. Employees working at County facilities other than the Auditor's office that remain open will not be covered by this policy.*

### **3.16 EMPLOYMENT TERMINATION**

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

**Resignation:** Voluntary employment termination initiated by an employee. The County requires at least two (2) weeks written notice from the employee for an employee to receive payment for any accrued paid personal days. The elected official/department head shall determine whether the employee may work out his/her notice.

**Discharge:** Involuntary employment termination initiated by the County.

**Layoff:** Involuntary employment termination initiated by the County for non-disciplinary reasons, which may include but is not limited to lack of work, lack of funds or projected lack of funds, job abolishment; and/or reorganization.

**Retirement:** Voluntary employment termination initiated by the employee meeting established state and/or County retirement criteria, such as age and length of service. Cass County requests more than a four (4) week notice from the employee. Employees will receive their final pay in accordance with applicable state law.

Employees will receive their final pay in accordance with applicable state law. Employee benefits will be affected by employment termination in the following manner:

All accrued benefits that are due and payable at termination will be paid according to the terms and conditions of County policy. Some benefits may be continued at the employee's expense, if the employee chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

Employees terminating their employment with Cass County will receive their final pay on the next scheduled pay period following the date of termination of employment.

**An employee's termination date shall not be extended to gain additional paid or unpaid time off (e.g., personal days).**

#### **3.16.1 REHIRE EXCEPTION**

An employee that resigns may be rehired to the same position within three (3) months of termination of employment with the approval of the elected official/department head. Said employee will be reinstated with the same longevity at which they resigned. This employee shall also return at the same rate of pay at which they resigned. The 90-day probationary period for benefits and earned personal days shall be waived for said employee. Said employee shall not be rehired until the position in which they vacated is available for rehire.

Personal Days given at the time of rehire will be figured as follows:

*Days earned at the beginning of the current year, minus any used days prior to resignation, minus personal days paid out with final compensation package, minus days not earned during period of non-employment with Cass County.*

Rehire paperwork may be waived by the returning employee if no changes to personal or pay information is requested. The employee must contact the payroll department in the Auditor's office to sign off on current personnel file and previous selections.

The elected official/department head shall contact Human Resources to discuss rehire eligibility and to establish available personal days for the rehired employee.

Former employee shall be required to submit to an updated drug screening and criminal background search prior to being rehired by the County. The elected official/department head shall contact Human Resources to schedule these requirements.

### **3.16.2 GRANT FUNDED POSITIONS**

An employee that resigns a Cass County Government paid position and begins to work as a grant funded employee is no longer eligible for regular Cass County raises or longevity pay due to the status of their new position.

Accrued personal time will be paid out on the final check from the former department. Remaining earned personal time will transition with the employee to the new position. Years of service in regards to personal time will remain with said employee, and future personal time will be earned according to the Cass County Handbook (Section 4.1).

If at any time the employee decides to return to their former position or an equivalent position with Cass County Government, said employee will return at the rate of pay at which they vacated their former position or at the current Cass County starting salary, whichever is greater. Time worked in the grant funded position will not count towards longevity time in regards to longevity pay with Cass County Government. Accrued Personal Time will be paid out from the former department. Remaining earned personal time will transition with the employee to the new position. Years of service in regards to personal time will remain with said employee, and future personal time will be earned according to the Cass County Handbook (Section 4.1). Said employee will restart their eligibility for longevity and Cass County pay raises with the new position.

### **3.17 RETURN OF PROPERTY**

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. All property must be returned by employees on or before their last day of work. The County may also take all action deemed appropriate to recover or protect its property.

## **4. EMPLOYEE BENEFITS**

**The policies contained in this chapter and throughout the Cass County Personnel Policies Handbook apply to all Cass County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

Eligible employees of Cass County are provided a wide range of benefits. Some programs, such as Social Security, workers' compensation, and unemployment insurance cover all employees in the manner prescribed by law. Eligibility for additional benefits is dependent upon employee classification. Employees should contact their elected official/department head for information regarding benefit programs for which they may be eligible. Details of many of these programs can be found elsewhere in the Cass County Personnel Policies Handbook. Some benefit programs require contributions from the employee.

### **4.1 PERSONAL DAYS**

*Personal days are a combination of sick days, vacation days, and flex days. The following personal days schedule applies to all Full-time County employees, except Sheriff Merit Officers.*

The purpose of paid annual personal leave is to allow and encourage all employees to renew their physical and mental capabilities and to remain fully productive. Full-time employees are provided annual personal days during each year in order to achieve this purpose. Part-time and temporary employees are not eligible for paid personal leave. The schedule for earning personal days is as follows:

<b>Years of Service (Anniversaries)</b>	<b>Traditional Employees</b>	<b>E-911 Employees (Hours)</b>	<b>EMS Employees (Hours)</b>
Hire Date – 90 days	Zero (0) days	Zero (0) hours	Zero (0) hours
91 days – Jan 1 following 1 <sup>st</sup> full year of employment	Earn 1.5 days per month from date of hire	Earn 12 hours per month from date of hire	Earn 18 hours per month from date of hire
Jan 1 (Following 1 <sup>st</sup> full year)	Eighteen (18) days	144 Hours	216 Hours
2 years	Twenty-Six (26) days	208 Hours	288 Hours
10 years	Thirty-Two (32) days	256 Hours	360 Hours
20 years	Thirty-Eight (38) days	304 Hours	432 Hours

\*New personal days are given on **January 1<sup>st</sup>** following the employee's anniversary date listed above. Only exception is if the employee is hired on January 1<sup>st</sup>, but due to Cass County Government holiday must start the next business day the courthouse is open following said holiday. These employees will receive their new personal days starting in the year of their anniversary. If employee does not report on that day the start day will be pushed back to the date they first report.

\* Employees can *only* carry over maximum of **20 days, (160 hours-E-911), (240 hours-EMS)** from one calendar year to another, regardless of the number of years of employment. The rollover of personal days will occur December 31<sup>st</sup> of each year.

#### **4.1.1 Terms and Conditions of Personal Days**

- A. The length of eligible service is calculated on the basis of a benefit year. This is the twelve (12) Month period that begins when the employee starts to earn personal days. The benefit year starts on the employee's date of hire. Once employees enter an eligible employment classification, they begin to earn paid personal days according to the schedule. However, before personal days can be used, a waiting period of ninety (90) calendar days must be completed.
- B. All employees are encouraged to take their annual personal days within the benefit year; however, employees may carry unused time forward to the next benefit year. Unused personal days may accrue to 20 days for traditional employees, 160 hours for E-911, & 240 hours for EMS.
- C. Personal days should be scheduled in advance and approved by the employee's elected official/department head. To take personal days, employees should request advance approval (as soon as possible) from their supervisors. Requests will be approved based on a number of factors, including, but not limited to, departmental seniority, performance and conduct records, impact on department efficiency, business needs, and staffing requirements.
- D. The employee classification of Years of Service changes on their actual anniversary date of hire.
- E. An employee who voluntarily resigns or retires from Cass County Government are paid 50% of any unused yearly current personal days and 100% of their accrued personal days provided the employee has given two (2) weeks' notice. The estate of an employee who dies shall be paid 50% of any unused yearly current personal days and 100% of their accrued personal days. **Employees who are terminated for disciplinary reasons shall not be entitled to pay for any unused or accrued personal time.**
- F. Personal time taken off is paid at the employee's regular rate of pay at the time of leave and may be taken in a minimum of one (1) hour increments. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.
- G. In the event that a paid holiday occurs while an employee is on personal leave, the employee will not be charged a personal day for that holiday.
- H. Personal days may not be taken in advance of being earned. Only continuous full-time employment shall be used in determining the amount of eligible earned personal days for use.
- I. For full-time employees who work seven (7) hours per day or 35 hours per week, a personal day equals seven (7) hours. For full-time employees who work eight (8) hours per day or 40 hours per week, a personal day equals eight (8) hours.
- J. New hire personal days for the first month of employment are earned as follows:

Hired 1-10 = Full 1.5 days earned – 12 hours (E-911) – 18 hours (EMS)

Hired 11-20 = 1 days earned – 8 hours (E-911) – 12 hours (EMS)

Hired 21 – end of month = 1/2 day earned – 4 hours (E-911) – 6 hours (EMS)

\*Employees eligible to utilize this time after 90-day probationary period.

## **4.2 HOLIDAYS**

Each year the schedule of holidays will be determined by the Cass County Board of Commissioners. The annual holiday schedule is subject to change upon approval of the Board of Commissioners.

The County will grant paid holiday time off to all regular full-time employees. Calculation of holiday pay will be based on the employee's regular rate of pay (as of the date of the holiday) times the number of hours the employee otherwise would have worked on that day. Holiday pay will not be paid in advance of holiday time earned.

"Regular rate of pay" is the employee's weekly rate of pay divided by the number of hours the employee is regularly scheduled to work each week.

In order to earn and be paid for an observed County holiday, an employee must work the last regularly scheduled work day before and the first regularly scheduled work day after the holiday. Non-scheduled vacation days or unauthorized/unexcused sick days used by an employee on the last regularly scheduled work day before or the first regularly scheduled work day after the holiday do not satisfy this requirement. This requirement also applies to days that have been reserved for elections.

A recognized holiday that occurs on a Saturday will be observed on the preceding Friday. A recognized holiday that occurs on a Sunday will be observed on the following Monday.

If a recognized holiday occurs during an eligible employee's paid absence (such as vacation or sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

Except for designated Sheriff and Jail employees, eligible non-exempt employees that work on a recognized holiday will receive holiday pay plus compensation for the hours actually worked on the holiday. Holiday is paid to full-time newly hired employees during their probationary period.

Sheriff Department Merit Police Deputies, detectives, 911 Dispatchers, and Jail employees receive holiday pay plus a stipend as specified in the County Salary Ordinance; such stipend does not apply to Sheriff Department administrative staff.

## **4.3 SICK LEAVE BANK**

A Sick Leave Bank of personal days is established for full-time employees who donate a minimum of two (2) days or equivalent hours of unused personal time provided the employee has earned at least six (6) personal days. The annual enrollment period to join The Sick Leave Bank shall be January 1 through January 31. The Sick Leave Bank is intended to be available for those employees who have exhausted all of their accumulated personal days and compensatory time, and are on a continuous FMLA leave for the following reason:

*The employee's own serious health condition that makes the employee unable to perform the functions of one's position;*

Unused Personal Days must be donated prior to the employee's knowledge of an upcoming FMLA qualifying event or the application may be denied.

A Sick Leave Board shall be comprised of three (3) members. The members of the Sick Leave Board shall be one (1) County Commissioner (appointed by County Commissioners), one (1) Council member (appointed by County Council), and the Human Resources Director by virtue of the position. This Board shall consider employees' requests for use of Sick Bank days.

Employees eligible to apply to the Sick Leave Bank must have donated the required personal days, and exhausted any accrued compensatory time and all available personal days. Such employee must be off work on personal leave for at least fifteen (15) consecutive working days and make application to the Board in person or by representative.

The maximum number of days that may be granted per employee shall be thirty (30) days or 240 hours per application, and a maximum of sixty (60) days or 480 hours per rolling 12-month period.

From time to time it may be necessary for the Board to replenish the number of sick bank days, and it shall have the authority to assess member's additional sick day donations.

At such time as the Sick Leave Bank falls below fifty (50) days, an obligatory assessment of one (1) personal leave day shall be made upon all current members of the Bank who have personal days available. For employees without available personal days, such assessment will be made during the following year if employed with the County.

#### **4.4 BEREAVEMENT LEAVE**

Full-time, regular employees are entitled to paid bereavement leave. Part-time and temporary employees are not eligible for bereavement leave. An employee wishing to take time off for the death of a family member should notify his/her elected official/department head immediately.

Bereavement days taken must be consecutive working days and taken in conjunction with the date of death, funeral, or memorial service. Bereavement days are given as set forth below:

<b>5 days</b>	<b>3 days</b>	<b>1 day</b>
<ul style="list-style-type: none"><li>• Spouse</li><li>• Mother or Stepmother</li><li>• Father or Stepfather</li><li>• Child or Stepchild</li></ul>	<ul style="list-style-type: none"><li>• Father-in law</li><li>• Mother-in-law</li><li>• Son-in-law</li><li>• Daughter-in-law</li><li>• Grandparent</li><li>• Grandchild</li><li>• Brother or Stepbrother</li><li>• Sister or Stepsister</li><li>• Brother-in-law</li><li>• Sister-in-law</li></ul>	<ul style="list-style-type: none"><li>• Aunt</li><li>• Uncle</li><li>• Niece</li><li>• Nephew</li><li>• Cousin</li></ul>

Additional time for travel to and from the funeral or memorial service site and for other necessary funeral duties may be granted by the elected official/department head upon request, but will be charged against unused personal days.

Excluded from coverage are former relatives (i.e. ex-spouse, former in-laws, etc.) of the employee. To be eligible for paid Bereavement leave, the employee must be in active pay status. An obituary notice or certification of death shall be submitted to the Auditor's office for bereavement leave.

#### **4.5 JURY DUTY**

Cass County encourages employees to fulfill their civic responsibilities by serving jury duty when summoned in any state, federal, or local court.

Employees must show the jury duty summons to their elected official/department head as soon as possible so the elected official/department head may make arrangements to accommodate the employee's absence.

The elected official/department head is responsible for notifying the Auditor's Office of any employees serving on jury duty. The employee shall report for work whenever the court schedule permits.

If an employee is called for jury duty or subpoenaed to testify in a court of law, within the County, during any portion of the employee's regular scheduled working day the employee shall receive his/her regular salary or wage in full for such time in court. All compensation received for court service shall be turned over to the County Auditor in full.

For jury duty outside Cass County, payment received for jury duty will be deducted from the regular County salary so that the total payment is no greater than the regular County salary.

Employees shall report to the Auditor in writing of any payment, minus expenses, that is received for jury duty in a state or federal court for jury duty outside Cass County.

If an employee is called for court jury duty or subpoenaed to testify in a court of law outside of his/her regularly scheduled working hours, all compensation received for such court service shall be retained by the employee and the employee shall receive their regular County salary or wage.

The County will not reimburse employees when appearing in court for criminal or civil cases when the case is being heard in connection with the employee's personal matters, such as traffic court, divorce proceedings, custody, appearing as directed with juvenile, etc.

Such absences will be charged against vacation, personal leave, or compensatory time as applicable.

If the serving or appearing in court will adversely affect the delivery of County services to the public, the County Attorney shall seek exemption for the employee from such jury duty. If an employee is released from local jury duty with more than one-half (1/2) of his/her regularly scheduled shift remaining, the employee is expected to report to work within one (1) hour. The County will continue to provide and accrue all regular benefits for the full term of the jury duty absence.

##### **4.5.1 Witness Duty**

Cass County requires employees to appear in court for witness duty when subpoenaed to do so in behalf of Cass County.

If employees have been subpoenaed or otherwise requested to testify as witnesses by Cass County, they will receive paid time off for the entire period of witness duty.

#### **4.6 WORKER'S COMPENSATION**

Cass County provides a comprehensive worker's compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, worker's compensation insurance provides benefits after a short waiting period. While on worker's compensation disability, employee benefits shall accrue. Employee income received while on leave under this policy shall not exceed wages the employee would have normally received pre-major illness in-line-of-duty leave.

Any employee who sustains a work-related injury or illness shall inform his/her elected official/department head immediately and the Human Resources Director in writing within 24 hours. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

If the employee has a life-threatening condition, he/she should proceed directly to the nearest hospital or medical facility.

**Elected Officials/Department Heads should contact the Human Resources office to obtain information and forms regarding filing worker's compensation claims.** Medical certifications are required. Once completed, all such forms are to be with the Human Resources Director, who will forward necessary documents to the insurance carrier.

As specified by Indiana worker's compensation statutes, when a compensable injury renders an employee unable to work, compensation for lost wages is paid starting on the eighth (8<sup>th</sup>) day. However, on the twenty-second (22<sup>nd</sup>) day of disability the employee will receive compensation for the first seven (7) days.

The first weekly installment of compensation is due fourteen (14) days after the disability begins. Not later than fifteen (15) days from the date that the first installment is due, the employer/carrier must tender to the employee an Agreement of Compensation, along with compensation due.

If however, the employer/carrier denies liability, a written notice of denial must be mailed within twenty-nine (29) days after the employer's knowledge of the alleged injury.

The employer may obtain an additional thirty (30) day period if it establishes that the delay is due to an inability to obtain the medical information necessary to make a determination as to liability.

Certain injuries are excluded from worker's compensation coverage (e.g. employee intoxication, self-inflicted injuries, failure to use safety appliances, committing a violation of work rules, failing to obey a reasonable written or printed safety rule, knowing failure to perform a statutory duty). Neither the County or the insurance carrier will be liable for the payment of worker's compensation benefits or major illness/injury in-line-of-duty leave pay for off-duty injuries or illnesses that occur during an employee's voluntary participation in any off-duty recreational, social or athletic activity sponsored or not-sponsored by the County.

While an employee is on worker's compensation leave, he/she shall not be engaged in outside employment.

Holiday pay will not be paid in addition to major illness/injury in-line-of-duty leave pay.

During worker's compensation leave employees may be required to submit periodic medical certifications on their serious health condition. Before returning to work, the employee shall provide medical certification from a health care provider verifying that he/she may safely return to work.

**Worker's compensation leave is designated as Family and Medical Leave Act (FMLA) leave beginning with the first day of leave. All such leave time used counts against the employee's twelve (12) week FMLA entitlement.**

#### **4.7 AMERICANS WITH DISABILITIES ACT (ADA)**

It is the policy of Cass County that qualified individuals with disabilities not be excluded from participation in nor benefit from the services, programs or activities of the County. It is the policy of the County not to discriminate against a qualified individual with a disability in: job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment. It is the intent of the County to comply with all applicable requirements of the Americans with Disabilities Act (ADA).

If a person is not able to perform the essential functions of a job, even with reasonable accommodation, the person is not qualified for the position.

Cass County will reasonably accommodate persons with a disability on a case-by-case basis, which may include making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules, modifying equipment, or similar accommodations.

Accommodations may not create an undue hardship for the County or other employees. An individual who cannot be reasonably accommodated for a job, without undue hardship, will not be selected for that position. A **Conditional Offer of Employment form** is available for use in Human Resources.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, and which threat cannot be eliminated by reasonable accommodation, will not be hired or retained. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave.

Further, disabled individuals cannot pose a direct threat to the safety of themselves or others. Generally, a "direct threat" means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

Benefits provided to disabled individuals who are qualified to perform the work are not different from the benefits provided to other employees.

Members of the public, including individuals with disabilities and groups representing individuals with disabilities, are encouraged to submit suggestions to the ADA Coordinator/County Auditor so the County might better meet the needs of individuals with disabilities pursuant to this policy.

Employee requests for an accommodation under the County's ADA policy shall be submitted in writing on ADA forms (**Reasonable Accommodation Request form**) available in Human Resources. Cass County requires medical certification to support a request of reasonable accommodation on the County's **Medical Review Form** available in Human Resources. It shall be the responsibility of the employee to submit such forms in a timely manner.

Cass County reserves the right to require a second medical opinion from an independent medical provider. Cass County must pay for the second opinion. If the two opinions conflict, the County may seek and pay for a third medical opinion that will be final and binding on both the County and the employee.

Based on medical information provided, Cass County will evaluate what, if any, reasonable accommodation may be extended to the employee.

A determination for granting or denying a reasonable accommodation will be delayed until medical certifications are provided by the employee.

Any employee who believes he or she has received treatment inconsistent with the policies set forth above, or any other requirement of ADA, may file a complaint within ninety (90) days of the date of the alleged discriminatory act or practice with the County ADA Coordinator/County Auditor.

#### **4.8 FAMILY AND MEDICAL LEAVE ACT (FMLA)**

The County shall comply with all regulations as described in the Family and Medical Leave Act (FMLA) of 1993 including all subsequent revisions. This policy serves as a general description of employee's FMLA rights; therefore, in the event a conflict arises between this policy and applicable law, employees shall be granted all such rights allowed by law. Cass County shall adhere to the "General Notice Requirements" prescribed by the Department of Labor through the following actions:

1. Posting required FMLA information explaining provisions of the Act and procedures for filing complaints of violations of the Act with the Wage and Hour Division of the Department of Labor. This information shall be posted prominently where it can be readily viewed by employees and applicants for employment; and
2. Providing this general notice to each County employee by including the notice in the Personnel Policies Handbook or other written guidance to employees concerning employee benefits and leave rights. The general notice may be distributed electronically as deemed appropriate by Cass County.

##### **4.8.1 Entitlement**

Eligible employees are entitled to twelve (12) weeks of unpaid FMLA leave for the following situations:

1. The birth of a son or daughter, and to care for the newborn child;
2. The placement with the employee of a son or daughter for adoption or foster care;

3. To care for the employee's spouse, son, daughter, or parent with a serious health condition; and
4. The employee's own serious health condition that makes the employee unable to perform the functions of one's position.

#### **4.8.1(A) Serious Health Condition Defined**

For purposes of FMLA, a "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care (an overnight stay in a hospital, hospice, or residential medical care facility), including any period of incapacity or any subsequent treatment in connection with such inpatient care, or a condition that requires continuing care by a licensed health care provider. This policy is intended to cover illnesses of a serious and long-term nature resulting in recurring or lengthy absences.

#### **4.8.1(B) Chronic, Permanent, or Long-term Health Condition Defined**

For purposes of FMLA, a "chronic serious health condition" requires periodic visits, defined as at least twice a year, for treatment by a health care provider, or by a nurse under direct supervision of a health care provider. Such condition continues over an extended period of time, including recurring episodes of a single underlying condition, and may cause episodic rather than a continuing period of incapacity.

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, represents a "permanent or long-term health condition." The employee or family member, with such condition, must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

This policy is intended to cover chronic, permanent, and long-term health conditions as defined by the FMLA.

#### **4.8.2 Eligibility**

An "eligible employee" is an employee of a covered employer who:

1. Has been employed by the employer for at least 12 months;
2. Has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of leave; and
3. Is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite.

Separate periods of employment with the County shall be counted towards the twelve (12) month requirement provided that the break in service does not exceed seven (7) years, unless the separate periods of employment are due to National Guard or Reserve military service obligations or where a written agreement exists concerning the employer's intention to rehire the employee after a break in service.

#### **4.8.2(A) Intermittent Leave or Reduced Leave Schedule**

Intermittent leave or leave on a reduced leave schedule must be medically necessary due to a serious health condition or a serious injury or illness.

An employee shall advise the County, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable.

The employee and Cass County shall attempt to work out a schedule for such leave that meets the employee's needs without unduly disrupting the County's operations, subject to the approval of the health care provider.

#### **4.8.3 Employee Notice Requirements 4.8.3(A)**

##### **Foreseeable FMLA Leave**

An employee must provide the County at least thirty (30) days advance written notice before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a family member.

If thirty (30) days' notice is not practicable, because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable - typically either the same day or the next business day of needing such leave.

Those employees who do not provide at least thirty (30) days' notice for foreseeable leave, shall be required to explain the reason(s) why such notice was not practicable under the County's FMLA policy.

When planning medical treatment, the employee must consult with the employer and make a reasonable effort to schedule the treatment so as not to disrupt unduly the employer's operations, subject to the approval of the health care provider.

#### **4.8.3(a) Employee Failure to Provide Notice**

When the need for FMLA leave is foreseeable at least thirty (30) days in advance and an employee fails to give timely advance notice with no reasonable excuse, the employer may delay FMLA coverage until thirty (30) days after the date the employee provides notice. The need for leave and the approximate date leave would be taken must have been clearly foreseeable to the employee thirty (30) days in advance of the leave.

When the need for FMLA leave is foreseeable fewer than thirty (30) days in advance and an employee fails to give notice as soon as practicable under the particular facts and circumstances, the extent to which an employer may delay FMLA coverage for leave depends on the facts of the particular case.

#### **4.8.3(B) Unforeseeable FMLA Leave**

When the approximate timing of the need for leave is not foreseeable, an employee must provide notice to the County as soon as practicable under the facts and circumstances of the particular case.

It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by the employer's usual and customary notice requirements applicable to such leave.

Notice may be given by the employee's "spokesperson" (e.g., spouse, adult family member, or other responsible party) if the employee is unable to do so personally.

#### **4.8.3(a) Employee Failure to Provide Notice**

When the need for FMLA leave is unforeseeable and an employee fails to give notice in accordance with the County's FMLA policy, the extent to which the County may delay FMLA coverage for leave depends on the facts of the particular case.

#### **4.8.3(C) Requesting FMLA Leave**

Employees should contact Human Resources to secure such forms and procedures used for requesting leave under the County's Family and Medical Leave policy.

All requests for FMLA leave must be submitted, in writing, to the elected official/department head to make a determination.

When an employee seeks leave due to a FMLA-qualifying reason for which the County has previously provided the employee FMLA-protected leave, the employee **must** specifically reference either the qualifying reason for leave or the need for FMLA leave.

#### **4.8.4 Employer Notice Requirements**

##### **4.8.4(A) Eligibility and Rights & Responsibilities**

When an employee requests FMLA leave, or when the County acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the County must notify the employee of the employee's eligibility to take FMLA leave within five (5) business days, absent extenuating circumstances.

Employee eligibility is determined, and notice shall be provided, at the commencement of the first instance of leave for each FMLA qualifying reason in the applicable twelve (12)-month period.

The County shall use the Department of Labor form **WH-381 (Notice of Eligibility and Rights & Responsibilities)** to satisfy requirements under this section.

##### **4.8.4(B) Designation Notice**

The employer is responsible in all circumstances for designating leave as FMLA-qualifying, and for giving notice of the designation to the employee. When the County has enough information to determine whether the leave is being taken for a FMLA-qualifying reason (e.g., after receiving a certification), the County shall notify the employee whether the leave will be designated and will be counted as FMLA leave within five (5) business days absent extenuating circumstances.

Only one (1) notice of designation is required for each FMLA-qualifying reason per applicable twelve (12)-month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or intermittent or reduced schedule leave.

If the County determines that the leave will not be designated as FMLA-qualifying (e.g., if the leave is not for a reason covered by FMLA or the FMLA leave entitlement has been exhausted), the County shall notify the employee of that determination.

If the County has sufficient information to designate the leave as FMLA leave immediately after receiving notice of the employee's need for leave, the County may provide the employee with the designation notice at that time.

If the information provided by the County to the employee in the designation notice changes (e.g., the employee exhausts the FMLA leave entitlement), the County shall provide, within five (5) business days of receipt of the employee's first notice of need for leave subsequent to any change, written notice of the change.

The County shall use the Department of Labor form **WH-382 (Designation Notice)** to satisfy requirements under this section.

#### **4.8.5 Certification**

Cass County shall require that an employee's leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position, be supported by a certification issued by the health care provider of the employee or the employee's family member. Initial certification requests by the County shall be at the employee's expense.

Cass County shall give notice of a requirement for certification each time a certification is required. Employees shall be notified through form **WH-381 (Notice of Eligibility and Rights & Responsibilities)**.

Cass County shall provide an employee with the appropriate certification form at the same time the County provides an employee with form **WH-381 (Notice of Eligibility and Rights & Responsibilities)**. The County shall use Department of Labor forms as follows: **WH-380-E (Employee's Serious Health Condition)** or **WH-380-F (Family Member's Serious Health Condition)**.

At the time the County requests certification, the County shall also advise the employee of the anticipated consequences of the employee's failure to provide adequate certification.

The employee must provide the requested and complete certification to the County within fifteen (15) calendar days after the County's request.

#### **4.8.5(A) Complete and Sufficient Certification**

The employee must provide a complete and sufficient certification to the County. The County shall advise an employee whenever the County finds a certification incomplete or insufficient, and shall state in writing what additional information is necessary to make the certification complete and sufficient. The employee shall have seven (7) calendar days to fix any such deficiency.

If the deficiencies specified by the County are not fixed in the resubmitted certification, the County may deny the taking of FMLA leave, in accordance with Federal law.

#### **4.8.5(B) Clarification and Authentication**

If an employee submits a complete and sufficient certification signed by the health care provider, the County may not request additional information from the health care provider.

However, the County may contact the health care provider for purposes of clarification and authentication of the medical certification (whether initial certification or recertification) after the County has given the employee an opportunity to fix any deficiencies (see above). To make such contact, the Commissioners' Administrative Assistant will be responsible for obtaining clarification and/or authentication. Under no circumstances, may the employee's direct supervisor contact the employee's health care provider.

The County shall not ask health care providers for additional information beyond that required by the certification form. The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule must be satisfied when individually-identifiable health information of an employee is shared with the County by a HIPAA-covered health care provider.

#### **4.8.5(C) Second and Third Medical Opinion**

The County reserves the right to require a second medical opinion from an independent medical provider. The County shall pay for the second opinion, including reasonable "out-of-pocket" travel expenses, and shall designate a provider who is not an employee of the County. If the two (2) opinions conflict, the County shall pay for a third opinion. The opinion of the third provider is final and binding on both the County and the employee, including reasonable "out-of-pocket" travel expenses.

The County may deny FMLA leave to an employee who refuses or whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. The County shall provide the employee with a copy of second and/or third medical opinions within five (5) business days.

#### **4.8.5(D) Recertification**

The County may require an employee to report periodically during the leave period on the employee's leave status and the employee's intention to return to work.

The County may seek recertification for leave taken due to an employee's own serious health condition or the serious health condition of a family member, no more than every thirty (30) days unless the employee requests an extension of leave, circumstances described by the previous certification have changed significantly, or the County receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.

Where the employee's need for leave due to the employee's own serious health condition, or the serious health condition of the employee's covered family member, lasts beyond a single leave year, the County shall require the employee to provide a new medical certification in each subsequent leave year.

The employee must provide the requested recertification to the County within fifteen (15) calendar days after the employer's request.

Any recertification requested by the County shall be at the employee's expense.

#### **4.8.5(E) Fitness-for-Duty Certification**

The County may require a fitness-for-duty certification before an employee returns to work from FMLA leave other than intermittent leave. The County shall notify an employee in form **WH-382 (Designation Notice)** whether a fitness-for-duty certification shall be required.

The cost of the certification shall be borne by the employee, and the employee is not entitled to be paid for the time or travel costs spent in acquiring the certification.

The County may delay restoration to employment until an employee submits a required fitness-for-duty certification.

#### **4.8.6 Calculation of FMLA Leave**

For purposes of calculating employee entitlement for a subsequent FMLA leave, the "twelve (12)-month period" is measured forward from the date when the employee's previous FMLA leave began. For example, under this method an employee is entitled to twelve (12) weeks of leave the first time FMLA leave is taken (e.g. March 7, 2010); the next twelve (12)-month period would begin the first time leave is taken after completion of that twelve (12)-month period ending on (March 6, 2011).

In situations where both a husband and wife work for the County and FMLA leave is requested and approved to care for a newborn child or a child newly placed for adoption or foster care, the employee(s) **combined total** leave is limited to twelve (12) weeks. Such leave must be taken within twelve (12) months from the date of birth or the date of placement.

An employee is required to use any accrued paid leave (such as compensatory time, and personal days concurrent with the twelve (12) week period of such leave under the County's FMLA policy.

Accruals for benefit calculations, such as personal days, or holiday benefits, shall not be affected by taking FMLA leave.

#### **4.8.6(A) Intermittent Leave or Reduced Leave Schedule**

Intermittent leave shall be calculated using one (1) hour increments. An employee's FMLA leave entitlement may not be reduced by more than the amount of leave actually taken, except as provided under the Family and Medical Leave Act.

#### **4.8.6(B) Health Benefits**

Any health plan, including self-insured plans, provided by the County will be continued for the employee on FMLA leave on the same terms that would have been provided if the employee had continued his or her work during the period that he or she was on approved FMLA leave. County employees are responsible for paying their share of the premium costs while on FMLA leave. If an employee chooses not to return to work for reasons other than a continuing serious health condition of the employee or the employee's family member, or a circumstance beyond the employee's control, the County shall require the employee to reimburse the employer the amount it paid for the employee's health insurance premium during the leave period.

#### **4.8.7 Employee Reinstatement**

On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence.

However, the County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate situations of intermittent leave.

If the employee fails to return to work, he or she shall repay the County's portion of the premium costs and any of the employee's portions that were not paid by the employee during the FMLA leave.

The County shall consider an employee's failure to report to work at the end of the leave period as an employee resignation.

**While an employee is on FMLA leave for their own serious illness or injury, he/she shall not be engaged in outside employment.**

#### **4.8.8 Military Family Leave Entitlements**

The National Defense Authorization Act for FY 2008 and 2010 (NDAA) amended the FMLA to allow eligible employees to take up to twelve (12) weeks of job protected leave in the applicable twelve (12)-month period for any "qualifying exigency" arising out of the covered active duty or call to covered active duty status of a spouse, son, daughter, or parent. The NDAA also amended the FMLA to allow eligible employees to take up to twenty-six (26) weeks of job-protected leave in a "single twelve (12)-month period" to care for a covered service member with a serious injury or illness. These types of FMLA leave are known as the Military Family leave entitlements.

This policy supplements the County's FMLA policy and provides notice of employee rights to such leave. Except as mentioned below, an employee's rights and obligations to Military Family leave are governed by the County's FMLA policy.

Military Family leave runs concurrent with other leave entitlements provided under federal, state, and local law, such as Indiana Military Family leave under Indiana Code 22-2-13.

#### **4.8.8(A) Employee Notice Requirements**

Employees seeking to use Military Caregiver leave **must** provide thirty (30) days advance written notice of the need to take such leave for planned medical treatment for a serious injury or illness of a covered service member. If leave is foreseeable but thirty (30) days advance notice is not practicable, the employee must provide notice as soon as practicable - generally, either the same or next business day.

An employee must provide written notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable.

When the need for Military Family leave is not foreseeable, the employee must provide notice to the County as soon as practicable under the facts and circumstances of the particular case.

Generally, it should be practicable to provide notice for unforeseeable leave within *the* time prescribed by the County's usual and customary notice requirements. Please see section "Requesting FMLA Leave" above.

#### **4.8.8(13) Entitlement**

Eligible employees are entitled to **twelve (12) weeks** of unpaid Military Family leave for the following situation:

1. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

Eligible employees are entitled to **twenty-six (26) weeks** of unpaid Military Family leave for the following situation:

1. To care for a covered service member with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the service member.

#### **4.8.8(C) Covered Active Duty Defined**

The term "covered active duty" means, in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty pursuant to applicable law.

#### **4.8.8(D) Covered Service Member Defined**

The term "covered service member" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five (5) years preceding the date on which the veteran undergoes such medical treatment, recuperation, or therapy.

#### **4.8.8(E) Qualifying Exigency Leave**

Eligible employees may take **up to a total of twelve (12) weeks** of unpaid Military Family leave during the normal twelve (12)-month period established by the County for FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent (the "covered military member") is on covered active duty, or has been notified of an impending call or order to covered active duty, in the Armed Forces.

A call to covered active duty for purposes of leave taken because of a qualifying exigency refers to a Federal call to covered active duty. State calls to covered active duty are not covered unless under order of the President of the United States pursuant to applicable law.

Such leave may commence as soon as the military member receives the call up notice. **This type of leave will be counted toward the employee's twelve (12)-week maximum of FMLA leave in a twelve (12)-month period.**

Qualifying exigencies include the following:

1. **Short-notice deployment:** Issues arising from a covered military member's short notice deployment (i.e., deployment on seven [7] or less days of notice) for a period of seven (7) days from the date of notification;
2. **Military events and related activities:** Events and activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of a covered military member;
3. **Childcare and related activities:** Certain childcare and related activities arising from the covered active duty or call to covered active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the covered active duty or call to covered active duty of the covered military member;
4. **Financial and legal arrangements:** Making or updating financial and legal arrangements to address a covered military member's absence;
5. **Counseling:** Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the covered active duty or call to covered active duty status of the covered military member;
6. **Rest and recuperation:** Taking up to five (5) days of leave to spend time with a covered military member who is on short-term, rest, and recuperation leave during deployment;
7. **Post-deployment activities:** Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the covered military member's covered active duty status, and addressing issues arising from the death of a covered military member; and
8. **Additional activities:** Any other event that the employee and County agree is a qualifying exigency.

#### **4.8.8(a) Certification**

The first time an employee requests leave because of a qualifying exigency arising out of the covered active duty or call to covered active duty status of a covered military member, the County shall require the employee to provide a copy of the covered military member's covered active duty orders or other documentation issued by the military which indicates that the covered military member is on covered active duty or call to covered active duty status, and the dates of the covered military member's covered active duty service. This information need only be provided to the County once. A copy of new covered active duty orders or other documentation issued by the military shall be provided to the County if the need for leave because of a qualifying exigency arises out of a different covered active duty or call to covered active duty status of the same or a different covered military member.

The County shall use the Department of Labor form **WH-384 (Qualifying Exigency)** to satisfy requirements under this section.

The employee must provide the requested and complete certification to the County within fifteen (15) calendar days after the County's request.

#### **4.8.8(b) Verification**

If an employee submits a complete and sufficient certification to support his or her request for leave because of a qualifying exigency, the County shall not request additional information from the employee. However, if the qualifying exigency involves meeting with a third party, the County shall contact the individual or entity with whom the employee is meeting for purposes of verifying *a meeting or* appointment schedule and the nature of the meeting between the employee and the specified individual or entity. The employee's permission is not required in order to verify meetings or appointments with third parties, but no additional information may be requested by the County.

The County also shall contact the appropriate unit of the Department of Defense to request verification that a covered military member is on covered active duty or call to covered active duty status; no additional information may be requested and the employee's permission is not required.

#### **4.8.8(F) Military Caregiver Leave**

Eligible employees who are a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness may take **up to a total of twenty-six (26) weeks** of unpaid Military Family leave during a "single twelve (12)-month period" to care for the service member.

Eligible employees may not take leave under this provision to care for military members on the permanent disability retired list.

This is the only type of FMLA leave that may extend an employee's leave entitlement beyond twelve (12) weeks to a **combined total** of twenty-six (26) weeks of leave for any FMLA-qualifying reason during the "single twelve (12)-month period." However, only twelve (12) of the twenty-six (26) weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.

The "single twelve (12)-month period" for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12)-months later, regardless of the twelve (12)-month period established by the employer for other types of FMLA leave.

A husband and wife who are eligible for FMLA leave and are employed by the County shall be limited to a **combined total** of twenty-six (26) weeks of leave during the "single twelve (12)-month period" if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee's parent with a serious health condition, or to care for a covered service member with a serious injury or illness.

#### **4.8.8(c) Next of Kin Defined**

The "next of kin of a covered service member" is the nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of Military Caregiver leave under the FM LA.

#### **4.8.8(d) Designating Leave**

In the case of leave that qualifies as both leave to care for a covered service member and leave to care for a family member with a serious health condition during the "single twelve (12) month period," the County shall designate such leave as leave to care for a covered service member in the first instance. Leave that qualifies as both leave to care for a covered service member and leave taken to care for a family member with a serious health condition during the "single twelve (12) month period" will not be designated and counted as both leave to care for a covered service member and leave to care for a family member with a serious health condition.

This section also applies to leave taken for other FMLA- qualifying reasons.

#### **4.8.8(e) Certification**

When leave is taken to care for a covered service member with a serious injury or illness, the County shall require an employee to obtain a certification completed by an authorized health care provider of the covered service member. Certification requests by the County shall be at the employee's expense.

The County, if appropriate, shall seek authentication and/or clarification of the certification as stated above in the County's FMLA policy.

However, second and third opinions and recertification, as outlined above in the County's FMLA policy, are not permitted for leave to care for a covered service member.

The County shall require an employee to provide confirmation of covered family relationship to the seriously injured or ill service member.

The County shall use the Department of Labor form **WH-385 (Serious Injury or Illness of Covered Service member)** to satisfy requirements under this section.

The employee must provide the requested and complete certification to the County within fifteen (15) calendar days after the County's request.

#### **4.8.8(1) ITOs and ITAs Certification**

The County, in place of the Department of Labor form WH385, shall accept "invitational travel orders" ("ITOs") or "invitational travel authorizations" ("ITAs") issued to any family member to join an injured or ill service member at his or her bedside as sufficient certification under this policy. An ITO or ITA is sufficient certification for the duration of time specified in the 1'1'0 or 1'1'A.

During that time period, an eligible employee may take leave to care for the covered service member in a continuous block of time or on an intermittent basis.

An eligible employee who provides an ITO or ITA to support his or her request for leave shall not be required to provide any additional or separate certification that leave taken on an intermittent basis during the period of time specified in the ITO or ITA is medically necessary. An ITO or ITA is sufficient certification for an employee entitled to take FMLA leave to care for a covered service member regardless of whether the employee is named in the order or authorization.

If an employee will need leave to care for a covered service member beyond the expiration date specified in an ITO or ITA, the County shall request that the employee have an authorized health care provider complete the Department of Labor form **WH-385 (Serious Injury or Illness of Covered Service member)**, as requisite certification for the remainder of the employee's necessary leave period.

The County, if appropriate, shall seek authentication and/or clarification of the ITO or ITA as stated above in the County's FMLA policy. However, second and third opinions and recertification, as outlined above in the County's FMLA policy, are not permitted during the period of time in which leave is supported by an ITO or ITA.

The County shall require an employee to provide confirmation of covered family relationship to the seriously injured or ill service member.

In all instances in which certification is requested, it is the employee's responsibility to provide the County with complete and sufficient certification and failure to do so may result in the denial of FMLA leave.

## **4.9 MILITARY LEAVE**

Cass County is committed to protecting the job-related rights of employees absent on military leave. In accordance with federal and state law, including the Uniformed Services Employment and Re-employment Rights Act (USERRA) of 1994, the County will not discriminate against any employee on the basis of that person's membership in or obligation to perform service for any of the uniformed services of the United States.

### **4.9.1 Annual Training**

A military leave of absence will be granted to all full-time Cass County employees to attend scheduled drills or training, or to respond to a call to active duty with the U.S. armed services. Employees with appropriate military orders will be granted paid leave for annual training for the Reserve or National Guard for a period of up to a maximum 120 hours per calendar year; and are entitled to civilian (Cass County) and military pay up to 120 hours per calendar year. Such military leave will not be charged against an employee's accrued benefit time off, and seniority will continue to accrue in the same manner as for employees not on military leave.

Subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible, the employer will continue to provide health insurance benefits for the full term of the annual training period.

Employees on two (2)-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time.

### **4.9.2 Active Duty/Enlistment**

The Uniformed Services Employment and Re-employment Rights Act (USERRA) of 1994 grants special considerations and rights to employees that are either called to active military status or enlist in the armed forces. Active duty military leave will be unpaid.

USERRA requires employers to grant such employees reinstatement of the position held at the time of departure for military service, or in some cases to a position of equivalent or equal stature and pay provided the employee is discharged from service honorably. The cumulative length of service that causes an absence from a position may not exceed five (5) years, except where provided by law.

USERRA also requires that returning eligible employees be granted seniority and benefits at the same level as if the employee had not left employment for service. Benefit time will continue to accrue while an employee is on military leave. Additionally, service members may (but are not required to) use accrued vacation or personal leave while performing military duty.

Employees who are on active military duty leave and are under the County's health care plan, may elect at their own cost to continue the health plan coverage for up to twenty-four (24) months after the absence begins, or the period of active duty service, whichever is shorter.

Upon returning from a military leave of absence, an employee will be reinstated to a Cass County position provided the employee is discharged from military status under honorable conditions, and makes a request for reinstatement within thirty (30) days after release from active duty, or one (1) year after release from hospitalization due to military accident.

The employee must also be qualified to perform the essential functions of the position for which he/she is being reinstated, and shall be required to provide medical release forms from the military.

Employees on such leave must notify Cass County of the intent to return to employment in accordance with all applicable state and federal laws.

#### **4.9.3 Military Family Leave**

Eligible employees that are a parent, spouse, grandparent, or sibling of a person who is ordered to active duty for a period exceeding eighty-nine (89) days may be allowed Military Family Leave under qualifying circumstances. In order for an employee to be eligible for Military Family Leave, the employee must have worked for Cass County for the previous twelve (12) months and worked a minimum of fifteen hundred (1,500) hours during that period.

Eligible employees may take leave during either the thirty (30) days before active duty orders are in effect or during the period in which the person ordered to active duty has their orders terminated. Military Family Leave may not exceed a total of ten (10) working days annually.

Employees must notify their elected official/department head thirty (30) days in advance of the days they intend to take Military Family Leave, unless the person ordered to active duty receives deployment orders less than thirty (30) days in advance.

Cass County may require verification of the military orders in order to approve Military Family Leave.

Military Family Leave is unpaid and employees are responsible for paying their own benefits while on such leave. An employee may choose to substitute any earned paid personal days (which is a combination of sick days, vacation days, and flex days), or compensatory time available to the employee for any part of the ten (10) day period of Military Family Leave.

Military Family Leave runs concurrent with other leave entitlements provided under federal, state and local law, such as Service member FMLA.

#### **4.10 EMPLOYEE INSURANCE**

Cass County provides medical, dental, vision, and life insurance programs for all regular fulltime employees and other employees as designated by the County Commissioners. A portion of the annual premiums are paid by the County. Insurance will remain in effect until amended or rescinded.

Optional voluntary benefits programs (such as disability insurance) are available through a payroll deduction program at a cost to the employee.

Each employee shall receive an insurance handbook describing all benefits upon completion of their orientation interview. The terms and conditions specified in such plans shall govern coverage. Group insurance benefits will continue while an employee is on disability leave; however, when in a non-pay status, employees will be responsible for the timely payment of those insurance premiums that are normally deducted from gross pay.

Specific details regarding eligibility and coverage are available in Human Resources.

#### **4.11 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)**

Cass County is compliant with applicable requirements and standards of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and has established guidelines regarding the privacy of individually identifiable health information accordingly.

Cass County has designated the HR Director as the County's "privacy official" who is responsible for developing and implementing privacy policies and procedures; and the HR Director is the contact person who is responsible for receiving complaints regarding compliance.

All County HIPAA inquiries shall be directed to the County HR Director.

#### **4.12 BENEFITS CONTINUATION (COBRA)**

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the employer's health plan when a qualifying event would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the employer's group rates plus an administration fee.

Cass County, through a third-party administrator, provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the employer's health insurance plan. The notice contains important information about the employee's rights and obligations.

Specific details regarding eligibility and coverage are available in HR

#### **4.13 PUBLIC EMPLOYEES' RETIREMENT FUND (PERF)**

Eligible County employees, full-time employees except Sheriff Merit Officers, are covered by the Public Employees' Retirement Fund (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 County contributes a percentage of employees' 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 ten (10) years of service to become vested, and is paid by the County based on an employee's length of employment, average salary, and age at retirement.

**Questions concerning the program should be directed to: Human Resources and/or the Public Employees' Retirement Fund / INPRS.**

## **4.14 FAMILY CARE BENEFITS**

Cass County offers family care assistance to eligible full-time employees. Part-time and temporary employees are not eligible for family care benefits.

### **4.14.1 Flextime Scheduling**

Employees may request the opportunity from their elected official/department head to vary their work schedules within employer defined limits to better accommodate their child, spouse, or parent care responsibilities.

### **4.14.2 Sick Leave Use**

Employees may use accrued sick leave in the event of the illness of a child, spouse, or parent.

## **4.15 LEAVE OF ABSENCE WITHOUT PAY**

A full-time employee who has completed the probationary period may apply in writing to their elected official/department head for an unpaid leave of absence for employee's own FMLA qualifying serious illness or injury. Part-time and temporary employees are not eligible for this benefit. Such leave may not exceed two (2) months. During such period, personal days (which is a combination of sick days, vacation days, and flex days) or any other paid leave shall not accrue, and such employee shall not receive compensation for designated holidays.

Authorization for such leave shall be by the elected official/department head. Such official retains the authority to place any employee on unpaid leave. The elected official/department head approving such leave shall notify the HR Director in writing at the time that an employee is granted a leave of absence without pay.

## **4.16 DEFERRED COMPENSATION**

Cass County offers a voluntary deferred compensation program to eligible employees. Elected officials are eligible for this benefit.

Full-time employees, elected officials and appointees, and designated professionals may participate in a deferred compensation program. This program is a way to set-aside part of an employee's income through voluntary payroll deductions to defer the tax liabilities of such income until retirement rather than when it is earned. Different investment options are available. Specific details concerning this program are available in the **Auditor's Office**.

#### **4.17 ORGANIZATION MEMBERSHIPS**

The Cass County Commissioners are authorized to budget, and the County Council is authorized to appropriate funds for County elected and appointed officials and members of the County's boards and commissions for membership in local, state, and national organizations which have as their purpose the betterment and improvement of County government operations.

Funds may be authorized and appropriated to pay the expenses of duly authorized representatives to attend the meetings and functions of organizations to which Cass County is a member. Such requests for membership authorization must be submitted to the County Commissioners prior to the obligation of County funds.

## **5. WORKING CONDITIONS**

**The policies contained in this chapter and throughout the Cass County Personnel Policies Handbook apply to all Cass County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

### **5.1 SAFETY**

Establishment and maintenance of a safe work environment is the shared responsibility of the County and employees from all levels of the organization. The County will take all reasonable steps to assure a safe environment and compliance with federal, state, and local safety regulations. All employees should report for work in an alert, fit condition, able to effectively perform assigned position duties.

Employees are expected to obey safety rules and exercise caution in all their work activities, and shall immediately report any unsafe conditions to their supervisor. Not only supervisors, but employees at all levels of the organization are expected to correct unsafe conditions as promptly as possible. **ALL** accidents that result in injury must be reported immediately to an elected official/department head and to Human Resources within twenty-four (24) hours or less regardless of how insignificant the injury may appear. Such reports are necessary to comply with laws and to initiate insurance and worker's compensation procedures.

In the case of an injury requiring medical attention, he/she should proceed directly to the nearest hospital or medical facility.

If a workplace injury requires long term medical attention, the injured employee will work with the supervisor to decide when to return to work and eligibility for continuing employment. In the case of permanent disability due to job injury, a final release will be arranged, if appropriate.

The Cass County Safety Committee will review safety practices and hazards and make recommendations for improved practices within the work areas.

### **5.2 BLOODBORNE PATHOGENS**

It is in the interest of the health and safety of all County employees and inmates that all needle sticks, puncture wounds and exposure to mucocutaneous blood and/or body fluid must be reported immediately.

Following an exposure to human blood or body fluid, the employee must notify their supervisor. The supervisor will immediately complete an IPEP workman's compensation packet as appropriate to the situation, and have the exposed employee report immediately to Logansport Memorial Hospital (LMH) to be evaluated and tested by Healthy Companies. If the incident occurs after hours the exposed will report to the hospital ER. If the exposed is an inmate, they will report to jail/corrections staff for follow up.

**Procedure:**

1. In the event of a needlestick, puncture wound, or exposure to subcutaneous blood and/or body fluid the employee or inmate should wash the area immediately, scrubbing with soap and water.
2. Personal Protective Equipment (PPE) will be used for cleanup of any perceived blood or body fluid. PPE items will include, but not limited to gloves and masks.
3. Clean up material of blood and/or body fluid will be disposed of in a biohazard box kept at each County site where "At Risk" county employees work.
4. "At Risk" employees include but are not limited to the following:
  - EMS
  - Maintenance
  - Jail employees
  - Sheriff Department
  - Community Corrections
  - Health Department
5. The employee must report the incident immediately to their supervisor. If the incident happened to an inmate, it will be reported to Jail/corrections staff.
6. Supervisor will send the employee to LMH to be evaluated by Healthy Companies or ER if after hours. The supervisor will notify LMH and/or Healthy Companies that the employee is in route.
7. Testing of the employee and the source person is strongly recommended when a bloodborne pathogen exposure has occurred. **Regardless of the potential risk, the employee/inmate has the right to request or refuse testing.** The exposure risk of the exposed should be explained to the source person and testing requested. *The source/exposed persons cannot be tested without consent.*
8. If the source person can be identified, the supervisor needs to explain the importance of them having HIV, Hepatitis B Surface Ag, and Hepatitis C bloodwork done so the record of their bloodwork will be on file for the physician to know the course of treatment for the exposed person. *A consent form must be signed with the source person agreeing or disagreeing to have bloodwork done.*
9. For workers compensation, the responsibility to report as soon as possible lies with the exposed employee.
10. The exposed employee's supervisor will complete a Workman's Comp form for them. The supervisor forwards the completed reports to Human Resources. If the exposed/source refuses follow up, this must be reported to HR as well.
11. If the exposed/source is an inmate, QCC will be informed and arrange for appropriate follow up.
12. Digital Forms can be found online.

### **5.2.1 BIOHAZARD DISPOSAL**

Cass County Government, to ensure that all of its "At Risk" employees be trained in the handling of biohazard materials and have methods available to dispose of such waste in a lawful and safe manner. Members, with additional training, will be appointed to monitor compliance with biohazard waste procedures, as well as, the training of "At Risk" employees.

#### **Purpose:**

The purpose of this policy is to outline general guidelines, which govern handling and disposal of biohazard waste materials.

#### **Procedures:**

1. County employees who are considered "at risk" or who may come in contact with biohazard material will be provided initial and annual refresher training regarding proper handling and disposal of biohazard waste materials.
2. Initial training will be provided to "At Risk" employees within two weeks of assigned duties and refresher updates will be completed annually per Occupational Safety and Health Administration (OSHA) guidelines. Supervisors of "At Risk" employees will track training dates and the employee will be notified of their need for annual refresher BBP training.
3. See list of "At Risk" Employees in previous section.

#### **Biohazard Containers**

1. Marked Biohazard waste containers are provided and are in easily accessible areas at sites/departments where "At Risk" employees work.
2. Biohazard waste containers are closable and constructed in a manner to prevent leakage during handling, storage and transport.
3. Approved puncture resistant sharps containers will be used if intended to contain sharps such as needles or used razor blades. Sharps containers will be put in to biohazard boxes when  $\frac{3}{4}$  full. Sharps containers will not be emptied or refilled.
4. Biohazard waste will initially be put in properly labeled or color-coded bags or containers. Bags will be disposed of in the biohazard boxes.
5. All biohazard waste will be disposed of as needed by an approved waste disposal vendor. Boxes should be picked up when  $\frac{3}{4}$  full.

### **Biohazard Control Deputy**

1. The biohazard control deputy for the Jail will receive thorough training in biohazard waste disposal and OSHA requirements related to waste disposal and for monitoring removal of biohazard waste for the jail. The biohazard control deputy will be appointed by the program supervisor.
2. The biohazard control deputy for the Jail will receive additional and specific biohazard training and will monitor compliance with biohazard waste procedures. Duties include, but are not limited to, ensuring that waste cleanup materials are ordered and stored appropriately, including sharps containers and biohazard boxes.
3. The biohazard control deputy for the Jail will be responsible for training of Jail staff in exposure, clean up and disposal of biohazard material.
4. The biohazard control deputy for the jail will be the liaison to the Quality Correctional Care (QCC) contact.
5. Staff training for jail employees will be completed within two weeks of assigned work duties and refresher courses will be done annually.

The tracking of initial and refresher training will be done by each department head.

### **5.3 LACTATION SUPPORT**

Cass County shall provide for reasonable paid breaks for employees to express breast milk for their infant child. The break time must, if possible, run concurrently with any break time already provided to employees. The County is not required to provide break time under this section if providing break time would unduly disrupt the operations of the County.

Cass County shall make reasonable efforts to provide a room or other location, other than a toilet stall, in close proximity to the work area, where employees can express their breast milk in privacy during any period away from their assigned duties.

The County shall make reasonable efforts to provide a refrigerator or other cold storage space for storing breast milk; or allow employees to store their breast milk in their own portable storage device until the end of their workday.

Except in cases of willful misconduct, gross negligence, or bad faith, Cass County is not liable for any harm caused by or arising from either of the following that occur on the County's premises:

- A. The expressing of employees' breast milk; or
- B. The storage of expressed milk.

## **5.4 USE OF TELEPHONES, COUNTY MAIL, AND FAX MACHINES**

Personal use of County telephones and fax machines for long-distance and toll calls is not permitted, except for emergencies. For any emergency personal use of such items, employees shall reimburse the County for all long-distance and/or toll charges. All other non-emergency long-distance and toll calls on County telephones and fax machines shall be approved by his/her elected official/department head before being conducted. Personal telephone calls, excluding long-distance and toll calls, should be limited in frequency and duration.

To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner.

The mail system is reserved for business purposes only. Employees should refrain from sending or receiving personal mail at the workplace.

## **5.5 USE OF CELLULAR PHONES AND PAGERS**

The use of personal cellular phones and/or pagers during work hours should be limited to frequency and duration. Employees may use personal cellular phones during break periods, including meal breaks in locations that do not pose a disruption to others. Employees using cellular phones or pagers excessively during work hours will be subject to appropriate disciplinary action.

Any cellular phone issued by Cass County to an employee for business purposes should be turned off during meetings and training courses, except in circumstances where it is absolutely necessary to take an urgent business phone call. In these circumstances, it is courteous to alert others in attendance to the fact that such a call is expected.

Employees shall reimburse the County for charges resulting from any personal use of County issued cell phones.

The Internal Revenue Code (IRC) requires the taxable value for the use of County issued cell phones be reported as additional compensation to employees. The employer and employee must timely report personal use as a wage. Such reports are processed by the Auditor's Office.

### **5.5.1 Use of Cellular Phones and Electronic Devices While Driving**

The use of cellular phones and electronic devices while driving may present a hazard to the driver, other employees, and the general public. This policy is meant to ensure the safe operation of County vehicles and equipment, and the safe operation of private vehicles while an employee is on work time conducting County business. This policy applies to all uses of cellular phones and communication devices, including but not limited to computers, text messaging, e-mail, electronic calendars, multi-media devices, and printers.

Employees shall adhere to all federal, state, and local rules and regulations regarding the use of cellular phones and electronic devices while driving. Accordingly, employees shall not use cellular phones if such conduct is prohibited by law, regulation, or other ordinance.

Employees should not use hand held cellular phones for business purposes while driving. Should an employee need to make or receive a business call while driving, he/she should locate a lawfully designated area to park and make or receive the call. This does not apply to emergency personnel responding to and/or making emergency calls.

Employees may use hands-free cellular/mobile phones to make or receive business calls. Such calls should be kept short, and should the circumstances warrant (such as heavy traffic or inclement weather), the employee should locate a lawfully designated area to park to continue the call. This does not apply to emergency personnel responding to and/or making emergency calls.

County employees, who operate a commercial vehicle, including large trucks, buses, and vans, shall not engage in text messaging while driving according to Federal law.

## **5.6 USE OF INFORMATION TECHNOLOGIES**

Computers, computer files, networks, hardware, and software are Cass County property intended for business use. To retain privileges of network access, each user of County information technologies is expected to meet certain responsibilities and honor certain limitations. Additional responsibilities may be associated with specific networks. Any network traffic exiting the County is subject not only to provisions of this policy, but also to the acceptable use policies of any network through which or into which it flows. Employees should immediately report any violation of this policy to their elected official/ department head and the Information Technologies Department. Questions concerning these policies should be directed to the employee's elected official/department head and/or the Information Technologies Department.

### **5.6.1 System Security**

Employees are responsible for the use of their accounts and security of their passwords. As such, an employee may not give anyone else access to his/her account, or use a County computer account assigned to another user. A user must not attempt to obtain a password for another employee's computer account. If an employee suspects someone knows his/her password, the employee should contact the Information Technologies Department **immediately**.

Employees shall not use the network resources of the County to gain or attempt to gain unauthorized access to remote computers, networks, or systems, nor shall they attempt to circumvent data protection schemes or exploit security loopholes.

Employees may not place on any County-owned computer system any type of information or software that gives unauthorized access to another computer account or system.

Violations of this policy are subject to disciplinary action, up to and including termination.

### **5.6.2 Software Licenses**

Cass County purchases and licenses the use of various computer software for business purposes and does not own the copyright to the software or its related documentation. Unless authorized by the software developer, the County does not have the right to reproduce such software for use on more than one (1) computer.

Employees may only use software on multiple machines according to software license agreements. The County prohibits the illegal duplication of software and its related documentation. No licensed or unlicensed software maybe installed on Cass County computers that have not been authorized by the County.

Employees should immediately report violations of this policy to their elected official/department head. County employees who make, acquire, or use unauthorized copies of computer software are violating federal copyright law and are subject to disciplinary action, up to and including termination.

### **5.6.3 Data Backup**

Users of personal computers are responsible for protecting their work by making regular backup copies of their work files and storing the copies in a safe location. They should set the frequency of backup based on their ability to recreate information added since the last backup.

### **5.6.4 Prohibited Uses of Information Technologies Resources**

Employees shall not deliberately perform acts which are wasteful of computing resources or which unfairly monopolize resources to the exclusion of others. Conduct that presents a risk to the operating integrity of the information technologies systems is strictly prohibited.

Employees shall not deliberately perform acts that will impair the operation of computing equipment, peripherals, other devices, or networks.

This includes, but is not limited to, tampering with components of a local area network (LAN) or the high-speed backbone network, otherwise blocking communication lines, or interfering with the operational readiness of a computer.

Employees shall not install on any of the computer systems of the County, or give to another user, a program that could result in the eventual damage to a file or computer system and/or the reproduction of itself. This includes, but is not limited to, the classes of programs known as computer viruses, such as "Trojan horses" and "worms".

Violations of this policy are subject to disciplinary action, up to and including termination.

## **5.7 USE OF INTERNET AND ELECTRONIC MAIL (E-MAIL)**

Employees may be provided access to the internet and e-mail to assist them in the performance of their duties and such access is intended for business use. Violations of this policy may result in disciplinary action, up to and including termination. Violations of federal, state, or local laws resulting from the use of County information technologies will result in referral to the appropriate legal authorities. To ensure compliance with this policy, computer and e-mail use may be monitored.

Cass County strives to maintain a workplace that is free of harassment and is sensitive to the diversity of its employees. Therefore, the County prohibits the use of information technologies such as computers, e-mail, and the internet, in ways that are disruptive, offensive to others, or harmful to morale. For example, the display or transmission of sexually-explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, jokes, or anything that may be construed as harassment or showing disrespect to others.

Employees should immediately report any violation of this policy to their elected official/department head. Questions concerning these policies should be directed to the employee's elected official/department head and/or the Information Technologies Department.

### **5.7.1 Internet Access**

Access to the internet is provided for business related purposes. Personal use of such equipment and software shall be limited in frequency and duration and shall not interfere with an employee's assigned duties.

The internet is a worldwide network of computers containing millions of pages of information and many diverse points of view. Due to its global nature, users of the internet may encounter material that is inappropriate, offensive, and in some instances, illegal. The County cannot control the availability of this information or completely restrict access to it.

Employees may only access the internet through an approved internet firewall. Accessing the internet directly, by modem or other connection device, is strictly prohibited unless such access is approved and installed by system managers designated by the County.

Cass County will not be responsible for any damages, direct or indirect, arising out of the use of its internet resources. County employees who violate this policy are subject to disciplinary action, up to and including termination.

### **5.7.2 Downloading From the Internet**

All material downloaded from the internet or from computers or networks that do not belong to Cass County MUST be scanned for viruses and other destructive programs before being placed onto the computer system. All employees will be expected to follow the instructions from their elected official/department head and/or the Information Technology Department for the proper scanning process. Any questions should be referred to the elected official/ department head prior to being placed on the computer system or being used.

Employees are responsible for the material they review and download on the internet. Violations of this policy are subject to disciplinary action, up to and including termination.

### **5.7.3 Electronic Mail (E-Mail)**

Employees should exercise the same care in drafting e-mail, communicating in chat groups and blogs, and posting items to news groups as they would for any other written communication. The Cass County e-mail system is subject to public records laws and certain e-mails to and from County employees may be deemed public records. **E-mail may not be used to solicit others for commercial venture, religious or political causes, outside organizations, or other non-County business matters.**

E-mail from or to in-house counsel or attorney representing the County must include the following header on each page: "**ATTORNEY-CLIENT PRIVILEGE/DO NOT FORWARD WITHOUT PERMISSION.**"

The e-mail system may be monitored when the County deems it necessary to ensure its legitimate business interest in the proper utilization of its property and to ensure that this policy is being followed.

Violations of this policy are subject to disciplinary action, up to and including termination.

### **5.7.4 Prohibited Uses of the Internet**

Sending, receiving, displaying, printing, or otherwise disseminating material that is fraudulent, harassing, illegal, embarrassing, sexually explicit, obscene, intimidating, or defamatory is prohibited. **Employees encountering such material should report it to their elected official/department head immediately.** Employees are responsible for the material they review and download on the internet.

Employees may not use County internet or e-mail resources for commercial or personal advertisements, solicitations, promotions, viruses, political material, or any other unauthorized personal use. County e-mail resources may not be used to forward chain letters. Employees may not disseminate County property or confidential information via the internet.

Due to export restrictions, programs or files containing encryption technology are not to be placed on the internet or transmitted in any way outside the United States without prior written authorization from Cass County. Employees must comply with all software licenses, copyrights, and all other federal, state, and local laws governing intellectual property and online activity.

The County maintains the right to monitor any and all aspects of its computer system, including, but not limited to, monitoring sites employees visit on the internet, monitoring chat and news groups and blogs, reviewing material downloaded or uploaded by employees, and reviewing e-mail sent and received by employees. Employees do not retain any right to privacy in any documents, messages, or images they create, store, send, or receive on the computer or the internet under the Electronic Communications Privacy Act and any other federal, state, or local law regarding e-mail and internet use.

Violations of this policy are subject to disciplinary action, up to and including termination.

Any message or file created, stored, and/or sent using the County's computer or communications equipment is Cass County property. Employees should have no expectation of privacy in any message stored, received, or sent using Cass County equipment.

#### **5.7.5 Reporting Child Pornography**

An employee who witnesses child pornography being distributed or residing on County property, computers, networks, or information technologies resources must immediately report such incident to the County IT Manager. This also applies to employee-owned computers or information technologies resources which are brought and/or used on County property. The employee shall immediately inform the County IT Manager who will take appropriate action and immediately report such issue to the County Commissioners.

Child pornography shall be defined as any visual depiction or description of a child, less than eighteen (18) years of age, engaged in sexually explicit conduct, including nudity of any such child. Child pornography, whether made or produced by electronic, mechanical, or other means, may be expressed through a picture, drawing, photograph, negative image, undeveloped film, motion picture, videotape, digitized image, or any other pictorial representation.

The managing, producing, sponsoring, presenting, exhibiting, and/or creating of child pornography is a violation of County policy and of Indiana Code 35-42-4-4. Such violation shall result in disciplinary action, including immediate termination.

An employee who makes available to another employee a computer, knowing that the computer's fixed drive or peripheral device contains matter that depicts or describes sexual conduct by a child less than eighteen (18) years of age commits child exploitation as defined by Indiana law.

Questions regarding this policy should be directed to County Commissioners.

## **5.8 DRUG-FREE WORKPLACE**

Drug and alcohol use is highly detrimental to the safety and productivity of employees in the workplace. No employee may be under the influence of any illegal drug or alcohol while in the workplace, while on duty, or while operating a vehicle or equipment owned or leased by the County.

The County maintains a zero-tolerance policy for employees operating County owned or leased vehicles or equipment or privately owned vehicles during the performance of his/her job duties while under the influence of any illegal drug or alcohol.

The County shall maintain a drug free workplace in accordance with the Drug-Free Workplace Act of 1988, and the State of Indiana Drug-Free Workplace Executive Order No. 90-5 of 1990. Failure to comply with this law could jeopardize government funds received by the County. Any employee who is convicted of a drug or alcohol related crime arising out of conduct while on official County business, or while serving as a representative of the County, must notify the County within five (5) days of the conviction. The County is required to notify the appropriate government funding agency within ten (10) days of the conviction. Appropriate personnel action, including possible discipline, up to and including termination of employment, and/or participation in a drug abuse assistance or rehabilitation program may result after notice of the conviction is received.

The unlawful manufacture, possession, distribution, transfer, purchase, sale, use, or being under the influence of alcoholic beverages or illegal drugs while on the employer's property, while attending business-related activities, while on duty, or while operating a vehicle or machine leased or owned by the County is strictly prohibited and may lead to disciplinary action, including suspension without pay or discharge. When appropriate, the County may refer the employee to approved counseling or rehabilitation programs.

The County will determine on a case-by-case basis whether assistance will be provided to employees whose health or performance is at risk of deterioration.

The County recognizes that employees may wish to seek professional assistance in overcoming drug or alcohol problems.

Please contact Human Resources for more information about the benefits potentially available under the employee medical benefit plans and any possible referral sources.

Employees may use physician-prescribed medications, provided the use of such drugs does not adversely affect job performance or the safety of the employee or other individuals in the workplace. Employees may keep prescription drugs and over-the-counter medications on County premises when prescribed by a medical physician or as needed for over-the-counter medications. Employees who operate vehicles or equipment in the course of their employment shall notify their elected official/department head of such drugs and prescriptions which may impair judgment in the performance of job duties and responsibilities.

#### **5.8.1 Drug Testing for Employees not Covered by CDL Policy**

Cass County is committed to providing a safe, efficient, and productive work environment for all employees. In keeping with this commitment, employees and job applicants may be requested to provide body substance samples (e.g. blood, urine, hair, or other body substances) to determine the prohibited use of marijuana, cocaine, opiates, amphetamines, alcohol, barbiturates, and phencyclidine (PCP). Results of any drug testing shall remain in the employee's confidential file.

##### **5.8.1(A) Pre-Employment Testing**

Cass County will not employ individuals known to use illegal drugs or misuse prescription drugs. All prospective new employees shall be subject to drug and alcohol testing. Offers of employment shall be contingent on passing the pre-employment drug and alcohol screen. Prospective employees who refuse to complete the test, test positive, or refuse to complete related documentation will not be hired by the County.

##### **5.8.1(B) Reasonable Suspicion**

An employee will only be requested to submit to a drug or alcohol test when the elected official, department head, or other trained supervisor has reasonable suspicion that the employee has used alcohol or drugs or is impaired from the use of alcohol or drugs during his/her employment with the County. In the event that an employee is requested to submit to a drug test, the elected official, department head, or trained supervisor shall complete the appropriate form to be provided by the County Auditor setting forth the observations leading to the determination of reasonable suspicion including the following:

- A. Observation of drug or alcohol use;
- B. Observation of drugs, alcohol, or containers traditionally used for drugs or alcohol;
- C. Observations of behavior of the employee, including balance, speech, reactions, and other characteristics supporting reasonable suspicion of use of drugs or alcohol or impairment by drugs and alcohol;
- D. A pattern of abnormal or erratic behavior by the employee
- E. Information provided by reliable or credible sources of the above.

#### **5.8.1(C) Random Testing for Employees in Safety-Sensitive Positions**

Drug use among employees in safety-sensitive positions poses a unique risk to the public because even a momentary lapse in attention while on the job can have huge impact on safety. Employees in safety-sensitive positions are subject both to pre-employment drug testing and to quarterly random drug testing during the course of their employment. All employees in safety-sensitive positions will be included in a pool from which random selections will be made for quarterly testing. The drug test will be a urinalysis.

Employees in safety-sensitive positions include:

- **Community Corrections/Work Release:** Director, Assistant Director, Work Release Coordinator, Case Managers, Correctional Officers, Field Officers, and Officers in Charge
- **Dispatch:** Director, Assistant Director, and Dispatchers
- **Emergency Medical Services:** Director, Assistant Director, Office Administrator, Shift Supervisors, Paramedics, Emergency Medical Technicians, and Registered Nurses
- **Highway:** Director, Foreman, Mechanics, Equipment Operators, and Truck Drivers
- **Probation:** Chief Probation Officer, Adult and Juvenile Probation Officers, Field Officers, and Secretaries
- **Pretrial Services:** Director, Case Managers, Assistant
- **Sheriff's Department:** Sheriff, Major, Lieutenant, Sergeants, Merit Deputies, Student Resource Officers, Secretaries, Process Servers, Building Security Officers, Jail Commander, Assistant Jail Commander, Matron, Officers in Charge, Transport Officers, and Correctional Officers

#### **5.8.1(D) Post-Accident Testing**

Post-accident testing shall be required when an employee is involved in an accident on County property or while operating County and/or personal equipment or vehicles in pursuit of County business which results in either the death or injury of persons, if the driver receives a citation for a moving violation, or at least one vehicle is disabled to the extent it must be towed from the accident scene. Post-accident tests may include screens for both drugs and alcohol.

### **5.8.1(E) Post-Shooting Testing**

Post-shooting testing shall be required when a police officer or reserve in the line-of-duty where shooting causes death or serious bodily injury to an officer or other person. Post-shooting tests may include screens for both drugs and alcohol.

### **5.8.2 Federal Motor Safety Regulations/Commercial Driver's License Drug and Alcohol Policy**

This section shall apply to an employee who is required to hold a Commercial Driver's License (CDL) in order to operate a vehicle or equipment as part of his/her employment with the County.

The County has instituted this policy to provide a healthy and safe work environment for its employees and to ensure the safety of the public. The provisions of this policy are established to address the use and possession of alcohol, Schedule I Controlled Substances, physician-prescribed medications, and over-the-counter medications by employees in positions that have been classified as safety-sensitive.

It is also the policy of the County to comply with and abide by all laws and regulations that have been established by PART 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING of the Federal Motor Carrier Safety Regulations, U.S. Department of Transportation (DOT), and Federal Highway Administration (FHWA).

In complying with these regulations, the County hereby institutes a comprehensive controlled substance and alcohol testing, training, and record keeping program for employees in positions that have been classified as safety sensitive. In accordance with DOT/FHWA regulations, included in this classification of safety-sensitive positions are all positions which require an employee to operate a commercial motor vehicle and/or hold a Commercial Driver's License.

Information and training concerning the specific provisions of this policy will be provided to all employees and supervisors of employees holding safety sensitive positions. Training concerning this policy will be provided to all employees and supervisors of employees holding safety sensitive positions. Employees shall be required to attend such training; and shall be disciplined for failure to do so, up to and including termination.

Information concerning the specific provisions of this policy is provided in Appendix A: Drug and Alcohol Policy for CUE Drivers.

### **5.9 TOBACCO USE**

In keeping with Cass County's intent to provide a safe and healthful work environment, smoking in all County buildings and vehicles is prohibited. Employees utilizing designated smoking locations are responsible for maintaining such areas (i.e. properly disposing of tobacco products). In situations where the preferences of smokers and nonsmokers are in direct conflict, the preferences of nonsmokers will prevail.

This policy applies equally to all employees, citizens, and visitors. Signs are posted in County facilities.

## **5.10 USE OF EQUIPMENT AND VEHICLES**

County equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property, including County telephones, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair.

Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Contact your supervisor with any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

Employees operating County vehicles shall maintain the ability to legally operate assigned vehicles.

Employees who operate County vehicles are required to notify their elected official or department head in the event that their driver's license is suspended or revoked. An employee's failure to notify his or her elected official or department head of a driver's license suspension or revocation is subject to disciplinary action, up to and including discharge.

All employees who use their private vehicle for County business shall have on file in the Auditor's office a copy of a valid driver's license and proof of liability insurance coverage. Failure to comply with this policy is subject to disciplinary action up to and including discharge.

Each occupant of a County or personal vehicle while on County business must wear appropriate seat belts. Each employee is personally responsible for any fines incurred as a result of driving or parking violations. In addition, no employee is permitted, under any circumstances, to operate a County vehicle or personal vehicle for County business when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes, but is not limited to, circumstances in which the employee is temporarily unable to operate a vehicle safely or legally because of illness, medication, or intoxication.

Except for official County business, or as provided in any special policies or procedures that supersede this policy, County owned vehicles shall not be driven out of Cass County, unless authorized by the elected official/department head.

Improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as *excessive* or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

## **5.11 TAKE HOME VEHICLES**

The Internal Revenue Code (MC) requires the taxable value for the use of employer provided vehicles be reported as additional compensation to employees. The employer and employee must timely report personal use as a wage. Such reports are processed by the Auditor's Office. Police vehicles are considered non-personal use vehicles. Police officers are required to use the vehicle for commuting, and personal use is incidental to use for law enforcement purposes. Personal use of County vehicles, other than commuting, for travel outside of Cass County is prohibited (i.e. no vacation use).

## **5.12 PERSONAL USE OF ORGANIZATION FACILITIES**

In order to minimize unnecessary expenses, prevent the loss of valuable work time, and prevent lowered morale of cooperative employees, personal use of County facilities, vehicles, and equipment is prohibited, unless expressly authorized by the County Commissioners. This policy applies to all employees.

It restricts the personal use of organization facilities, including bulletin boards, vehicles and equipment, computers, and fax machines.

County facilities may be used for civic, political, and community events with prior approval by the Board of County Commissioners.

## **5.13 PARKING**

County employees shall park in appropriate parking lots designated for their use. At no time shall County employees park in otherwise reserved parking spaces or take advantage of visitor or reserved parking for disabled individuals.

## **5.14 APPEARANCE OF WORK AREAS**

The County expects the work areas, meal areas, and rest rooms to be kept neat and clean. These qualities promote health, productivity, safety, good morale, and customer respect. This policy applies to all employees. Failure to comply may result in disciplinary action.

## **5.15 BUSINESS TRAVEL**

The County is responsible for authorizing employee business travel and reimbursement of travel expenses including overnight lodging, per diem, and transportation. All such reimbursements are subject to approval and appropriate documentation being submitted. In all cases, the expense for which an employee seeks reimbursement must have been budgeted or specifically approved by the County Council. Expenses not budgeted or approved will not be reimbursed.

### **5.15.1 Job-Related Training**

In cases where an employee receives job-related training, such as workshops or seminars, and in cases where the training received is required for the performance of job duties, the County may provide either partial or full reimbursement for expenses incurred during the training. This policy does not provide for educational reimbursement for an employee who is enrolled in an education institution for furthering his/her own education.

A request for reimbursement must be submitted to the Board of Commissioners for approval **prior to the training**. If granted, reimbursement generally will be withheld pending notice that the course of training was successfully completed.

#### **5.15.2 Out-of-State Travel**

Reimbursement for out-of-state travel and subsistence other than that necessary as part of the routine operation of a County department **must have prior approval** from the elected official/department head, who is responsible for notifying the Auditor. This requirement applies whether the anticipated expenses are budgeted or not. An example of an activity requiring prior approval would be a special, out-of-state seminar or convention. An example of an activity not requiring prior approval would be a prisoner transfer or a brief investigatory trip by the Sheriff's department.

#### **5.15.3 State Called Meetings**

County Employees attending state called meetings specified by statute or the State Board of Accounts will be reimbursed for:

- Reasonable hotel/motel accommodations based on double occupancy when possible;
- The mileage rate established by the County Council for using privately owned vehicle in lieu of public transportation. (Usually, one individual per office may claim mileage);
- The Cass County Commissioners shall establish a meal allowance for each full day of County business in travel status, up to \$40.00 per day supported by appropriate receipts submitted to the Auditor; and
- Gratuities will be reimbursed up to a maximum of 15%, granted that the total cost does not exceed the \$40.00 daily threshold.

#### **5.15.4 Other Necessary Meetings**

A County employee on authorized officials County business requiring overnight accommodations will be reimbursed for:

- Reasonable hotel/motel accommodations;
- Bus, taxi, and airport transportation;
- Air, rail, or bus tickets at lowest possible fare;
- The mileage rate established by the County Council for using privately owned vehicle in lieu of public transportation;
- The Cass County Commissioners shall establish a meal allowance for each full day of County business in travel status, up to \$40.00 per day supported by appropriate receipts submitted to the Auditor.

- Gratuities will be reimbursed up to a maximum of 15%, granted that the total cost does not exceed the \$40.00 daily threshold.

A County employee on authorized official County business attending a meeting not requiring overnight accommodations will be reimbursed for:

- Bus, taxi, and airport transportation;
- Air, rail, or bus tickets as lowest possible fare;
- The mileage rate established by the County Council for using privately owned vehicle in lieu of public transportation;
- Necessary parking and storage fees;
- The Cass County Commissioners shall establish a meal allowance for each full day of county business in travel status, up to \$15.00 for lunch, if not provided by meeting, supported by appropriate receipts submitted to the Auditor. If meeting extends past normal courthouse hours of 8am-4pm, exceptions can be made if prior approval is received from Commissioners.
- Gratuities will be reimbursed up to a maximum of 15%, granted that the total cost does not exceed the \$15.00 per meal threshold.
- Business related telephone calls, with documentation required; and
- Other necessary expenses with approval of the County Commissioners.

Meal expenses are not allowed for meals during normal duty hours for routine employee duties requiring travel. (i.e. pick up a part to repair equipment, transporting inmates.)

#### **5.15.5 Mileage Rate**

Employees who are reimbursed for mileage accumulated in the course of conducting County business shall receive reimbursement at a rate equivalent to the IRS mileage rate published for that year.

#### **5.15.6 Other Expenses**

Other expenses incurred by County employees will be reimbursed only if approved by the Board of Commissioners. Employees should submit their requests within a reasonable time before the expense is incurred. Such requests will be dealt with on a case-by-case basis.

Employee pay for travel time shall be determined according to applicable provisions of the Fair Labor Standards Act.

### **5.16 POLITICAL ACTIVITY**

County employees shall not be required to participate, financially or otherwise, in any political campaign or party activity during his/her working hours. This policy includes any threats or coercion by elected officials/department heads or political party officials.

County owned equipment shall not be used to generate, copy, or reproduce campaign materials. County vehicles shall not be used to distribute campaign materials. County telephones or fax machines shall not be used for campaign purposes.

County employees are prohibited from using their County position to assist in political campaigns and from using work hours to engage in political activity.

Prohibited in Cass County Government Buildings, Offices, or property is the display or posting of any type of hanging political campaign literature, such as posters, bulletins, buttons, clothing, and signs.

Political signs may be displayed outside of polling places on Cass County Government property in accordance with I.C. 3-11-8-7 only on Election Day. The County reserves the right to dispose of signs not removed in a timely manner.

Questions regarding this policy should be directed towards the department head.

#### **5.17 COUNTY CREDIT CARDS**

The Cass County Auditor, or designated elected official/department head, shall be the designated official responsible for the use and issuance of Cass County credit cards. Account numbers, and other information, of County owned credit cards will be maintained in the Auditor's Office. The Auditor's Office shall maintain an accounting system or log which will include the names or individuals requesting usage of County credit cards, their position, estimated amounts to be charged, fund and account numbers to be charged, and date the card is issued and returned.

County employees may request the use of a Cass County credit card for travel related expenses associated with attending conferences, workshops, business meetings, or other work related expenses. All requests, including name, position, estimated amount(s) to be charged, must be in writing and submitted to the County Auditor. County credit cards are for business use only and shall not be used for personal purchases. Other examples of specifically prohibited uses include the purchase of alcohol and/or movies and entertainment.

County employees, who are issued a County credit card, shall only use such card as approved by the County Auditor. When the purpose for which the credit card has been issued has been accomplished, the card and all supporting documents (i.e. itemized receipts) shall be submitted to the custody of the Auditor's office. The only exception to this would be for the Director of Economic Development. Due to the nature of the work being done in that office, they will be allowed to keep custody of one county credit card at all times, and will not be required to return the card to the office of the Auditor.

Card billing statements shall be sent directly to the Cass County Auditor. Payment of County credit cards should not be made on the basis of a statement or a credit card slip only. Credit card payments must be made through the statutory claims process. If interest or penalty is incurred due to late filing or furnishing of documentation by and officer or employee, such

interest or penalty shall be the responsibility of that officer or employee.

County issued credit cards are the property of Cass County and employees are required to return such cards and all supporting documents upon request. If a card is lost or stolen, the employee should report the missing card immediately to the Auditor's Office.

County employees violating this policy shall be subject to disciplinary action, up to and including termination.

## **6. PERSONAL CONDUCT**

**The policies contained in this chapter and throughout the Cass County Personnel Policies Handbook apply to all Cass County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

### **6.1 EMPLOYEE CONDUCT AND WORK RULES**

Employees are expected to maintain high standards of personal appearance, conduct, cooperation, efficiency, and economy in their work. All employees should attempt to correct any faults in their performance which are called to their attention and should also avoid any behavior and actions which conflicts with County policies.

### **6.2 ATTENDANCE AND PUNCTUALITY**

To maintain a safe and productive work environment, the County expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the County. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, including termination of employment.

In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, he/she should notify their elected official/department head at least one-half (1/2) hour before the start of their shift or work day, or as soon as possible in the event of an emergency (such as being transported to a hospital for treatment). When providing notification, the employee is to give the reason and the estimated length of absence. Failure to notify the elected official/department head shall subject an employee to disciplinary actions up to and including termination.

Excessive lateness and absence shall be considered to be three (3) occurrences of unexcused absences in a six (6) month period; or three (3) occurrences of lateness in a three (3) month period; or any combination thereof.

An unexcused absence is defined as an absence for which the employee does not have any available accrued benefit time to charge the absence against, or where applicable, the employee does not have the approval of the elected official/department head.

Supervisors are to keep accurate records on County payroll forms of all employee absences, including designation of whether supervisor notification was provided by the employee.

Employees who are absent for one (1) consecutive workday without notifying their elected official/department head shall be considered to have voluntarily resigned their position.

### **6.3 PERSONAL APPEARANCE**

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image we present to our citizens and visitors. During business hours, employees are expected to present a clean and neat appearance and to dress according to the job requirements. Uniforms may be required for certain County jobs. Employees will be responsible to keep their uniforms clean and serviceable.

Consult your elected official/department head if you have questions regarding what constitutes appropriate attire.

### **6.4 SEXUAL HARASSMENT**

Everyone who works for Cass County is entitled to a workplace free from sexual harassment and intimidation. The County is committed to providing a work environment that is free of any type of discrimination or unlawful harassment. The County prohibits any form of sexual harassment and will take corrective action against offenders, including discipline or discharge. The following policy applies to all Cass County employees.

#### **6.4.1 Definition of Sexual Harassment**

Any request for sexual favors and/or any other unwanted verbal or physical conduct of a sexual nature between employees in the workplace or job-related contacts with citizens or persons outside County employment constitutes sexual harassment and is prohibited such as:

- A. Unwelcome sexual advances.
- B. Physical or verbal conduct of a sexual nature, or joking that is sex-oriented and considered unacceptable by another individual. Examples of conduct of a sexual nature include: flirtations, advances or propositions, verbal abuse of a sexual nature, leering, touching, pinching, assault, coerced sexual acts, suggestive, insulting, obscene comments or gestures, and written, photographic, cartoon, or electronic displays in the workplace of sexually suggestive objects or pictures. This includes commenting about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" that are clearly unwanted and considered offensive by others, or any other tasteless, sexually-oriented comments or actions that offend other
- C. Submission which is expressed or implied as a condition of employment, promotion, or preferential treatment.
- D. Printed or electronic display or transmission of sexually explicit images, messages or cartoons is not allowed.

E. Conduct with implication that has the purpose or the effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment is considered sexual harassment.

Other violations include, but are not limited to, ethnic slurs, racial comments, jokes, or anything that may be construed as harassment or showing disrespect for others.

This behavior is unacceptable in the workplace itself and in other work-related settings such as business trips and business-related social events.

#### **6.4.2 Reporting a Complaint**

While the County encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his/her behavior is unwelcome, the County also recognizes that power and status disparities between an alleged harasser and a target may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, the following steps should be followed in reporting a sexual harassment complaint.

In order to take a corrective action, the County must be aware of sexual harassment or related retaliation. Therefore, anyone who believes that he/she has experienced or witnessed sexual harassment or related retaliation should promptly report such behavior.

Any employee who experiences sexual harassment should contact his/her elected official/department head immediately. If unresolved, or in the event the harassment is alleged against the elected official/department head, the employee is advised to obtain a **Sexual Harassment Complaint** form from the **County Attorney**.

The employee is directed to submit the completed form to the **County Attorney**. The best time to register a complaint is immediately after the act occurs.

Any supervisor who has witnessed or becomes aware of the alleged occurrence of sexual harassment or retaliation, or receives a complaint of sexual harassment involving a person within that supervisor's purview, is required to take prompt corrective action and to report the incident to the **County Attorney**. Failure of a supervisor to immediately take corrective action or to report the incident shall constitute misconduct subject to disciplinary action.

#### **6.4.3 Description of Misconduct**

An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint of sexual harassment.

Verbal reports of sexual harassment must be recorded in written form either by the complainant or the individual(s) designated to receive complaints and be signed by the complainant. Individuals who believe they have been, or currently are being, harassed should maintain a record of objectionable conduct to effectively prepare and corroborate their allegations.

While the County encourages individuals to keep written notes in order to accurately record offensive conduct or behavior, it must be recognized that, in the event that a lawsuit develops from the reported incident, the confidentiality of the complainant's written notes may not be recognized under Indiana law and the notes may have to be disclosed.

Employees are directed to obtain, complete, and submit this form to initiate a formal complaint with the County Attorney.

#### **6.4.4 Time Frame for Reporting Complaints**

The County encourages a prompt reporting of complaints so that rapid response and appropriate action may be taken. However, due to the sensitivity of these problems and because of the emotional toll such misconduct may have on an individual, no limited time frame will be instituted for reporting sexual harassment complaints. Late reporting of complaints will not in and of itself preclude the County from taking remedial action.

#### **6.4.5 Protection against Retaliation**

The County will not in any way retaliate against the individual who makes a report of sexual harassment nor permit any supervisor or employee to do so. Retaliation is a serious violation of this sexual harassment policy and should be reported immediately. Any person found to have retaliated against another individual for the good faith reporting of sexual harassment will be subject to the *same* disciplinary action provided for sexual harassment offenders.

#### **6.4.6 Investigating the Complaint**

Any allegation of sexual harassment that is reported will be promptly investigated in as discreet a manner possible to protect the privacy of persons involved. The County will use its best efforts to maintain confidentiality throughout the investigatory process to the extent practical and appropriate under the circumstances; however, confidentiality is not guaranteed. The alleged harasser will be notified of the nature of the complaint made against him/her.

Upon completing the investigation of a sexual harassment complaint, the County will communicate its findings to the complainant and the alleged harasser.

If the Commissioners and the alleged harasser's elected official/department head determine that harassment occurred, they will determine appropriate disciplinary action. The complainant will be informed of the disciplinary action to be taken.

In determining whether alleged conduct constitutes sexual harassment, the County will look at the investigative file as a whole and the totality of the circumstances, such as the nature of the conduct and the context in which the alleged incidents occurred. The determination of whether disciplinary action is to be taken will be made from the facts, on a case-by-case basis.

#### **6.4.7 Identification of Investigators**

Complaints will be investigated by the County Attorney and the appropriate department head or designees retained by the County. In addition, other individuals may be included in conducting the investigation and outcome at the discretion of the County Attorney.

#### **6.4.8 False Accusations**

Cass County also recognizes that careful consideration must be given to questions regarding whether a particular action or incident is purely personal or social without any discriminatory employment effect. False accusations of sexual harassment can have devastating effects on the lives and reputations of innocent women and men. Therefore, the County may discipline, up to and including termination of employment, those employees who after an investigation are found to have falsely accused others of sexual harassment, knowingly or in a malicious manner.

#### **6.4.9 Sanctions**

Individuals found to have engaged in misconduct constituting sexual harassment, creating a hostile work environment, or related retaliation will be severely disciplined, up to and including termination of employment. Additional action may include referral to counseling, withholding of a promotion, reassignment, demotion, temporary suspension without pay, or termination.

Although the County's ability to discipline a non-county employee harasser is limited, any County employee who has been subjected to sexual harassment by a non-county employee at the workplace and work-related setting should file a complaint so that action may be taken.

#### **6.4.10 Maintaining a Written Record of the Complaint**

The County will maintain a complete written record of each complaint and how it was investigated and resolved. Written records shall be maintained with the **County Attorney**, and if disciplinary action was taken, a record shall be maintained in the offender's personnel file.

#### **6.4.11 Prevention**

Prevention is the best policy for the elimination of sexual harassment. Employees shall remain cognizant of sexual harassment to avoid contributing conditions that would encourage such activity. Sexual harassment and hostile work environment violations will result in disciplinary action, up to and including termination of employment.

### **6.5 COMMISSION OF A FELONY OR UNLAWFUL ACT**

Cass County is committed to providing its citizens with qualified staff who possess good character and standards. This policy provides basic safeguards in maintaining a safe working environment for employees and citizens and in fulfilling this commitment.

Whenever an employee is cited for an infraction while on duty or arrested for any misdemeanor or felony while on duty, the employee shall report this matter, in writing, to their elected official/department head within twenty-four (24) hours of the arrest or citation. Failure to report in accordance with this policy shall be considered a violation of the personnel policies subject to disciplinary actions up to and including termination.

Citations for moving traffic violations (only applies to individuals who are required to operate a vehicle in the performance of his/her duties) or arrests for misdemeanors or felonies which occur during an employee's off-duty hours must be reported to the elected official/department head in writing within five (5) calendar days of receiving the citation or the arrest.

Unauthorized time away from work shall be subject to the County's attendance and wage policies. Time spent under arrest or in jail is not considered a valid excuse for missing work.

An employee who is cited for an infraction or arrested for any misdemeanor or felony, whether the citation or arrest happened while the employee was on duty or not, may be suspended without pay pending an administrative investigation and/or the disposition of any charges filed against the employee.

The investigation will be used to determine if the accused employee is in violation of the personnel policies and to determine if disciplinary action is warranted, up to and including termination.

The determination as to whether an employee shall be suspended will be based upon the nature and circumstances of the alleged offense and the impact the charges may have on the employee's ability to adequately perform their job duties and/or remain in compliance with the County's personnel policies.

It is the responsibility of any employee with pending criminal charges to provide their elected official/department head written documentation such as a court record of the disposition of the charges within five (5) calendar days after receiving notification. Failure to do so will be considered a violation of this policy and may subject the employee to discipline, up to and including termination.

If the employee is on a leave of absence pending administrative investigation and/or the disposition of any charges, and the employee is not found to have been in violation of the personnel policies, he/she shall be returned from suspension.

Factors to be used in determining appropriate discipline, which may range from no disciplinary action up to termination of employment, will include the employee's assigned duties and responsibilities, the nature of the offense, sentences imposed, other convictions/infractions, relevant provisions of Indiana statutes, licensing requirements, risk of recidivism, reasonable inferences about problems with self-control, propensity for violence, honesty, and damage to the reputation of the employee, the employee's department, and/or Cass County government.

Any employee found guilty, admitting guilt, or pleading no contest or *no/u contendere* of/to a felony will be subject to immediate dismissal.

## **6.6 GIFTS OR GRATUITIES**

Employees are encouraged to maintain good relations with suppliers and others with whom the County may have business dealings. However, the practice of accepting gifts or gratuities may be contrary to the public interest.

Employees shall not accept unreasonable gifts or gratuities from firms, organizations, agents, or other individuals who may or do conduct business with the County in furnishing materials, goods, and services to the County.

## **6.7 GHOST EMPLOYMENT**

Cass County is committed to providing efficient and lawful services to its citizens and to maintaining public trust. Therefore, "ghost employment" is a violation of County policy and of Indiana Code 35-44-2-5. Ghost employment is a Class D felony.

A public servant who knowingly or intentionally hires an employee for a governmental entity and fails to assign the employee any duties, or assigns duties not related to the operation of the governmental entity, is committing ghost employment.

Additionally, a public servant employed by a governmental entity knowing that he/she has not been assigned any duties to perform for the entity and accepts property (compensation) from the entity, or a public servant who knowingly or intentionally accepts property (compensation) from the entity for the performance of duties not related to the operation of the entity, commits ghost employment.

Examples of violations of this policy include, but are not limited to, performing work on public property that is not job related, authorizing or receiving payment for time not worked, and authorizing or receiving payment for leave time not authorized by County paid leave policies. Violations of this policy shall result in disciplinary action up to and including termination, in addition to potential prosecution under Indiana Code 35-44-2-5.

## **6.8 BUSINESS ETHICS/CONFLICT OF INTEREST**

The County recognizes and respects the right of individual employees to engage in private activities outside of the organization that do not in any way conflict with, or reflect poorly on, Cass County.

The County also recognizes its right and obligation to determine when an employee's activities present a conflict of interest with the County. At such times the County must take whatever action is necessary to resolve the situation, up to and including termination of employment. This policy applies to all employees, as well as to former employees, when applicable.

Employees having financial interest in a company or substantial investments in a corporation that might benefit from their dealings with the County must file a conflict of interest statement with the County Clerk and County Auditor. If deemed by said official to be in the best interest of the County, those employees shall either divest themselves of such interest or investments or be ineligible for continued employment with the County.

A County employee who knowingly or intentionally obtains a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the County commits a Class D felony, unless a financial disclosure form is approved in advance and filed as required by Indiana Code (IC) 35-44-1-3.

Violation of IC 35-44-1-3 failure to disclose conflict of interest of employee or member of employee's immediate family having a monetary interest/business interest or deriving a profit in any matter directly related to the employee's official duties and the discharge of those duties. This includes having a personal interest in a business which supplies goods and services to the County.

## **6.9 SOLICITATION/DISTRIBUTION**

This policy is designed to protect the interests of the citizens of Cass County by ensuring that only official County business is transacted in work areas during employees' work time.

There shall be no solicitation or distribution by employees or non-employees during work time in the workplace. This section does not apply to vendors and/or charity organizations who have received the approval of the Board of County Commissioners.

#### **6.10 SECURITY OF PREMISES**

The County wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, and other improper materials. To this end, the County prohibits the control, possession, transfer, sale, or use of such materials on its premises. The County requires the cooperation of all employees in administering this policy.

However, effective on July 1, 2010 Ind. Code 34-28-7 allows employees who may lawfully possess a firearm to bring firearms and ammunition onto County property as long as the firearm and ammunition are locked in a glove box or trunk or stored out of plain sight in the employee's personal locked vehicle. This exception does not apply to employees driving or riding in County-owned vehicles where firearms and ammunition are prohibited. Employees of a penal facility (Cass County Jail) and employees of a child caring institution (Cass County Family Opportunity Center) or other County facilities listed in Ind. Code 34-28-72(a) (2) do not have these rights. Except for law enforcement officers, employees working at the Cass County Jail or Cass County Family Opportunity Center shall not bring firearms or ammunition onto County property including in their personal vehicles.

Employees who intend to possess a firearm, ammunition, or other weapon in their personal vehicle while on County property shall complete a County Firearms Notification Form and submit a copy to the Auditor's Office before bringing the firearm, ammunition, or other weapon onto County property.

The County prohibits the possession of firearms, ammunition, and the possession of other weapons by persons other than County employees and the law enforcement officers on County property.

Desks, lockers, and other storage devices maybe provided for the convenience of employees but remain the sole property of the County. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the County at any time, either with or without prior notice.

This is with exception to Court and Sheriff' Department evidence rooms or sealed files maintained by the County Clerk, Court Reporters, or Probation Officers.

#### **6.11 WORKPLACE VIOLENCE**

The safety and security of Cass County employees and customers is important. It is the intent of the County to provide a workplace for all employees which is free of violence.

Threats, threatening behavior, acts of violence, or any related conduct which disrupts another's work performance or the organization's ability to execute its mission will not be tolerated.

Workplace violence includes, but is not limited to, intimidation, threats, physical attacks, or property damage. These terms are defined as follows:

- A. "Intimidation" includes, but is not limited to, stalking or engaging in actions intended to frighten, coerce, or induce duress.
- B. "Threat" is the expression of an intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the person communicating the threat has presented the ability to carry it out and without regard to whether expression is contingent, conditional, or future.
- C. "Physical attack" is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, throwing objects, firing a weapon, causing an explosion of hazardous materials, or discharge of hazardous substances.
- D. "Property damage" is intentional damage to property which includes property owned or leased by the County, employees, visitors, or vendors.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on County-owned or leased property may be removed from the premises.

Additionally, possession of illegally altered firearms, weapons, and other dangerous or hazardous devices or substances are strictly prohibited on County property without proper authorization as specified in *Section 6.10 Security of Premises ref this Personnel Policies Handbook*.

Threats, threatening behavior, or acts of violence executed off County-owned or leased property but directed at County employees or members of the public while conducting official County business, is a violation of this policy. Off-site threats include, but are not limited to, threats made via the telephone, fax machine, electronic or conventional mail, or any other communication medium.

Violations of this policy will lead to disciplinary action that may include dismissal, arrest, and/or prosecution. In addition, if the source of such inappropriate behavior is a member of the public, the response may also include barring the person(s) from County-owned or leased premises, termination of business relationships with the individual(s), arrest, and/or prosecution of the person(s) involved.

Employees are responsible for notifying their elected official/department head of any threats which they have witnessed, received, or have been told that another person has witnessed or received. Employees should also report any behavior they have witnessed which they regard as threatening or violent when the behavior is job related or might be carried out on County owned or leased property or in connection with County employment.

Any employee who receives a protective or restraining order which lists County-owned or leased premises as a protected area is required to provide their elected official/department head with a copy of such order.

If an emergency exists, contact the police department at 911, and notify your supervisor.

If not an emergency, employees should inform their elected official/department head. If the elected official or department head is unavailable or if the nature of the complaint is such that the employee does not believe he/she can discuss it with the elected official/department head, the employee may bring concerns to the **County Commissioners**.

Employees who act in good faith by reporting real or implied violent behavior violations of this policy need not fear retaliation.

## **6.12 CONFIDENTIALITY/REQUESTS FOR INFORMATION**

Employees shall consult with their elected official/department head before releasing information which could be confidential or privileged by law. It is a violation of state law for a public servant to knowingly or intentionally disclose information classified as confidential. For example, County employees shall not release information concerning employee discipline, medical information, or matters discussed in executive sessions.

Occasionally, employees of the County are contacted by outsiders for information about current or former employees, or about the organization's policies, practices or projects. All such requests shall be referred to the elected official/department head.

## **6.13 EMPLOYEE CONDUCT**

Employee job performance and personal conduct directly impact Cass County's ability to achieve its mission of public service. Therefore, the following work rules and principles of job performance are adopted as guidelines for monitoring behavior and exercising disciplinary actions. Cass County employees are expected to follow procedures and guidelines set forth by the County and the employee's office/department policies and procedures.

In monitoring the behavior of its employees, the County has classified offenses as first, second, and third level offenses based upon their seriousness. **These classifications are provided only to illustrate the procedures that will generally be followed with respect to such conduct.**

**This classification system should not be construed to in any way limit the County's discretion in exercising discipline as it finds appropriate based on the severity of the misconduct or the totality of the circumstances.**

The following conduct is prohibited and will subject the individual involved to disciplinary action, up to and including termination of employment. **This list of examples is merely illustrative of the kinds of conduct that will not be permitted. It is not intended to be all inclusive or to in any way limit rules, guidelines, and restrictions set out elsewhere in this handbook.**

## **GROUP I OFFENSES**

(Examples of, but not limited to the following)

1. Tardiness or failure to report for duty within a reasonable time after call.
2. Reporting to work clothed or groomed in an unclean or inappropriate manner.
3. Littering or otherwise contributing to unsanitary conditions on County property.
4. Neglect or carelessness in signing in or out.
5. Failure to cooperate with other employees as required by job duties.
6. Distracting the attention of others, unnecessarily shouting, demonstrating, or otherwise causing a disruption on the job.
7. Malicious mischief, horseplay, wrestling, or other undesirable conduct.
8. Unauthorized use of telephone or mail for personal use.
9. Unsatisfactory work or failure to maintain required standard of performance.
10. Unauthorized breaks.

## **GROUP I DISCIPLINE**

**First Offense: Documented oral warning**

**Second Offense: Documented written reprimand**

**Third Offense: Three (3) working days suspension without pay**

**Fourth Offense: Discharge**

## **GROUP II OFFENSES**

(Examples of, but not limited to the following)

1. Leaving the job or work area during the regular working hours without authorization.
2. Threatening, intimidating, coercing, or interfering with subordinates or other employees.
3. Obligating Cass County for any expense, service, or performance without authorization.
4. Unauthorized sleeping during working hours.
5. Reporting for work or working while unfit for duty.
6. Unauthorized use of County property or equipment.
7. Performing private work on County time, or with County property or equipment.
8. Failure to sign in or out when required.

9. Failure to report for overtime work without good reason after being scheduled to work according to overtime policy.
10. Making or publishing of false, vicious, or malicious statements concerning employees, supervisors, or the County and its operations. Making abusive or threatening remarks to supervisors, other employees, *or the public*.
11. Refusing to provide testimony in court during an accident investigation or any type of public hearing.
12. Giving false testimony during a complaint, investigation, or hearing.
13. Unauthorized posting, removal, or alteration of notices or signs from bulletin boards.
14. Distributing or posting written or printed matter of any description on County premises unless authorized.
15. Unauthorized presence on County property.
16. Disregard of department rules.
17. Discourteous treatment of the public.
18. Excessive absenteeism.
19. Failure to give medical certifications and/or physician's excuse in a timely manner.
20. Failure to notify authorized personnel not later than one-half (1/2) hour before regular work starting time when unable to report to duty.

## **GROUP II DISCIPLINE**

**First Offense: Five (5) working days suspension without pay**

**Second Offense: Discharge**

## **GROUP III OFFENSES**

(Examples of, but not limited to the following)

1. Being in possession of or drinking alcoholic beverages on the job.
2. Neglect in the performance of assigned duties or **in** the care, use, or custody of any County property or equipment. Stealing, abuse, or deliberate destruction in any manner of County property, tools, equipment, or the property of employees.
3. Punching, signing, or altering other employees time cards or time sheets, or unauthorized altering of own time card or sheet.
4. Falsifying testimony regarding accident investigations, falsifying or assisting in falsifying or destroying any County records including work performance reports, or giving false information or withholding pertinent information in applying for employment.
5. Making false claims or misrepresentations in an attempt to obtain any County benefit.
6. Unlawful or negligent handling of public monies.
7. Using controlled substances without a prescription thereof or selling controlled substances.
8. Fighting or attempting to injure other employees, supervisors, or other persons.
9. Except for authorized employees of the Sheriff's department, carrying or possession of firearms on County property at any time without proper authorization.

10. Knowingly exposing others to hazardous conditions, such as communicable diseases, which may pose a health or safety risk.
11. Misusing or removing County records or information without prior authorization.
12. Instigating, leading, or participating in any illegal walkout, strike, sit-down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the County's work stations.
13. Dishonesty or any dishonest action. Some examples of "dishonesty" or "dishonest action" are theft/pilfering/opening desks assigned to other employees without authorization; theft/pilfering through property of the County or other employees without authorization; and making false statements to justify an absence or tardiness. The foregoing are examples only and do not limit the terms "dishonesty" or "dishonest action."
14. Insubordination by refusing to perform assigned work or to comply with written or oral instruction of the supervisors, including hostile behavior and/or disrupting department work operations.
15. An absence of more than one (1) work day without notification of absence.
16. Violating the County's sexual harassment policy.
17. Failure to report accidents, injury, or equipment damage.
18. Disclosure of confidential information.
19. Failure to disclose at time of employment the past conviction of a misdemeanor and/or felony, if reasonably related to the employee's duties or the public trust.
20. Failure to submit to a blood test, urinalysis, or Breathalyzer examination, pursuant to the Drug-Free Workplace Policy.
21. Failure to maintain required certifications required of the position.
22. Failure to follow safety regulations when safety of an employee or others is affected.
23. Refusal to take or failure to pass any examination required for the job, including fitness for duty medical examinations.

### **GROUP III DISCIPLINE**

**First Offense: Any appropriate discipline, up to and including discharge**

## **7. PROBLEM RESOLUTION**

**The policies contained in this chapter and throughout the Cass County Personnel Policies Handbook apply to all Cass County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

Employees and supervisors will benefit from a process that allows for the free discussion of matters of mutual concern and effectively addresses complaints on specific issues.

These procedures provide for open discussion and speedy resolution of issues of serious concern to any employee who thinks that Cass County's policies have been violated, or who believes that he or she has been treated unfairly. A complaint is an employee's expressed dissatisfaction with what that employee believes, rightly or wrongly, to be unfair treatment, or a mistake in the administration of a rule, plan, or County policy. This section does not apply to disciplinary actions taken by the elected official or department head.

When a complaint arises, it should be heard and resolved at the lowest organizational level. The employee has following procedure available:

### **STEP 1: Elected Official/Department Head (Oral Complaint)**

An employee should first discuss a complaint with the elected official/department head. The employee should schedule a time to discuss the situation with the elected official/department head and every effort should be expended to resolve the issue satisfactorily at this meeting. The employee should schedule the discussion promptly after the facts giving rise to the complaint occur, but in no event later than ten (10) days after the occurrence unless there is good cause for the delay.

Every effort should be expended to resolve the issue satisfactorily at this meeting.

### **STEP 2: Elected Official/Department Head (Written Complaint)**

If a complaint cannot be solved satisfactorily by the employee and elected official/department head through discussion; or, if the decision is not satisfactory to the employee, the employee may submit the complaint in writing within ten (10) days of the discussion. The employee may take or send the written complaint to the elected official/department head. Elected officials or department heads are encouraged to give a written response to the complaint within five (5) days.

### **STEP 3: Personnel Committee (Written Complaint)**

If the complaint cannot be solved satisfactorily it may be reviewed by the Personnel Committee upon request by the elected official/department head or employee. The committee's findings and recommendations are advisory. In the event that the employee requests a review, he/she shall first notify their elected official/department head.

## **SEVERABILITY**

The policies and procedures contained in this handbook are subject to all applicable federal and state laws, and shall be interpreted wherever possible so as to comply fully with such laws, provisions, or any judicial interpretations. If an article or section of this handbook shall be held invalid by operation of law or tribunal or competent jurisdiction, or compliance with or enforcement of any article or section of this handbook shall be restrained by such tribunal, the remainder of this and any amendments thereto shall not be affected and shall remain in full force and effect. Cass County, Indiana, reserves the right to delete, modify, and/or amend the policies contained herein or allocate new policies as needed.

## **INDEMNIFICATION**

In the event that a department head, elected official, or any other County employee becomes a defendant, either in his/her representative capacity, or individually in any litigation arising out of the administration to this policy, the County and/or its insurers shall defend the employee of that action and pay any judgment entered in the action provided by the County, so long as the elected official, department head, or County employee has made a good faith effort to comply with the terms and conditions set out in this handbook.

## **ENABLING ORDINANCE**

This employee handbook shall be approved by ordinance by the Cass County Board of Commissioners. The terms and conditions of this employee handbook shall be incorporated by reference in the salary ordinance approved annually the Cass County Council and the terms and conditions set out herein shall be deemed as a condition of compensation under that ordinance.

## **AMENDMENTS**

This employee handbook may be amended from time to time by an ordinance in substantially the same form approved by the Board of Commissioners of Cass County. Any amendments shall be distributed to each department of the County and shall be conspicuously posted for at least ninety (90) days throughout the offices of the County after their passage. The Personnel Administration Committee or representatives therefrom shall meet from time to time, but no less than semi-annually to review the terms of this handbook and to make any recommended amendments.

## EMPLOYEE ACKNOWLEDGMENT FORM

The **Cass County Employee Handbook** describes important information about employment with the County of Cass, and I understand that I should consult the County Commissioners regarding any question not answered in the handbook.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies.

I understand the descriptive materials contained in this handbook are only summaries. Any discrepancies between these summaries and the terms of the actual plans will be governed by the terms of the underlying, more detailed policies and procedures. Any questions regarding summaries, their underlying policies and procedures, and any discrepancies between them should be directed through your elected official or department head to the County Commissioners.

Furthermore, I acknowledge that this handbook is not a contract of employment. I have received the handbook and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any subsequent revisions.

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Employee's signature

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Date

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Employee's name (typed or printed)

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Office/Department

## **Appendix A: DRUG AND ALCOHOL POLICY FOR CDL DRIVERS**

### **ALCOHOL AND CONTROLLED SUBSTANCE TESTING POLICY FOR COMMERCIAL DRIVERS LICENSE (CDL) EMPLOYEES**

*The County Highway Department and the Cass County Commissioners recognize the critical and growing problem that alcohol and controlled substances abuse poses to the community. It is the policy of the Cass County Highway Department to provide and maintain a safe, healthy and productive work environment for our drivers. This policy applies to all employees and applicants for employment with the Cass County Highway Department who must have a Commercial Driver's License (CDL) to operate County vehicles.*

All such employees have the responsibility to report for work and perform their jobs in a fit mental and physical condition. The nature of driving for the County is such that any unnecessary risk could affect our employees and the public as a whole. This policy was developed to ensure not only the employees' safety but the general public's safety as well.

The Highway Superintendent is required to implement this policy and program, including a periodic review of the program to address any problems, changes and/or provisions of it, maintenance of all records required by the federal regulations and determination by the Board of Commissioners on approval of how the program will be accomplished, whether inhouse, contracted or by consortium.

The Highway Superintendent is responsible for communicating this policy to all employees and is accountable for its consistent enforcement. The Highway Superintendent is designated to answer questions about this policy and all other matters involved in alcohol and controlled substance testing of CDL drivers.

#### **TESTING OF DRIVERS**

All drivers will be tested for drugs and alcohol in accordance with the approved procedures when directed by the Highway Superintendent. Drivers will be tested under the following guidelines:

A. Pre-employment

Under no circumstances will an individual be placed on the payroll without proof of a successful completion of alcohol and drug test. Any individual who refuses to submit to such tests, has a detectable amount of alcohol in his/her system, or has a positive controlled substance test result will not be considered for employment with the County.

B. Random

A minimum rate of 50% of drivers shall be tested annually for drugs and 10% of drivers shall be tested annually for alcohol.

Random drug and alcohol testing may be combined. For example, when testing at 50 percent drug random rate and 10 percent alcohol random rate, some of the randomly selected drivers chosen for testing would be tested for both drugs and alcohol, while the rest could be tested only for drugs.

Random testing selection:

1. Employee remains in pool.
2. Use valid random selection.
3. Test at least once each quarter.
4. Do not announce date of testing.
5. Testing 50 percent of drivers for drugs and 10 percent of drivers for alcohol.

C. Post-Accident

Drivers are required to submit to drug and alcohol testing as soon as possible following a "DOT" accident which involves the loss of human life or the driver receives a citation under state or local law for a moving traffic violation arising from the accident. A "DOT" accident is defined as an occurrence involving a commercial motor vehicle operating on a public road which results in any of the following:

1. A fatality.
2. Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident.
3. One or more motor vehicles incurring disabling damage as a result of the accident requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

A driver who is subject to a post-accident testing shall remain readily available for such testing or may be deemed by the County to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical treatment or to prohibit the driver from leaving the scene of an accident for a period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

No driver required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.

If a driver is seriously injured and cannot submit to testing at the time of the accident, lie/she shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any drugs or alcohol in his/her system.

The results of a breath or blood test for the use of alcohol or urine test for the use of drugs conducted by federal, state, or local officials having independent authority for the test shall be considered to meet the requirements for post-accident testing if the results are obtained by the County.

Actions to take in a post-accident situation:

1. Treat injuries.
2. Work with law enforcement.
3. Explain the need for testing.
4. Work with medical facility.
5. Collect specimens.
6. Document events.

D. Reasonable Suspicion

Cass County is required to test for the use of alcohol and controlled substances upon "reasonable suspicion." Reasonable suspicion is defined to mean that the County believes the behavior, speech, body odor or appearance of an employee while on duty is indicative of the use of alcohol and/or controlled substances. The conduct must be witnessed by the Highway Superintendent or other designated personnel if so trained. The mere possession of alcohol does not constitute the need for an alcohol test. The witness must have received training in the probable alcohol and drug use by observing a person's behavior. If the behavior is at all questionable, the witness should conduct the alcohol test in order to protect the employee.

Alcohol testing is authorized only if the observations are made during, just before or just after the period of the workday of the employee. A written record shall be made of the observations leading to an alcohol and/or controlled substance test. This record is to be signed by the supervisor who made the observations.

If a reasonable suspicion alcohol test is not administered within two (2) hours following the observations, the witness shall prepare and maintain on file a record stating the reasons the alcohol test was not administered promptly. In addition, if not administered within eight (8) hours, all attempts to administer the test shall cease. A record shall be prepared and maintained stating why the alcohol test was not administered.

Guide to successful reasonable suspicion testing includes:

1. Focus on safety.
2. Verify reasonable suspicion.
3. Isolate and inform the employee.
4. Inquire and observe the employee.
5. Review the findings.
6. Transport the employee to a testing site.
7. Document events.

Prior to the start of work, an employee must report to his/her immediate supervisor, the use of any prescription or over-the-counter drugs which may affect job performance or the safety of others. It is the driver's responsibility to obtain from his/her physician a determination as to whether or not the drug could affect job performance.

All information obtained in the course of testing of drivers shall be protected as confidential medical information. No data concerning this information will be made a part of the driver's personnel file or will be provided to any other party without the direct written consent of the employee.

Failure to sign a release for alcohol and drug testing will be classified as insubordination and the employee shall be terminated as a driver for Cass County, subject to applicable state laws.

Refusal to submit to alcohol and controlled substance testing, as required, will be recorded as a positive test. Refusal to submit to an alcohol or controlled substance test means that a driver (1) fails to provide adequate breath for testing without valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with this policy; (2) fails to provide adequate urine for controlled substance testing without a valid medical explanation after he or she has received notice of the requirement for testing in accordance with this policy; or (3) engages in conduct that clearly obstructs the testing process.

Employees testing positive for alcohol (.04 percent or greater) or for a controlled substance shall be prohibited from driving or performing a safety-sensitive function for the County and referred to the Employee Assistance Program (a drug and alcohol assistance program) and become subject to any other County policy dealing with the use of alcohol and controlled substances. The employee is subject to all associated costs. Drivers testing .02 percent or greater, but less than .04 percent, shall also not drive or perform safety-sensitive functions for the County, nor shall the County permit the driver to perform or to continue to perform safety-sensitive functions, until the start of the driver's next regularly scheduled duty period, but not less than twenty-four (24) hours following the administration of the test.

The employee also becomes subject to any other County policy dealing with the use of alcohol and controlled substances.

Performing a safety-sensitive function means a driver is considered to be performing a safety sensitive function during any period in which he or she is actually performing, ready to perform or immediately available to perform any safety-sensitive functions.

A safety-sensitive function is defined as:

1. All time spent at a facility, or other property, or on any public property, waiting to be dispatched, unless the employee has been relieved by the County.
2. All time inspecting equipment, otherwise inspecting, servicing or conditioning any motor vehicle at any time.
3. All driving time at the driving controls of a motor vehicle in operation.
4. All time, other than driving time, **in** or upon any motor vehicle.
5. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, or remaining in readiness to operate the vehicle.
6. All time spent performing the driver requirements relating to an accident.
7. All time repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

### **Return to Duty Testing**

A driver who has been prohibited from performing a safety-sensitive function after engaging in conduct regarding alcohol misuse prohibited by U.S. Department of Transportation regulations, and before returning to duty, shall undergo a return-to-duty test which indicates a breath alcohol concentration of less than .02 percent.

A driver who has been prohibited from performing a safety-sensitive function after engaging in conduct regarding controlled substance use prohibited by U.S. Department of Transportation regulations, and before returning to duty, shall undergo a return-to-duty test with a result indicating a verified negative result.

When a return-to-duty test is required, the driver must also be evaluated by a substance abuse professional (SAP) and participate in an assistance program prescribed by the SAP at the employee's cost.

### **Follow-up Testing**

When a driver has been determined to be in need of assistance in resolving problems associated with alcohol misuse and/or controlled substance use, the driver will be subject to unannounced follow-up alcohol and/or controlled substance testing at the employee's cost. The driver will be subject to a minimum of six (6) follow-up tests in the first twelve (12) months, with the follow-up testing period not to exceed sixty (60) months.

## **FAILURE TO SIGN RELEASE**

Failure to sign a release for alcohol and drug testing will be classified as insubordination and the employee shall be terminated from Cass County, subject to applicable state laws.

## **TRAINING FOR SUPERVISORS AND DRIVERS**

### **Supervisor Training**

At a minimum, the supervisor will receive basic training and orientation on:

1. The identification of behavioral and physiological signs of alcohol and drug abuse.
2. How to recognize, counsel and document employees whose performance has deteriorated.
3. How and when to suggest and/or require the services of the Employee Assistance Program (EAP) or any other drug/alcohol assistance program.
4. Document training.

### **Driver Training**

The driver training program will consist of:

1. Explanation of effects and consequences of alcohol and controlled substance use on personal health, safety and work environment.
2. The manifestations and behavioral causes that may indicate alcohol and controlled substance use or abuse.
3. Information and materials required by federal regulations.
4. Documentation of training.

## **RETENTION OF RECORDS**

The following records relating to Cass County's drug and alcohol testing program are required to be maintained.

### **1. Records relating to the collection process:**

- a) Collection log books
- b) Documents related to the random selection process
- c) Calibration documentation for EBT's
- d) Documentation of Breath Alcohol Technician (BAT) testing
- e) Documentation of reasoning for reasonable suspicion testing
- f) Documentation of reasoning for post-accident testing
- g) Documents verifying a medical explanation for the inability to provide adequate breath or urine for testing

- 2. Records relating to the driver's test results:**
  - a) Employer's copy of the alcohol test form, including results
  - b) Employers copy of the drug test chain of custody and control form
  - c) Documents sent to the employer by the Medical Review Officer
  - d) Documentation of any driver's refusal to submit to a required alcohol or controlled substance test
  - e) Documents provided by the driver to dispute results of the test
- 3. Documentation on any other violations of controlled substance use or alcohol misuse rules.**
- 4. Records related to evaluations and training:**
  - a) Records pertaining to substance abuse (SAP) determination of driver's need for assistance
  - b) Records concerning a driver's compliance with SAP's recommendations
- 5. Records related to education and training:**
  - a) Materials on drug and alcohol awareness, including a copy of the employer's policy on drug use and alcohol abuse
  - b) Documentation of compliance with requirement to provide drivers with educational materials, including driver's signed receipt of materials
  - c) Documentation of supervisor training
  - d) Certification that training conducted under this rule complies with all requirements of the rule
- 6. Records related to drug testing:**
  - a) Agreements with collection site facilities, laboratories, medical review officer (MAO) and consortia.
  - b) Names and positions of the officials and their role in the employer's alcohol and controlled substance testing program.
  - c) Monthly statistical summaries of urinalysis.
  - d) The employer's drug testing policy and procedures.

All required records shall be maintained in a secure location with limited access. Records shall be made available for inspection at the Courthouse within two (2) business days after a request has been made by an authorized representative of the Federal Highway Administration.

The following is a chart regarding how long records must be maintained:

<u>Documents to be Maintained</u>	<u>Period Required</u>
Negative drug test results	1 year
Alcohol test results less than 0.02	1 year
Records related to the alcohol and drug collection process	2 years
Previous employer records	3 years
Annual MIS reports	5 years
Employee evaluation and referrals to SAPs	5 years
Follow-up tests and follow-up schedules	5 years
Refusals to test	5 years
Alcohol test results 0.02 or greater	5 years
Verified positive drug test results	5 years
EBT calibration documentation	5 years
Indefinite period: Education and training records, plus two years after ceasing to perform functions.	

**Legal reference: 49 C.F.R. Part 382.401**

### **TESTING PROCEDURES REGULATIONS**

The following testing procedures are to be strictly observed by any collection facility and/or laboratory contracted with by the County **in** order to carry out its drug and alcohol testing program.

Controlled substance testing procedures include the following:

**1. Chain of Custody**

Chain of custody is defined as procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. These procedures will require an approved chain-of-custody form.

**2. Preparation for Testing**

Use of tamper proof seal system designed in a manner that a specimen bottle top can be sealed against undetected opening and the bottle has a means for identification of the test subject either by number or some other confidential manner.

Use of shipping containers in which one or more specimens and associated paper work can be transferred and which can be sealed and initialed to prevent undetected tampering.

**3. Specimen Collection**

Specimen collections will be done at collection sites designated by the County

**4. Laboratory Analysis**

Laboratory analysis of all specimens collected will be done by a certified laboratory selected by the Commissioners under all federal guidelines.

**5. Review of the Results of the Laboratory Test**

The laboratory reports the test results of the County directly to the County's Medical Review Officer (MRO) within an average of five (5) working days.

Both positive and negative results must be reported. The report, as certified by the responsible laboratory individual, shall indicate the drug/metabolites tested for, whether the results are positive or negative, and the cutoff level for each drug analyzed, the specimen number assigned to the specimen and the drug testing laboratory identification number.

The laboratory shall transmit the test results to the MRO by various electronic means such as teleprinter, facsimile or computer, so long as those methods established are designed to maintain confidentiality. Results cannot, at any time, be provided verbally by telephone.

The laboratory must also transmit the MRO the original or a certified copy of urine chain of custody and control form and must identify the individual responsible for the day-to-day management of the laboratory process.

## **6. The Role of the Medical Review Officer**

The MRO must be a licensed M.D. or D.O. and principally serve as an arbiter between the laboratory and the County. The MRO must possess knowledge of drug abuse disorders. It is the primary role of the MRO to review and interpret positive results obtained from the laboratory. The MRO must access and determine whether alternate medical explanation could account for the positive test results.

To accomplish the task, the MRO may conduct medical interviews of the individual, review the individual's medical history and review other relevant biomedical factors. Additionally, the MRO must examine all medical records as evidence of prescribed medications.

The MRO must give the individual testing positive an opportunity to discuss the test results. If the tested individual provides sufficient medical documentation that the positive result derives from the use of legally prescribed medication, the MRO may allow the driver to continue to operate, or the MRO may request the opinion of another physician.

After the individual testing positive has been given the opportunity to provide sufficient information, and the MRO makes a final decision, the County is notified of the results of the substance test.

## **7. The Need for Confidentiality**

All information obtained in the course of testing employees shall be protected as confidential medical information. No data concerning this information will be made part of the driver's personnel file or will be provided to any other party without the written consent of the driver.

## **8. The Appeal Process Available to Drivers Testing Positive** If the

driver tests positive, he/she has the right to question the results by:

- A. Contact with the MRO to verify the sample number of the urine sample to the MRO's form.
- B. Requesting the split sample be tested within seventy-two (72) hours of the original testing.

Alcohol testing procedures include the following:

1. Testing Devices

Alcohol test are to be conducted with only evidential breath testing devices (EBT's) approved by the National Highway Traffic Safety Administration (NHSTA) on their Conforming Products List (CPL). The rules allow the use of EBT's for the initial screen tests that are on the CPL, that do not meet the additional requirements for the confidential test (e.g. sequential numbering and printout capability).

2. Test Administration

Only a Breath Alcohol Technician (BAT) that has had proper training may administer a breath alcohol test. Reasonable cause tests may not be conducted by the person making the determination that reasonable suspicion exists to conduct an alcohol test.

3. Test Procedures

The BAT will perform an initial alcohol screen. If the initial screen results in a Blood Alcohol Concentration (BAC) of .02 percent or above, a confirmation test is required. Any tests resulting in a BAC of less than .02 percent will be considered negative. The BAT will wait a minimum of fifteen (15) minutes before administering the confirmation test; however, confirmation tests must be performed within twenty (20) minutes.

The Highway Superintendent will be responsible for maintaining in County files, and on a confidential basis, all records required by the federal regulations under this testing program.

**CONTROLLED SUBSTANCE AND ALCOHOL POLICY**

It is the purpose of this policy to encourage an enlightened viewpoint toward alcoholism and other drug dependencies as behavioral/medical problems which can be treated. At the same time, the Cass County Highway Department and Cass County Commissioners are concerned about the adverse effects of alcohol or other drug use on employee performance, health and safety.

Employees are expected and required to be in suitable mental and physical condition while at work, performing their jobs satisfactorily and behaving appropriately. When the use of alcohol and other drugs interferes with such expectations, a driver's failure to meet these basic expectations will result in disciplinary actions.

This policy applies to all employees who are required to hold a Commercial Driver's License (CDL) to perform their job functions.

The use, possession, sale, purchase or transfer of unauthorized or illegal drugs or substances, or the abuse and misuse of legal drugs on County property, while on County business or while operating County vehicles and equipment is prohibited. Drinking alcoholic beverages during working hours, four (4) hours before reporting to work, or having any measurable amount of alcohol in his/her system during working hours is prohibited, whether on or off County property. Working hours include all breaks. Off-duty use of drugs and alcohol is prohibited to the extent it affects a driver's attendance or controlled substance tests. Any violation of this policy is grounds for termination as an employee for the County and possible legal prosecution.

Since physician-directed use of drugs can affect behavior and performance, employees are encouraged to advise their supervisor whenever they are taking drugs for medical reasons. When such use of drugs adversely affects job performance or safety, it is in the best interests of the driver, co-workers and the County that the employee take sick or vacation days, or, if necessary, unpaid leave, in accordance with the County's policy.

The Cass County Highway Department and Cass County Commissioners reserve the right to terminate any employee who violates the Cass County Drug and Alcohol Policy for CDL Drivers. Employees who are convicted for alcohol or drug-related charges may be subject to County disciplinary action, up to and including termination. The County may offer the employee (at the employee's expense) the opportunity to receive appropriate treatment.

Any information concerning a driver's drug or alcohol abuse will be available only to members of the administration whom the County believes should be aware of this information. Unless otherwise required by law, this information will not be disclosed by the County to any other employee, organization or individual without the employee's written consent.

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