

# SHELBY COUNTY GOVERNMENT



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## PERSONNEL POLICIES HANDBOOK

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This handbook is subject to change without notice. It is understood that changes in procedure or policy may supersede or eliminate those found in this book. Only the Shelby County Commissioners have the authority to revise the handbook or make any agreement or representation inconsistent with employment at will.

*Effective:*

*January 1, 2025*

**Shelby County Board of Commissioners**  
**Approved 3-0 on December 30, 2024**  
**Revised**

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## **Revised and New Policies**

**The following policies have been revised or added. It is recommended that you review these changes or additions.**

- 1. Revised** – The entire handbook underwent a thorough review. Each policy was looked at and may have been updated to reflect what is accurately being done and to make the policy more comprehensible. Be sure to take the time to familiarize yourself with the changes, and don't hesitate to reach out to your department head, elected official, or human resources for clarification on any aspect that may seem unclear.
- 2. Added** –
  - Applicant testing – 2.3 page 12
  - Authorized Alien Status and Citizenship – 1.7 page 9
  - Contracting with the County – 2.20 page 20
  - Elective Officer and County Employment Restricted – 2.19 page 20
  - E-verify – 1.8 page 10
  - Full-time to Elected Official Employment – 2.21 page 20
  - Ghost Employment – 6.13 page 99
  - Health Pandemic Emergency Closing – 3.19 page 35
  - Management Rights – 1.5 page 8
  - Pre-employment Interviews – 2.4 page 12
  - Productive Work Environment – 1.6 page 9
  - Protection from Abuse, Neglect, and Exploitation – 6.8 page 97
  - Return of Property – 3.21 page 37

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# **1. PERSONNEL POLICIES HANDBOOK**

**The policies contained in this chapter and throughout the Shelby County Personnel Policies Handbook apply to all Shelby 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**

Whether you have just joined our staff or have been at Shelby County Government for a while, we are confident that you will find Shelby County Government a dynamic and rewarding place in which to work and we look forward to a productive and successful association. We consider our employees to be one of its most valuable resources. This handbook has been written to serve as the guide for the employer/employee relationship. This handbook has been prepared to inform you about Shelby County Government's philosophy, employment practices, and policies, as well as the benefits provided to you our valued employees and the conduct expected.

There are several things that are important to keep in mind about this handbook. First, it contains only general information and guidelines. It is not intended to be comprehensive or to address all the possible applications of, or exceptions to, the general policies and procedures described. For that reason, if you have any questions concerning eligibility for a particular benefit, or the applicability of a policy or practice to you, you should address your specific questions to your immediate supervisor or the Human Resources Office. No handbook can answer every question, nor would we want to restrict the normal question and answer interchange among us. It is in our person-to-person conversations that we can better know each other, express our views, and work together in a harmonious relationship. Please do not hesitate to ask questions.

This handbook is provided as a guide and is not to be considered a contract. Only the Shelby County Commissioners have the authority to enter an employment contract with an employee and only then after a majority vote of the Board of Commissioners. Shelby County Government is an "at-will" employer and operates under the provision that employees have the right to resign their position at any time, with or without notice, and with or without cause. We, the employer, have similar rights to terminate the employment relationship at any time, with or without notice, and with or without cause. This personnel policy handbook is not a contract of employment and in no way grants property interests or contractual rights to County employees. This policy does not create entitlement or an expectation of continued employment.

Secondly, this handbook replaces (supersedes) all other previous handbooks for Shelby County Government. A full review of this document will take place on an annual basis or as needed. Business conditions, Federal and State Law, and organizational needs are constantly in flux and may require that portions of the handbook be re-written. Shelby County 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. The provisions of this handbook have been developed at the discretion of the Board of Commissioners and no one other than the Human Resources Director, acting as the designated representative

for the Board of Commissioners, may officially alter or modify any of the policies, procedures, and other statements made in this employee handbook.

## **1.2 EXCEPTIONS AND SPECIAL CONDITIONS**

Elected Officials: All Elected Officials are excluded from the provisions of these County personnel policies except as noted.

Non-Elected Shelby County Employees: The policies in this handbook apply to all non-elected Shelby County Employees. A Shelby County employee is defined as any individual who is paid by the Shelby County Auditor from a specific appropriation as approved by the County Council and the State Board of Accounts, is not an elected official, and in the case of a full-time employee is subject to membership in the Public Employees Retirement Fund (PERF). *Exception to the handbook* – If there is a conflict between the provisions of the Employee handbook and the rules of the Sheriff's Merit Board as it pertains to Merit employees, the rules of the Merit Board shall take precedence for the Sheriff's Department Merit Employees. This handbook does apply in its entirety to all other Sheriff's employees, often referred to as "Civilian Employees".

## **1.3 "SHELBY COUNTY" DEFINED**

In this personnel policy, the "County" shall be defined to mean the Shelby County Board of County Commissioners, and the Shelby County Council, acting individually or in conjunction with each other within their areas of assigned responsibility or as defined by applicable statute, constitutional provision, ordinance, case law, or resolution.

Shelby County is served by three elected Commissioners, seven elected County Council Members, three elected Judges, 1 elected Sheriff, 1 elected Prosecutor, 1 elected Auditor, 1 elected Treasurer, 1 elected Clerk, 1 elected Recorder, 1 elected County Assessor, 1 elected Surveyor, 1 elected Coroner and 14 elected Township Trustees.

Throughout Indiana Code, the board of County Commissioners is variously referred to as the executive body or the legislative body. Under IC 36-2-3-2 the County Council is defined as the fiscal body. Under IC 36-2-4, both the board of commissioners and the council are given legislative authority in that they both may adopt ordinances. As a rule, the council has jurisdiction over fiscal matters and the commissioners have jurisdiction over matters concerning either the exercise of regulatory or administrative powers.

## **1.4 EQUAL EMPLOYMENT OPPORTUNITY**

Title VII of the Civil Rights Act of 1964 as amended by the Civil Rights Act of 1991 is a federal law that prohibits discrimination in employment. Shelby County Government provides equal opportunity in all of our employment practices to all qualified employees and applicants without regard to race, color, religion, gender, national origin, age, disability, marital status, military status, genetic disposition, sexual orientation, gender identity, or any other category protected by federal, state and local laws.

This policy applies to all aspects of the employment relationship, including recruitment, hiring, compensation, promotion, transfer, disciplinary action, layoff, return from layoff,

training and social, and recreational programs, termination, and retirement. All such employment decisions will be made without unlawfully discriminating on any prohibited basis. Employment opportunities with Shelby County shall be open and available to all citizens. All position notices, postings, advertisements, and recruiting literature shall contain the phrase "An Equal Opportunity Employer." The Board of Commissioners has issued the following policy stating the organization's views in this matter:

It Is The Policy of Shelby County Government To:

- Strictly follow personnel procedures that will ensure equal opportunity for all people without regard to race, color, religion, creed, national origin, gender, age, ancestry, marital status, disability, genetic disposition, sexual orientation, gender identity, veteran, or draft status.
- Comply with all the relevant and applicable provisions of the Americans with Disabilities Act ("ADA"). The County will not discriminate against any qualified employee or job applicant with respect to any terms, privileges, or conditions of employment because of a person's physical or mental disability.
- Make reasonable accommodations wherever necessary for all employees or applicants with disabilities, provided that the individual is otherwise qualified to safely perform the essential duties and assignments connected with the job and provided that any accommodations made do not require significant difficulty or expense.
- Achieve understanding and acceptance of the County's policy on Equal Employment Opportunity by all management, employees and by the communities in which the County operates;
- Thoroughly investigate instances of alleged discrimination and take corrective action if warranted;
- Continually be alert to identify and correct any practices by individuals that are at variance with the intent of the Equal Employment Opportunity Policy.

The Human Resources Office has overall responsibility for this policy and maintains reporting and monitoring procedures. Employees' questions or concerns should be referred to the Human Resources Office. Appropriate disciplinary action may be taken against any employee willfully violating this policy.

## **1.5 MANAGEMENT RIGHTS**

Shelby County retains the responsibility and authority to manage and direct on behalf of the public the operations and activities of the County to the full extent authorized by law. Management is asked to continue to communicate all personnel related issues with the Human Resources Director, and all operations issues with the Commissioners before taking action to ensure compliance with policies, laws, and regulations.

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 internal department 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 what services shall be rendered to the public;

7. The right to determine job content and job descriptions;
8. The right to determine and implement 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, change, and discontinue work standards;
11. The right to hire, examine, classify, train, transfer, assign, and retain employees; suspend, terminate, or take other disciplinary action against 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 change, modify, and alter the composition of the work force;
13. The right to determine, establish, 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 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; and
19. The right to determine the location, establishment, and organization of new departments, divisions, subdivisions, or facilities thereof, and the relocations of departments, subdivisions, locations, and the closing and discontinuance of same.

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

## **1.6 PRODUCTIVE WORK ENVIRONMENT**

It is a policy of Shelby 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.

## **1.7 AUTHORIZED ALIEN STATUS AND CITIZENSHIP**

Shelby County is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form, I-9 Form, and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the County within the past three (3) years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact Human Resources. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

**1.8    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.

## **2. EMPLOYMENT POLICIES**

### **2.1 RECRUITMENT**

Each elected official/department head shall notify the Human Resources Director as soon as possible when they have a position they are seeking to fill. The Human Resources Director will complete the internal/external position posting. Existing employees will be afforded the opportunity to apply for vacant positions.

Whenever vacancies occur or new positions are created, job information shall be emailed electronically to all employees and posted externally to the County website for a minimum of five (5) calendar days and until the position is filled. The County encourages internal promotion and transfer whenever possible.

Newspaper, trade journal, and website advertising may be used in recruiting employees. Advertisements shall describe the position, basic qualifications, and state the County is "An Equal Opportunity Employer."

Basic qualifications of formal education, background, and experience shall be determined before recruiting begins and shall be based upon job requirements as well as guidelines of applicable federal, state, and local laws. Residency in Shelby County is not a requirement for employment by Shelby County government.

The elected official/department head has the final hiring authority within the guidelines set forth in this section. All newly hired employees shall report to the Human Resources Office to attend new hire orientation. This is to submit documents necessary for compliance with local, state, and federal law, and for enrollment in eligible benefit programs.

### **2.2 EMPLOYMENT APPLICATIONS**

Shelby 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 of this information or data may result in exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment. The original copy of the employment application will be kept in the employee's personnel file in the Auditor's office.

All applicants are required to complete a Shelby County Employment Application or submit a resume. 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 the Human Resources Office. The Human Resources Director shall provide Elected Officials/department heads with copies of all submitted applications or resumes.

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 Shelby County Employment Application in its entirety. Applicants must account for periods of employment and unemployment.

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.

### **2.3 APPLICANT TESTING**

Applicant tests including, but not limited to, basic skills written tests, mechanical or physical agility, drug/alcohol testing, 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 County Commissioners or Human Resources must approve the use of any tests for prospective employees.

### **2.4 PRE-EMPLOYMENT INTERVIEWS**

Pre-employment interviews are used to gather information and screen applicants for County employment. Interviews shall be conducted by the administrative official making the employment decision or designee. Each department head/elected official has the right to determine the most qualified candidate needed.

The Human Resources Director is available to assist and advise in the selection process through conducting pre-employment interviews upon request.

### **2.5 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, mental examinations or requirements, pre-employment drug test, and/or reference and criminal background checks.

### **2.6 OFFER OF EMPLOYMENT**

The Offer of Employment is made once the selection process is complete.

The Offer of Employment will outline:

- Position/Department;
- Employment Status;
- Work Schedule;
- Pay Rate;
- Introductory Period;
- FLSA status;
- Benefits Eligibility; and
- Required Position Certifications.

The Offer of Employment is contingent on satisfactory proof of permission to work in this Country.

## **2.7 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 the Human Resources Office. Access to this information will be limited to the employee, Human Resources Director, and others on a need-to-know basis.

## **2.8 EMPLOYMENT REFERENCE/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 Shelby County to conduct criminal background checks, motor vehicle checks, and verify the employment references of those applicants who are extended a conditional offer of employment. At the discretion of elected officials/department heads, applicants may also be subject to credit checks.

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 be limited to inclusive dates of employment, positions held, and wage rates. No employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry.

Employees who have falsified information on their employment applications will be disciplined, which could include termination. Applicants who have provided false information may be eliminated from further consideration for employment.

## **2.9 EMPLOYMENT CATEGORIES**

It is the intent of the County to clarify the definitions of employment classifications; therefore, employees understand their employment status and benefit eligibility. Each employee is assigned to one of the following employment categories. Any changes to an employee's employment category shall be in writing. No change in employment status is to be construed or inferred without written notification to the employee from the Human Resources Office.

**Full-time Permanent:** Employees who are regularly scheduled to work the county's full-time schedule of 35 hours or 40 hours per-week. These employees are eligible for the full benefits package, subject to the terms, conditions, and limitations of each benefits program.

**Part-time Permanent:** Employees who are regularly scheduled to work between 15 to 29 hours per week. These employees are eligible for legally mandated benefits such as Worker's Compensation and Social Security benefits, but are ineligible for the County's other benefit programs. (Those hired prior to 1/1/14 are "grandfathered" under the past vacation day benefit of ½ of full-time allotment based on longevity. Once employment is severed this grandfathered benefit will no longer exist).

**Temporary, part-time:** Employees who are hired and are temporarily scheduled to work less than the County's full-time schedule for a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. While Temporary part-time employees receive all legally mandated benefits, such as Worker's Compensation and Social Security, they are ineligible for the County's other benefit programs.

**Temporary/Seasonal Part-time Employees:** Employees, who are hired for a specific project and or for a specific period of time, are considered temporary/seasonal employees. Temporary/seasonal employees' normal work schedules may be any number of hours per week up to 40 hours per week. Temporary/seasonal employees are not eligible for any type of benefit to include vacation days unless they have worked for 30 hours or more per week, in one county office, for 17 consecutive weeks. They will then be considered full-time and entitled to full-time employee benefits. Employment beyond any initially stated period does not in any way imply a change in employment status

It is the policy of the County that a Temporary employee who works for (120) days in a calendar year shall not be rehired by the County without minimum of six (6) months separation period between temporary engagements.

**Volunteer Employees:** A volunteer is generally defined as an individual who performs hours of service for a public agency for civic, charitable, or humanitarian reasons.

**Public Employee Volunteers:** A public employee may not volunteer hours of work for their employer, Shelby County Government, regardless of the department for which work is performed.

## **2.10 INTRODUCTORY PERIOD**

The introductory 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 an introductory basis for the first 180 calendar days after their "date of hire", except when the 180 days is in

direct conflict with statutory requirements (such as merit officers of the Sheriff's Department whose introductory period is one [1] year). Any significant absence will automatically extend the introductory period by the length of the absence. If the County determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period. Employees may be terminated at any point during this period. Employment with Shelby County is considered "at will" and no contract has been established between Shelby County Government and the employee.

During the introductory period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security. Employees should read the information for each specific benefit program for the details on eligibility requirements.

## **2.11 PERSONNEL FILES**

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

1. **Personnel File:** Each employee's personnel file shall contain the employee's employment application, emergency information sheet, employment data information sheets concerning history of employment, insurance enrollment forms, change in address and beneficiary forms, and job description and handbook acknowledgment forms, and shall be maintained in the Auditor's Office. 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 administrative file shall contain documentation of performance and salary increases, education accomplishments, records of training, disciplinary records, and other documentation concerning disciplinary actions, including grievance, absences, tardiness, and other related data. This confidential file shall be deemed as exempt under the Indiana Public Records Law. This file shall be maintained by the Elected Officials/department heads, with copies provided to the Auditor's Office affecting compensation and/or benefits.
3. **Confidential Medical File:** The employee's confidential medical file shall contain all medical information, including disability information, ADA accommodations, workers' compensation documents, results of alcohol and drug tests, and other medical related information. This confidential file shall be deemed as exempt under the Indiana Public Records Law. This file shall be maintained by the Human Resources Director.
4. **Commercial Driver's License Records:** The Highway Department shall maintain CDL records according to the Federal Highway Administration requirements. This file shall be updated each calendar year.
5. **I-9 File:** The I-9 file shall contain the I-9 forms. This file shall be maintained in the Human Resources Office.

It is the employee's responsibility to notify the Human Resources Office of any changes in name, address, telephone number, marital status, number of dependents, military service status, beneficiaries, or person to notify in case of an accident. Misrepresentation of any fact, which you have provided information for on your application, in your personnel file, or any other document, is sufficient reason for termination.

## **2.12 ACCESS TO PERSONNEL FILES**

Personnel files are property of Shelby County and access to the information they contain is restricted. Generally, only individual employees, Auditor, Human Resources Director, County Attorney, members of the County Council and the Board of Commissioners 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 their file. Upon request, the County will provide the employee with copies of any documents contained in their 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.

It is Shelby County's Policy that the Human Resources Director will:

- Provide upon request, one copy at no cost of any documents maintained in an employee's personnel file to that employee or the employee's designated representative who presents written authorization from the employee.
- Routinely release to the public only the following personal information concerning an employee: name, gross compensation, job title, business address, business telephone number, job description, and dates of employment.
- Notify the employee (unless prohibited by law) when information, other than the employee's name, gross compensation, job title, business address, business telephone number, job description, and dates of employment, is released to a person not having regular access authority.
- Provide timely and appropriate responses to persons seeking access to personnel files.

The Human Resources Director or his/her representative will remain in the presence and view of the person and the file at all times.

Public information requests must be handled in accordance with IC 5-14-3 and any rules or policies established by the Indiana Public Access Counselor.

Questions about the propriety of releasing specific information may be directed to the Human Resources Director.

## **2.13 PERSONAL INFORMATION CHANGES**

It is the responsibility of each employee to notify Human Resources promptly of any changes in personal data.

A change in personal information must be provided in writing to the Human Resources Office whenever an employee has a change in; Name, Address, Marital Status, Emergency Contact, Payroll Deductions, Dependents, or Beneficiary.

Any unreported changes in personal status may impact eligibility under the County's benefit plans.

Employees requesting a change in their payroll withholding or voluntary deductions shall make the request in person or via email. Please understand not all changes can be made electronically.

#### **2.14 ORIENTATION/EXIT INTERVIEW**

All newly hired employees will attend a New Employee Orientation (NEO) conducted by the Human Resources Office. This will normally be conducted on the employee's first day of work, which is normally a Monday.

The employee shall receive a digital copy of the Shelby 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 Acknowledgement form. The employee handbook can be found on our website at [www.co.shelby.in.us](http://www.co.shelby.in.us).

Employees who leave County employment voluntarily will be afforded an exit interview if they desire to do so. During the exit interview an employee can freely express their comments and concerns. "Exit Interviews" are designed to separate the working relationship in a positive manner and provide insight to possible improvements the County can make. *All* information will in no way affect any reference information that County management will provide another employer about the departing employee.

Elected Officials/Department Heads must notify the Human Resources Director that an employee is terminating employment as soon as notice is given by the employee. This includes part-time and seasonal employees. This will facilitate the proper payment of time worked in compliance with state law.

#### **2.15 PERFORMANCE EVALUATIONS**

Managers are constantly evaluating employees' job performance. This record is a good communication tool between Managers and employees. It can be used to compliment employees for their strengths and assist employees with their weaknesses. This can be accomplished by the utilization of a Performance Appraisal form. Upon completion and signing of the Performance Appraisal each employee will receive a copy; the Manager should retain a copy for interdepartmental files and the original must be forwarded to the Human Resources Office to become an official document within the employees' personnel file.

"Work Performance Plans" are used to correct performance issues. The purpose of a Work Performance Plan is to assist the employee to become a successful working member of the department or office team.

The Performance Improvement Plan is the follow-on to a less than satisfactory Performance Appraisal. The Performance Improvement Plan will establish a clearly defined goal or goals that need to be met; a process for meeting those goals; a time frame for when these goals will be met; and the consequences for not meeting these goals. Normally this time frame is not more than 90 days from the date that the Performance

Improvement Plan is presented to the employee. The Performance Improvement Plan is a tool that may be used at any time of the year to guide an employee's work performance.

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

In most cases, what an employee does on their free time is their business. However, any outside activity must not interfere with the employee's ability to properly perform his/her duties for the County. Employees are permitted to engage in outside work or to hold other jobs, subject to certain restrictions as outlined below.

Activities and conduct away from the job must not compete with, conflict with or compromise the County interests or adversely affect job performance and the ability to fulfill all job responsibilities. Employees are prohibited from performing any services for customers on nonworking time that are normally performed by Shelby County Government. This prohibition also extends to the unauthorized use of any County tools or equipment and the unauthorized use or application of any confidential information. In addition, employees are not to solicit or conduct any outside business during paid working time.

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.

Employees are cautioned to carefully consider the demands that additional work activity will create before accepting outside employment. Outside employment will not be considered an excuse for poor job performance, absenteeism, tardiness, leaving early, refusal to travel or refusal to work overtime or different hours. If the County determines that an employee's outside work interferes with performance, the employee may be asked to terminate the outside employment. Outside employment is also prohibited if the performance of the employment activity would bring discredit or embarrassment to the County.

Employees who have accepted outside employment may not use paid sick leave to work on the outside job. Fraudulent use of sick leave will result in disciplinary action up to and including termination.

Employees must avoid any interest, influence or relationship which might conflict or appear to conflict with the best interests of Shelby County Government. Employees may not enter into dealings or financial interests in contracts and services performed by Shelby County. This includes deriving any direct or indirect profit resulting from the sale, service, contracting, or purchases made on behalf of Shelby 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.

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. Conflicts of interest are defined by Indiana Code 36-1-20.2 which may, under some circumstances, prohibit a transaction or require written disclosure and approval before a contract or transaction is entered. The County will follow the state statute regarding conflicts of interest. Employees may refer questions about actual or potential conflicts to the Clerk's office.

## **2.17 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 controversial or unusual 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.

## **2.18 REDUCTION IN FORCE**

Shelby 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. Seasonal employment;
3. Lack of funds or projected lack of funds;
4. Job abolishment; and/or
5. 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.

Employees will be laid off with consideration of length of continuous service and the operational needs of the County. Employees may displace less senior employees in other departments provided they possess the minimum qualifications and licenses required for the position. Length of service is one factor in the layoff/displacement decision. The operational needs of the County may require the retention of less senior employees over a more senior employee. Attendance, punctuality, and performance may also be a factor in determining who shall be retained and who shall be laid off.

Workforce reductions such as this type are classified as terminations. Please understand that this type of termination occurs through no fault of the affected employee. Reassignment or transfer to another available position may take place whenever possible. If circumstances change and the ability to refill the vacant position becomes possible, previously laid off employees may reapply for the position and will have hiring priority over other applicants with equal qualifications.



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

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.

## **2.20 CONTRACTING WITH THE COUNTY**

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 excepted.

An Elected Official that is in violation of this policy may be subject to penalties for perjury which is a level 6 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 36-11-21 (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.

## **2.21 FULL TIME TO ELECTED OFFICIAL EMPLOYMENT**

In the event that a full-time employee is elected to a full-time Shelby County elective office they shall be compensated for compensatory time earned as a regular full-time employee. Such employee's vacation and sick days may be frozen and available for use later or vacation days may be paid out per the Vacation Policy (Section 4.1). Also, if such Elected Official returns to a non-elective full-time position their time in elective office

shall count as years of service for the purposes of determining the amount of eligible vacation time, longevity, or other benefits based on years of service with the County.

## **2.22 NEPOTISM**

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.

Employees who are relatives of an Elected Official or Department Head may not be employed by the County in a position that results in one (1) relative being in the direct line of supervision of the other relative.

Direct line of supervision means an Elected Official or Department Head 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. The term does not include the responsibilities of the executive, legislative body, or fiscal body of the County as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the County.

Employed means an individual who is employed by the County on a full-time, part-time, temporary, intermittent, or hourly basis. The term does not include an individual who holds only an elected office. The term includes an employee who is a party to an employment contract with the County.

Relative means any of the following: (1) Spouse, (2) Parent or stepparent, (3) Child or stepchild, (4) Brother, sister, half-brother, half-sister, stepbrother, or stepsister, (5) Niece or nephew, (6) Aunt or uncle, (7) Daughter in law or son in law. An adopted child is considered the same as natural child of the individual.

This policy does not apply to employees in their current position as of 2012 unless the employee has a break in employment.

If an employee is absent from the workplace while on paid or unpaid leave, including vacation, sick or family medical leave, or worker's compensation or employment with the County is terminated followed by immediate reemployment by the County, without loss of payroll time then they are not considered to have a break in employment.

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.

Each elected office holder of the County shall annually certify in writing that the officer is in compliance with 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 level 6 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 in compliance.

If employees begin a dating relationship or become relatives, partners or members of the same household and if one party is in a supervisory position, that person is required to inform management and the Human Resources Director of the relationship.

### **3. SALARY ADMINISTRATION**

#### **3.1 NORMAL WORKWEEK**

The official workweek for all County employees begins at 12:01 a.m. on Sunday and ends at 12:00 p.m. midnight on Saturday.

#### **3.2 WORK HOURS**

Work Hours: Regular operating hours and workdays differ from each department and office. Each County office and department observes the hours/days of operation designated by the Department Head or Elected Official of that office or department as approved by the County Commissioners. Any variance from the approved office schedule must be brought before the County Board of Commissioners and approved by vote. Department Heads or Elected Officials are responsible for establishing employees' normal work schedules within the below workweek and minimum/maximum hours guidelines. Once normal workweek schedules are established, Department Heads or Elected Officials are responsible for communicating these hours of work to each affected employee.

Minimum/Maximum Scheduled Hours per Workweek for Full-time Employees: Full-time employees normal work schedules may be established at a minimum of 35 hours per workweek up to a maximum of 40 hours per workweek.

The County Commissioners are supportive of a flexible work schedule in an effort to enhance employee morale while maintaining working hour integrity and taxpayer service. Use of the Flexible Work Schedule always remains at the discretion of the Elected Official or Department Head. An example of the usual flexible work schedules observed by most departments, with a 1-hour daily lunch hour is as follows:

**7 hours per day, 5-day  
workweek 8:00 to 4:00**

**9 hours per day, 4-day  
workweek 7:00 to 5:00**

All County offices will normally be open a minimum of Monday through Thursday. For those offices working a 4-day workweek the Department Head will be responsible for setting up a rotation schedule for their employees to observe the holiday during the week that the holiday occurs.

Lunch Periods: Lunch periods are not paid if the period is 30 minutes or longer and the employee is relieved of duties. The time when lunch periods are scheduled varies among each office or department but will normally fall approximately in the middle of the work shift. Elected Officials and Department Heads have the authority to determine lunch periods for each employee.

Break Periods: Whenever feasible all employees may receive two (2) fifteen (15) minute paid breaks each day, one (1) during each half of the employee's shift. These breaks are not to be disruptive to departmental work activity. Breaks are a privilege and may be removed temporarily due to workloads, time constraints, and/or employee abuse. Breaks are not to be taken at the beginning or end of the employee's work schedule.

Adjustments: Break times and/or mealtimes may be adjusted to allow for accommodation under the ADA.

Non-exempt employees may be compensated for time which one might not usually think of as "work time." The following describes these circumstance types:

Waiting Time: If a non-exempt employee is required to report to work at a certain time but must wait to actually start his/her tasks due to the employer's circumstances, the waiting time is deemed working time.

On-Call Time: If a non-exempt employee is required to remain on County premises or is not free to use the time for his/her own purposes, the on-call time shall be counted as work time. All time actually worked either responding to phone calls or in person shall be counted as work time.

Court Services employees required to serve on-call shall receive compensatory time for all work time while on-call.

Highway Department employees shall receive a minimum of two (2) hours of pay for any call-out. If the actual work performed is more than two (2) hours, employees will receive pay for all hours actually worked.

Training Lectures and Meetings: Time spent in *mandatory* training programs, lectures and meetings will be counted as work time.

Travel Time: Commuting time, whether to a fixed location or to a changing location, is not considered work time. A non-exempt employee is not considered to be working until he/she reaches the first work site. However, travel during the course of the workday after the first stop is considered work time. When an employee travels away from home overnight, all commuting time is considered work time while traveling to and from the worksite destination.

Part-time hourly employees are not paid for holidays or for any other hours unless they were present and actually worked during that time period.

### **3.3 JOB DESCRIPTIONS**

All full-time positions and most part-time permanent positions have Council approved job descriptions. It is the supervisor's responsibility to ensure that the job description provides an accurate overview of the employee's job requirements. Each supervisor should ensure that his/her employees review their job description on at least an annual basis for accuracy. If the job requirements are significantly changed, the supervisor is responsible for ensuring that the job description is rewritten to reflect these changes. The supervisor is required to coordinate with the Human Resources Director to determine if the new job description needs to be taken before the Wage Factoring Committee for re-factoring by Waggoner, Irwin, Scheele and possible increasing or decreasing of the position and compensation level.

Job descriptions are maintained in the Human Resources Office. Copies of job descriptions are available in each office or department and provided to each employee.

### 3.4 **JOB CLASSIFICATION**

**Position Classifications:** Shelby County position descriptions are classified using the Factor Evaluation System (FES). The basis of the Shelby County position classification system is the written position description.

The position categories established by the FES position classification system are as follows:

**COMOT: Computer, Office Machine Operators, Technician** COMOT positions usually require on-the-job training, and knowledge of basic office skills and procedures. Some COMOT jobs may require two years of education beyond high school at a university or vocational school. COMOT positions are trained to assist and provide support to PAT positions. COMOT duties usually involve standardized operations, but can also involve limited supervisory responsibilities, high skill level in certain fields or processes, or operation of highly technical equipment, such as in laboratories. Salaries are usually determined by prevailing local pay rates. Examples include: Bookkeeper, clerk-typist, court reporter, legal secretary, paralegal, receptionist, and secretary.

**PAT: Professional, Administrative, Technological** PAT positions usually require a college education or equivalent training and experience. Duties performed by PAT employees often involve direct application of professional principals, development of policies and procedures, or administration of an assigned area of responsibility. Salaries for PAT positions are usually determined by regional or national patterns. Examples include: Accountant, engineer, controller, registered nurse, environmental health specialist, urban planner, human resource generalist, and systems analyst.

**LTC: Labor, Trades, and Crafts** LTC positions usually involve skills and knowledge that can be learned on the job or through prior experience, although some will require special certifications and training. LTC duties are often manual, require varying amounts of physical strain and effort, and involve varying amounts of responsibility over work projects. Salaries are determined by prevailing local pay rates. Examples include: Carpenter, cook, custodian, electrician, heavy equipment operator, mechanic, truck driver, and laborer.

**POLE: Protective Occupations & Law Enforcement** POLE positions usually require specialized training and two or more years of college education. Positions in this category involve protecting life and property, maintaining order, responding to emergencies, policing and enforcing laws, or supervising such operations. POLE salaries are determined by regional trends. Examples include: Correctional officer, Sheriff's Deputy, investigator, and Communications Officer.

**EXE: Executive** EXE positions are held by approximately two percent of an organization's employees, who usually, plan, direct, and implement major programs. Salaries are determined by regional and national patterns.

**SO: Special Occupations** Occasionally, additional job categories are established for unique positions, such as persons appointed by elected officials, for special occupation areas, or whose wage is established by laws, statutes, or grants. Each special category is handled according to individual needs and considerations. Examples include Probation Officers and Community Corrections personnel. (NOTE: SO positions are not classified using the FES system due to the uniqueness of their positions and the various funding systems nor are the Sheriff's Merit Officers.)

A position in one category cannot be compared to positions in another category. For example, COMOT positions cannot be compared to PAT positions. The Factor Evaluation System (FES) only compares a position to jobs within the same position category. All positions within a position category are classified by assigning numbers (points) to the position description. These points are called "factor evaluation points" and were assigned by a factor team of personnel specialists using factor guide charts in arriving at the total factor evaluation points. These factor points were compared to salaries and wages to determine pay classification grades among classified positions in each position category.

### **3.5 COMPENSATION**

Pay Schedules: Factor Evaluation System (FES) position category pay schedules are adopted as part of the annual Salary Ordinance and shall be maintained in the Human Resources Office.

The salary and hourly pay rates for all classified jobs are established pursuant to the provisions of the federal Fair Labor Standards Act (FLSA). The County has established timekeeping and payroll policies and procedures to comply with applicable provisions of the FLSA.

**Longevity or "step-increases":** For all pay categories is defined as years of service in Shelby County employment. Step-increases are based on the individual's anniversary date of hire and are to be computed to the closest pay period. If a person has a break in service with Shelby County Government, they will be given a new date of hire if reemployed. This date will be the first physical day in the new position. If a person is promoted, demoted, or transferred, the step a person has achieved is retained subject to the availability of grant funds and/or the department's budget. Longevity/step-increases will be in accordance with the current Wage and Salary Chart. Regardless of the individual situation, no step increase will be approved that moves an individual's compensation level above the level indicated on the approved Wage and Salary Chart. All wages must be approved by County Council in advance.

### **3.6 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, personal leave days, and vacation 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 their 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 paid leave policies, up to and including termination of employment with Shelby County.

### **3.7 FLSA TIMEKEEPING**

Accurately recording time worked is the responsibility of every employee. Federal and state laws require Shelby County to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Shelby County Government strives to maintain strict compliance with the Fair Labor Standards Act (FLSA). The FLSA is a federal law that protects employees from unfair pay practices and guarantees non-exempt employees' payment of minimum wage and overtime.

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

### **3.8 INDIANA TIMEKEEPING REQUIREMENTS**

The elected officials/department heads are required to keep an Employee Service Record as prescribed by the State Board of Accounts for each employee of the department.



IC 5-11-9-4 requires that all public sector employees (except Elected Officials) 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 time keeping machines, electronic timesheets, or paper timesheets.

Employees should accurately record their work hours, each meal period, and any 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 termination.

### **3.9 TIMESHEETS/RECORDS**

It is the responsibility of those employees who are required to maintain a time record, to properly record the time that they have worked during a payroll period. Any used accrued compensatory time, benefit time, or any other approved leave must be listed where indicated.

You must keep an accurate record of all of your work hours in the manner designated by Shelby County Government (e.g., time clock, timekeeping computer program, etc).

Review the accuracy of your time records before submitting them to your supervisor for processing. If you need to make a change on your time records to correct an error, make the correction before you submit it for processing. When you sign and submit your time records, you are certifying that they are complete and that they accurately reflect all hours that you worked.

Employees are responsible for maintaining their own time records. Do not allow another employee to sign in/out for you, and do not sign in/out for any other employee. Do not tamper with timekeeping equipment. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

Enter the exact time that you begin and end working on your time records. Record all breaks during which you are completely relieved from work duties if they exceed 20 minutes, including meal breaks. You will not be performing any work during your recorded breaks, as these entries may be deducted from your total work hours as non-compensable time off.

You must obtain your supervisor's approval before working over and above your regularly scheduled work hours. This includes time incurred before or after your regular shift or during unpaid meal breaks. If you do perform any work outside of your regularly

scheduled hours, you will record the time accurately on your time records. You will not be paid for hours worked at home unless approved by the department head. Your time records will include entries for time spent at mandatory, job-related training programs, lectures, or meetings.

Do not carry over hours of work from one day to the next, or from one week to the next. Your time records will reflect the exact hours worked for each day indicated.

For detailed instructions on how and when to complete timesheets, employees should consult with their Elected Official/Department Head.

It is the employee's responsibility to approve their time sheet to certify the accuracy of all time recorded. The Elected Official/Department Head will review and then sign the time record before submitting it to payroll for processing.

### **3.10 WORK TIME RESTRICTED**

Non-exempt employees shall not commence any work activities on behalf of Shelby 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.

### **3.11 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 start time work hour will be paid on a quarter hour schedule; all employee work continued more than seven (7) minutes after the end of the last work hour will be paid on a quarter hour schedule.

### **3.12 MULTIPLE POSITIONS**

Non-exempt employees working in more than one Shelby County position shall count the combined hours worked in more than one position in determining overtime obligations under the Fair Labor Standards Act (FLSA).

Dual employment assignments are only permitted in emergency situations. Any dual employment assignment requires prior authorization from the Human Resources Director and the Commissioners.

### **3.13 PAY DAYS AND DIRECT DEPOSIT**

Employees will be paid bi-weekly on Thursdays. If the payday falls on a holiday, the payday will be the last regular workday *before the holiday*.

The pay week starts at 12:01 A.M. Sunday morning and runs through 12:00 P.M. Saturday night and includes all time worked during this time period.

In addition, the County makes available certain voluntary deductions as part of the County's benefits program. If an employee elects supplemental coverage under one of the County's benefits plans, which requires employee contributions, the employee's share of the cost will be deducted from his or her check each pay period. If the employee is not receiving a payroll check due to illness, injury, or leave of absence, he or she will be required to pay the monthly cost directly to the County.

New hires will receive their first paycheck on the first pay day after the end of the current pay period.

Overtime payment (if worked) is included with the nonexempt employee's wages and is paid with the bi-weekly paycheck.

Employees may be paid through direct deposit of funds to either a savings or checking account at the financial institution of their choice. Most employees will receive a pay stub in their e-mail from Doculivery. It is up to the individual employee to review this stub and to contact payroll or Human Resources if they feel there is a discrepancy or something they don't understand.

In the event of a lost paycheck, the payroll department in the Auditor's Office must be notified as soon as possible and before a replacement check can be issued. In the event the lost paycheck is recovered, and the County identifies the endorsement as that of the employee, the employee must remit the amount of the replacement check to the County within 24 hours of the time it is demanded.

If an employee's marital status changes or the number of exemptions previously claimed increases or decreases, a new Form W-4 must be submitted to the Human Resources Office. These forms are available in the Human Resources Office.

No salary advances will be made.

Shelby County government is a strong believer in the direct deposit program. During in-processing you will be provided a form requesting necessary banking information. By completing this form, you will be assuring that your bi-weekly pay will be deposited in an account of your choosing at no cost to you. This will ensure your pay is readily available to you regardless of you being on vacation, hospitalized, on military leave, etc.

### **3.14 PAY CORRECTIONS**

The 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 they have had incorrect deductions from their 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 their Department Head with a copy of the notice sent to the Auditor.

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

### **3.15 PAY DEDUCTIONS/GARNISHMENTS**

The law requires that Shelby County make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes.

The County also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." The County matches the amount of Social Security taxes paid by each employee.

Other taxes, such as delinquent property taxes, may be deducted from employee compensation. Under Indiana Code 6-1.1-22-14, the County's payroll list must be given to the County Treasurer bi-annually. The County Treasurer then certifies any delinquent property taxes owed by a County employee. The code further instructs the Auditor's Office to make periodic deductions from money due the employee and direct payment to the Treasurer's Office.

The County also offers payroll deductions for full-time employees to purchase supplemental insurance at a group rate cost to employees. Employees who are interested in obtaining more information regarding supplemental insurance may contact the Human Resources Office. It is the employee's responsibility to ensure all demographic and beneficiary information is correct and up to date.

Shelby County is obligated to execute any court-ordered garnishment against an employee's wages.

Questions concerning why deductions were made from an employee's paycheck or how deductions are calculated should be directed to the Human Resources Director or Auditor's Office.

Employees requesting a change to their payroll withholding, voluntary deductions or direct deposit shall make the request in person or via email with the Human Resources Director.

### **3.16 OVERTIME COMPENSATION & COMPENSATORY TIME**

Each County position is designated as either **NON-EXEMPT**, **EXEMPT**, or **EXCLUDED** from federal and state wage and hour laws (such as the Fair Labor Standards Act [FLSA]). Excluded and exempt employees are excluded from specific provisions of federal and state wage and hour laws. The County Council establishes an employee's position status according to prescribed FLSA criteria, and employees holding such positions are treated accordingly:

Employees holding **NON-EXEMPT** positions are entitled to overtime pay under the specific provisions of federal and state laws. All positions within the County except those listed under Exempt or Excluded are considered Non-Exempt and are entitled to overtime pay.

Employees holding **EXEMPT** positions are excluded from specific provisions of federal and state wage and hour laws and are not entitled to overtime compensation or

compensatory time off. Exempt employees must maintain time keeping records to satisfy Indiana statutes governing public employers.

Employees holding **EXCLUDED** positions include Elected Officials, their policymaking appointees, and their personal staff and legal advisors. These employees are not covered by the FLSA and are not eligible for or entitled to receive overtime compensation or compensatory time off. Excluded employees except for Elected Officials must maintain time keeping records to satisfy Indiana statutes governing public employers. Elected Official positions within the County are considered Excluded and are not entitled to and shall not receive FLSA overtime compensation or FLSA compensatory time off.

### **3.16.1 Overtime for Non-Exempt Positions**

Employees will be paid time and half for all hours actually worked over forty (40) hours in a workweek. Paid leave time such as vacation, personal, sick, bereavement, etc. will not be counted as hours worked for purposes of computing overtime. Holidays are counted as hours worked for the purposes of computing overtime.

Time actually worked for the workweek will be computed at the employee's regular rate of pay up to forty hours with the employee being paid time and one half for all time actually worked in excess of forty (40) hours for the workweek.

No non-exempt employee shall work any overtime hours without prior approval from his/her authorizing Department Head/Elected Official.

Department Heads and Elected officials cannot approve overtime without the explicit approval of the Board of Commissioners.

### **3.16.2 Overtime and Excluded and/or Exempt Positions**

Shelby County employees in excluded or exempt positions are not entitled to overtime pay or compensatory time when extended hours are worked unless previously approved by the Commissioner's and the County Council. However, excluded or exempt employees may work flextime when necessary. See Section 3.17 for flextime provisions.

### **3.16.3 Compensatory Time Off**

It is the policy of Shelby County that compensatory time off in lieu of overtime pay for non-exempt employees is prohibited. Only in emergency situations and upon approval of the County Commissioners can compensatory time be awarded in lieu of overtime pay. No non-exempt employee shall work any overtime hours without prior approval from his/her authorizing Department Head or Elected Official.

## **3.17 FLEX TIME AND ADJUSTED WORK SCHEDULES**

### **3.17.1 Flextime for Exempt and Non-Covered Employees**

Flextime is when a non-covered or exempt employee works an alternative work schedule other than their normal work schedule within a pay period. Flextime does not guarantee

that a non-covered or exempt employee will always be able to work the total number of normally scheduled hours, but it does provide some relief for those days/weeks that require more than the normal workweek schedule. The first and foremost priority is the job; therefore, flextime is not always possible. Flextime is not to be used for an employee's benefit such as working enough hours Monday through Thursday to go golfing on Friday. Flextime is to be based upon the demands of the position. Flextime is designed to be used during the bi-weekly pay period and is not to be carried over into the following pay period.

### **3.17.2 Adjusted Work Schedule for Non-Exempt Employees**

Shelby County employees in non-exempt positions may sometimes be required to work an adjusted work schedule. An adjusted work schedule is when a non-exempt employee works an alternative work schedule other than their normal work schedule within a 7-day workweek. If possible, an employee will be notified at least 5 days in advance of the need to work an adjusted work schedule and will be notified not less than 24 hours prior to the adjusted work schedule. The total number of adjusted hours cannot exceed the number of hours normally worked during a workweek. As an example: An employee is required to attend a monthly meeting on Monday night. The actual meeting lasted for two hours. It would be permissible for the employee to come in two hours later than usual the following day, as long as this occurred in the same workweek. An adjusted work schedule cannot have hours carried over into the following 7-day workweek. If, as an example an employee had to attend a meeting on Friday night, the last day of the employee's workweek, the supervisor would be required to estimate the meeting length and allow the employee to come in that much later on Friday morning or to compensate the employee with overtime pay, if previously approved by the Board of Commissioners. The meeting length cannot be carried over to the next week as this would increase the employee's current workweek and would require overtime pay, in accordance with the Fair Labor Standards Act.

Employees who perform work in two different jobs with different rates of pay will be paid overtime at the rate of pay for the job that takes them over forty (40) hours in a work week.

Failure to work scheduled overtime or overtime worked without prior authorization from the Elected Official/Department Head may result in disciplinary action, up to and including termination of employment.

## **3.18 EMERGENCY CLOSING**

In order to establish the means for releasing employees from work and determining appropriate compensation when emergency conditions necessitate the closure of Shelby County work facilities or the curtailing of operations or when conditions of a serious nature prohibit employees from reporting to work.

This policy applies to employees subject to the executive authority of the Board of Commissioners. Only the Shelby County Board of Commissioners may authorize the closing of a Shelby County facility or the curtailing of operations due to emergency conditions.

**DEFINITIONS:**

**Emergency Conditions:** Circumstances that necessitate the closing of a Shelby County facility or the curtailing of operations or **Conditions of a Serious Nature:** Circumstances that may prohibit employees from reporting to work but do not necessitate the closure of facilities or curtailing of operations.

The Shelby County Board of Commissioners may, at their discretion, authorize the closing of a Shelby County facility or the curtailing of operations due to existing or anticipated emergency conditions. The closing of a County facility is done for the benefit and protection of both the County and the employees. Employees are required to vacate the facility and depart the County work area upon closure.

When the Commissioners close a facility or operations are curtailed due to emergency conditions, full-time and permanent part-time employees whose worksite is affected by the declaration of the emergency and who are not required to work shall be given the day off with pay. Employees who are engaged in emergency response or public safety activities, such as, but not limited to, snow removal, Sheriff's Merit Officers, Correctional Officers, radio operations, or emergency management, and who are required to work, will be paid two times their normal hourly basis for such hours worked during the period that is or will be designated, by the Commissioners, as an emergency period.

If conditions of a serious nature exist but are not sufficient to warrant the closure of County facilities or curtail operations, the elected official or department head may authorize vacation or personal leave days to cover this time. If an affected employee does not have accrued vacation or personal days the elected official or department head can authorize leave without pay during this period. The provisions of this policy shall not apply to employees on sick leave, FMLA leave, or any other prior approved vacation, or personal absence days. If a person is already absent or scheduled to be absent due to prior approval they will not be awarded a "make-up day", receive any type of additional compensation, nor will the previously scheduled absence be changed to an uncounted absence.

**HOW DO I KNOW IF I HAVE TO GO TO WORK?**

Shelby County Government Offices and Facilities are OPEN unless you are told by a supervisor or elected official that the office or facility where you work has been closed by the Shelby County Board of Commissioners.

**WHAT IF THE SHERIFF SAYS TO STAY OFF THE ROADS?**

If you choose not to go to work, you must use appropriate accrued leave to stay home. The Sheriff cannot close Shelby County Government Offices and Facilities. However, you can be assured that the closure of County facilities and County roads will be coordinated between the County Commissioners and the County Sheriff or his designated representative.

**WHAT IF MY CHILDREN'S SCHOOL IS CLOSED?**

If you choose not to go to work, you must use appropriate accrued leave to stay home. If you do not have accrued leave you may request your supervisor or elected official to approve lost time for which you will not be paid for. School officials cannot close Shelby County Government Offices and/or Facilities.



**WHAT IF THE COUNTY WHERE I LIVE IS CLOSED? WILL I BE PAID IF I'M SCHEDULED TO WORK BUT I CAN'T GET IN BECAUSE THE ROADS ARE CLOSED?**

That has no effect on whether you will go to work. The policy applies when the Shelby County Board of Commissioners closes a Shelby County office or facility. If you choose not to go to work, you must use appropriate accrued leave to stay home or if you don't have accrued leave then your elected official can authorize leave without pay. No one other than the Shelby County Board of Commissioners can close Shelby County Government Offices and/or Facilities.

**WHAT IF I'M ALREADY AT WORK AND MY REPLACEMENT CAN'T GET IN?**

You will have to work a double shift or until a replacement can be arranged and you can be replaced. You'll be compensated at two times your regular pay for any hours you have to work past your normal, scheduled, work hours if these hours are designated as an emergency period by the Board of Commissioners. This is regardless of the total hours of work you have performed during the workweek.

**I WAS GOING TO TAKE A SICK DAY ON WEDNESDAY FOR MY CHILD'S DENTAL SURGERY. THEN THE COMMISSIONERS CLOSED THE COURTHOUSE ON THAT DAY. DO I STILL HAVE TO USE A SICK DAY OR CAN I JUST COUNT IT AS A DAY OFF LIKE EVERYONE ELSE?**

Any previously approved absence remains in effect and does not change due to the Commissioner's closing of a County facility.

**HOW DO I ENTER AN EMERGENCY CLOSING DAY ON MY BI-WEEKLY ATTENDANCE REPORT?**

Select or enter "other paid leave" and add the words "Emergency Closing" and enter the number of hours on the appropriate day/s.

**HOW DO I ENTER AN EMERGENCY CLOSING DAY ON MY "EMPLOYEE SERVICE RECORD?"**

On the appropriate day/s enter the number of hours and the initials "OL" which stands for "Other Authorized Leave."

### **3.19 HEALTH PANDEMIC EMERGENCY CLOSING**

When a health pandemic has been declared by the State of Indiana, County Commissioners may alter, modify, and suspend necessary procedures as recommended by the County Health Department, the Indiana State Health Department, and Centers for Disease Control. The County Commissioners will take under consideration all guidelines and directives provided by the County Health Department, and follow the Indiana State Health Department, and Centers for Disease Control to determine facility closures.

When County facilities are officially closed by the County Commissioners for health pandemic conditions, the time off from scheduled work will be paid to all employees affected by the facility closing. Temporary, seasonal, and part-time employees will be paid for hours regularly scheduled to work.



The County Commissioners will identify essential employees that will be required to work or telecommute during the health pandemic emergency closing. Essential employees will be determined based upon the circumstances of each health pandemic. Essential employees that are required to work will receive straight time pay.

During any health pandemic emergency closure, the County Commissioners will establish restricted travel policies, meeting protocols, and health precautions for employees and facilities. The County Commissioners may establish protocols to reduce employee exposure to the public.

Accruals for benefit calculations, such as vacation, sick leave, or personal benefits, shall accrue during the health pandemic emergency closing.

### **3.20 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:

The separating employee may need to schedule a time with the Human Resources Director prior to their last day of work. At this time the Human Resources Director will have the employee complete any necessary out-processing forms and explain insurance options to the employee.

#### ***Resignations:***

Voluntary employment termination initiated by the employee. The County requests employees provide at least two (2) weeks notice prior to their resignation date. The resignation notice shall be submitted in writing to the employee's Department Head or Elected Official. The last day of employment shall be the employee's last day physically worked.

#### ***1. Termination:***

Involuntary employment termination initiated by the County.

#### ***2. Reduction in Force/Layoff:***

Involuntary employment termination initiated on behalf of the County by the Appointed Department Head or Elected Official for non-disciplinary reasons, which may include but is not limited to lack of work, lack of funds or projected lack of funds, job elimination, and/or reorganization.

#### ***3. Retirement:***

Voluntary employment termination initiated by the employee meeting established State and/or *County* retirement criteria, such as age and length of service. Shelby County Requests a minimum of four (4) weeks notice from the employee for retirement.

Unless expressly proscribed by statute or contract, employment with Shelby County Government is "at will" and may be terminated with or without cause or notice. Similarly, employees are free to resign at any time. Any employee who is terminated or resigns shall be paid wages accrued to the date of the separation and vacation pay according to the

County's Vacation Policy (Section 4.1). They will not receive compensation for any accrued sick hours or personal days/hours.

**4. Involuntary Terminations:**

An involuntary termination is when an employee is involuntarily separated from employment with the County due to either performance or conduct reasons. 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.

An employee's termination date shall always be the last day worked. An employee's termination date may not be extended to include accrued and/or unused paid or unpaid time off.

**3.21 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. If an employee does not return their keys and/or key fob they will have \$25 deducted from their final check.

The County may also take all action deemed appropriate to recover or protect its property.

## **4. EMPLOYEE BENEFITS**

Eligible employees of Shelby 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 Human Resources for information regarding benefit programs for which they may be eligible. Details of many of these programs can be found elsewhere in the Shelby County Personnel Policy Handbook.

Some benefit programs require contributions from the employee.

### **4.1 VACATION**

Vacation is a time for employees to rest, relax, and foster personal and family wellness. Shelby County has provided paid vacation as one of the many ways in which appreciation is shown for employees' loyalty and continued service. However, it is also important that Shelby County Government encourage the use of awarded vacation days so as to not establish a financial liability for the County that is over and above the annual appropriation.

#### **Eligible Employees:**

Full-time employees only.

**Employment Eligibility:** A new employee is not authorized to take vacation leave until he/she has successfully completed their new-hire period of 180 days of County service. A new employee must complete 180 days of County service before being eligible to take vacation leave.

**Request:** Vacation requests should be received at least 14 days prior to the start date of the vacation, unless otherwise authorized by the employee's authorizing Supervisor, Department Head, or Elected Official. Department heads/elected officials will inform employees which form to complete and submit for time off.

**Minimum Increments of Use:** Vacation time is awarded per the schedule below and time must be used in at least ½ hour increments. It is the responsibility of the Department Head or Elected Official to ensure each employee uses the correct amount of vacation days each calendar year.

#### **Annual Schedule of Vacation Leave Time for Full-time employees:**

New full-time employees who have successfully fulfilled their new-hire period will receive 4 vacation days if these 180 days falls before January 1<sup>st</sup> of the following year. They will receive 8 vacation days on January 1<sup>st</sup> of that year. If the employee is hired after July 1, his/her 180 days or new-hire period will end after January 1<sup>st</sup> of the following year. As such, the employee will be awarded 4 vacation days after they have completed their first 180 days of service and another four vacation days after an additional 180 days of County service.

Vacation days are normally received on January 1<sup>st</sup> of each year based on the number of months and year/s of completed service as of January 1<sup>st</sup> of that year. An employee must

work a minimum of one day of the new year to receive any vacation days unless on approved FMLA. Vacation time shall not be taken in advance of being awarded.

<b>Shelby County Years of Service As of January 1<sup>st</sup> of Each Year</b>	<b>Awarded Vacation Days</b>
More than 6 months through 1 year & 6 months	8
More than 1 year & 6 months through 4 years & 6 months	13
More than 4 years & 6 months through 14 years & 6 months	18
More than 14 years & 6 months	20

**Annual Schedule of Vacation Leave Time for Part-time employees:**

Part-time employees hired on or after 01/01/2014 are not eligible for vacation benefits. Grandfathered part-time employees are authorized to receive ½ of the above-allotted days that a full-time employee receives. (Once employment has been severed, they will no longer receive vacation time.)

**Accumulation Rights:** Vacation days will be automatically carried forward from one year to the next or converted to sick days effective December 31<sup>st</sup> of 2006 and each year thereafter. The employee must request voluntary conversion to sick days not later than December 31<sup>st</sup> of each year.

**Termination / Resignations / Retirement and Vacation Balances:** Upon terminating Shelby County employment, employees will receive pay for any unused vacation days, not to exceed the total number of days awarded effective January 1st of the termination year. Employees who are terminated for disciplinary reasons shall not be entitled to pay for any unused vacation time.

**EXAMPLE** - An employee is awarded 8 vacation days in 2024 and takes 4 days vacation in 2024. On January 1, 2025 he is awarded 13 vacation days so now has accrued a total of 17 vacation days. He takes 2 vacation days in 2025 and then terminates employment. Although he has accrued a total of 15 vacation days, he will be paid for a total of 13 vacation days (the number of days he was awarded in 2025). However, if he would have taken 6 vacation days in 2025 and then terminated employment he would be paid for a total of 11 vacation days or the number of vacation days remaining. New-hires that have not completed a minimum of 180 days of County service will not receive payment for vacation days regardless of the reason for termination.

## **4.2 HOLIDAYS**

The Board of Commissioners annually establishes the designated Holidays observed by Shelby County. In observation of the Holiday Schedule Shelby County departments are closed. Only full-time employees to include those on military active duty and FMLA receive pay for the day off. Holidays that fall on a weekend will normally be observed either on a Friday or Monday. To avoid confusion, all holidays will be announced in advance.

**Paid Shelby County Holidays**

New Year's Day  
Martin Luther King Day

President's Day  
Good Friday  
Primary Election – At Commissioner's Discretion  
Memorial Day  
Juneteenth  
Independence Day  
Labor Day  
Columbus Day  
General Election – At Commissioner's Discretion  
Veteran's Day  
Thanksgiving and the day after  
Christmas Eve and Christmas Day  
New Year's Eve

Employees will be paid for these holidays if they are classified as full-time employees. Part-time hourly employees are not paid for holidays or for any other hours unless they were present and actually worked during that time period.

(NOTE: Full-time employees will be paid for all holidays, not to exceed the total amount of time on FMLA, while on Family Medical Leave (FMLA). The employee will record this usage on his/her bi-weekly attendance report.)

Due to business needs, some employees may be required to work on County holidays. Department heads/elected officials shall notify employees if they are required to work on a County designated holiday.

Highway Department employees shall receive holiday pay and additional pay for all hours worked on the holiday at the rate of time and a half when required to work on a County designated holiday.

911 Communication Center employees required to work on a County designated holiday shall receive a banked holiday in lieu of holiday pay that may be used at a later date as a paid day off. Supervisors or department heads must approve use of banked holidays in advance. The County shall pay out banked holidays at termination at the employee's regular rate of pay.

Employees in other County departments, except Sheriff and Jail, shall receive compensatory time for all hours worked when required to work on a County designated holiday.

Employees who wish to be absent from work to observe a religious holiday that is not recognized by the County's holiday schedule may do so if an advance request of 14 days is given and vacation or personal day is used. Notices less than 14 days will be at the discretion of the Department Head/Elected Official to approve or deny.

Employees on an approved leave of absence without pay, shall not receive compensation for designated holidays.

#### **4.3 PERSONAL DAYS**

Personal days are to be used to accomplish personal business that cannot be accomplished during a time other than an employee's normal working hours.

(NOTE: The employee will be paid for all accrued personal days, not to exceed the total amount of time on FMLA, while on Family Medical Leave (FMLA). The employee will record this usage on his/her bi-weekly attendance report.)

**Eligibility:** Full-time employees only.

**Notification:** Employees must notify their authorizing Supervisor, Department Head or Elected Official 48 hours in advance for non-emergency reasons for use of personal time and no later than 30 minutes prior to the employee's normal start time of work for emergency reasons.

**Minimum Increments of Use:** Personal time must be used in a minimum of thirty (30) minute increments.

##### **Annual Schedule of Personal Days Allotted:**

**New employees with a hire date of January 1 through June 30:** Are awarded 1.5 personal days on July 1st of the year they are hired, an additional 1.5 personal days on January 1<sup>st</sup> of the following year, 1.5 days on July 1<sup>st</sup> of that year and 3 days on January 1<sup>st</sup> of the following year.

**New employees with a hire date of July 1 through December 31:** Are awarded 1.5 personal days on January 1st of the following year, an additional 1.5 personal days on July 1<sup>st</sup> of that year and 3 days on January 1<sup>st</sup> of the following year.

New-hires that have not completed a minimum of 180 days of County service are not authorized to take personal days. Necessary absences taken prior to having 180 days of service will be unpaid time and may be subject to disciplinary action, up to and including termination.

**Employees who have 1 or more years of completed service as of January 1st:** Are awarded 3 personal days on January 1st of each year. An employee must work a minimum of one day of the new year to receive any personal days unless on approved FMLA.

**Balances Carried Forward:** Personal days may **NOT** be carried forward from one year to the next. Unused Personal days will be automatically forfeited on December 31st of each year.

**Termination:** Upon termination an employee will **NOT** receive pay for unused personal days.

#### **4.4 SICK LEAVE**

Sick leave may be used for the purpose of an employee's illness, injury, and/or visiting doctors, dentists or other practitioners. This time may also be used for tending to an illness or injury suffered by a member of the employee's immediate family; this includes spouse, child, or parent. The employee's authorizing Supervisor, Department Head, or Elected Official has the discretion to request a "proof-of-illness" statement from a physician, if they suspect an employee is falsely calling in sick. However, any absences for more than 2 consecutive workdays may require a doctor's statement. This requirement is at the supervisor's discretion. Any absences for more than 5 consecutive days automatically require a doctor's statement and the determination will be made if the employee needs to be placed on Family Medical Leave. Failure to submit a required doctor's statement will result in lost pay due to the unauthorized use of sick time. If a "Proof-of-illness" statement is required this statement must also indicate the date an employee is released and able to return to work. If a doctor's statement is required the employee cannot be allowed to return to work without the doctor's medical release.

(NOTE: The employee will be paid for all accrued sick hours, not to exceed the total amount of time on FMLA, while on Family Medical Leave (FMLA). The employee will record this usage on his/her bi-weekly attendance report.)

**Eligible Employees:** Full-time employees only.

**Notification:** Employees must notify their authorizing Supervisor, Department Head or Elected Official as soon as they become aware they will need to use sick leave, but no later than 30 minutes prior to the employees' normal start time of work. Employees are to notify their supervisor each day that they will be absent.

**Minimum Increments of Use:** Sick time may be used in minimum increments of thirty (30) minutes. New-hires that have not completed a minimum of 180 days of County service are not authorized to take paid sick hours. Necessary absences taken prior to having 180 days of County service will be carried as lost (unpaid) hours, and may be subject to disciplinary action up to and including termination.

#### **Annual Schedule of Sick Leave Time Allotted:**

**Employees who have 1 year or more of completed service as of January 1st:** Are awarded 56 sick hours on January 1st of each year unless they have already accrued 424 or more sick hours. In that case they will be awarded the number of hours to total not more than 480 accrued sick hours. If they have already accrued 480 sick hours they will not be awarded any additional sick time. An employee must work a minimum of one day of the new year to receive any additional sick hours unless on approved FMLA.

**New employees with a hire date of January 2 through June 30:** Are awarded 28 sick hours on July 1st of the year they are hired, 28 additional sick hours on January 1st of the following year, 28 additional sick hours on July 1<sup>st</sup> of that year and 56 sick hours on the following January 1st. *New-hires that have not completed a minimum of 180 days of County service are not authorized to take paid sick hours.*

**New employees with a hire date of July 1 through December 31:** Are awarded 28 sick hours on January 1<sup>st</sup> of the following year, 28 additional sick hours on July 1<sup>st</sup> of that year and 56 sick hours the following January 1<sup>st</sup>. ***New hires that have not completed a minimum of 180 days of County service are not authorized to take paid sick hours.***

**Balances Carried Forward:** Sick time may be carried forward from one year to the next up to a maximum accumulation of 480 sick hours. All days earned in excess of 480 hours will be forfeited.

**Termination:** Upon termination an employee will **NOT** receive pay for unused sick hours.

#### **4.5 NEW PARENT LEAVE**

Shelby County Government will provide up to four (4) weeks of paid new parent leave (NPL) to full-time employees following the birth of an employee's child or the placement of a child with the employee in connection with an adoption. The purpose of paid new parent leave (NPL) is to enable the employee to care for and bond with a newborn or a newly adopted child. This policy will run concurrently with Family and Medical Leave Act (FMLA) leave, disability income programs, and any other county benefits as applicable.

##### **4.5.1 Eligibility**

This policy applies to full-time employees who have been employed with Shelby County Government for at least twelve (12) months (1-year) and have worked at least 1,250 hours during the 12-month period immediately preceding the start of NPL:

Upon the birth of an employee's child.

Upon the birth of a child to the employee's spouse.

Upon placement of a child for adoption under the age of 18.

(The adoption of a child by a new spouse is excluded from this policy)

\*Merit Deputies and Correctional Officers NPL must be approved by the Sheriff (or designee) and is subject to staffing availability. Every effort will be made to award NPL. However, to meet public safety needs the weeks may need to be shifted around for these classifications.

##### **4.5.2 Terms and Conditions**

Eligible employees will receive up to four (4) weeks of paid new parent leave (NPL) per birth or adoption of a child/children. A multiple birth or adoption does not increase the four (4) week total amount of paid new parent leave (NPL) granted for the event. In addition, in no case will an employee receive more than four (4) weeks of paid new parent leave (NPL) in a rolling twelve (12) month period, regardless of whether more than one birth or adoption event occurs within the twelve (12) month time frame.

Paid new parent leave (NPL) must be taken immediately following the birth or placement for adoption of a child. Exceptions must be approved by the Elected Official/Department Head. Any new parent leave (NPL) not taken within twelve (12) weeks after birth or adoption will be forfeited.



Employees must take paid new parent leave (NPL) for one continuous period of leave. Each day of paid leave is compensated at 100 percent of the employee's regular, straight time daily rate. Paid new parent leave (NPL) will be paid on regularly scheduled pay dates. If a paid holiday occurs while the employee is on paid new parent leave (NPL), that day will be counted as holiday pay. However, said holiday ***will not extend*** the total paid new parent leave (NPL) entitlement.

\*NPL weeks off work for Merit Deputies and Correctional Officers are to be determined by the Sheriff (or designee) and staffing needs at that time.

Employees will not be paid for any unused paid new parent leave (NPL) upon termination of employment.

#### **4.5.3 Requests for paid new parent leave (NPL)**

Employees are responsible for notifying his/her Department Head and Human Resources that a birth or placement for adoption is anticipated and the estimated time frame **at least thirty 30 days prior** to the proposed date of leave (or if not foreseeable, as soon as possible). The employee must complete the necessary HR forms and provide all supporting documentation required by the Human Resources Office to substantiate the request. (Examples of supporting documentation: birth announcement/confirmation from a doctor/hospital/government entity or document placing the child with the employee for adoption, etc.).

Employees, Human Resources, Department Heads, and Payroll must work together to properly designate the paid new parent leave (NPL) absences on the employee's timesheet, service record, track the usage, and not use or authorize more new parent leave (NPL) time than what is permitted.

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

Shelby County Government will comply with the Family and Medical Leave Act implementing Regulations in revised effective October 28, 2009. The County posts the mandatory FMLA Notices in each County's facility and upon hire provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Leave Act.

The purpose of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law. If you have any questions, concerns, or disputes with this policy, you must contact the Human Resource Director either in person or in writing.

### **4.6.1 General Provisions**

Under this policy, Shelby County Government will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

#### **4.6.2 Eligibility**

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

- 1) The employee must have worked for the County for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating Shelby County Government's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- 2) The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

#### **4.6.3 Type of Leave Covered**

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- 1) The birth of a child and in order to care for that child.
- 2) The placement of a child for adoption or foster care and to care for the newly placed child.
- 3) To care for a spouse, child or parent with a serious health condition (described below).
- 4) The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition that requires inpatient care at 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 covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy or under the County's sick leave policy are encouraged to consult with Human Resources Office.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the

County may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

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

5) Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) childcare and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty, provided that Shelby County Government and employee agree, including agreement on timing and duration of the leave.

“Covered active duty” means:

- (a) 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
- (b) 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 under a provision of law referred to in section 101(a)(13)(B) of title 10, United States Code.

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

6) Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran. An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to take care of leave to care for that service member. Next of kin is defined as the closest blood relative of the injured or recovering service member. The term “covered service member” means:

- (a) 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
- (b) 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 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The term “serious injury or illness”:

- (a) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and
- (b) in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, means a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on an active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

#### **4.6.4 Amount of Leave**

An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. The County will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the County will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the County will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If a husband and wife both work for the County and each wish to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the County and each wish to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

#### **4.6.5 Employee Status and Benefits During Leave**

While an employee is on leave, the County will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the County will require the employee to reimburse the County the amount it paid for the employee's health insurance premium during the leave period.

Under current County policy, the employee pays a portion of the health care premium/s. While on paid leave, Shelby County Government will continue to make payroll deductions

to collect the employee's share of the premium/s. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. Shelby County Government will provide 15 days' notification prior to the employee's loss of coverage.

If the employee contributes to a life insurance or disability plan, Shelby County Government will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or Shelby County Government may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, Shelby County Government may discontinue coverage during the leave. If Shelby County Government maintains coverage, Shelby County Government may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

#### **4.6.6 Employee Status After Leave**

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in Shelby County Government's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The County may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

#### **4.6.7 Use of Paid and Unpaid Leave (Sick and Personal hours/days)**

An employee who is taking FMLA leave because of the employee's own serious health condition, or the serious health condition of a family member must use all paid personal and sick leave prior to being eligible for unpaid leave. Sick and personal leave will run concurrently with FMLA leave if the reason for the FMLA leave is covered by the established sick leave policy.

Disability leave for the birth of the child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA. The employee will be required to substitute accrued (or earned) paid sick and personal leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement.

An employee who is using military FMLA leave for a qualifying exigency must use all paid sick and personal leave prior to being eligible for unpaid leave. An employee using FMLA military caregiver leave must also use all paid personal leave and sick leave (as long as the reason for the absence is covered by the County's sick leave policy) prior to being eligible for unpaid leave.

#### **4.6.8 Intermittent Leave or a Reduced Work Schedule**

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

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day or hour periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

The County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care. For the birth, adoption or foster care of a child, the County and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child. If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the County before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

#### **4.6.9 Certification for the Employee's Serious Health Condition**

The County will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

The Human Resources Office may directly contact the employee's health care provider for verification or clarification purposes. The County will not use the employee's direct supervisor for this contact. Before the County makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the County will obtain the employee's permission for clarification of individually identifiable health information.

The County has the right to ask for a second opinion if it has reason to doubt the certification. The County will pay for the employee to get a certification from a second doctor, which the County will select. The County may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the County will require the opinion of a third doctor. The County and the employee will mutually select the third doctor, and the County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

#### **4.6.10 Certification for the Family Member's Serious Health Condition**

The County will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial

of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition

The Human Resources Office may directly contact the employee's family member's health care provider for verification or clarification purposes. The County will not use the employee's direct supervisor for this contact. Before the County makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the County will obtain the employee's family member's permission for clarification of individually identifiable health information. The County has the right to ask for a second opinion if it has reason to doubt the certification. The County will pay for the employee's family member to get a certification from a second doctor, which the County will select. The County may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the County will require the opinion of a third doctor. The County and the employee will mutually select the third doctor, and the County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

#### **4.6.11 Certification of Qualifying Exigency for Military Family Leave**

The County will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

#### **4.6.12 Certification for Serious Injury or Illness of Covered Service member for Military Family Leave**

The County will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

#### **4.6.13 Recertification**

The County may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if Shelby County Government receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the County may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The County may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

#### **4.6.14 Procedure for Requesting FMLA Leave**

All employees requesting FMLA leave must provide written notice of the need for the leave to Human Resources. Within five business days after the employee has provided this notice, Human Resources will complete and provide the employee with the DOL Notice of Eligibility and Rights. When the need for the leave is foreseeable, the employee must

provide Shelby County Government with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the County's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

#### **4.6.15 Designation of FMLA Leave**

Within five business days after the employee has submitted the appropriate certification form, Human Resources will complete and provide the employee with a written response to the employee's request for FMLA leave.

#### **4.6.16 Intent to Return to Work from FMLA Leave**

On a basis that does not discriminate against employees on FMLA leave, the County may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

#### **4.6.17 Employer Responsibilities**

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

**Family Medical Leave Act (FMLA)** Generally, "light duty" means work that is less physically or mentally demanding than normal job duties. If the employee is unable to perform an essential job function because of a serious health condition, she or he still is entitled to take FMLA leave rather than accept a light duty assignment. Therefore, the County may offer an employee on FMLA leave the chance to return to work voluntarily on "light-duty" but will not penalize the employee for failing to do so if he or she continues to be entitled to FMLA leave. However, the County may utilize available procedures to cut off workers' compensation or short-term disability benefits to the employee who has refused work within his or her medical restrictions. This is because the FMLA only creates an entitlement to unpaid leave but does not create a right to be paid while on leave.

If the employee voluntarily chooses to accept the light duty work, however, the period spent on light duty assignments will not be counted against the employee's 12-week annual FMLA entitlement. Nonetheless, the employee retains his or her right to be restored to his or her original or an equivalent position if the combined total of time spent on FMLA leave and light duty does not exceed 12 weeks. Because the ADA does not require an employer to create a position or to eliminate essential job functions, it is not a reasonable accommodation to create a "light-duty" position for an employee unable to do all of the essential functions of his or her job.



#### **4.7 LEAVE OF ABSENCE WITHOUT PAY**

This leave is intended to be used for FMLA qualifying serious illnesses or injuries once all paid benefits have been exhausted or in rare emergency situations.

Full-time employees who have exhausted their twelve (12) weeks of FMLA leave, may be granted an unpaid leave of absence for an FMLA qualifying serious illness or injury. Likewise, newly hired full-time employees who do not qualify for FMLA may be granted a leave of absence without pay for the employee's own serious illness or injury as defined by the FMLA. Such leave shall be supported by medical certification.

Such leave shall not exceed thirty (30) calendar days within a "rolling" twelve (12) month period. Such leave shall be authorized by the Human Resources Director and Board of Commissioners by a vote, in advance of taking such leave.

During such leave employees shall not receive compensation for designated holidays.

The employee's health insurance and other benefits shall continue with the County with the employee paying his/her designated portions.

When the leave of absence expires, and if the employee fails to return to work, the employee shall be considered to have voluntarily resigned. In addition, if the employee fails to return to work, the County will require the employee to reimburse the County the amount it paid for any premiums during the leave of absence.

#### **4.8 MILITARY LEAVE**

##### **4.8.1 Active Duty for Training**

An employee who is a member of the United States Army, Navy, Air Force, Marines, Coast Guard, National Guard, Reserves or Public Health Service will be granted a 15-day paid leave of absence for military service, training or related obligations in accordance with applicable law. At the conclusion of the leave, upon the satisfaction of certain conditions, an employee generally has a right to return to the same position he or she held prior to the leave or to a position with like seniority, status and pay that the employee is qualified to perform.

##### **4.8.2 Extended Active Duty**

Employees who are called, voluntarily or involuntarily, to extended active duty, shall be paid a differential pay. This differential pay will be computed as the difference between their present monthly County salary and the individual's gross monthly military pay and will be paid only if their military pay is less than their present County pay. Gross monthly military pay computation will include; Base Pay, Quarters Allowance, Rations, Separation Pay, Overseas Pay, Hazardous Duty Pay, Flight Pay, Combat Pay, Proficiency Pay, and any other type of monetary compensation received while on active duty. In order to receive differential pay the active duty service member will be required to prove his military compensation level each quarter. This differential pay will not exceed five years in duration. (NOTE: Extended active duty is defined as any time in excess of 15 days per calendar year.)

#### **4.8.3 Continuation of Health Benefits**

During a military leave of less than 31 days, an employee is entitled to continued group health plan coverage under the same conditions as if the employee had continued to work. For military leaves of more than 30 days, an employee may elect to continue his/her health coverage for up to 18 months of uniformed service but will be required to pay the entire premium for the continuation coverage. [NOTE: Employees and/or dependents who elect to continue their coverage may not be required to pay more than 102% of the full premium for the coverage elected. The premium is to be calculated in the same manner as that required by COBRA.]

#### **4.8.4 Leave for Active or Reserve Duty**

Upon receipt of orders for active or reserve duty be they written or oral, an employee will notify his/her supervisor, as well as Human Resources Office, as soon as possible, and if possible, submit a copy of the military orders to his/her supervisor and the Human Resources Office (unless he/she is unable to do so because of military necessity or it is otherwise impossible or unreasonable).

#### **4.8.5 Leave for Training and Other Related Obligations (e.g., fitness for service examinations)**

Employees will also be granted paid time off for military training (normally 14 days plus travel time) and other related obligations, such as for an examination to determine fitness to perform service. Employees will advise their supervisor and/or Department Head of their training schedule and/or other related obligations as far in advance as possible.

#### **4.8.6 Return from Military Leave Notice Required**

Upon return from military service, an employee must provide notice for reemployment in accordance with the following schedule:

An employee who served for more than 30 days, but less than 181 days, must submit a notice for reemployment no later than 14 days after completing his/her period of service, or, if this deadline is impossible or unreasonable through no fault of the employee, then on the next calendar day when submission becomes possible.

An employee who served for more than 180 days must submit a notice for reemployment no later than 90 days after the completion of the uniformed service.

An employee who has been hospitalized or is recovering from an injury or illness incurred or aggravated while serving must report to the Human Resources Office (if the service was less than 31 days), or submit a notice for reemployment (if the service was greater than 30 days), at the end of the necessary recovery period (but which may not exceed two years).

#### **4.8.7 Required Documentation**

An employee whose military service was for more than 30 days must provide documentation within two weeks of his/her return (unless such documentation does not yet exist or is not readily available) showing the following: (i) the application for reemployment is timely (i.e. submitted within the required time period); (ii) the period of service has not exceeded five years; and (iii) the employee received an honorable or general discharge or remains in the National Guard or inactive reserve status.

#### **4.9 BEREAVEMENT LEAVE**

Full-time employees may be granted bereavement leave upon the death of any relative specified in this section. The qualified employee will be granted leave without loss of pay according to the following number of days.

**5 days** – upon death of the employee's

- Spouse
- Mother or Stepmother
- Father or Stepfather
- Child or Stepchild

**3 days** – upon death of the employee's

- Brother or Stepbrother
- Sister or Stepsister
- Father-in-law
- Mother-in-law
- Son-in-law
- Daughter-in-law
- Grandparent
- Grandchild

**1 day** – upon the death of the employee's

- Aunt
- Uncle
- Brother-in-law
- Sister-in-law
- Great-Grandparent

An excused absence for bereavement leave may not be retroactive. However, it may be postponed or split over a reasonable and understandable time period in conjunction with the time of death or date of funeral or memorial service. Pay for funeral leave will be made for actual time lost from work. If the bereavement leave occurs at a time when the employee is not scheduled to work, payment will not be made. If the employee needs additional time off, s/he may use accrued sick, vacation, or personal leave with the approval of the Department Head or Elected Official.

With the Department Head or Elected Official's approval, employees may use accrued sick, vacation, or personal leave to attend funerals of other relatives and friends. The County reserves the right to require documentation to verify the authenticity of the request for bereavement leave when there is a legitimate reason to compel such verification.

#### **4.10 JURY DUTY & COURT APPEARANCES**

Shelby County Government encourages employees to fulfill their civic responsibilities and serve on jury when required. Employees are to notify their immediate supervisor when they have been called for jury duty. It is expected that an employee will keep his or her supervisors apprised of the requirements of jury duty and will return to work at the earliest possible opportunity. Full-time County employees are granted Jury Duty leave without

loss of pay to serve on a jury in any Federal, State, or Local Court. Payment received for Jury Duty must be signed over to the County. It is prohibited by law for an employee to be paid by two government entities for the same hours. Insurance benefits will ordinarily remain in effect and unchanged for the full term of your jury duty absence.

We recognize that an employee might be subpoenaed or otherwise required to serve as a witness in a court case or arbitration. If you must appear in such a proceeding, notify your supervisor at once. If the case is connected with the employee's County job, they will be paid for this time. If the case **is not** associated with County employment the individual will not be paid for the time they are away from work participating in a court case or arbitration. However, they may use available vacation and/or personal days to cover the time.

#### **4.11 COMMUNITY SERVICE LEAVE DAY**

To promote the direct involvement of County government employees in public service in the Shelby County Community, each full-time employee will be allowed leave with pay not to exceed a combined total of the employee's regular daily work shift hours per calendar year to voluntarily participate in activities for the benefit of another public entity. The entity or organization must be exempt from federal income taxation under Section 501 (c)(3) of the Internal Revenue Code. The voluntary activities must not promote religion or attempt to influence legislation, governmental policy, or elections to public office.

It shall be the responsibility of the employee to request such leave at least seven calendar days in advance unless the request is to provide services in emergency situations. Supervisors are expected to respond back to the employee within five calendar days of the requested absence. Supervisors retain the right to disapprove a Community Service request for absence based on the work demands of the department.

#### **4.12 PARENTAL ABSENCE FOR CHILD'S EDUCATION**

To encourage the involvement of County employees in the academic achievements of their children, department heads/elected officials will make reasonable efforts to approve employee requests for time off to foster involvement in their child's education through participation in parent-teacher conferences, classroom activities or other school programs. Such time off may be accomplished through the use of a flexible work schedule to accommodate the time needed. In those situations where flextime is not practical, such as twenty-four hour, seven-day operations, other appropriate forms of paid benefit leave will be utilized.

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

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act, known as the ADAAA, are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with disabilities and that when needed provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position. This includes a leave of absence as an

accommodation for an employee with an actual disability or for one with a record of a disability.

It is the policy of Shelby County Government to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is our County policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, termination, compensation, training or other terms, conditions and privileges of employment.

The County will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to Shelby County Government.

If an employee believes that he or she has an ADA qualifying disability, the employee will request a reasonable accommodation from his/her supervisor or contact the ADA Coordinator. (See Article 31: Light Duty for further information.) The ADA does not require Shelby County to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden. In accordance with the Americans with Disabilities Act, employees with AIDS will be treated like any other ill employee. If the individual is fit to work, he or she will be provided with work in accordance with normal procedures. Usually, no special precautions in the workplace are indicated. However, employees with AIDS may request reasonable accommodation by contacting the County's medical officer or Human Resources Director. We are committed to safeguarding the health of all employees and maintaining productivity. Contact the Human Resources Director with any questions or requests for accommodation.

It is our policy to comply with Pregnant Workers Fairness Act (PWFA) and not to discriminate against qualified employees who are affected by pregnancy, childbirth, or related medical conditions by failing to provide reasonable accommodations, unless the accommodation would create an undue hardship on the operation of the business. Examples of accommodations may include providing restroom breaks, reducing lifting requirements, and providing a stool for someone who is typically required to stand.

An employee who sustains an on-the-job injury may or may not be disabled within the meaning of the ADA. Unless the employee satisfies the definition of a qualified individual with a disability the County is not required to accommodate the employee pursuant to the ADA. However, nothing would prohibit the County from doing so. The County is required to provide reasonable accommodations to industrially injured employees who are disabled within the meaning of the ADA.

The County will not refuse to let an employee with a disability return to work because the employee has not fully recovered from the injury. However, the employee must be able to perform the essential functions of his or her job with or without reasonable accommodation or unless a significant risk of substantial harm to others (or the employee) exists and that harm cannot be reduced to an acceptable level with reasonable accommodation. The

County is not required to establish separate "light duty" positions for employees returning from a work-related injury. However, the County will consider light duty positions for employees whose previous "heavy duty" tasks involved non-essential or marginal functions of their positions. The County will only evaluate an employee's ability to return to work based upon ability to perform essential job functions with or without reasonable accommodation.

If the County has a vacant position where the essential job functions are of a "light duty" nature, the County may consider reassigning the injured worker to that position as part of its obligation to reasonably accommodate the employee. The County does not have to reassign an injured worker who is not "otherwise qualified" to hold a vacant light duty position.

#### **4.14 WORKERS' COMPENSATION**

Workers' Compensation is a no-fault insurance plan, which is paid for by the County. Under the provisions of the Workers' Compensation laws, if an employee has a work-related illness or injury he/she is eligible to apply for Workers' Compensations. Injuries and illnesses must be reported immediately to assure consideration under Workers' Compensation Insurance.

While an employee is on workers' compensation leave, they shall not be engaged in outside employment.

Worker's Compensation absences will run concurrently with FMLA leave when the leave is properly designated as FMLA leave by the County. Since worker's compensation absence is not unpaid leave, the provisions for substitution of the employee's accrued paid leave is not applicable.

During workers' 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 they may safely return to work.

Our insurance carrier for Worker's Compensation is Indiana Public Employers Plan Inc. (IPEP). If an employee is injured or becomes ill due to work related exposure in the course of performing his/her duties he/she may be eligible for Worker's Compensation.

The first step any injured employee must do is report the injury/illness to their supervisor and Human Resources by completing the First Report of Injury Form.

- For any medical treatment for non-life threatening illnesses or injuries, & during normal business hours treatment will be provided at: Priority Care, 30 W. Rampart, Suite 250, Shelbyville, IN 46176, (317) 398-7644
- For life threatening illnesses or injuries, or during non-business hours, medical treatment will be provided at: Major Hospital Emergency Room, 2451 Intelliplex Drive, Shelbyville, IN 46176, (317) 392-3211

**Do not go to your personal Doctor, Chiropractor, or any medical service provider unless you have been directed to do so by an IPEP insurance representative.** The above medical treatment providers will be aware of the insurance relationship between the County and our insurance carrier (IPEP). When visiting one of the above providers, you will not have to provide much insurance information other than the fact that you are a Shelby County Government employee and were injured on the job. If you're questioned by a new employee who does not know the necessary insurance information, tell them to contact Shelby County Human Resources at (317) 398-5537.

Workers' Compensation Information: To include carrier's name, address and phone number are posted in various areas.

Workers' Compensation Insurance Information for Shelby County Employees is:

Indiana Public Employers Plan  
P.O. Box 6966, Portland, OR 97228  
Phone: 1-800-382-8837

#### **4.14.1 Light Duty**

It is in the best interest of both the County and the employee for the injured employee to return to the workplace as soon as possible. This is true regardless of if the employee was injured in the line of duty or while on personal time. Whenever possible, the employee's department head or elected official will attempt to establish a temporary "light duty" position within their department where an injured employee could work within the limits of their physical abilities. The department head or elected official can then extend the opportunity to the employee to return to work in a light duty status. However, it will be made clear to the employee that this offer and their subsequent acceptance are on a voluntary basis.

This light duty status could also affect the number of hours an employee would be working within the day or the pay period and will be dependent on allowing an employee to work the number of hours he or she is comfortable working. At no time will the employee be either coerced or encouraged to exceed their current physical limitations. If the light duty position were located in a department other than in the department that the employee normally works in, the employee would normally be paid from his or her regular appropriation. However, this can be modified based on funding availability and the agreement between the two affected department heads or elected officials.

Actual compensation amount will be based on the number of hours worked during the pay period. Hourly compensation rate is to be determined by the department head or elected official and can be below or up to the employees present hourly compensation. This compensation rate is dependent on the department head or elected official's determination of temporary job classification.

The establishment of a temporary light duty position and the subsequent offer to return to work will be coordinated with Human Resources before initiating.

#### **4.15 EMPLOYEE INSURANCE**

Comprehensive health/major medical, life, dental, and vision programs are offered to all full-time County employees. The Human Resources Office provides further information and benefit booklets regarding group insurance benefits. New employees receive this information during "New Employee Orientation." However, any employee may request additional copies of these documents at any time.

If an employee has a problem about their insurance coverage or service, they should contact the appropriate insurance vendor directly. The County is only responsible for enrollment, termination and monthly premium billing. Most contact numbers are located on the employee's personal ID cards.

The County also offers an annual open enrollment, usually in July of each year. At this time all employees may make changes regarding their insurance choices. The Human Resources Office distributes notification of the open enrollment period to employees by e-mail each year.

Changes in coverage can be made throughout the plan year if one of the following changes in family status occurs or changes in work status occur:

Changes in family status include:

- Marriage
- Divorce
- Death of a spouse or dependent
- Birth or adoption of a child

Changes in work status that allow for changes include:

- Change in an employee's spouse's employment
- Change in an employee work hours (from full to part-time or vice versa)
- An unpaid leave of absence
- Extended Military service activation

All other changes are approved on a case-by-case basis at the discretion of the Human Resource Office, if they are in compliance with the cafeteria plan as explained in Federal Code section 125 commonly described as the "Tax-saver program."

The cost of the employees' share of insurance premiums may be obtained through the Human Resources' Office. An employee may continue insurance coverage during an approved leave as long as the employee continues to pay their share of the premium. Payment arrangements can be made through the Auditor's Office. It is the employee's responsibility to ensure all demographic and beneficiary information is correct and up to date.

The County provides \$20,000 Accidental Death and Dismemberment insurance, at no cost, to all full-time employees. This amount decreases at age 65. Completion of the application will occur during new hire orientation. It is the employee's responsibility to ensure all demographic and beneficiary information is correct and up to date.

The County also offers payroll deductions for full-time employees to purchase supplemental insurance at a group rate cost to employees. Employees who are interested



in obtaining more information regarding supplemental insurance may contact the Human Resource Office.

During open enrollment, which normally will occur during the month of July each year, representatives from AFLAC will be on site and offer other insurances such as Short Term disability, cancer policies, etc.

A representative from Boston Mutual will be available annually if you are interested in purchasing additional life insurance on you or your family members. These are whole life policies and they are owned by the employee.

If you elect to take out one or more of these insurances, arrangements can be made to establish an automatic deduction from your bi-weekly paycheck. If, during your term of employment you qualify for leave under the FMLA it is your responsibility to coordinate with Human Resources/payroll to continue making your monthly premium payments.

Please be aware that any costs associated with these policies are paid solely by the employee at no cost or obligation to Shelby County Government. None of these insurances are either endorsed by or contributed to by Shelby County Government. Your use of these vendors is totally at your discretion and their participation in open enrollment is only as a courtesy provided to you by the County.

#### **4.16 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT**

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) has four major administrative requirements for private and government sponsored health plans: portability, nondiscrimination, fraud and abuse, and administration simplification. Shelby County is compliant with applicable HIPAA requirements and standards; and has established guidelines regarding the privacy of individually identifiable health information accordingly. Shelby County has designated the Human Resources Director as the County's "privacy official" who is responsible for developing and implementing privacy policies and procedures; and is the contact person who is responsible for receiving complaints regarding compliance.

All County HIPAA inquiries shall be directed to the Human Resources Director.

#### **4.17 BENEFITS CONTINUATION (COBRA)**

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) establishes various rights for employees, spouses, and dependent children to continue group health care coverage through the employer after coverage otherwise would end. These rights are specified in the "Shelby County Employees' Medical Benefit Summary Plan Description." Contact Human Resources for a copy of this booklet. Cost for group health insurance is 102% of the total premium amount. Continuation of dental and vision insurance may be available on an individual basis. Employees leaving Shelby County employment are encouraged to call the specific dental or vision insurance carrier to determine their individual eligibility and premium cost. Phone numbers of these carriers are located on the back of your individual insurance card. It is the employee's responsibility to ensure all demographic and beneficiary information is correct and up to date.

#### **4.18 INDIANA PUBLIC RETIREMENT SYSTEM (INPRS)**

All Regular Full-time County employees and Elected Officials are covered by INPRS, a retirement program established and maintained by the State of Indiana. INPRS pays benefits to covered workers or their dependents upon retirement, death, and in certain cases, serious illness or injury. The County contributes a percentage to the pension account. The amount the County contributes varies and is determined actuarially annually. The employee's contributions and accumulated interest credits are refundable when an employee terminates employment prior to being eligible for benefits. INPRS's Employer Financed Pension requires ten (10) years of service for employees, and eight (8) years of service for Elected Officials to become vested and is paid by the County based on an employee's length of employment, average salary, retirement option selected and age at retirement.

INPRS-covered employees are required by state law to contribute 3% of their gross wages (regular and over-time pay) to the Fund. New full-time employees will complete the necessary INPRS enrollment paperwork during New Employee Orientation.

Questions concerning the benefit should be directed to the Human Resources Office and/or the Indiana Public Retirement System at phone: 844-464-6777 or online: [www.inprs.in.gov](http://www.inprs.in.gov).

State legislation permits active members of the INPRS to make additional voluntary contributions to their accounts. You may contribute up to an additional 10% per pay period. With your present mandatory contribution of 3% you can have up to 13% of your present pay going into your annuity saving account for your retirement. Please note that any additional voluntary contributions you make are post-tax dollars. This means that the voluntary contributions are taxable income for tax purposes and will be included by the County in your W-2 taxable income. However, interest earned will be tax deferred until you receive payment when you retire.

The INPRS program is very complicated, and your individual situation may vary based on personal needs and program requirements. You are strongly encouraged to schedule an appointment with an INPRS career counselor before you make any decisions affecting your retirement. INPRS call center phone number is 1-844-464-6777. Please note that Human Resources does not have access to your records and cannot tell you the total number of years or length of service you have in an INPRS covered position. You will need to talk with INPRS to either get this information or to make any corrections based on information provided on your INPRS annual member statement.

It is the employee's responsibility to insure all demographic and beneficiary information is correct and up to date.

#### **4.19 DEFERRED COMPENSATION**

The County offers payroll deductions for employees wanting to participate in a long-term Deferred Compensation savings plan. Employees should see Human Resources for further plan information, or they may contact the Hoosier Start program at 1-855-277-4432 or online at [www.hoosierstart.com](http://www.hoosierstart.com)

## **5. WORKING CONDITIONS**

### **5.1 SAFETY**

Shelby County Government is committed to maintaining a safe and healthy environment for all employees. Employees are expected to obey safety rules and to exercise caution in all their work activities. Employees must report all accidents, injuries, potential safety hazards, safety suggestions and health and safety related issues immediately to the appropriate supervisor.

In case of accidents resulting in injury involving the employee or co-worker, the employee shall contact their supervisor or department head immediately. In the case of an injury requiring medical attention, the employee should seek assistance from outside emergency response agencies and/or proceed directly to the nearest hospital or medical facility.

The State Workers' Compensation Act requires employees and/or supervisors to report any illness or injury caused by the workplace, no matter how slight. Failure to report an injury may jeopardize an employee's right to collect workers' compensation payments as well as health benefits. Employees must immediately complete a First Report of Injury (within 24 hours) if the employee is injured in any way while working for Shelby County Government. The employee and the employee's supervisor or department head must complete the Supervisor's Incident Investigation Report within twenty-four (24) hours and send to Human Resources for processing.

A federal law, the Occupational Safety and Health Act, requires that we keep records of all illnesses and accidents that occur on the job. OSHA also provides for your right to know about any health hazards that might be present on the job.

Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

#### **5.1.1 Fire Safety**

Every employee is responsible for recognizing potential fire dangers and taking an active role in preventing fires. Employees are required to observe all OSHA safety requirement and regulations. Flammable materials are to be stored in covered metal containers. Employees will not block any fire doors, fire exits, fire extinguishers, windows, or doorways. Know the fire escape routes in your work area.

#### **5.1.2 First Aid**

Our goal is to provide employees with the necessary information regarding appropriate techniques associated with administering medical assistance to others. Shelby County Government is concerned about employees who may be exposed to blood and other bodily fluids when rendering first aid to other employees. The following procedures are to be used when administering first aid:

- Always use latex gloves that are supplied in first aid kits.

- In the event CPR becomes necessary, a CPR Micro-Shield will be used if available. Only those employees who are certified to perform CPR will perform CPR.
- Any materials, including latex gloves and CPR Micro-Shields, used in administering first aid will be segregated and provided to the staff for disposal.
- Hands will be thoroughly washed following any first aid procedure.

## **5.2 BLOODBORNE PATHOGENS**

County employees working in high risk jobs will be offered bloodborne pathogen training and a series of Hepatitis B vaccinations for their protection. The County will provide this service free of charge for those employees wishing to participate in this program.

The Occupational Safety and Health Administration (OSHA) has determined that certain employees in the workplace face a significant risk to bloodborne pathogens due to their job duties. To ensure that County employees are aware of occupational exposure to bloodborne pathogens, an exposure control plan has been prepared to minimize or eliminate employee contact with human blood or other bodily fluid which may contain bloodborne pathogens such as Hepatitis B virus and HIV. This control plan is available for all County employees and is located in the Health and EMA departments.

## **5.3 LACTATION SUPPORT**

For up to one year after a child's birth, any employee who is breastfeeding her child will be provided reasonable break times as needed to express breast milk for her baby. Shelby County Government has designated the Courthouse and Courthouse Annex break rooms for this purpose. Employees are responsible for the storage and refrigeration of express breast milk. Employees storing milk must assume all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage or refrigeration and tampering. Nursing mothers wishing to use a room must request/reserve the room by contacting Human Resources at 317-398-5537. Breaks of more than 20 minutes in length will be unpaid, and the employee should indicate this break period on her time record.

## **5.4 USE OF TELEPHONES AND SHELBY COUNTY MAIL**

The telephone system (including voicemail) at Shelby County Government is the property of the County and is provided for business purposes. Shelby County Government reserves the right to periodically monitor the usage of the telephone systems to ensure compliance with this policy. Therefore, employees will not consider their conversations on the County's telephone system to be private. Personal phone calls must be kept to a minimum and they must not interfere with any employee's work. Employees are permitted to make limited local area calls on County telephones for essential personal business. Emergency calls regarding illness or injury to family members, changed family plans, or calls for similar reasons may be made at any time. Incoming urgent calls will be directed to employees. In cases of an emergency, if an employee makes a long-distance telephone call, he/she must reimburse the amount to the Auditor's Office.

Incoming personal calls on the County's 1-800 line(s) are strictly prohibited. These lines will be monitored, and the appropriate disciplinary action will be administered to

employees who receive personal calls on a 1-800 line. The County is billed for each 1-800 call it receives.

Employees should refrain from sending or receiving personal mail at work. Employees are restricted from using the County as a personal mailing address and are prohibited from using stamps purchased by the County for personal correspondence. Although the amount may seem small, it is still considered theft.

## **5.5 USE OF CELLULAR/MOBILE PHONES**

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

Personal and County-issued cellular/mobile phones should be silenced during meetings and training courses, except in circumstances when 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.

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

The use of cellular/mobile 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/mobile 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/mobile phones and electronic devices while driving. Accordingly, employees shall not use cellular/mobile phones if such conduct is prohibited by law, regulation, or other ordinance.

Should an employee need to make or receive a business call while driving, they should locate a lawfully designated area to park and make or receive the call.

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.

## **5.6 USE OF INFORMATION TECHNOLOGIES**

Internet access is provided to individuals based upon business needs to benefit the County through connection to worldwide information resources. The County reserves the right to enter, search and monitor the computer files or e-mail of any employee without advanced notice, for business purposes, such as investigating theft, disclosure of confidential business or proprietary information, personal abuse of the system or monitoring of workflow and productivity. Any Shelby County employee having access to Shelby County records and Shelby County computer usage must comply with the "Computer User Policy." The employee's signed "Acknowledgement of Receipt" of the employee handbook" serves as proof of the employee's awareness of this policy.

Employees using Internet access via County hardware and software are representing Shelby County. As such, their conduct will be ethical and lawful at all times. Channels may be accessed for official County business to gain technical or analytical information and to establish business contacts.

Internet access will not be used for personal gain or advancement of personal views, for solicitation of non-County business, or result in the disruption of the County network operation or interfere with personal productivity at work.

Employees are responsible for the content of all text, audio, or images they place or send over the Internet. Fraudulent, harassing, or obscene messages are prohibited. All messages on the Internet will be identified with the employee's name. Employees may not obscure the origin of messages and the information published will not violate or infringe upon the rights of others.

Employees may not download software without the express acknowledgement and support of the Network Administrator to ensure that proper licenses are obtained, and viruses are not transmitted.

Employees may not send/upload County copyrighted materials, proprietary information, or similar materials to third parties. Employees may not violate the copyright laws in regard to receipt/download of materials available on the Internet by copying and disseminating information, except for purposes falling under the category of "fair use."

All messages created, sent, or retrieved over the Internet are the property of the County and will be considered public information. The County reserves the right to access and monitor all messages and files on the computer system at any time. All communications can be disclosed to law enforcement officials or other third parties without prior consent of the sender or the receiver.

Harassment of any kind is strictly prohibited. Messages with derogatory or inflammatory remarks regarding race, religion, national origin, sexual orientation, or other protected attributes may not be transmitted. Abusive, profane, or offensive language transmitted through the County system is strictly prohibited.

Violations of this policy may result in disciplinary action up to and including termination and illegal activities may result in prosecution by legal authorities.

### **5.6.1 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 their elected official/department head. This also applies to employee-owned computers or information technologies resources which are brought in and/or used on County property. The elected official/department head will take appropriate action and immediately report such issue to the Human Resources Director.

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, up to and 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 the Human Resources Director.

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

Shelby County Government has established a policy with regard to access and disclosure of electronic mail messages created, sent or received by county employees using Shelby County Government's electronic mail system. Shelby County Government intends to honor the policies set forth below but must reserve the right to change them at any time as may be required under the circumstances.

Shelby County Government maintains an electronic mail system. This system is provided by Shelby County Government to assist in the conduct of business within Shelby County Government. The electronic mail system hardware is County property. Additionally, all messages composed, sent, or received on the electronic mail system are and remain the property of Shelby County Government. They are not the private property of any employee.

The use of the electronic mail system is reserved solely for the conduct of business at Shelby County Government. It may not be used for personal business. The electronic mail system may not be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.

The electronic mail system is not to be used to create any offensive or disruptive messages. Among those which are considered offensive, are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that

offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin, or disability.

The electronic mail system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.

Shelby County Government reserves the right to review, audit, intercept, access and disclose all messages created, received or sent over the electronic mail system for any purpose. The contents of electronic mail properly obtained for legitimate business purposes, may be disclosed within Shelby County Government without the permission of the employee.

The confidentiality of any message will not be assumed. Even when a message is erased, it is still possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality. All passwords must be disclosed to Shelby County Government, or they are invalid and cannot be used. Notwithstanding Shelby County Government's right to retrieve and read any electronic mail messages, such messages will be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them.

Employees shall not use a code, access a file, or retrieve any stored information, unless authorized to do so. Employees will not attempt to gain access to another employee's messages without the latter's permission. All computer pass codes must be provided to supervisors. No pass code may be used that is unknown to Shelby County Government.

Employees should not open suspicious e-mails, pop-ups or downloads. Contact I.T. Support with any questions or concerns to reduce the release of viruses or to contain viruses immediately.

Internal and external e-mails are considered business records and may be subject to discovery in the event of litigation. Be aware of this possibility when sending e-mail within and outside the County.

Any employee who discovers a violation of this policy shall notify I.T. Support or Human Resources immediately.

Any employee who violates this policy or uses the electronic mail system for improper purposes shall be subject to discipline, up to and including termination.

## **5.8 BLOGGING AND SOCIAL MEDIA**

Shelby County Government takes no position on your decision to start or maintain a blog. However, it is the right and duty of Shelby County Government to protect itself from unauthorized disclosure of information. Shelby County Government's blogging policy includes rules and guidelines for County-authorized blogging and personal blogging and applies to Elected Officials, Department Heads, and employees.



Unless specifically authorized by Shelby County Government to do so as part of the employee's position, employees are not permitted to blog or use other forms of social media or technology on the Internet during working hours or at any time on County computers or other county-supplied devices. Blogging or other forms of social media or technology include but are not limited to video or wiki postings, chat rooms, personal blogs or other similar forms of online journals, diaries or personal newsletters not affiliated with Shelby County Government.

Unless specifically instructed, employees are not authorized and therefore restricted to speak on behalf of Shelby County Government. Employees may not publicly discuss clients, products, employees, or any work-related matters, whether confidential or not, outside county-authorized communications. Employees are expected to protect the privacy of Shelby County Government and its employees and clients and are prohibited from disclosing personal employee and non-employee information and any other proprietary and nonpublic information to which employees have access.

Employees are cautioned that they will have no expectation of privacy while using the Internet. Employee postings can be reviewed by anyone, including Shelby County Government. Shelby County Government reserves the right to monitor comments or discussions about Shelby County Government, its employees and taxpayers posted by anyone, including employees and non-employees, on the Internet. Shelby County Government is authorized to use blog-search tools and software to monitor forums such as blogs and other types of personal journals, diaries, and personal and business discussion forums. Employees are cautioned that they will have no expectation of privacy while using County equipment or facilities for any purpose, including authorized blogging. Shelby County Government reserves the right to use content management tools to monitor, review or block content on blogs that violate Shelby County Government blogging rules and guidelines.

Shelby County Government requests and strongly urges employees to report any violations or possible or perceived violations to supervisors, department heads/elected officials, or Human Resources. Violations include discussions of Shelby County Government and its employees and clients, any discussion of proprietary information and any unlawful activity related to blogging. Shelby County Government investigates and responds to all reports of violations of the social media/blogging rules and guidelines and other related policies. Violation of Shelby County Government's blogging policy can result in disciplinary action up to and including termination. Discipline or termination will be determined based on the nature and factors of any blog post. Shelby County Government reserves the right to take legal action where necessary against employees who engage in prohibited or unlawful conduct.

### **Personal Blogs**

Shelby County Government respects the right of employees to use blogs and does not want to discourage employees from self-publishing and self-expression. Employees are expected to follow the guidelines and policies set forth to provide a clear line between you as the individual and you as the employee. Shelby County Government respects the right of employees to use blogs as a medium of self-expression and public conversation and does not discriminate against employees who use these mediums for personal interests and affiliations or other lawful purposes. Bloggers are personally responsible for their

commentary. Bloggers can be held personally liable for commentary that is considered defamatory, obscene, proprietary, or libelous by any offended party, not just Shelby County Government.

Employees cannot use employer-owned equipment, including computers, county-licensed software or other electronic equipment, nor facilities or County time, to conduct personal blogging. Employees cannot use blogs to harass, threaten, discriminate, or disparage against employees or anyone associated with or doing business with Shelby County Government. If you choose to identify yourself as a Shelby County Government employee, please understand that some readers may view you as a spokesperson for the county. Because of this possibility, we ask that you state that your views expressed in your blog are your own and not those of Shelby County Government, or of any person or organization affiliated or doing business with Shelby County Government.

Employees cannot post on personal blogs the name or logo of Shelby County Government or any business with a connection to Shelby County Government. Employees cannot post county-privileged information, including copyrighted information or county-issued documents. Employees cannot post on personal blogs photographs of other employees, clients, vendors, or suppliers, nor can employees post photographs of persons engaged in Shelby County Government business, at County events and of County products. Employees cannot post on personal blogs any advertisements of County products nor sell County products and services. If contacted by the media or press about your post that relates to Shelby County Government, employees are required to speak with their supervisor before responding.

If you have any questions relating to this policy or your personal blog, ask your elected official, department head, or supervisor.

Ultimately employees are solely responsible for what they post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees, or otherwise adversely affects the public, and people who work on behalf of Shelby County; or Shelby County legitimate business interest may result in disciplinary action up to and including termination.

Discussion debate and sharing one's opinion occur in many forms and forums including online conversations. Social media is defined as media designed to be disseminated through social interaction, created using highly accessible and scalable publishing techniques.

Shelby County has developed a series of guidelines to assist its employees when engaging in such forums and discussions. The guidelines are intended to assist employees both when participating personally as well as when acting on behalf of the County.

#### **5.8.1 Know and Follow County Policies and Work Rules**

There are several Shelby County personnel policies that employees need to consider when posting on social media sites.

Please carefully read these policies contained in other sections of this handbook: the

County Equal Employment Opportunity Policy, Productive Work Environment Policy, Request For Information Policy, Use of Information Technologies Policy, Use of Internet and Electronic Mail (E-Mail) Policy, Internet Policy, Cellular/Mobile Phones Policy, Harassment/Hostile Work Environment Policy, Business Ethics and Conflict of Interest Policy, Solicitation/Distribution Policy, Political Activity Policy, Workplace Violence Policy, and the Confidentiality Policy.

Ensure that your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence, retaliation, or similar inappropriate or unlawful conduct will not be tolerated and shall subject you to disciplinary action up to and including termination.

#### **5.8.2 Be Respectful**

Always be fair and courteous to fellow employees, County vendors, and the public on behalf of Shelby County. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or the public rather than posting comments or complaints to a social media outlet.

However, if you do post comments, complaints, or criticism avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, and threatening or intimidating, or that disparage co-workers, County vendors, or the public, or that might constitute harassment or bullying. Examples of such conduct include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or County policy.

#### **5.8.3 Be Honest and Accurate**

Make sure you are honest and accurate when posting information and news, and if you make a mistake, correct it quickly.

Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the County, fellow co-workers, County vendors, or the public.

#### **5.8.4 Restrictions**

- a. Do not post confidential or propriety information about the County, co-workers, County vendors, or the public. Never violate federal law such as HIPAA (Health Insurance Portability and Accountability Act). Employees who share confidential information are subject to disciplinary action, up to, and including termination.
- b. Do not use Shelby County logos or any other images or iconography on personal social media sites. Do not use the County's name to promote a product, cause, or political party or candidate. Do not impersonate Shelby County, Shelby County Elected Officials/Department Heads, or falsely represent yourself as Shelby County.
- c. Do not discuss your job responsibilities for the County on the Internet. Do not state or imply that you speak for the County, for a County office or department, or for County officials. Be aware of your association with the County when using social networks.

- d. If you publish to a blog or some other form of social media, make it clear that whatever you say is your view or opinion by stating: “these are my personal views and opinions and not necessarily the views and opinions of my employer.”
- e. Photographs posted on social media sites easily can be appropriated by others. Do not post pictures of a County Office or Department events, County employees, or citizens visiting County offices or departments without Elected Official/Department Head approval.
- f. Do not post obscenities, slurs, or personal attacks that could slander or libel you or the County which could result in civil or criminal penalties.
- g. Do not infringe on copyrights or trademarks.

#### **5.8.5 Respect Time and Property**

The County’s computers and time on the job are reserved for work-related business. Employees may use personal cellular/mobile phones during break periods, including meal breaks in locations that do not pose a disruption to others. Employees using cellular/mobile phones during office hours will be subject to appropriate disciplinary action up to and including termination.

#### **5.8.6 Think Twice Before Posting**

Privacy does not exist in the world of social media. Consider what could happen if a post becomes widely known. Search engines can turn up posts years after they are created and comments can be forwarded or copied. Exercise sound judgment and common sense, and if there is any doubt, DO NOT POST IT.

#### **5.8.7 Know That the Internet is Permanent**

Once information is published online, it is essentially part of a permanent record, even if that information is removed/deleted later, or an attempt is made to make it anonymous. If a complete thought, along with its context, cannot be squeezed into a character restricted space (such as Twitter), provide a link to an online space where the message can be expressed completely and accurately.

#### **5.8.8 Social Media Accounts of Public Officials**

Shelby County Elected Officials/Department Heads or employees shall notify the Office of County Commissioners prior to the creation of a public social media account that is intended to promote or update the public on events or matters involving the County.

A social media account created by an Elected Official/Department Head, or any County employee with the intention to use the account to promote or update the public of official County business and/or events and gives the account the name of the County office or office holder is subject to Indiana’s Access to Public Records Act.

The purpose of the Shelby County social media account is to present matters relevant to the services, activities, issues, or policies of the County. The account is not to be considered a public forum.

The administrator of the social media account shall include the following policy on the site:

*Shelby County reserves the right to remove material that:*

- *Contains profanity, obscenity, vulgarity, nudity, or sexual content;*
- *Advertises or promotes private business ventures, services, or products;*
- *Advocates or depicts illegal activities;*
- *Is spam;*
- *Promotes or fosters discrimination on the basis of race, national origin, color, age, religion, gender, marital status, status with regard to public assistance, disability, or other type of group;*
- *Contains personal attacks of any kind;*
- *Campaigns for public office or promotes a political organization or candidate;*
- *Infringes on copyrights or trademarks;*
- *Contains computer viruses or may disrupt, damage, or restrict the use of any computer software, hardware, or telecommunications equipment;*
- *Jeopardizes the safety of Shelby County personnel, or the conduct of operations or investigations; and*
- *Comments that are inappropriate, unrelated to the topic, excessively repetitive, and/or considered disruptive.*

*Material posted on this site or links created by anyone other than Shelby County does not reflect the opinions and position of Shelby County. Programs and events provided by organizations that serve Shelby County residents and receive funding or support from Shelby County or provide professional services to special populations served by Shelby County programs are not considered private business ventures, services, or products.*

*Repeated and/or serious violations to the above restrictions shall cause the author to be blocked from the social media page.*

## **5.9 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, Shelby County must maintain a 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.

Shelby County Government strives to maintain a workplace free of drugs and alcohol and to discourage drug and alcohol abuse by its employees. Misuse of alcohol or drugs by employees can impair the ability of employees to perform their duties, as well as adversely affect our customers and customers' confidence in our County. Shelby County Government is committed to programs that promote safety in the workplace, employee health and well-being, and taxpayer confidence. Consistent with the spirit and intent of this commitment, Shelby County Government has developed this policy statement regarding the sale, use, possession, or distribution of drugs and alcohol by all employees. There is no place in the County's working environment for alcohol or drug abuse. Employees should report to work fit for duty and free of any adverse effects of illegal drugs or alcohol. As a condition of employment, all County employees are required to take a drug-screening test prior to employment and to agree in writing to be tested for the use of drugs and or alcohol pursuant to this policy.

### **5.9.1 Alcohol**

Employees are prohibited from using or being under the influence of alcohol while performing County business, while operating a motor vehicle in the course of business or for any job-related purpose, or while on County premises or a worksite. An off-duty employee who is called in to work outside regular working hours, who has consumed alcohol within 8 hours prior to reporting for work and is unaware or unsure of his/her blood alcohol level, shall resolve any doubt by informing his/her supervisor that he/she is at this time unfit to report to work.

### **5.9.2 Illegal Drugs**

Shelby County Government employees are prohibited from using or being under the influence of illegal drugs while performing County business or while on a County facility or worksite. You may not use, manufacture, distribute, purchase, transfer or possess an illegal drug while in Shelby County Government facilities, while operating a motor vehicle for any job-related purpose or while on the job, or while performing County business.

### **5.9.3 Prescribed Medications**

This policy does not prohibit employees from the lawful use and possession of prescribed medications. However, misuse of such medications is prohibited. Shelby County Government will not allow any employee to perform their duties while taking prescribed drugs that are adversely affecting the employee's ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked.

Employees must consult with their doctors about the medications' effect on their fitness for duty and ability to work safely and promptly disclose any work restrictions to their supervisor. Employees should not disclose underlying medical conditions unless directed to do so. Failure to report the use or storage of prescription drugs and/or over-the-counter medications may lead to disciplinary action, up to and including termination.

### **5.9.4 CBD Oils**

The legal use of CBD oils is permitted, but employees assume all risks associated with such use, and shall be subject to disciplinary action, up to and including termination for testing positive or refusal to submit to drug testing.

### **5.9.5 Disciplinary Action**

Employees who violate this policy shall be subject to disciplinary action up to and including termination, even for a first offense. Violations include refusal to consent to and comply with testing and search procedures as described.

### **5.9.6 Work Rules**

Whenever employees are working, are operating any County vehicle, are present on County premises, or are conducting related work off-site, they are prohibited from:

- Using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia).
- Being under the influence of alcohol or an illegal drug as defined in this policy.

The presence of any detectable amount of any illegal drug or illegal controlled substance in an employee's body while performing County business or while in a County facility is prohibited.

Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

#### **5.9.7 Drug Testing**

Shelby County Government may require a blood test, urinalysis, hair test or other drug or alcohol screening of employees suspected of using or being under the influence of drugs or alcohol or where other circumstances or workplace conditions justify such testing. The refusal to consent to testing may result in disciplinary action, up to and including termination.

This policy outlines the practice and procedure designed to correct instances of identified alcohol and/or drug use in the workplace. This policy applies to all employees and all applicants for employment of Shelby County Government. Human Resources is responsible for policy administration.

The County retains the right to require the following tests:

- **Pre-employment:** All applicants must pass a drug test before beginning work or shortly thereafter. Refusal to submit to testing will result in disqualification of further employment consideration.
- **Reasonable suspicion:** Employees are subject to testing based on observations by a supervisor of apparent workplace use, possession or impairment. Human Resources must be consulted before sending an employee for reasonable suspicion testing.
- **Post-accident:** Employees are subject to testing when they cause or contribute to accidents that seriously damage a County vehicle, machinery, equipment or property and/or result in an injury to themselves or another employee requiring off-site medical attention. In any of these instances, the investigation and subsequent testing must take place within two (2) hours following the accident, if not sooner.
- **Post-shooting:** Post-shooting testing shall be required when a police officer in a line-of-duty shooting incident causes death or serious bodily injury to any person. Post-shooting tests may include screens for both drugs and alcohol.
- **Follow-up:** Employees who have tested positive, or otherwise violated this policy, are subject to discipline up to and including termination. Depending on the circumstances and the employee's work history/record, Shelby County Government may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies for a minimum of one (1) year but not more than two (2) years. If the employee either does not complete his/her rehabilitation program or tests positive after completing the rehabilitation program, he/she will be subject to immediate termination from employment.

#### **5.9.8 Consequences**

Applicants who refuse to cooperate in a drug test or who test positive will not be hired.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture or dispense an illegal drug in violation of this policy will be terminated. The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be discipline up to and including termination.

Employees will be paid for time spent in alcohol/drug testing and then suspended pending the results of the drug/alcohol test. After the results of the test are received, a date/time will be scheduled to discuss the results of the test; this meeting will include a member of management and Human Resources. Should the results prove to be negative, the employee will receive back pay for the times/days of suspension.

#### **5.9.9 Confidentiality**

Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations provided to the medical review officer (MRO) shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files.

#### **5.9.10 Inspections and Searches**

Shelby County Government reserves the right to inspect all portions of its premises for drugs, alcohol or other contraband. All employees, contract employees and visitors may be asked to cooperate in inspections of their persons, work areas and property that might conceal a drug, alcohol or other contraband. Employees who possess such contraband or refuse to cooperate in such inspections are subject to appropriate discipline up to and including termination.

Shelby County Government may conduct searches for illegal drugs or alcohol on County facilities or worksites without prior notice to employees. Such searches may be conducted at any time. Employees are expected to cooperate fully. Searches of employees and their personal property may be conducted when there is reasonable suspicion to believe that the employee has violated this policy or when circumstances or workplace conditions justify such a search. Personal property may include, but is not limited to, purses, boxes, briefcases, as well as any Shelby County Government property that is provided for employees' personal use, such as desks, lockers, and files. An employee's consent to a search is required as a condition of employment and the employee's refusal to consent may result in disciplinary action, up to and including termination.

#### **5.9.11 Crimes Involving Drugs**

Shelby County Government prohibits all employees from manufacturing, distributing, dispensing, possessing or using an illegal drug in or on County premises or while conducting County business. Employees are also prohibited from misusing legally prescribed or over-the-counter (OTC) drugs. Law enforcement personnel shall be notified, as appropriate, when criminal activity is suspected.

#### **5.9.12 Employee Assistance and Drug-Free Awareness**

Illegal drug use and alcohol misuse have a number of adverse health and safety consequences. Information about those consequences and sources of help for drug/alcohol



problems is available from Human Resources. Shelby County Government will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline and/or termination under this or other policies. Such employees may be allowed to use accrued paid time off, placed on leaves of absence, referred to treatment providers and otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety sensitive or that require driving or if they have violated this policy previously.

#### **5.9.13 Federal Motor Carrier Safety Regulations/Safety Sensitive Positions Drug & Alcohol Policy**

The County Highway Department and the Shelby County Commissioners recognize the critical and growing problem that alcohol and controlled substance abuse poses to the community. It is the policy of the Shelby County Highway Department to provide and maintain a safe, healthy, and productive work environment for our drivers. 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 Shelby 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 the Federal Highway Administration (FHWA). (website: [ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-382](http://ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-382))

In complying with these regulations, Shelby 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" according to federal regulations. 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 (CDL). 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 in-house, 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.

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 not to do so, up to and including termination.

## **5.10 SMOKING POLICY**

Smoking is prohibited inside Shelby County offices and buildings. In addition, smoking and/or use of tobacco products by employees in County vehicles is prohibited. There are designated smoking areas outside on Shelby County premises. State of Indiana law requires that no smoking or use of any e-cigarettes, vapors, and tobacco products is allowed within eight (8) feet of a building entrance or exit. Employees are expected to maintain these designated areas in a neat and clean order by disposing of cigarette butts in the provided containers. Employees are permitted to smoke during their normally scheduled breaks and lunch hours. Extra or divided breaks are not permitted for this or any other purpose.

Employees who violate this policy will be subject to disciplinary action up to and including termination of employment.

"No Smoking" signs or the international "No Smoking" symbol (consisting of pictorial representation of a burning cigarette enclosed in a circle with a bar across it) or when applicable "Smoking In Designated Areas Only" is clearly, sufficiently, and conspicuously displayed at every entrance of every building where smoking is regulated by this policy.

Definitions: For the purpose of this policy, "Smoking" is defined as inhaling, exhaling, burning, or carrying a lighted cigarette, cigar, pipe, e-cigarette, or other apparatus used to smoke tobacco or any other organic or non-organic material.

"E-cigarette" means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine, or any other substances, and the use or inhalation of which simulates smoking. The term "e-cigarette" shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other project name or descriptor.

"Vaping" means inhaling, exhaling, or using any e-cigarette or similar device which creates a vapor in any manner or in any form.

"Tobacco product" means any product made or derived from tobacco that is intended for human consumption, this includes, among other products, cigarettes, cigarette tobacco, and smokeless tobacco.

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

## **5.11 USE OF EQUIPMENT AND VEHICLES**

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using Shelby County Government property, including computer equipment or hardware, exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Employees shall notify their supervisor or Department Head/Elected Official if any equipment or machines appear to be damaged, defective or in need of repair. This prompt reporting could prevent the equipment's deterioration and could also help prevent injury to

the employee or others. Questions about the maintenance and care of any workplace equipment, should be directed to the employee's immediate supervisor or the Department Head/Elected Official.

The 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. In addition, employees may be held financially responsible for any loss to Shelby County Government because of such mistreatment.

Each occupant in a County or personal vehicle operated for the purpose of County business is required to wear a seat belt at all times while the vehicle is in motion. Employees who operate County vehicles or operate personal vehicles for County business are required to notify their Elected Official/Department Head in the event that their driver's license is suspended or revoked. An employee's failure to notify their Elected Official/Department Head of a driver's license suspension or revocation is subject to disciplinary action, up to and including termination.

Employees who operate a County vehicle or operate a personal vehicle for County business are required to keep a copy of their valid driver's license that covers the type of vehicles to be operated and proof of insurance on file with the Commissioners' Office.

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 temporally unable to operate a vehicle safely or legally because of illness, medication, or intoxication. The 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, including termination.

#### **5.12 TAKE HOME VEHICLES (IRS)**

A very limited number of vehicles are authorized for take home use by designated employees based on the established need as determined by the County Commissioners. This need is predicated on past history of after workday callouts based on both the frequency of use and on the necessity for an employee to go directly from his/her residence to a non-county worksite. Employees will not be authorized take home vehicles to merely travel from their homes to a regular County worksite. Take home vehicles cannot be used for personal purposes, other than commuting or "de minimis" personal use (such as a stop for a personal errand on the way between a county work site and the employee's home.) Personal use is defined as all use that is not for County business.

At no time will a person who is not employed by Shelby County Government ride in a Shelby County vehicle, during a non-emergency situation, unless specifically authorized to do so by a County Commissioner or County elected official.

In accordance with Federal IRS Regulations, the personal use of a municipally owned vehicle is a taxable fringe benefit. Personal use includes the value of commuting to and from work in a municipal vehicle, even if the vehicle is taken home for the convenience of the employer. The value of the fringe benefit must be included in wages and is subject to income and employment taxes. It is the employer's responsibility to determine the actual value of this fringe benefit and to include the taxable portion in the employee's income. The rule that is applicable to Shelby County Employees who take home vehicles is the Commuting Value Rule, which reads in part: Under this rule, you determine the value of a vehicle provided to an employee for commuting use by multiplying each one-way commute (that is, from home to work or from work to home) by \$1.50. If more than one employee commutes in the vehicle, this value applies to each employee. This amount must be included in the employee's wages or reimbursed by the employee."

This does not include a qualified non-personal use vehicle. A qualified non-personal use vehicle is any vehicle the employee is not likely to use more than minimally for personal purposes because of its design. This includes:

- Clearly marked police.
- Unmarked vehicles used by law enforcement officers. The officer must be authorized to carry a firearm, execute search warrants, and make arrests.
- An ambulance or hearse.
- Any vehicle designed to carry cargo with a loaded gross vehicle with over 14,000 pounds.
- Delivery trucks with seating for the driver only, or driver plus a folding jump seat.
- Passenger bus with a capacity of at least 20 used for its specific purpose.
- Tractors and other special purpose farm vehicles.

As such, each Shelby County employee who takes a non-qualified, non-personal use vehicle home, even if directed to do so by his/her Shelby County Supervisor, will have reflected as income on his/her IRS Form W-2 the number of days worked during the year multiplied by \$3.00. As an example, if an employee worked 210 days in 2025 he will have an increased taxable amount of \$630.00 or 210 days times \$3.00.

All approved employees and Elected Officials/Department Heads with an assigned take home vehicle shall follow the following procedures:

Employees, Elected Officials, and authorized passengers are expected to observe all traffic regulations, including seatbelt usage, and all policies and procedures of the County, while operating a take home vehicle.

All incidents involving County vehicles must be reported to the law enforcement office of the appropriate jurisdiction, the employee's supervisor, and the Commissioners' Office. County employees and Elected Officials with take home vehicles will provide copies of any accident reports, citations, etc., concerning the vehicle or its' operation to their supervisor and the Commissioners' Office within forty-eight (48) hours.

Elected Officials and employees are expressly prohibited from making any cosmetic or mechanical modification to any County owned or leased vehicle without the prior

approval of the County Commissioners. The County Commissioners reserve the right to remove any or all modifications that may impair the vehicles' safety or usefulness and/or cosmetic changes that are not in keeping with County policies.

Unattended take home vehicles shall be legally parked and locked at all times, except in emergency circumstances. Elected Officials and County employees shall not leave electronic devices, sensitive information, or public documents other than reference material in the vehicle while off duty.

Violations of this policy and procedures may result in the revocation of take home vehicle assignment.

#### **5.13 PERSONAL USE OF ORGANIZATION FACILITIES**

To minimize unnecessary expenses, prevent the loss of valuable work time, and prevent lowered morale, personal use of County facilities, vehicles, and equipment is prohibited. This policy applies to all employees and restricts the personal use of County facilities, including vehicles and equipment.

#### **5.14 APPEARANCE OF WORK AREAS**

The County expects the work areas of all employees to be well organized, clean, and attractive. These qualities promote health, productivity, safety, good morale, and customer respect. This policy applies to all employees.

#### **5.15 BUSINESS TRAVEL**

The County will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. Employees must obtain advance authorization from the elected official/department head before planning or embarking on business travel. Only travel within the State of Indiana is authorized. All Out-of-State travel must be requested from and approved by the Shelby County Board of Commissioners.

Shelby County employees seeking reimbursement will incur the most reasonable travel expense and avoid impropriety or the appearance of impropriety, including the public perception that a business trip has been taken for personal reasons. All employees shall exercise special care not to seek reimbursement for expenses that could be reasonably construed to be personal. If training and educational opportunities are available within the State of Indiana, out-of-state travel for these purposes **will not** be approved or authorized. In order to be reimbursed for all authorized expenses, employees must submit a claim form, certificate of completion for training whenever applicable, and completed travel expense reports and receipts for all individual expenses within ninety (90) days after travel.

County travel is designed to reimburse the expenses of an employee on County business and allowing up to one (1) day of travel time before and up to one (1) day of travel time after the meeting, depending on actual circumstances, as approved by the elected official/department head. Travel status will not start prior to, or end after, the normally required periods of time necessary to complete the official County business, but

occasionally an employee may be approved to make a trip that includes both personal/vacation time and business travel. If transportation costs increase due to the personal/vacation leave time, then the employee is responsible for payment of the additional charge. If personal/vacation leave is combined with any trip, the lodging and subsistence for the extra days of travel time are not eligible for reimbursement.

#### **5.15.1 Mileage**

It shall be the policy of Shelby County to reimburse employees for mileage, parking, and toll fees incurred during the performance of County business while utilizing the employee's personal vehicle. Employees shall be responsible for completing all sections of a mileage claim form including odometer readings. Reimbursement will be at the rate established by the Internal Revenue Service. Travel within a 250-mile radius of Shelby County shall be by means of automobile. Valet parking will only be reimbursed with approval of the elected official or department head.

#### **5.15.2 Air Travel**

Coach class only will be reimbursed. Occasionally, it may be cost effective for an employee to travel on a weekend in order to obtain a less expensive airline fare. Lodging and meals for the weekend travel will be reimbursed to the employee if there is a net savings of \$100.00 or more to the County.

#### **5.15.3 Transportation to the Airport**

Mileage to deliver an employee to the terminal can be reimbursed; however mileage for a second round-trip to pick up the employee may not exceed the avoided long-term parking fees. Such parking shall be reimbursed.

Vehicle Rental: Vehicle rental expenses (including collision and/or liability damage waiver insurance) will be reimbursed when suitable local public transportation is not available or is less cost effective than rental. The least expensive practical vehicle shall be rented. Receipts must be provided. Personal mileage will not be reimbursed.

#### **5.15.4 Lodging - Shared Accommodations**

1. If accommodations are shared by employees from different budgetary departments, separate hotel bills must be obtained showing the paid prorated share of the total room rate.
2. If accommodations are shared by non-county employee(s): A separate bill need not be issued if the expense of lodging is being shared with another person;
  - (a) The employee can claim the total bill divided by the number of occupants, if applicable; or
  - (b) The employee can claim the single occupancy room rate.
3. The employee shall request the room clerk to record the payments and/or single occupancy room rate on the hotel bill.

#### **5.15.5 Lodging Rates-Limitations**

All employees must request the government rate. The maximum allowable in-state lodging rate shall be the amount that is approved and provided for the governmental entity by the conference venue. The maximum allowable out-of-state rate shall be the amount approved and provided for the governmental entity by the conference venue. Employees who prefer accommodations that exceed this rate will not receive full reimbursement. In the case of

conferences or similar training sessions, that portion of a conference venues room rate, which exceeds the established limits, may be considered for reimbursement with approval of the Shelby County Council. If there are no conference venues, then the maximum allowable rates provided by this paragraph shall be \$100.00 for in-state and \$135.00 for out-of-state.

#### **5.15.6 Subsistence Allowance**

		<b><u>7.5-12 Hours</u></b>	<b><u>12-24 Hours</u></b>
In-State Travel	Daily Rate	\$28.00	\$40.00
Out-of-State	Daily Rate	\$32.00	\$52.00

No subsistence allowance is paid for travel less than 7.5 hours. If meals are included in a conference registration, the subsistence allowance must be reduced as follows:

Breakfast, Brunch or Lunch = Daily Rate divided by three (3)

Dinner = Daily Rate divided by two (2)

No deductions shall be taken for continental breakfasts or meals served on airplanes. All subsistence allowance is inclusive of tips up to 15%.

#### **5.15.7 One-Day Travel**

If an employee's time at work, not in travel status, combined with time in travel, all on one day is at least (12) hours, the employee may be reimbursed for breakfast or dinner, or both. If travel begins before 6:00 a.m., the employee may claim breakfast at the daily rate divided by three (3). If the employee is in travel status after 6:00 p.m., the employee may claim dinner at the daily rate divided by two (2).

#### **5.15.8 50 Mile Restriction/Exceptions**

Except for state-called association meetings and annual association conferences, an employee is not entitled to lodging or a subsistence allowance for overnight travel, if travel is within a 50-mile radius of the office. The travel to and from association meetings/conferences within a 50-mile radius shall not necessitate any additional travel days. At the discretion of the elected official/department head, overnight travel is not necessarily required just because the travel is outside a 50-mile radius of the office. All destinations within the State of Indiana can be reached within a reasonable period of time; therefore, travel to training/conferences that begin at 11:30 a.m. or after shall be made on the same day and travel for training/conferences that end by 1:00 p.m. shall be made on the same day.

For approved out-of-state training/conferences, every effort will be made to arrange the travel schedule so that arrival is the day on which the training/conferences begin and departure is the day on which the training/conferences end. An exception may be made for unsafe highway/weather or by an elected official/department head.

### **5.16 CREDIT CARDS**

An employee requesting reimbursement for the actual cost of any item of expenditure must include an original, itemized, and paid receipt with the claim for reimbursement. Most credit card receipts will not qualify as receipts by themselves, but then can be used as a "proof of payment" if a bill/invoice does not indicate it has been paid. Original receipts

must be legible and unaltered. The corresponding credit card statement(s) must also be presented whenever applicable.

Shelby County Officials and Department Heads are hereby authorized to obtain and use a credit card for use in carrying out the official functions of that office, and other purposes. The Elected Official/Department Head shall control the use of such credit card, and when the use of the card has been accomplished, maintain custody of the card.

The Elected Official/Department Head shall maintain an accounting system or log including the names and positions of individuals requesting use of such card, the estimated amounts to be charged, the fund and account numbers to be charged, and the date the card is issued and returned. If a card is lost or stolen, the employee should report the missing card immediately to the Elected Official/Department Head.

The credit card cannot be used to bypass the county's accounting system. The Elected Official/Department Head shall timely submit claim for payment of such charges, together with original receipts or paid bills documenting the purchase, in the manner of other claims and meeting minutes or other documentation providing explanation for the purchase. The Elected Official/Department Head shall personally pay any interest or penalty incurred due to late submission of claims or late furnishing of documentation.

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

#### **5.17 POLITICAL ACTIVITY**

Political activity in any form is prohibited during office hours and/or on County property or using County funds or equipment.

County employees shall not be required to participate, financially or otherwise, in any political campaign or party activity during their 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 scanners/copiers 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. Employees are prohibited from campaigning in any form during office hours. Non-verbal exhibits supporting or opposing a political candidate are prohibited on county premises during work hours including but not limited to, shirts, pins, buttons, pens, and brochures.

#### **5.18 INDIANA INTERNAL CONTROL STANDARDS**

Indiana Code 5-11-1-27(e) provides that through the compliance guidelines authorized under IC 5-11-1-24 the State Board of Accounts (SBoA) shall define the acceptable minimum level of internal control standards for internal control systems of political



subdivisions, including the following: (1) Control Environment. (2) Risk Assessment. (3) Control Activities. (4) Information and Communication. (5) Monitoring.

IC 5-11-1-27(g) requires that the Shelby County Board of County Commissioners must adopt the minimum internal control standards as defined by SBoA. Additionally, the Commissioners must ensure that employees receive training concerning the internal control standards and procedures adopted by the County.

The Shelby County Commissioners have adopted the internal control standards as defined by SBoA under IC 5-11-1-27(e). Personnel training of employees shall be evidenced through a certification process. The County Commissioners and County Auditor will be responsible for developing and overseeing the administration of the internal control standards policy, training, and certifications.

At the time of submission of the annual report, the County Auditor must certify that the minimum internal control standards have been adopted and that personnel who are not otherwise on leave status have received training regarding these standards and procedures.

Employees must sign the Internal Control Training Certification form for employees as evidence for their training. These certifications are to be maintained by Shelby County on-site.

## **6. PERSONAL CONDUCT**

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

Shelby County Government expects every employee to adhere to the highest standards of job performance and of personal conduct, including individual involvement with County personnel and outside business contacts.

Employees are expected to maintain high standards of personal appearance, conduct, cooperation, and efficiency 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 conflict with County rules and regulations.

Shelby County Government employees are expected to conduct governmental business in the following manner:

- Carry out duties impartially.
- Follow proper policy and decision making channels.
- Do not use employment for private gain.
- Do not use County equipment for personal gain.
- Do not accept gifts for favors.
- Conduct yourself in a professional and courteous manner.
- Greet customers in a timely manner.
- Carry out your duties effectively.
- Adhere to dress codes.
- Refrain from using abusive language such as cursing, and negative, degrading and discriminating comments.
- Ensure all conduct is mutually in the best interest of your employer, work environment, co-workers, and general public.

Along with responsibilities for customer service and operational efficiency employees shall also focus on the need to create and maintain an environment, which emphasizes the dignity and respect of every person. Any deviation from this standard would be seen as an issue of great importance that must be addressed and could lead to disciplinary action.

### **6.2 ATTENDANCE AND PUNCTUALITY**

All employees are expected to maintain satisfactory attendance and report to work on time every day. Unscheduled absences, late arrivals, and early departures must be kept to a minimum as they place an unfair burden on fellow workers. Employees are expected to be at their workstations or posts and be ready to work at the beginning of their assigned daily work shift.

Each department may have a different call-in procedure. Employees are to follow the department call-in procedure established by their Department Head/Elected Official.

In the event the department does not have an established procedure, employees shall follow the following County call-in procedure: When employees will be late reporting to work by

15 minutes or more or absent without prior approval, they must notify their supervisor within 15 minutes of the scheduled starting time. If possible, employees must call personally and speak directly with the supervisor. Employees shall not rely on friends, relatives, or co-workers to communicate their absence to the supervisor. Employees who will be absent for an indefinite period due to illness or emergency must inform their supervisor and keep the supervisor informed of when they likely will return to work.

Non-exempt employees who are late reporting to work by 15 minutes or more will have their pay docked in an amount equal to at least one-quarter of their hourly rate. In some cases, with their supervisor's approval, non-exempt employees may be allowed to make up the lost time. Employees, who have recurring late arrivals, whether more or less than 15 minutes, are subject to disciplinary action, up to and including termination. Any employee who is absent for three working days without notification is deemed to have committed job abandonment and may be deemed an employee's voluntary resignation of employment. Any employee who walks off the work site without prior approval of his or her supervisor is considered to have committed job abandonment and subject to disciplinary action up to and including termination.

Whenever an employee is absent without notice, the Department Head/Elected Official will attempt to contact the employee to check on the well-being of the employee. If the employee did not have a valid reason for not giving notice, then he/she may be subject to disciplinary actions up to and including termination. (An example of a valid reason would be emergency hospitalization, a life-threatening matter, car accident on the way to work, etc. Oversleeping would not be a valid reason for an absence without notice.)

#### **6.2.1 Notification**

Any absence for any reason requires the notification and approval of the employee's immediate supervisor or his/her Department Head/Elected Official. It is the employee's responsibility to notify their supervisor of tardiness, early leaves, absence, and departure from the workstation/workplace.

#### **6.2.2 Excessive Tardiness/Absenteeism**

1. Being absent from work unexcused at any time;
2. Coming to work late or leaving work early unexcused at any time; or
3. Being absent from the workstation/workplace and/or the department unexcused at any time.

#### **6.2.3 Unexcused Tardiness/Absenteeism**

1. Failure to notify the supervisor of expected tardiness or absenteeism in a timely manner;
2. Being away from the workstation/workplace without authorization;
3. Failure of the employee to come to work when a request for "excused time off" is denied; or
4. Conducting personal business on County time without authorization. (This includes unauthorized use of the telephones or cell phones.)

Absence of one (1) day without notification may result in disciplinary action.

#### **6.2.4 Excused Tardiness/Absenteeism**

1. Supervisor has been notified, in advance, or in a timely manner and is granted permission for tardiness or absence;
  2. Emergencies that are backed by:
    - a. Documentation; and/or
    - b. Bad weather or natural hazard;
3. Vacation time, personal time, new parent leave, funeral leave, jury duty, or military leave is not counted against an employee's attendance record; however, sick time in which the supervisor has been duly notified can be an excused absence; and
4. Attending approved County related meetings away from the department with approval of the supervisor.

### **6.3 PERSONAL APPEARANCE**

Appropriate office attire is required as we wish to put forth an image that will make us all proud to be Shelby County Government employees. Employees are expected to dress and groom themselves in accordance with accepted social and business standards, particularly if your job involves dealing with customers or visitors in person. It is important for all employees to project a professional image while at work by being appropriately attired. Shelby County Government employees are expected to be neat, clean, and well-groomed while on the job.

All employees must be covered from shoulders to knees at all times (no see-through or sleeveless clothing is permitted at any time). Natural and artificial scents may become a distraction from a well-functioning workplace and are also subject to this policy.

Shelby County Government is confident that employees will use their best judgment regarding attire and appearance. The Department Head/Elected Official reserves the right to determine appropriateness. Each Department Head/Elected Official will establish a reasonable dress code appropriate to the job his or her employees perform. Any employee who is improperly dressed will be counseled and may be directed to leave the workplace until the employee is properly attired. Employees will not be paid for the time off the job for this purpose. Department Heads/Elected Officials have the sole authorization to determine an appropriate dress code, and any employee who violates this standard shall be subject to appropriate disciplinary action, up to and including termination.

The last day of the employee work week has been designated as Shelby County Government Dress-down Day. Employees need to be mindful of this relaxing of dress standards and not abuse this privilege. Employees still represent Shelby County Government to the public. This policy is not intended to usurp the authority of any Department Head or Elected Official. The Department Heads/Elected Officials retain the right to make individual determinations on what is appropriate for their individual workplace and if they desire to allow their employees to participate in this weekly occurrence.

Workplace attire must always be neat, clean, and appropriate for the work being performed and the setting in which the work is performed. Uniforms may be required for certain positions and will be provided to employees by Shelby County Government. Any

questions about the department's guidelines for attire will be discussed with the immediate supervisor.

Staff are expected to at all times to present a professional, businesslike image to clients, visitors, customers and the taxpaying public. Acceptable personal appearance, like proper maintenance of work areas, is an ongoing requirement of employment with the County. Certain staff may be required to meet special dress, grooming and hygiene standards, such as wearing uniforms, depending on the nature of their job.

At its discretion, a department may, during summer months or during special occasions, allow staff to dress in a more casual fashion than is normally required. On these occasions, employees are still expected to present a neat appearance and are not permitted to wear ripped, frayed or disheveled clothing, or tight, revealing or similarly inappropriate clothing.

**Religious Issues** - Shelby County Government will accommodate a staff member's religious beliefs unless the accommodation creates an undue hardship. Staff members requesting a workplace attire accommodation based on religious reasons will be referred to Human Resources.

**Casual or Dress-Down Days** - Departments that adopt dress-down guidelines must use the following to define appropriate casual attire.

Appropriate	Inappropriate
<b>Slacks</b>	
Khakis or corduroys	Shorts, Low Rise or Hip Hugger pants or jeans
Jeans (must be clean, free of rips, tears, fraying and may not be excessively tight or revealing)	
Skorts, Capris	
<b>Shirts</b>	
Polo collar knit or golf shirts	Men's Sleeveless T-shirts
Oxford shirts	Beachwear
Shelby County Government Logo Wear	Sleeveless blouses or shirts
Short-sleeve blouses or shirts	Exercise wear, excessively low cut tops
Turtlenecks	Crop Tops, Midriffs, spaghetti straps
Jackets or sweaters	
<b>Shoes</b>	
Tennis shoes, boating or deck shoes, moccasins	Flip flops, Crocs

Casual, low heel, open back shoes (i.e. mules, sling backs)	
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### **6.3.1 Addressing Workplace Attire and Hygiene Problems**

Violations of the policy can range from inappropriate clothing items to offensive perfumes and body odor. If a staff member comes to work in inappropriate dress, the staff member will be required to go home, change, and return to work.

If a staff member's poor hygiene or use of too much perfume/cologne is an issue, the supervisor will discuss the problem with the staff member in private and will point out the specific areas to be corrected. If the problem persists, the Department Head/Elected Official will follow the normal corrective action process.

Shelby County Government recognizes, however, that personal appearance is an important element of self-expression. As a result, Shelby County Government wishes to make no effort to control or dictate employee appearance, specifically with regard to jewelry or tattoos, unless they conflict with an employee's ability to perform effectively in the position they hold or the specific work environment they are in.

Factors used to determine whether jewelry and tattoos pose a conflict with the job or work environment will include, but are not limited to:

- Safety of self or others
- Productivity or performance of tasks
- Perceived offense on the basis of race, sex, religion, etc.
- Community norms
- Customer complaints

If a potential conflict is identified the employee will be encouraged to identify appropriate solutions such as removal of excess jewelry, covering of tattoos, transfer to alternative positions, etc.

Supervisors, Department Heads, and Elected Officials will be responsible for answering questions and resolving issues related to this policy on a case-by-case basis to ensure unique circumstances are appropriately considered. An environment of mutual cooperation is the County's goal.

## **6.4 HARASSMENT/HOSTILE WORK ENVIRONMENT**

Harassment is a form of employee misconduct that undermines the integrity of the employment relationship. All employees are entitled to work in an environment free from harassment or inappropriate conduct. While it is difficult to define what constitutes illegal harassment under the law, Shelby County realizes that any type of harassing behavior based on race, color, sex/gender, pregnancy, religion, age, marital status, sexual orientation, gender identity, national origin, disability, veteran status, genetic information, ancestry, or any other category protected by law is inappropriate in the workplace. Therefore, Shelby County will not tolerate any behavior that creates an intimidating,

offensive, or hostile work environment or that interferes with work performance.

Examples of harassing behavior include, but are not limited to: racial slurs, ethnic jokes, stereotyping, the display of posters or other materials that are offensive or show hostility to a group or individual based on a protected category as defined above, or any other category protected by law.

The County is committed to complying with all applicable local, state, and federal laws prohibiting discrimination and harassment in the workplace.

#### **6.4.1 Types of Workplace Harassment**

1. **Physical Harassment:** Physical harassment can come in the form of violence, both physically or to property. This can also be threatening behavior. In its extreme, it can even be termed assault. An employee may be physically abused, such as pushing, punching, or slapping, as well as other kinds of physical abuse. It can also involve a car, for example. One worker may damage the vehicle by tampering, breaking, scratching, or inflicting other kinds of damages.
2. **Personal Harassment:** The victim may be subjected to unwanted remarks, insults, offensive and derogatory statements. Being constantly put down with condescending statements can all be seen as personal harassment. Personal harassment can also be called bullying.
3. **Discriminatory Harassment:** Discriminatory harassment in the workplace is directed at someone's race, age, sex, or some other form of protected class who is subjected to offensive or intimidating remarks.
4. **Psychological Harassment:** Psychological harassment occurs when a victim is put down, belittled, or has to listen to needless condescending remarks that can affect them. These negative remarks can be aimed at the victim from both a professional as well as a personal level. Socially or physically excluding or disregarding a person in work-related activities are also examples.
5. **Cyberbullying:** Cyberbullying occurs online. Cyberbullying includes making threatening statements to the victim or spreading rumors on social media.
6. **3<sup>rd</sup> Party Harassment:** 3<sup>rd</sup> party harassment occurs with someone who is not a Shelby County employee. Examples of 3<sup>rd</sup> Party may include suppliers, vendors, consultants, and citizens.

Included in the policy is a prohibition of sexual harassment. Sexual harassment includes but is not limited to:

1. Unwelcome sexual advances.
2. 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, or coerced sexual acts, or suggestive, insulting; obscene comments or gestures; written, photo, 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 others.

3. Submission which is expressed or implied as a condition of employment, promotion, or preferential treatment.
4. Printed or electronic display or transmission of sexually explicit images, messages or cartoons is not allowed. 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.
5. Conduct with implication that has the purpose of or results in interfering with work performance or creating an intimidating, hostile, or offensive work environment is considered sexual harassment.

#### **6.4.2 Individuals and Conduct Covered**

Shelby County strongly disapproves of and will not tolerate inappropriate conduct or harassment of employees by department heads, supervisors, co-workers, applicants, or others in the workplace, such as customers, consultants, or vendors.

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

#### **6.4.3 Complaint Process**

Individuals who believe they have been the victim of conduct prohibited by this policy statement or who believe they have witnessed such conduct should discuss their concerns with their immediate supervisor, Elected Official/Department Head, or the Human Resources Director.

When possible, Shelby County Government encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. Shelby County Government recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

Shelby County Government encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, although no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any supervisor, department head, or elected official who has witnessed or becomes aware of the alleged occurrence of harassment or retaliation or receives a complaint of harassment involving a person within that supervisor's purview is required to take prompt corrective action and to report the incident to the Human Resources Director. Failure of a supervisor to immediately take corrective action or to report the incident shall constitute misconduct subject to disciplinary action.

#### **6.4.4 Description of Misconduct**

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



Verbal reports of 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.

The Human Resources Office has copies of the County harassment complaint form. Employees are directed to obtain, complete, and submit this form to initiate a formal complaint.

#### **6.4.5 Investigating the Complaint**

Any allegation of 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 them.

Upon completing the investigation of a harassment complaint, the County will communicate its findings to the complainant and the alleged harasser. If determined that harassment occurred, appropriate disciplinary action will be taken. The complainant will be informed of the disciplinary action to be taken.

In determining whether alleged conduct constitutes 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.

#### **6.4.6 Identification of Investigators**

Complaints will be investigated by the Human Resources Director or designees retained by the County. In addition, other individuals may be included in reviewing the investigation and outcome at the discretion of the County Attorney.

#### **6.4.7 Time Frame for Reporting Complaints**

The County encourages 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 harassment complaints. Late reporting of complaints will not in and of itself preclude the County from taking remedial action.

#### **6.4.8 Protection against Retaliation**

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to

disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed. Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately.

#### **6.4.9 False Accusations**

Shelby 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 harassment can have devastating effects on the lives and reputations of innocent women and men. False and malicious complaints of harassment, discrimination or retaliation may be the subject of appropriate disciplinary action.

#### **6.4.10 Sanctions**

Individuals found to have engaged in misconduct constituting harassment, creating a hostile work environment, or related retaliation will be severely disciplined, up to and including termination. 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 harassment by a non-County employee at the workplace and work-related setting should file a complaint so that action may be taken.

#### **6.4.11 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 in the Human Resources Office and if disciplinary action was taken, a record shall be maintained in the offender's personnel file.

#### **6.4.12 Prevention**

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

### **6.5 ROMANTIC OR SEXUAL RELATIONSHIPS IN THE WORKPLACE**

Shelby County is committed to maintaining a professional work environment that promotes fairness, transparency, and the well-being of all employees. This policy is designed to address consensual romantic relationships between employees to ensure that such relationships do not create conflicts of interest, favoritism, or disrupt the workplace environment.

Consenting "romantic" or sexual relationships between a supervisor/elected official/department head and an employee may at some point lead to unhappy complications and significant difficulties for all concerned - the employee, the supervisor/elected official/department head and the County. Any such relationship may, therefore, be contrary to the best interests of the County. Accordingly, Shelby County Government strongly discourages such relationships and any conduct (such as dating between a supervisor/elected official/department head and an employee) that is designed or

may reasonably be expected to lead to the formation of a "romantic" or sexual relationship. By its discouragement of romantic and sexual relationships, Shelby County Government does not intend to inhibit the social interaction (such as lunches or dinners or attendance at entertainment events) that are or should be an important part or extension of the working environment; and the policy articulated above is not to be relied upon as justification or excuse for a supervisor/elected official/department head's refusal to engage in such social interaction with employees.

If a romantic or sexual relationship between a supervisor/elected official/department head and an employee should develop, it shall be the responsibility and mandatory obligation of the supervisor/elected official/department head to promptly disclose the existence of the relationship to the County Commissioners or Human Resources. The employee may make the disclosure as well, but the burden of doing so shall be upon the supervisor/elected official/department head. Shelby County Government recognizes the ambiguity of and the variety of meanings that can be given to the term "romantic". It is assumed, or at least hoped, however, that either or both of the parties to such a relationship will appreciate the meaning of the term as it applies to either or both of them and will act in a manner consistent with this policy.

The immediate supervisor shall inform one of the County Commissioners and Human Resources of the existence of the relationship, including in all cases the person responsible for the employee's work assignments. Upon being informed or learning of the existence of such a relationship, the County Commissioners may take all steps in their discretion that they deem appropriate. At a minimum, the employee and supervisor/elected official/department head will not thereafter be permitted to work together on the same matters (including matters pending at the time disclosure of the relationship is made), and the supervisor/elected official/department head must withdraw from participation in activities or decisions (including, but not limited to, hiring, evaluations, promotions, compensation, work assignments and discipline) that may reward or disadvantage any employee with whom the supervisor/elected official/department head has or has had such a relationship.

In addition, and in order for Shelby County Government to deal effectively with any potentially adverse consequences such a relationship may have for the working environment, any person who believes that he or she has been adversely affected by such a relationship, notwithstanding its disclosure, is encouraged to make his or her views about the matter known to the Human Resource Director or a Commissioner. This policy shall apply without regard to gender and without regard to the sexual orientation of the participants in a relationship of the kind described.

Failure to advise the County of the existence of a romantic or sexual relationship and thus unnecessarily exposing the County to potential liability may result in disciplinary action up to and including termination.

## **6.6 WHISTLEBLOWER POLICY**

A whistleblower as defined by this policy is an employee of the County who reports an activity that he/she considers to be illegal or dishonest. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures. The Board of County Commissioners is charged with these responsibilities.

Examples of illegal or dishonest activities are violations of federal, state, or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee shall submit those concerns in writing to the County Attorney. Such employee reports of wrongdoing will be investigated by investigators selected by the County Attorney. In addition, other individuals may be included in reviewing the investigation findings at the discretion of the County Attorney.

Employees should exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing shall be subject to disciplinary action up to and including termination.

Whistleblower protections are provided in two important areas – confidentiality and no retaliatory actions. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, confidentiality is not guaranteed, the identity of the reporting individual may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide the accused individuals their legal rights of defense.

The County will not retaliate against a whistleblower. This includes protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, and threats of physical harm.

Any whistleblower who believes he/she is being retaliated against should submit their concerns in writing to the County Attorney immediately. Any report of retaliation shall be made within (30) days of the alleged incident of retaliation, or where the retaliation is of an ongoing nature, within (30) days from the most recent incident. Any report of retaliation must state with particularity those actions that the employee making the report believes constitute retaliation. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All investigative reports of illegal and dishonest activities will be promptly submitted to the Board of County Commissioners who will be responsible for determining any wrongdoing and coordinating corrective actions.

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

Misuse or theft of County property constitutes behavior that is subject to disciplinary action. This includes knowingly falsifying reports (i.e., attendance records, employment applications, etc.) either for the employee's advantage or on behalf of others. Additionally, use of County owned equipment or material is in violation of County policy. Proven misuse or theft may warrant immediate termination and provides for the filing of criminal charges (class D felony). If a person knowingly or intentionally alters or damages a computer program or data which comprises a part of the County's computer system or computer network this is considered a crime and will be treated as such.

The County is committed to providing the public with qualified staff who possess good character and standards. In conjunction with the policy requiring that all employees undergo a background check for employment, employees are required to promptly report arrests and convictions. This requirement will provide basic safeguards to meet that commitment and assist in maintaining a safe work environment for employees. Below are guidelines for taking appropriate action(s) when an employee has been arrested or convicted of crime(s) that could be relevant to employment with the County, including arrest(s) and conviction(s) found in background checks upon promotion, demotion, or transfer from one position to another. These guidelines may also be relevant in determining appropriate action(s) involving the services provided by volunteers and contractors. This policy applies to all exempt and non-exempt employees subject to the executive authority of the Commissioners except Merit Officers of the Sheriff's Department.

#### **RESPONSIBILITIES:**

Employees are responsible for reporting arrests and/or convictions, and certain citations within five (5) calendar days from the date of the arrest, conviction, or citation.

Supervisors/elected officials/department heads are responsible for implementing this policy in an appropriate and consistent manner and taking appropriate actions, including discipline, when an employee fails to abide by the requirements of this and related policies. Supervisors/elected officials/department heads will retain any and all documentation that transpires in the course of an event. Additionally, supervisors/elected officials/department heads will provide a copy of all documentation to Human Resources for inclusion in the employee's personnel file.

#### **PROCEDURES:**

1. A satisfactory background check is a condition of employment in all positions and certain volunteer work and some contracts. Convictions and arrests with pending charges found during a background check performed when a current County employee transfers, promotes, or demotes to another position will be considered in determining whether the employee will be transferred, promoted, or demoted or whether disciplinary action, including dismissal from County employment is appropriate.
2. Citations for infractions which occur during the employees off duty hours must be reported if the citation will have an impact upon the employee's ability to perform assigned duties (e.g. loss/suspension of driving privileges). Such report is required in writing to the Department Head or Elected Official as soon as possible but not more than five (5) calendar days from the date of the citation.
3. Whenever an employee is: (a) cited for an infraction while on duty or (b) arrested for any misdemeanor or felony, the employee shall report this matter, in writing, to the Department Head or Elected Official as soon as possible but not more than five (5) calendar days from the date of the arrest or citation. Failure to report in accordance with the above shall be considered a violation of this policy and may subject the staff person to discipline, up to and including termination.
4. It is the responsibility of any employee with pending criminal charges to provide to the Department Head or Elected Official written documentation (i.e. court record) of the disposition of the charges within five (5) calendar days.

5. At the discretion of the Department Head or Elected Official, the employee may be carried on Unauthorized Leave (UL) for time spent in jail. Three (3) consecutive UL days may be cause for dismissal. Vacation leave may not be taken to cover periods of incarceration, unless the vacation was scheduled for a purpose unrelated to incarceration prior to the employee being incarcerated.

6. An employee who has been arrested and charged with a crime may be suspended with or without pay pending an administrative investigation and/or the disposition of any charges filed against the employee. The determination as to whether an employee is suspended shall be based upon the nature and circumstances of the alleged offense.

7. If the employee is on suspension pending administrative investigation and/or the disposition of any charges, and the outcome is favorable to the employee, s/he shall be returned from suspension and made whole.

8. Disciplinary action, including termination, may be taken if the investigation or disposition of the charges establishes just cause. Any employee found guilty, admitting guilt, or pleading no contest or *nolo contendere* of/to a felony will be subject to immediate termination.

## **6.8 PROTECTION FROM ABUSE, NEGLECT AND EXPLOITATION**

Shelby County Board of Commissioners (BOC) is committed to ensuring that people are not subjected to abuse, neglect, and/or exploitation of any kind. Shelby County BOC views abuse in the same way regardless of the source, and thereby ensures that appropriate safeguards are in place to protect those around us. Shelby County BOC has requirements to ensure that this does not occur, but in the unfortunate case that it does, there are specific policies to report incidents.

Employees are required to demonstrate commitment to prevention through:

- Ensuring information is provided to and discussed around training opportunities in human rights, and freedom from abuse;
- Provision of information and support around sourcing advocacy and legal advice;
- Sound record keeping.

All prospective employees and volunteers will undergo background checks as appropriate, and employees will undergo these background checks every three to five years. Shelby County BOC has a 'no hire' protocol in the event that prospective employees or volunteers have not met the stipulated guidelines.

Management and employees need to provide a safe supportive environment through communicating clear protocols and procedures, such as harm minimization strategies and risk management plans.

It is the responsibility of all employees to create and maintain to the best of their ability an environment free of behaviors such as bullying, exploitation, manipulation, harassment and intimidation.

It is the responsibility of the Elected Officials/Department Heads to ensure that employees are trained in identifying risks which may lead to abuse and how to respond.

### **6.8.1 Complaint Procedure**

Complaints can be made verbally, or in writing, to a supervisor, department head, or to Human Resources. Employees are not required to report any prohibited conduct to a supervisor or department head who may be hostile, who has engaged in such conduct, who is a close associate of the person who has engaged in such conduct, or with whom the employee is uncomfortable discussing such matters.

After a report is received or if there is suspicion of abuse, neglect, mistreatment, or exploitation, the employee may be immediately suspended pending investigation. A thorough and objective investigation will be undertaken. Confidentiality will be maintained to the extent practical and permitted by law. Investigations will be conducted as confidentially as possible and related information will only be shared with others on a need-to-know basis. The investigation will be completed and a determination made and communicated to the employee as soon as practical. Shelby County BOC expects all employees to fully cooperate with any investigation conducted into a complaint and during the investigation to keep matters related to the investigation confidential.

If a complaint of prohibited abuse is substantiated, appropriate disciplinary action, up to and including termination of employment, will be taken. If a complaint cannot be substantiated, Shelby County BOC or the Human Resources Director may take appropriate action to reinforce its commitment to providing a work environment free from abuse.

### **6.8.2 Department Head and Supervisor Responsibility**

All Department Heads and Supervisors are responsible for:

- Implementing this policy, which includes but is not limited to, taking steps to prevent abuse;
- Ensuring that all employees under their supervision have knowledge of and understand this policy;
- Promptly reporting any complaints to the Human Resources Director so they may be investigated and resolved in a timely manner;
- Taking and/or assisting in prompt and appropriate corrective action when necessary to ensure compliance with this policy; and
- Conducting themselves, at all times, in a manner consistent with this policy.

Failure to meet these responsibilities may lead to disciplinary action, up to and including termination.

### **6.8.3 Protection Against Retaliation**

Retaliation is prohibited against any person by another employee or by Shelby County BOC for using this complaint procedure, reporting abuse, objecting to such conduct or filing, testifying, assisting or participating in any manner in any investigation, proceeding or hearing conducted by a governmental enforcement agency. Prohibited retaliation includes, but is not limited to, termination, demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions or otherwise denying any employment benefit.

Individuals who believe they have been subjected to retaliation or believe that another individual has been subjected to retaliation, should report this concern to a supervisor, manager, or to Human Resources. Any report of retaliatory conduct will be investigated in

a thorough and objective manner. If a report of retaliation prohibited by this policy is substantiated, appropriate disciplinary action, up to and including termination of employment, will be taken. If a complaint cannot be substantiated, Shelby County BOC or the Human Resources Director may take appropriate action to reinforce its commitment to providing a work environment free from retaliation.

#### **6.9 NON-BUSINESS OR SOCIAL VISITS TO THE WORKPLACE**

While personal visits are not prohibited, their frequency and duration will be limited and will not interfere with on-going work nor distract fellow employees. Visitors in the work area must be escorted while in County offices and work areas. Unaccompanied visitors will be asked to leave the premises. The employee shall be responsible for the acts of visitors in the workplace.

#### **6.10 CHILDREN IN THE WORKPLACE**

Shelby County Government considers itself to be a family-oriented business. We believe that it is an important facet of family life that our children see and learn what our parents do at work each day. Infrequent visits to Mom or Dad's work area is an important aspect of this family relationship. We as a county government value family and work/life balance. Our employment policies and benefits are indicative of our beliefs. However, as an entity responsible to the taxpaying public we believe in an environment that is conducive to work; therefore, the workplace will not be used in lieu of childcare. As a general rule, it is inappropriate for minor children and other minor relatives of employees to be in the workplace during working hours. This policy has been implemented to minimize potential liability to the county, risk of harm to children, and decreased employee productivity due to distractions and disruptions.

#### **6.11 PUBLIC RELATIONS**

When dealing with the public directly, either in person, by phone, or through official correspondence, County employees are expected to be courteous and professional at all times. Excessive complaints from the public lodged against any employee will be investigated and may result in disciplinary action.

#### **6.12 GIFTS OR GRATUITIES**

Employees may not accept a gift, favor, service, entertainment, food or drink that has more than a nominal value or that could create the public perception that it is intended to influence the employee's action. Employees may not solicit or accept outside payments for the performance of county duties or for any activity related to their service to the County.

#### **6.13 GHOST EMPLOYMENT**

Shelby 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 35-44.1-1-3. Ghost employment is a Level 6 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 they have 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.

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

The successful operation and reputation of Shelby County government is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

Our continued success is dependent upon our citizens' trust and we are dedicated to preserving that trust. Employees owe a duty to Shelby County government, its customers, and citizens to act in a way that will merit the continued trust and confidence of the public.

Shelby County will comply with all applicable laws and regulations and expects its Department Heads, Elected Officials and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your Department Head or Elected Official.

Compliance with this policy of business ethics and conduct is the responsibility of every Shelby County employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including termination of employment.

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, Shelby County.

Indiana Code 35-44-1-3 states that a person who knowingly or intentionally obtains a pecuniary interest in or derives a profit from a contract or purchase connected with an

action by the governmental entity served by the public servant commits a Level 6 felony, unless a financial disclosure form is approved in advance and filed as required by law.

The County also recognizes its right and obligation to determine when an employee's activities present a conflict of interest with the organization. At such times, the County must take whatever action is necessary to resolve the situation, including but not limited to, termination of employment. This policy applies to all employees, as well as to former employees, where 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 with a copy to the State Board of Accounts. If deemed by County Commissioners 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.

#### **6.15 SOLICITATION/DISTRIBUTION**

To promote a professional and collegial workplace, prevent disruptions in business or interference with work, and avoid personal inconvenience, Shelby County Government has adopted rules about soliciting for any cause and distributing literature of any kind in the workplace.

Shelby County recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time. Working time does not include lunch periods, work breaks, or any other periods in which employees are not on duty.

If employees have a message of interest to the workplace they may submit it on the email Classifieds page. Shelby County employees may advertise, sell, and post community events to the Classifieds group. Employees must be a member of the classifieds group in order to post or view items and events and must agree to the group guidelines. Employees that violate the Classifieds group guidelines may be removed from the group and banned from using it.

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

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

#### **6.16 SECURITY OF PREMISES**

Shelby County wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, Shelby County prohibits the control, possession, transfer, sale, or use of such materials on premises owned or leased by Shelby County or while engaged in County business. However, 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 (Shelby County Jail) or other County facilities listed in Ind. Code 34-28-7-2(a) (2) do not have these rights. Except for law enforcement officers, employees working at the Shelby County Jail shall not bring firearms or ammunition onto County property including in their personal vehicles.

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. The County requires the cooperation of all employees in administering this policy. Deadly weapons within the Shelby County Court house are prohibited unless otherwise noted. A deadly weapon is defined as a loaded or unloaded firearm, weapon, devise, taser, stun gun, or chemical substance that is intended to be used to cause bodily injury. Excepted persons: Law enforcement Officers while on duty; Correction Officers while on duty; and judicial officers; or employees of the United States duly authorized to carry deadly weapons, while on duty.

Any employee who violates this policy or possesses a deadly weapon in the Shelby County Court house shall be subject to discipline, up to and including termination. Additionally, an individual in violation of this policy may be subject to a fine of up to \$1,000 per violation and the County Attorney may take legal action through the County Court System.

In an effort to safeguard the property of our employees, county taxpayers, and the County, the County reserves the right to inspect property owned and/or supplied by the County. County-supplied property (including but not limited to offices, desks, file cabinets, computers and software, County vehicles, lockers and other storage facilities) is County property and are subject to inspection by department heads/elected officials at any time, with or without notice. Therefore, employees will have no reasonable expectation of privacy in property owned and/or supplied by the County. Employees may be permitted to store personal items in facilities. However, the County is not responsible for loss, damage, or theft of employees' personal belongings, so employees will exercise discretion in storing any personal items.

Shelby County Government is committed to ensuring employees' security. Our premises are equipped with security alarms that are active outside working hours and a fire alarm system. If you have a security concern, contact Courthouse Security personnel or the Facilities Director.

Most buildings use key fobs during non-business hours. The fobs are designed to restrict unauthorized access to the facilities. Employees are not to give out their personal fobs to non-County personnel for any reason. If you lose or misplace your fob, you must report it immediately to your department head/elected official. After the second key fob replacement, there may be a replacement fee.

## **6.17 WORKPLACE VIOLENCE**

The safety and security of Shelby County employees and customers is very 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.

Shelby County Government has a zero-tolerance policy concerning threats, intimidation, and violence of any kind in the workplace either committed by or directed to our employees. Employees who engage in such conduct will be disciplined, up to and including immediate termination of employment.

Workplace violence includes, but is not limited to, intimidation, threat, physical attack, 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 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 in the 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, illegal firearms, weapons, and other dangerous or hazardous devices or substances are strictly prohibited on County property without proper authorization as specified in *Section 6.16 Security of Premises of this Handbook*.

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.

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, electronic or conventional mail, social media, or any other communication medium.

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/Department Head is unavailable or if the nature of the complaint is such that the employee does not believe they can discuss it with the Elected Official/Department Head, the employee may bring concerns to Human Resources.

When an incident of violent behavior is reported the Department Head, Elected Official, or Human Resources will assess and investigate the incident and determine the appropriate action to be taken. In critical incidents in which a serious threat of injury occurs and emergency response is required, the Sheriff's Department or Shelbyville Police must be notified immediately.

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. In instances when the County-owned or leased premises are not named in the protective order and the employee chooses to notify management of the existence of a protective order, the County shall make efforts to maintain and enforce the protective order in the workplace. The County will notify security personnel of the identity of the person against whom the protective order is issued and, where possible, provide such personnel with a photograph of such person. Employees are to be sensitive and, to the extent practicable, to protect the privacy of victims of violence.

Violations of this policy may lead to disciplinary action that may include termination of employment and may also result in arrest and 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 prosecution of the person(s) involved.

Employees who act in good faith by reporting real or implied violent behavior violations of this policy need not fear retaliation. The County will not in any way retaliate against an individual who, in good faith, files a complaint under this policy, nor permit any supervisor, department head, elected official, or employee to do so. Retaliation is a serious violation of this policy and will be reported immediately. Any person found to have engaged in misconduct constituting retaliation against another person for the good faith reporting of violence in the workplace may be disciplined, up to and including termination. If an employee feels he or she has been subjected to threats or threatening conduct by a coworker, vendor or customer, the employee will notify his or her supervisor, Department Head/Elected Official, or Human Resources immediately.

#### **6.18 CONFIDENTIALITY**

Our taxpayers, vendors, and other parties with whom we do business entrust the County with important information relating to their businesses and personal information. It is our policy that all information considered confidential will not be disclosed to external parties or to employees without a "need to know." If an employee questions whether certain information is considered confidential, he/she should first check with his/her Department Head/Elected Official.

This policy is intended to alert employees to the need for discretion at all times and is not intended to inhibit normal business communications.

No Shelby County or Shelby County related information, including without limitation, documents, notes, files, records, oral information, computer files or similar materials, except in the ordinary course of performing duties on behalf of Shelby County may be

removed from the courthouse or any County facility without permission from the Department Head or Elected Official.

Employees who are unsure about the confidential nature of any particular record or information should ask their Department Head or Elected Official for clarification, who may refer the applicability of any of the foregoing exceptions to the attorney representing Shelby County. Employees will be subject to appropriate disciplinary action, up to and including termination, for knowingly or unknowingly divulging or releasing information or records of a confidential nature.

Employees are advised to consult with their Elected Official/Department Head before releasing information which is 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.

## **6.19 EMPLOYEE CONDUCT AND PROGRESSIVE DISCIPLINE**

Employees must conform to certain standards of attendance, conduct, work-performance and other work rules and regulations. Department Heads/Elected Officials will coach and counsel employees to develop an effective solution. If, however, an employee fails to respond to coaching or counseling, or an incident occurs requiring formal discipline, the Progressive Discipline process may be used. However, Shelby County Government reserves the right to forgo any progressive discipline procedures if it judges the employee's conduct to be sufficiently egregious to warrant immediate termination. All employees will remember that termination action may be taken at any point as all employment with Shelby County Government is considered "at will", permitting either the employee or the County to end the working relationship for no reason at all or for any reason not otherwise prohibited by law.

The County reserves the right to discipline or terminate an employee for violating any County policy, practice, or rule of conduct. The following list is intended to give employees notice of our expectations and standards. However, it does not include every type of unacceptable behavior that can or will result in disciplinary action.

Be aware that Shelby County Government retains the discretion to determine the nature and extent of any discipline based upon the circumstances of each individual case.

The following conduct is prohibited and will subject the individual involved to disciplinary action, up to and including termination. 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.

### **OFFENSES**

(Examples of, but not limited to the following:)

1. Tardiness or failure to report to 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, fax, or mail for personal use.
9. Unsatisfactory work or failure to maintain required standard of performance.
10. Unauthorized breaks.
11. Failure to report accidents, injury or equipment damage.
12. Leaving the job or work area during the regular working hours without authorization.
13. Threatening, intimidating, coercing, or interfering with subordinates or other employees.
14. Obliging Shelby County for any expense, service, or performance without authorization.
15. Unauthorized sleeping during working hours.
16. Reporting for work or working while unfit for duty.
17. Unauthorized use of County property or equipment.
18. Performing private work on County time.
19. Failure to sign in or out when required.
20. Failure to report for overtime work without good reason after being scheduled to work according to overtime policy.
21. 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.
22. Refusing to provide testimony in court during an accident investigation, or during any type of public hearing.
23. Giving false testimony during a complaint, investigation, or hearing.
24. Unauthorized posting, removal, or alteration of notices or signs from bulletin boards.
25. Distributing or posting written or printed matter of any description on County premises unless authorized.
26. Unauthorized presence on County property.
27. Disregard of department rules. Failure to follow instructions or County procedures.
28. Discourteous treatment of the public.
29. Excessive absenteeism or lateness.
30. Violating conflict of interest rules and policy.
31. Violating the County's computer and software use policy. Violating the County's internet and email use policies.
32. Failure to give medical certifications and/or physician's excuse in a timely manner.
33. Failure to notify authorized personnel before regular work starting time when unable to report to duty.
34. Using vulgar, profane, or obscene language, including any communication or action that violates our policy against harassment/hostile work environment and other unlawful forms of discrimination.
35. Being in possession of, or drinking alcoholic beverages, on the job.
36. 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.
37. Punching, signing, or altering other employees time cards, time sheets or unauthorized altering of own time card or sheet. Failure to record working time accurately.
38. 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.

39. Making false claims or misrepresentations in an attempt to obtain any County benefit.
40. Unlawful or negligent handling of public monies.
41. Using controlled substances without a prescription thereof or selling controlled substances on County property or on County time.
42. Fighting or attempting to injure other employees, supervisors, or other persons.
43. Except for authorized employees of the Sheriff's department, carrying or possession of firearms or weapons on County property at any time without proper authorization.
44. Knowingly exposing others to hazardous conditions, such as communicable diseases, which may pose a health or safety risk.
45. Misusing or removing County records or information without prior authorization.
46. 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.
47. 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."
48. Insubordination by refusing to perform assigned work or to comply with written or oral instruction of the supervisors, creating a hostile work environment for supervisors, employees, and the public.
49. An absence of more than one (1) work day without notification of absence.
50. Violating the County's harassment and hostile work environment policy.
51. Failure to report accidents, injury, or equipment damage.
52. Disclosure of confidential information.
53. 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.
54. Being convicted of a crime that indicates unfitness for duty or presents a threat to the County or its employees in any way.
55. Failure to submit to a blood test, urinalysis, or Breathalyzer examination, pursuant to the Drug-Free Workplace Policy.
56. Failure to maintain required certifications required of the position.
57. Failure to follow safety regulations when safety of an employee or others is affected.
58. Refusal to take or failure to pass any examination required for the job, including fitness for duty medical examinations.
59. The posting, transmitting, reproducing, and/or dissemination of information (text, pictures, video, and/or audio) to the internet or any other forum (public or private) by an employee that would discredit or reflect unfavorably upon the County Department, employee, or its employees.

### **DISCIPLINE**

	Coaching session
First Offense	Documented Verbal Warning
Second Offense	Written Warning
Third Offense	Final Written Warning
Fourth Offense	Any appropriate discipline, up to and including termination.

Discipline given to an employee for an offense can range from coaching (verbal warning) to termination. Levels of discipline include coaching, documented verbal warning, written



warning, and final written warning, and any appropriate discipline, up to and including termination. The County reserves the right to apply any level of discipline for a given action, regardless of an individual's prior record. Factors that might influence the decisions as to which to apply are:

- How many different offenses are involved.
- The seriousness of the offenses.
- The time interval between and employee response to prior disciplinary actions.
- Previous work history of the employee.

In some cases, it may take additional time to gather all the information necessary to make a final disciplinary decision. Depending on the nature of the incident, an employee may be placed on a paid or unpaid investigative suspension during this time. During an investigative suspension, an employee is relieved of his or her job because of alleged misconduct. Examples of situations that could lead to an investigative suspension are not limited to, but include, the following: fighting, insubordination, and theft. Investigative suspensions will typically not exceed seven (7) working days unless the police or Prosecuting Attorney have been called in and they are still in an active phase of their investigation.

Please understand that Shelby County Government reserves the right to terminate any employee whose conduct merits immediate dismissal without resorting to any aspect of the progressive discipline process.

## **7. PROBLEM RESOLUTION**

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 Shelby County's policies have been violated, or who believes that they have 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 Elected Officials/Department Heads having the authority to take disciplinary actions.**

Whenever an employee has a problem, complaint, and/or feels they have been unfairly treated, they are expected to communicate directly with the County by:

**STEP 1.** First talking to their immediate supervisor about the issue. The employee's immediate supervisor is most familiar with the employee and his/her job and is, therefore, in the best position to assist him/her. The issue must be in writing if requested by the supervisor.

If step 1 does not resolve the matter, or the employee does not want to talk to the supervisor about the issue the employee can move to step 2, unless;

- His/her immediate supervisor is a Department Head, then he/she will move to step 3, -OR-;
- His/her immediate supervisor is an Elected Official, then he/she will move to step 5.

**STEP 2.** If the previous step cannot help the employee resolve the matter or if the employee is not satisfied with his/her supervisor's response, the employee can direct his/her problem to their Department Head. At this point the issue must be in written form.

**STEP 3.** If the previous steps cannot help the employee resolve the matter or he/she is not satisfied with their Department Head's response, the employee may direct his/her issue to the Board that governs the department he/she works in. The issue must be in writing. This documentation must be forwarded to the Departmental Board. If the employee's Department Head does not report to a Board, move to step 4.

**STEP 4.** If any of the previous steps cannot help the employee resolve the matter or he/she is not satisfied with the response(s) received, the employee may direct his/her issue to their Elected Official. The issue must be in writing.

**STEP 5.** If any of the previous steps cannot help the employee resolve the matter or he/she is not satisfied with the response(s) received, the employee may direct his/her issue to the Human Resources Director. The issue will be investigated and HR will respond with a final resolution to the issue.

## **SEVERABILITY**

The policies and procedures contained in this handbook are subject to all applicable federal and state laws and County of Shelby, Indiana rules and regulations, 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 of 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. The County of Shelby, Indiana, reserves the right to delete, modify, 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 their representative capacity or individually in any litigation arising out of the administration of 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.

## **AMENDMENTS**

This handbook may be amended from time to time by the Board of Commissioners of Shelby County. When amendments occur, a notice of the policy change will be sent electronically to department heads, elected officials, and employees and the amended policy will be posted on the County website.

## EMPLOYEE ACKNOWLEDGMENT FORM

This handbook describes important information about employment with Shelby County Government. I understand that the employee handbook is not an employment contract but does provide the organizational employment policies and procedures by which I am governed. I have entered into my employment relationship with Shelby County Government voluntarily and acknowledge there is no specified length of employment. I further understand that my employment and compensation with Shelby County Government is At-Will Employment. This means that Indiana employers may hire, fire, promote, demote, layoff, suspend, set their own work hours and policies at their discretion; so long as they do not discriminate against their employees because of their age, sex, race, religion, national origin, or disability. I understand that no contract has been established between Shelby County Government and me. That my employment with Shelby County Government can be terminated at any time, by either party for no reason at all or for any reason not otherwise prohibited by law.

I understand that this Handbook is subject to change without notice. It is understood that changes in procedure will supersede or eliminate those found in this book and I will be notified of such changes through normal communication channels. Only the Shelby County Commissioners' have the authority to revise the handbook or make any agreement or representation inconsistent with employment at will. Any such revision, agreement, or representation must be in writing and signed by the Shelby County Commissioners.

**I have received a digital copy of the Shelby County Government Employee Handbook outlining my responsibilities as an employee and the responsibilities of the organization. It is my responsibility to read, understand, and comply with the policies and the information contained in this handbook and revisions made to it. I agree to abide by the policies, procedures, and conduct as outlined in this handbook and I understand that if my conduct or behavior violates the intent of this handbook, I may be subject to disciplinary action up to and including termination of employment with Shelby County Government.**

**If I have questions, I am to consult with management regarding any questions not answered in the handbook. I understand that questions will be addressed to my immediate supervisor, department head, elected official, or the Human Resources office.**

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

\_\_\_\_\_ Signature of Employee \_\_\_\_\_ Date

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