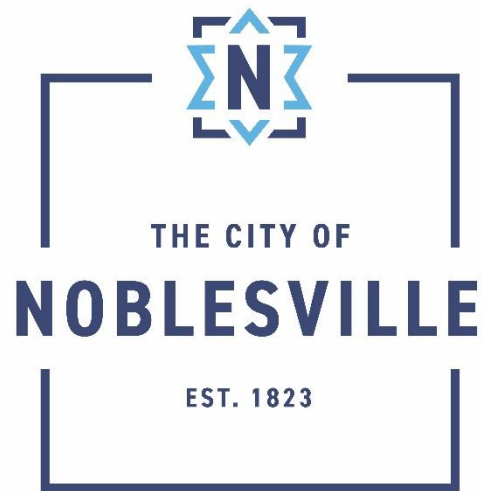


CITY OF NOBLESVILLE

CIVILIAN EMPLOYEE

PERSONNEL POLICY HANDBOOK



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CHAPTER 1

PERSONNEL ADMINISTRATION

1.1 USE AND REVISION OF PERSONNEL POLICY HANDBOOK

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

Authority to appoint, promote, transfer, demote, suspend, and terminate is vested in the department head or governing body, who also shall have the primary responsibility for enforcement of these personnel policies.

Nothing in this handbook is intended to in any sense constitute a contract of employment or an expectation of continued employment. The City of Noblesville is an "At-Will" employer, unless applicable statutes direct otherwise, which means the employee may resign at any time and the employer may discharge an employee at any time with or without cause. This handbook is not a contract of employment.

No personnel policy handbook can anticipate every circumstance or question about policy. As the need may arise, the City may change policies described in the handbook. The City of Noblesville, therefore, reserves the right to revise, supplement, or rescind any policies or portion of the handbook 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. Amendments to these policies and procedures shall be by resolution of the governing body.

Although we believe the descriptive materials contained in this handbook are accurate, some sections, like insurance, are only summaries. Any discrepancies between these summaries and the terms of the actual plans will be governed by the terms of the underlying, more detailed policies and procedures. Any questions regarding summaries, their underlying policies and procedures, if applicable, and any discrepancies between them should be directed to the department head or governing body.

1.2 EXCEPTIONS AND SPECIAL CONDITIONS

These policies and procedures apply to all City of Noblesville employees, except when in conflict with special employment conditions set forth for elected officials or when in conflict with various laws governing employment relationships, such as statutes for police and fire department officers.

1.3 EQUAL EMPLOYMENT OPPORTUNITY AND DISCRIMINATION

The City of Noblesville provides equal employment opportunities to all employees and applicants for employment and prohibits discrimination and harassment of any type with regard to race, color, sex, national origin, religion, age, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristics protected by federal, state, or local laws.

Position vacancy notices, postings, advertisements, and recruiting literature shall specify that the City of Noblesville is “An Equal Opportunity Employer.”

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

1.4 DISABILITY, ANTI-DISCRIMINATION, AND ACCOMMODATION POLICY

It is the policy and practice of the City of Noblesville to comply fully with the Americans with Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, as amended, to ensure equal opportunity in employment for all qualified persons with disabilities. The ADA and Section 504 requires that employers offer equal employment opportunities for qualified individuals who may have a physical or mental disability but can still perform the essential functions of the job. The City is committed to ensuring that there is no discrimination under any terms, conditions or privileges of employment and to making reasonable accommodations for employees with physical or mental disabilities unless doing so would create an undue hardship for the City. All employment decisions are to be made based upon job-related criteria without regard to physical or mental disabilities of qualified individuals.

The ADA and Section 504 defines a person with a disability as an individual who:

Has a physical and mental impairment that substantially limits one or more major life activity;
Has a record of such as an impairment; or Is regarded as having such an impairment.

Reasonable accommodations are available to all employees and applicants with a disability when such an accommodation is required to perform the essential functions of the job. A reasonable accommodation is one that does not cause an undue hardship for the City. The supervisor, with assistance from the City ADA Coordinator/Human Resources Director, and the employee are responsible for considering what reasonable accommodations may be made.

Upon requesting an accommodation, the supervisor or the City ADA Coordinator/Human Resources Director may request that the employee provide a medical evaluation documenting the disability. All medical records obtained will be kept separate from general personnel files and will be confidential.

In compliance with the ADA and Section 504, it is also the policy of the City to recruit, hire, and promote employees and applicants without regard to disability. Therefore, in interviewing applicants for employment, supervisors:

cannot use interview questions that may have a discriminatory effect on a person with a disability;

cannot use employment or skill tests which are not specifically job related; and

should refer only to the current and approved job description reflecting the requirements of the position.

1.5 DIVERSITY, EQUITY, AND INCLUSION

The City of Noblesville is committed to cultivating and preserving a culture of diversity, equity, and inclusion. The City embraces and encourages our employees' differences in age, color, disability, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, political affiliation, race, religion, sexual orientation, socioeconomic status, veteran status, and other characteristics that make our employees unique.

The City's diversity, equity, and inclusion initiatives are applicable, but not limited, to its practices and policies on recruitment and selection; compensation and benefits; professional development and training; promotions; transfers; layoffs; terminations; and the ongoing development of a work environment that embodies these initiatives.

All employees of the City of Noblesville have a responsibility to treat others with dignity and respect at all times. All employees are expected to exhibit conduct that reflects inclusion during work hours, at work functions on or off the worksite, and at all other city-sponsored and participative events. All employees are also required to complete annual diversity awareness training to enhance their knowledge to fulfill this responsibility.

Any employee found to have exhibited any inappropriate conduct or behavior against others may be subject to disciplinary action up to and including termination.

Employees who believe they have been subjected to any kind of discrimination and/or harassment that conflicts with the City's diversity, equity, inclusion policy and initiatives should seek assistance from a supervisor or the Human Resources Department.

1.6 RELIGIOUS ACCOMMODATIONS

The City respects the religious beliefs and practices of all employees and will make, on request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the City's business. An employee whose sincerely held religious beliefs or practices conflict with his or her job, work schedule, or with City policy or practice on dress and appearance, or with other aspects of employment, and who seeks a religious accommodation must submit a written request for the accommodation to his/her supervisor or, when appropriate, the Human Resources Director. The written request will include the type of religious conflict that exists and the employee's suggested accommodation. The request will be evaluated to determine whether the request is available or if it will create an undue hardship on the City.

1.7 UNLAWFUL HARASSMENT

The City of Noblesville intends to provide a work environment that is pleasant, healthy, comfortable, inclusive, and free from intimidation, hostility, or other offenses that might interfere with work performance. Harassment of any sort on the basis of race, color, sex, age, disability status, genetics, religion, national origin, protected veteran status, sexual orientation, or gender identity or expression will not be tolerated.

What Is Harassment?

Harassment can take many forms. It may be but is not limited to: words, signs, jokes, pranks, intimidation, physical contact, or violence. Harassment is not necessarily sexual in nature. It may

also be based on an individual's race, color, age, disability status, genetics, religion, national origin, protected veteran status, sexual orientation, or gender identity or expression.

Sexually harassing conduct may include unwelcome sexual advances, requests for sexual favors, or any other verbal or physical contact of a sexual nature that prevents an individual from effectively performing the duties of his or her position or creates an intimidating, hostile or offensive working environment, or when such conduct is made a condition of employment or compensation, either implicitly or explicitly.

1.8 REPORTING AND INVESTIGATING HARASSMENT, DISCRIMINATION, AND RETALIATION

All City employees, and particularly supervisors, have a responsibility for keeping the work environment free of harassment. Any employee who becomes aware of an incident of harassment, whether by experiencing the incident, witnessing the incident or being told of it, should immediately report it to his or her supervisor or the Human Resources Director.

When the City becomes aware that harassment might exist, it is obligated by law to take prompt and appropriate action, whether or not the victim wants the City to do so. Appropriate investigation and disciplinary action will be taken. All reports will be promptly investigated with due regard for the privacy of everyone involved. Any employee found to have harassed a fellow employee or subordinate will be subject to disciplinary action up to and including discharge. The City also will take any additional action necessary to appropriately remedy the situation.

No Retaliation

The City encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the City to promptly and thoroughly investigate such reports. The City prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

Complaint Procedure

Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with their immediate supervisor or the Human Resources Department.

The City encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained and to prevent any future misconduct. Therefore, while 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 reported allegations of harassment, discrimination, or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

The City will maintain confidentiality throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action. 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.

Employee misconduct constituting harassment, discrimination, or retaliation will be dealt with appropriately. Corrective action may include, but not limited to, training, referral to counseling, or disciplinary action up to and including termination as the City believes appropriate under the circumstances.

False and malicious complaints of harassment, discrimination, or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

If a party to a complaint does not agree with its resolution, that party may appeal as described in the Problem Resolution Policy in Chapter 7.

1.9 MANAGEMENT RIGHTS

The City of Noblesville, as a public employer, retains the sole and exclusive responsibility and authority to manage and direct its workforce on behalf of the public and to conduct the operations and activities of the City to the full extent authorized by law.

1.10 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 City of Noblesville.

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

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

Consumption of alcoholic beverages on City parks or golf course property, while off duty, is exempt from this policy, if otherwise permitted on such property.

The City will determine on a case-by-case basis whether assistance will be provided to employees whose health or performance is at risk of deterioration due to drug or alcohol use. Employees

may use physician-prescribed medications, provided the use of such drugs does not adversely affect job performance or the safety of the employee or other individuals in the workplace.

The City recognizes that employees may wish to seek professional assistance in overcoming drug or alcohol problems. Please contact the Human Resources Director for more information about the benefits potentially available under the employee medical benefit plans and any possible referral sources.

Employees may keep prescription drugs and over-the-counter medications on City premises when properly prescribed by a medical physician, dentist, psychiatrist, or as needed for over-the-counter medications. Employees who operate vehicles or equipment in the course of their employment shall notify their department head of any medications that may impair judgment or impact on the ability to safely perform job duties and responsibilities.

1.10.1 DRUG TESTING FOR EMPLOYEES NOT COVERED BY CDL POLICY

The City of Noblesville is committed to providing a safe, efficient, and productive work environment for all employees. In keeping with this commitment, employees may be requested, due to reasonable suspicion or post-accident testing, to provide body substance samples (e.g., blood, urine, hair or other body substances) to determine the prohibited use of marijuana, cocaine, opiates – opium and codeine derivatives, amphetamines and methamphetamines, phencyclidine (PCP), alcohol and any other controlled substance and illegal drugs. The results of any drug testing shall remain in the employee's confidential file. Refusal to submit to a drug or alcohol test may result in disciplinary action, up to and including termination of employment.

1.10.1a Reasonable Suspicion

An employee may be required to submit to a drug or alcohol test when either the department head or other trained supervisor has reasonable suspicion that the employee has used alcohol or drugs or is impaired from the use of alcohol or drugs when reporting to, or during work hours. In the event that an employee is requested to submit to a drug test, the department head or trained supervisor shall complete the appropriate form to be provided by the department head setting forth the observations leading to the determination of reasonable suspicion, including the following:

- a. Observation of drug or alcohol use;
- b. Observation of drugs, alcohol, or containers traditionally used for drugs or alcohol;
- c. Observations of behavior of the employee, including balance, speech, reactions, and other characteristics supporting reasonable suspicion of use of drugs or alcohol or impairment by drugs and alcohol;
- d. A pattern of abnormal or erratic behavior by the employee; or,

- e. Information provided by reliable or credible sources.

1.10.1b Post-Accident Testing

Post-accident testing shall be required when an employee is involved in an accident while operating City equipment or vehicles in pursuit of City business which results in either the death or injury to persons, if the driver receives a citation for a moving violation, or at least one vehicle is disabled to the extent that it must be towed from the accident scene. Post-accident tests shall include screens for both drugs and alcohol. Post-accident tests must be conducted within two (2) hours following the accident.

Questions concerning this policy or its administration should be directed to the department head.

1.10.2 FEDERAL MOTOR SAFETY REGULATIONS / COMMERCIAL DRIVER'S LICENSE DRUG & ALCOHOL POLICY

This section shall apply to any City employee who is required to hold a commercial driver's license in order to operate a vehicle or equipment as part of his/her employment with the City.

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

It is the policy of the City 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), Federal Highway Administration (FHWA). In complying with these regulations, the City has established a comprehensive controlled substance and alcohol testing, training, and record-keeping program for employees in positions that have been classified as safety-sensitive. In accordance with DOT/FHWA regulations, included in this classification of safety-sensitive positions are all positions that require an employee to operate a commercial motor vehicle and/or hold a commercial driver's license.

Information and training concerning the specific provisions of this policy are provided to all employees and supervisors of employees holding safety-sensitive positions. Copies of these policies and procedures are on file in Human Resources, Street, Wastewater, Maintenance, and Park departments and may be viewed upon request.

Questions concerning this policy or its administration should be directed to the Human Resources Department.

1.11 AUTHORIZED ALIEN STATUS AND CITIZENSHIP

Verification of Employment Eligibility. All applicants must cooperate with the City in its compliance with the Immigration Reform and Control Act of 1986, as amended. Applicants who refuse to supply the documentation necessary to prove they are American citizens or aliens authorized to work in this country will not be considered for employment. The Human Resources Director shall ensure that the I-9 Form is properly completed and retained as required by law.

1.11.1 RECORDS RETENTION

The retention of Form I-9 is determined by U.S. Citizenship and Immigration Services. All current employees hired after November 6, 1986 must have a Form I-9 on file. The Form I-9 for terminated employees will be retained for at least three years after the date of hire or one year after the date of termination, whichever date is later. All forms of identification that were copied and attached to the Form I-9 at the time of hire must be kept the same length of time.

1.12 BLOODBORNE PATHOGENS

Employees working in high-risk jobs will be offered bloodborne pathogens training and a series of hepatitis B vaccinations for their protection at no cost to the employees.

The Occupational Safety and Health Administration (OSHA) has determined that certain employees in the workplace face a significant risk of bloodborne pathogens. To ensure that City employees are aware of occupational exposure to bloodborne pathogens, the City has developed an exposure control plan to minimize or eliminate employee contact with human blood or other body fluids which may contain bloodborne pathogens, such as hepatitis B virus and HIV. This control plan is available for use by all City employees and is located in the Human Resources Director's office.

1.13 WORKPLACE ACCOMMODATIONS FOR NURSING MOTHERS

The City of Noblesville will make every reasonable effort to provide employees who are nursing mothers a private place to express breast milk, as well as an appropriate place to store the expressed milk.

The City of Noblesville shall:

- a. Provide reasonable paid break time to an employee who needs to express breast milk for her infant child. The break time must, if possible, run concurrently with any break time already provided to the employee.
- b. Make reasonable efforts to provide a private space, other than a toilet stall, in close proximity to the work area, for nursing mothers to express milk; and
- c. Make reasonable efforts to provide or allow the employee to provide a refrigerator or other cold storage space for expressed breast milk.

It is the responsibility of the employee to request from the Human Resources Department or her direct supervisor a workplace accommodation.

CHAPTER 2

EMPLOYMENT POLICIES

2.1 RECRUITMENT AND PLACEMENT

Authorization to recruit and hire to fill a vacancy in an existing or newly created position rests solely with the department head and applicable governing body. Responsibility for the recruitment of department heads is the function of the Mayor or appropriate governing bodies.

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

Vacant and new positions, insofar as practicable, shall be afforded current employees, subject to ability and job qualifications to be reasonably determined by department heads. The Human Resources Department shall develop and administer an active recruitment program designed to meet current and projected personnel needs.

2.2 JOB ANNOUNCEMENTS/POSTINGS

The City encourages internal promotion and transfer whenever possible; internal departmental promotions are exempt from posting. Job postings will be emailed to all City employees. Departments that have employees with limited or no computer access will be provided hard copies of the job postings to be placed on their department bulletin boards.

Employees must apply in writing for any internal postings. Upon the completion of one week (five [5] working days) of the internal posting, the position posting may then become available to the general public.

At the discretion of the department head, based on the urgency and specialization of the job requirements, print media, job posting websites, social media, colleges/universities, and other platforms may be used in recruiting employees. Job announcements and advertisements shall be clear and readable, specify that the City of Noblesville is "An Equal Opportunity Employer" and may include the following: job title, position hours, salary range, FLSA status, essential job functions, and qualifications; the manner of completing applications, and other pertinent information required.

2.3 EMPLOYMENT APPLICATIONS

All applicants are required to complete a City of Noblesville application as well as any other forms required for statistical purposes or deemed necessary to process the application.

The job application requests only the information necessary for rational decision-making, including training, experience, and other data. Only questions specifically related to occupational standards shall be asked.

All applicants must thoroughly complete the application, providing any requested information in its entirety and accounting for periods of employment and unemployment. The City may screen

applicants and conduct testing relevant to the skills needed to effectively complete the functions of the position.

The City relies on the accuracy of the information on the application as well as other data presented throughout the hiring process and employment. The department head or Human Resources Director may require proof of statements on the application. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the City's exclusion of the individual from further consideration for employment, or, if the person has been hired, termination of employment.

Placement of an application with the City does not mean that all applicants will be granted an interview. The department head or designated supervisor will review applications, determine which applicants are interviewed, and decide which applicant best meets the qualifications established for the position. Equal consideration will be given to all applicants based on the qualifications established for the job.

2.3.1 RECORDS RETENTION

Pursuant to the County/Local General Retention Schedule (GEN) of the Indiana Commission on Public Records – County Records Management, employment applications for individuals not hired by the City of Noblesville will be retained for three (3) calendar years after the decision not to hire. A Notice of Destruction of Nonpermanent Records (Local Government Public Records) will be submitted to the Secretary of the Hamilton County Commission of Public Records, which is the Hamilton County Clerk or Hamilton County Recorder, and the Indiana Archives and Records Administration 30 days prior to destruction.

2.4 TESTING

Applicant testing may be used in the recruitment and placement process. "Test" is defined as any performance-measured skills testing, which is used as a basis for an employment decision. No test shall be used that has not been approved by the department head or applicable governing body; all tests shall be job-related.

2.5 RESIDENCY

Any person who accepts employment with the City of Noblesville must have his/her principal place of residence in Hamilton County or in an Indiana county that is contiguous to Hamilton County, unless otherwise allowed by law. Employees have six (6) months from the start of employment to meet this requirement; an extension of an additional six (6) months may be authorized at the discretion of the department head. If an extension is approved, the department head must notify the Human Resources Department.

2.6 NEPOTISM

Effective July 1, 2012, the City may not employ persons in positions which result in one relative being in the direct line of supervision of another relative. An employee who is employed by the City as of June 30, 2012, is not subject to this nepotism provision unless the employee has a break in employment with the City in the future. A break in employment shall not include:

- a. The individual being absent from the workplace while on paid or unpaid leave, including vacation, sick, family medical leave, or worker's compensation.
- b. The individual's employment with the unit is terminated followed by immediate reemployment by the unit, without loss of payroll time.

Employees hired after July 1, 2012, who in later years have relatives elected that are in the direct line of supervision will have no promotion possibilities unless the promotion is within the merit ranks for police and fire departments. Employees of the City also are prohibited from engaging in romantic relationships with direct line supervisors and subordinates.

For the purposes of this Section, a direct line of supervision is defined as an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. The term "direct line of supervision" does not include the responsibilities of the Mayor or Common Council, as provided by law regarding salary ordinances, budgets, or personnel policies of the City.

For purposes of this Section, a relative includes a spouse; a parent or step-parent; a child or step-child; a brother, sister, step-brother, or step-sister; a niece or nephew; an aunt or uncle; a daughter-in-law or son-in-law; an adopted child; and a brother or sister by half-blood.

Each elected office holder of the City 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 Controller's Office no 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 of perjury which is a class D felony with up to a three (3) year prison sentence.

ELECTED OFFICER AND CITY EMPLOYMENT RESTRICTED

Beginning January 1, 2013, a City employee is considered to have resigned from employment with the City if the employee becomes an elected member of the Common Council.

A volunteer firefighter may not assume or hold a position as Mayor on the executive, legislative, or Common Council of the City if the City 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 City or serve as a volunteer firefighter until the expiration of the term of office.

CONTRACTING WITH THE CITY

Beginning July 1, 2012, the City may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with an individual who is a relative of an elected official or, a business entity that is wholly or partially owned by a relative of an elected official, if there is compliance with the following disclosure requirements.

The disclosure must be made by the Mayor or appropriate Council member and must:

- a. Be in writing
- b. Describe the contract or purchase

- c. Describe the relationship of the official to the business
- d. Be affirmed under penalty of perjury
- e. Be submitted to the legislative body prior to final action
- f. Be filed (within 15 days of final action) with the State Board of Accounts and the Controller's Office.

If a contract is entered into with a relative of the appropriate agency of the City, the contracting department 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.

An elected official that is in violation of this policy may be subject to penalties for perjury, which is a class D felony with up to a three (3) year prison sentence.

2.7 EMPLOYEE MEDICAL EXAMINATIONS

To help ensure that employees are able to perform their duties safely, medical examinations may be required.

After a conditional offer of employment has been extended, certain positions may require an applicant to undergo a medical examination by a health professional of the City's choice at the City's expense. Positions requiring a medical examination shall be specified on the job announcement. Information on an employee's medical condition or history shall be kept in a confidential file that is separate from other employee information. Access to this information will be limited to the employee, department head, and Human Resources Director or designee.

2.8 EMPLOYMENT STATUS

It is the intent of the City to clarify the definitions of employment status so employees understand their employment status and benefits eligibility. Any changes in employment status shall be conveyed in writing. No change in employment status is to be construed or inferred without written notification.

Each employee will belong to one of the following employment categories:

FULL-TIME employees are those who are not in a part-time or temporary status and who are regularly scheduled to work forty (40) hours or more per week on a continuous basis. Full-time employees are eligible for the City's benefits package, subject to the terms, conditions, and limitations of each benefit program.

PART-TIME employees are those who are not in a full-time or temporary status and who are regularly scheduled to work less than forty (40) hours per week on a continuous basis. Part-time employees are not eligible for the City's benefits package.

TEMPORARY employees are those who are not assigned to a full-time or part-time status. Temporary employees are those who hired as intern replacements to temporarily supplement the workforce, to assist in the completion of a specific project, or to perform seasonal work on behalf of the City. Employment assignments in this category are of a limited duration and may be up to or exceed forty (40) hours during a workweek. Employment beyond any initially stated period does not in any way apply a change in employment status. Temporary employees retain that status until expressly notified of the

change. While temporary employees do receive all legally mandated benefits (such as workers' compensation and social security benefits), they are ineligible for all of the City's benefit programs.

2.9 EMPLOYMENT REFERENCE CHECKS/BACKGROUND CHECKS

To ensure that individuals who are employed by the City are well qualified and have a strong potential to be productive and successful, it is the policy of the City to check the employment references of all applicants. The City will conduct criminal background checks of applicants upon a conditional offer of employment. Information regarding this procedure is contained in the City's employment application.

City employees working in the Parks & Recreation Department will be subject to scheduled criminal background checks.

2.10 REQUESTS FOR INFORMATION

In the event that the City of Noblesville receives a request under Indiana's Access to Public Records Act, the City shall only release that information contained in the Personnel File in Section 2.11, which is required by state law. Employees and former employees shall be provided copies of past performance records and must acknowledge receipt in writing. Employees shall not provide reference or employment information other than as provided in this section.

2.11 PERSONNEL FILES

The City of Noblesville maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records. Access to employee personnel files shall be consistent with state law.

Employees who wish to review their own files should contact their supervisor. With reasonable advance notice, an employee may review material in his or her file but only in the City's offices, and in the presence of the individual appointed by the employer to maintain the files.

Files of employees who participate in a drug and alcohol testing program are considered strictly confidential. In accordance with the Americans With Disabilities Act and the Family and Medical Leave Act, all medical records obtained will be kept separate from general personnel files and will be confidential.

2.11.1 RECORDS RETENTION

Pursuant to the County/Local General Retention Schedule (GEN) of the Indiana Commission on Public Records – County Records Management, personnel files will be retained for 75 years after an employee is no longer employed by the City of Noblesville. A Notice of Destruction of Nonpermanent Records (Local Government Public Records) will be submitted to the Secretary of the Hamilton County Commission of Public Records, which is the Hamilton County Clerk or Hamilton County Recorder, and the Indiana Archives and Records Administration 30 days prior to destruction. The retention may include, but is not limited to: employment application, resume, records of training, documentation of performance appraisals, salary increases, disciplinary actions, and other employment records.

2.12 PERSONAL INFORMATION CHANGES

Personal mailing addresses, telephone numbers, number and names of dependents, changes in marital status, individuals to be contacted in the event of an emergency, educational accomplishments, and other such personal information should be accurate and current. Any unreported changes in personal status may impact eligibility under the City's benefit plans. It is the employee's responsibility to convey personal information in written form to the Controller's Office or designee, to the department head, and Human Resources Director immediately.

2.13 ORIENTATION/EXIT INTERVIEWS

New employees shall be provided with a copy and/or electronic access to the City of Noblesville Personnel Policy Handbook by the Human Resources Department who will provide orientation. The department head or designated supervisor will conduct an informal orientation to familiarize a new employee with the job and department.

Upon termination of the employment relationship with an employee, the Human Resources Director, or designee shall conduct, whenever possible, an exit interview with the employee. Information regarding changes in payroll and benefit status will be forwarded to the Controller's Office.

2.14 PERFORMANCE EVALUATION

The department head or designated supervisor will discuss job performance and goals on an informal, regular basis. Annual formal performance reviews will be conducted to provide the department head or designated supervisor and employee the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

Performance evaluations shall be confidential and shall be made available only to the employee evaluated and Human Resources Department.

2.15 OUTSIDE EMPLOYMENT

An employee may hold a job with another organization as long as he/she, in the opinion of the City, satisfactorily performs his/her job responsibilities with the City. Employees should consider the impact that outside employment may have on their ability to efficiently perform their work, as well as any conflicts of interest that may arise.

If the City determines that an employee's outside work interferes with performance or ability to meet the requirements of the position, as it is modified from time to time, or if the City determines that the outside employment is in conflict with its ethics code or other codes of conduct, directly or indirectly applicable to a specific employee, the employee may be required to terminate the outside employment if he/she wishes to remain employed with the City.

Outside employment will present a conflict of interest if it has an actual or potential adverse impact on the City. City employees shall file a conflict of interest statement with the Controller's Office and Hamilton County Clerk whenever an employee's outside business activities are directly or indirectly linked to the City in a business relationship, such as vendor, supplier, contractor or subcontractor. The Controller's Office has a form available for use.

2.16 TRANSFERS

A transfer is the assignment of an employee from one position in the City to another position of the same, greater or lesser pay. A voluntary transfer is an action initiated by the employee.

A voluntary transfer request by an employee shall be given precedence over hiring a new applicant who did not exhibit any greater qualifications for the job than the employee requesting the transfer.

All transfers shall be made in the interest of service, focusing on the City's primary concern of meeting its statutory requirement and public service commitments. To the best of its ability, the City will try to accommodate the desires and best interests of its employees while fulfilling its obligations.

Possibilities for transfer will be encouraged on the basis of the qualification of the employee for acceptable performance in the new job. Factors such as education, training, experience, past job performance, and anticipated potential for adequate performance in the new position shall be the basis for consideration.

The employee shall submit a resume, application, job history, and salary history to the posting department head. An employee must be in a position a minimum of ninety (90) calendar days before initiating a transfer of any kind.

Once a transfer is agreed upon and all involved parties are notified of the change, there may be up to two (2) weeks waiting period to allow all involved parties to make sufficient adjustments.

Transfers are not to be considered as new hires and will receive a salary commensurate with the job classification pay rate of the new position.

CHAPTER 3

SALARY ADMINISTRATION

3.1 NORMAL WORK WEEK

The normal workweek for full-time employees shall be Monday through Friday, except for the seven (7) day operations of certain City departments in which it will be Monday through Sunday.

The normal workweek for full-time employees shall consist of forty (40) hours within a payroll week.

3.2 WORK HOURS

The normal workday shall consist of eight (8) hours of work. In the case of the seven (7) day operations of certain City departments, employees shall work eight (8) or ten (10) hour shifts for a total of forty (40) hours per week. Days on and off and hours worked in these departments shall be scheduled by the department head. City Hall and administrative office hours are 8:00 a.m. - 4:30 p.m., Monday - Friday.

3.2.1 BREAKS/MEAL PERIODS

Two (2) 15-minute paid breaks and one (1) non-paid half-hour (1/2) meal period shall be authorized per workday.

The timing of breaks will be set in the department work units by the department head. Department heads are required to have ample people to conduct business in their department through the meal and break periods.

3.2.2 TRAVEL TIME

- A. Home-to-Work Travel:** Travel to and from home is not work time, even if an employee must travel to an outlying site to get to the work facility.
- B. Out-of-Town Travel:** An employee who is sent out of town for one day need not be paid for time spent traveling from home to the commercial transportation terminal, but must be paid all travel time, except any time spent eating while traveling. Employees driving to a one-day workshop or seminar shall be paid for time spent driving.
- C. Overnight Travel:** If employees travel overnight on business and are gone for more than one day, they must be paid for time spent traveling, except meal periods, during their normal working hours on their nonworking days, as well as on their regular working days. Travel as a passenger on an airplane, train, bus, or automobile outside regular working hours is not considered work time. Thus, nighttime travel for employees who work during the day is not work time. However, any actual work performed by the employee while traveling is considered work time. If an employee drives a car without being offered public conveyance, the travel time is considered work time.

3.2.3 CALL-OUT TIME

Employees will be compensated a minimum of two (2) hours when called out to return to the workplace and for all hours worked beyond two (2) hours. Department heads shall designate call-out time on employee time records.

3.2.4 STANDBY/"ON-CALL"

Employees designated to be "on-call" will be provided a City "On-Call" Agreement that specifies terms and conditions.

Standby/"On-Call" employees are compensated for such time at rates authorized by the City Council.

3.3 JOB CLASSIFICATION

The City has developed a position classification plan which will be revised to reflect changes in job duties as these occur.

All positions have been described and systematically grouped into job categories based on their fundamental similarities. The classifications are as follows:

- 1) Clerical/Office Machine Operation/Technicians (COMOT).
- 2) Labor, Trades, and Crafts (LTC).
- 3) Professional/Administrative/Technological (PAT).
- 4) Protective Occupations, Law Enforcement (POLE).

The position description is the primary document used to classify City of Noblesville jobs. Position descriptions are maintained in the Human Resources Department.

3.4 COMPENSATION

The City's compensation plan is based on the job classification system. The City Council adopts an annual salary ordinance that establishes salaries for all City elected officials, appointed officers, and employees of the City of Noblesville. The City uses the Factor Evaluation job classification system to establish compensation rates and pay policies. Approved pay rates generally become effective at the beginning of the next budget year, unless otherwise indicated. All appropriate documentation must be provided to the Controller's Office prior to an employee starting any work with the City.

3.5 WAGE POLICY

Employees who violate the sick leave and/or vacation policy of the City of Noblesville shall be penalized as follows:

- a. Unauthorized time away from work shall be subtracted from existing leave time in the following order: accrued compensatory time, vacation days, float days, sick days.

- b. If an employee has no existing leave time as described above, unauthorized time away from work shall be docked from his/her wages on an hourly basis to the extent permitted by law.
- c. An employee may also be subject to disciplinary action, up to and including termination, for unauthorized time away from work.

3.6 TIMEKEEPING

Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits. "Time worked" is all time actually spent on the job performing assigned duties.

Every employee is responsible for accurately recording time worked and approving their timesheets. Employees should on a daily basis accurately record the time they begin and end their work, including the time they begin and end each meal period or departure from work for personal reasons. All time entries should be entered by using the time clock or through the timekeeping software's "clock in/out" button by using a computer or mobile device.

Overtime work must always be approved by the department head or supervisor **before** it is performed.

Employees shall record the use of sick leave, vacation leave, floating holiday time, compensatory time, Family and Medical Leave, or any other type of approved leave on their time records. Failure to record the leave in any status may result in the employee not being paid for the leave.

Tampering, altering, and/or falsifying time records and recording time on another employee's time record shall result in disciplinary action including discharge. Falsification of time records is unlawful, a criminal offense, and shall be referred to the Human Resources Director for review and disposition, which may include referral to the Prosecutor's office for review and prosecution.

Non-exempt employees should report to work no more than seven (7) minutes prior to their scheduled starting time, nor stay more than seven (7) minutes after their scheduled time, without prior authorization from the department head. Deviations of up to seven (7) minutes will not have an impact on overtime, compensatory time, or a reduction in pay calculations. Consistent non-compliance with scheduled work hours will be considered in employee evaluations.

It is an employee's responsibility to sign his/her time records to certify the accuracy of all time recorded. The department head or designated supervisor will review and initial time records before submitting them for payroll processing. If corrections or modifications are made to the time record, both the employee and the department head or designated supervisor should verify the accuracy of the changes by signing the time record. Should an employee fail to sign such a time record, the record shall be submitted by the department head or designated supervisor with an acknowledgment that the employee has reviewed the modification.

3.7 PAYDAYS

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

3.8 PAY CORRECTIONS

The City takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the event there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the department head so corrections can be made as quickly as possible.

3.9 PAY DEDUCTIONS

The City is legally required to make certain deductions from each employee's paycheck, including federal, state, and local income taxes. The city must also deduct Social Security taxes on each employee's earnings, up to a specified limit called the Social Security "wage base." The City complies with all applicable tax laws.

The City offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover costs to participate in these programs.

It is the policy and practice of the City to accurately compensate employees and to do so in good faith and in compliance with all applicable state and federal laws, including the Fair Labor Standards Act ("FLSA"). If you are an exempt employee for purposes of the FLSA, the City will not make deductions from your paycheck for absences occasioned by the City, for the operating requirements of the City, or for time when work is not available. If you are an exempt employee and believe that the City has made an improper deduction from your paycheck, you must notify the Human Resources Director in writing. The City will reimburse an exempt employee for any improper paycheck deductions.

All other questions concerning paycheck deductions and/or methods of calculation should be directed to the Controller's Office.

3.10 OVERTIME

Each employee is designated as **NON-EXEMPT or EXEMPT** from federal and state wage and hour laws.

NON-EXEMPT employees, whether hourly or salaried, are entitled to overtime pay under the specific provisions of federal and state laws.

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

Non-exempt employees will be given the opportunity for overtime work assignments when operating requirements or other needs cannot be met during regular working hours. All overtime work must receive the department head's or designated supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all non-exempt employees in the form of monetary reimbursement or compensatory time, in accordance with federal and state wage and hour laws and regulations.

Employees who work overtime without receiving prior authorizations from the department head or designated supervisor may be subject to disciplinary action, up to and including termination of employment.

Non-exempt employees are eligible for overtime and shall be paid straight time for hours worked up to forty (40) hours per week. They shall be paid at a rate of one and one-half (1 1/2) times the hourly wage for all hours worked in excess of forty (40) in a normal workweek.

Time off on sick leave, compensatory time, or an emergency closing will not be considered as hours worked for purposes of calculating overtime compensation. Vacation leave, floating holidays, jury duty, bereavement, and holiday hours will be considered as hours worked for purposes of calculating overtime compensation. However, if a Holiday falls on a full-time employee's normal day off and the employee does not work the holiday, the employee will receive holiday pay for that day, but the holiday hours will not be considered as hours worked for purposes of calculating overtime compensation.

3.10.1 COMPENSATORY TIME

When compensatory time is issued in lieu of overtime, employees will receive compensatory time on a one and a half (1 1/2) hour basis for additional approved hours worked in excess of forty (40) in a normal workweek.

Time off on sick leave, compensatory time, or an emergency closing will not be considered as hours worked for purposes of calculating compensatory time off. Vacation leave, floating holiday, jury duty, bereavement, and holiday hours will be considered as hours worked for purposes of calculating compensatory time off. The use of compensatory time must be determined in advance of submission of the payroll.

Employees who are not in public safety positions may accrue up to and carry-over each pay period no more than forty (40) compensatory time hours. Thereafter, additional approved overtime hours worked will receive monetary compensation. Each department may set the accrual limit to less than forty (40) hours. The department head shall schedule the use of compensatory time as soon as possible to avoid accrual beyond the stated limit that would require monetary payment.

The City shall provide a "Compensatory Time-Off Agreement" to advise nonexempt employees of the City's compensatory time off policy prior to the approval of any overtime worked that is compensated through compensatory time.

This policy applies to all non-exempt employees of the city as determined by the designation of jobs for compliance with the Fair Labor Standards Act.

Upon termination of employment, an employee is entitled to payment of the unused balance of his/her compensatory hours. Payment will be calculated in accordance with the Fair Labor Standards Act.

3.11 EMPLOYMENT TERMINATION

Since employment with the City of Noblesville is "At-Will" (unless otherwise modified by Indiana Code) and based on mutual consent, both the employee and city have the right to terminate employment at any time, with or without cause.

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

Resignation: Voluntary employment termination initiated by an employee. Although advance notice is not required, the City requests at least two weeks written notice from the employee.

Discharge: Involuntary employment termination initiated by the City.

Retirement: Voluntary employment termination initiated by the employee meeting City retirement criteria as established by the Public Employees Retirement Fund (PERF).

The City schedules exit interviews at the time of employment termination to afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the City or return of City-owned property. Suggestions, complaints, and questions may also be expressed. Exit interviews should be scheduled with the Human Resources Director or designee.

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

All accrued, vested benefits that are due and payable at termination will be paid. 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 (e.g., sick days).

3.12 RETURN OF PROPERTY

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. All property must be returned by employees on or before their last day of work. The City also may take all legal action deemed appropriate to recover or protect any City property not returned by the employee.

3.13 GARNISHMENTS

When the City is served a writ of garnishment requiring payment of a portion of the employee's compensation, a processing fee as allowed by law may be deducted from the employee's pay and retained by the City. Questions concerning garnishments should be directed to the Controller's Office.

CHAPTER 4

EMPLOYEE BENEFITS

The City provides a wide range of benefits to eligible employees. Programs such as social security, worker's compensation, and unemployment insurance cover all employees in the manner prescribed by law. Eligibility for additional benefits depends on a variety of factors, many of which are described elsewhere in this handbook.

4.1 VACATION BENEFITS

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Full-time employees are eligible to earn and use vacation time as described in this section. For purposes of this policy, vacation time earned will be calculated based on full-time employment.

Full-time employees hired after January 1, 2020 will receive three (3) vacation days after successfully completing 90 days of full-time employment.

In addition, employees hired during the months of January through September will receive pro-rated vacation hours on January 1st of the year following their full-time hire date. Employees hired during the months of October through December will receive the pro-rated vacation hours after successfully completing 90 days of full-time employment. Employees who terminate their employment within the first year will not receive payment of unused vacation hours.

After vacation time is received, employees may schedule and take off the three (3) vacation days and pro-rated vacation hours on or before December 31st; otherwise, the vacation hours will be forfeited. See the examples below:

	Hire Date:	Three (3) Vacation Days received on:	Pro-rated Vacation Hours received on:	Vacation time must be used by:
<i>Example 1:</i>	March 15, 2021	June 13, 2021	January 1, 2022	December 31, 2022
<i>Example 2:</i>	November 15, 2021	February 13, 2022	February 13, 2022	December 31, 2022

Thereafter, vacation hours will be given on January 1st of each calendar year and earned based on the following schedule as of January 1, 2021:

<u>Length of Service</u>	<u>Vacation Earned Each Year</u>
2 – 9 years	3 weeks
10 – 14 years	4 weeks
15 years and above	5 weeks

No vacation shall accrue while an employee is on an unpaid leave of absence, except for Military Leave and Family and Medical Leave as specified in this policy. No temporary employee or part-time employee is eligible to accrue vacation. Vacations may not be taken in advance of being earned. Vacation time may be taken in a minimum of two (2) hour increments.

Once employees enter an eligible employment classification, they begin to earn paid vacation time according to the above schedule.

Former full-time employees who are rehired within two (2) years from termination as full-time employees shall receive three (3) vacation days after successfully completing 90 days of full-time

employment. The employees' pro-rated vacation amount will be based on prior full-time service. Rehired employees who terminate their employment within the first year will not receive payment of unused vacation hours. This seniority service credit is for the calculation of vacation time only and not any other city benefit.

To take vacation time, employees should request advance approval (as soon as possible) from the department head or designated supervisor. Due to the various staffing needs of each department, department heads may establish departmental policies regarding the scheduling of vacation time. Employees shall schedule and take off all earned vacation time during the current calendar year; any exceptions require Board of Works approval.

Vacation time off is paid at the employee's base rate at the time of vacation.

In the event a holiday falls while an employee is on vacation, the employee will not be charged a vacation day for that holiday.

Full-time employees may roll over a maximum of 40 hours of unused vacation time from year to year.

Upon termination of employment, employees are entitled to payment of unused vacation time after their one-year anniversary date of full-time employment. In addition, employees who have completed a minimum of one year of full-time service are entitled to payment of their accrued vacation time for the next vacation year. Note: Once an employee submits their notice of resignation/retirement, the employee is not eligible to use benefit time that is not entitled for payment at termination.

Payment of accrued vacation time will be paid out based on the number of vacation hours to be received the following calendar year. The number of months worked during the current calendar year, including the month termination occurred, will be multiplied by the hours described below. Payment of vacation hours will not exceed the total annual amount allotted.

<u>Vacation to be Received Next Year</u>	<u>Amount Accrued Each Month</u>
3 weeks	10.0 hours
4 weeks	13.5 hours
5 weeks	16.75 hours

Payment will be calculated at the employee's regular rate in effect as of termination.

An employee's termination date may not be extended to include accrued and unused vacation time. The employee's termination date shall always be the last day worked.

- 4.1.1 Key Employees:** With approval of the Mayor and in the interest of hiring employees with exceptional skills, such new hires shall be designated as key employees and may be offered vacation time upon condition of employment. This approval must be in writing at the time of the job offer signed by the Mayor in advance.

4.2 **HOLIDAYS**

Full-time employees are entitled to holiday pay as of their date of hire.

The schedule of holidays will be determined each January by the Board of Public Works and the Mayor. They are usually the following:

New Year's Day	Labor Day
Martin Luther King's Birthday	Veteran's Day
President's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Eve Day
	Christmas Day

When a holiday falls on a weekend, the City observes the holiday on either a Friday or a Monday. Other holidays may be designated at the discretion of the Mayor, with approval of the Board of Works.

Seven (7) day operations shall observe the following: If a holiday falls on an employee's normal day off, the employee shall be entitled to shift hours off or shift hours in compensation.

An employee may schedule approved vacation, compensatory, and/or floating holiday time in conjunction with a holiday. To receive holiday pay the eligible employee must work the last scheduled workday before and the first scheduled workday after the holiday or approved benefit time.

If the eligible employee is scheduled to work the holiday and does not report for work, he/she will not receive holiday pay.

Exceptions will only be made under special circumstances and with the approval of the Department Director.

If a recognized holiday occurs during an eligible employee's scheduled paid absence (e.g., vacation, compensatory time off, sick leave), that day shall not be deducted from the employee's paid time off benefit. Employees will not be paid for holidays while off from scheduled work due to a worker's compensation illness or injury or while on any unpaid leave of absence, excluding Family Medical Leave.

If an eligible full-time employee works on a recognized holiday, he/she will receive holiday pay, plus regular pay at one and one-half (1 1/2) times for the hours actually worked on the holiday.

If an eligible part-time or temporary employee works on a recognized holiday, he/she will receive regular pay at one and one-half (1 1/2) times for the hours actually worked on the holiday.

4.3 **FLOATING HOLIDAYS**

Full-time employees will be allowed paid floating holidays in each calendar year, as approved by the Board of Public Works. If the recognized holiday falls between January 1st and June 30th, the employee will receive the approved floating holiday(s) on January 1st to be used by December 31st. If the recognized holiday falls between July 1st and December 31st, the employee will receive the

approved floating holiday(s) on July 1st to be used by December 31st. Any unused floating holidays will not carry beyond December 31st of each year.

Any exceptions to this policy must be presented and approved by the Board of Public Works.

Upon termination of employment, an employee is entitled to payment for the unused balance of his/her paid floating holidays within the current calendar year. Payment will be calculated at the employee's base rate plus longevity rate and may be included in the employee's last regular earnings paycheck, if possible, or in a separate check.

The use of floating holidays is subject to department head approval, based on staffing requirements and business needs of the City. Floating holidays may be taken in fifteen (15) minute increments.

4.4 SICK LEAVE

The City provides paid sick leave benefits to all full-time employees for periods of temporary absence due to their own serious illness or injuries or the care of a child or immediate family member.

Employees who are unable to report to work due to illness or injury should notify the department head or designee before the scheduled start of their workday. The department head must also be contacted on each additional day of absence unless on an approved sick leave. To be eligible for any sick leave for the duration of more than three (3) days, the employee must obtain a physician's certification indicating an illness that prevents the employee from working. Department heads or designee may request a physician's certification for any sick leave absences for less than three (3) days.

Effective 09/01/05, full-time employees shall accrue sick leave hours at the rate of seven (7) hours per month worked, starting the last day of the first full month of employment. Part-time and temporary employees shall not accrue sick leave. Earned sick leave days or time shall be accumulated from year to year, not to exceed nine hundred sixty (960) hours.

Sick leave benefits will be calculated on the basis of the employee's base pay rate at the beginning of the absence.

Full-time employees hired prior to January 1, 2018 are entitled to payment of their unused sick time hours not to exceed a set maximum amount of hours. The set maximum amount of hours is established per employee. The maximum amount of sick time hours is determined and set at the highest balance of sick time hours the employee has accrued during the 2018 calendar year. Employees will be provided a letter of acknowledgment stating their set maximum amount of sick time hours. Once acknowledged and signed by the employee, the letter will remain in the employee's personnel file. Note: Once an employee submits their notice of resignation/retirement, the employee is not eligible to use benefit time that is not entitled for payment at termination.

The amount of hours accrued at the time of termination, not to exceed the set maximum amount of sick time hours per individual, will then be paid based on their years of full-time service with the City. (Refer to the information below regarding the accumulation of service years for rehired employees.) Payment of accrued sick time is as follows:

Years of Full-time Service at time of termination	Percentage of Sick Time Payout
5 Years	30%
10 Years	50%
15 Years	75%
20 Years	100%

Payment will be calculated at the employee's regular rate in effect as of termination. Full-time employees hired or rehired on or after January 1, 2018 are not entitled to payment of their unused sick time hours.

Full-time employees terminating their employment with the City and then rehired as a full-time employee within two (2) years for a Civilian employee or within one (1) year for a Sworn Police Officer or Firefighter from their termination date, shall receive prior service credit for years worked as a full-time employee and be credited with their prior unpaid sick leave balance.

Part-time and temporary employees shall not receive sick leave benefits.

4.5 SICK LEAVE TERMS AND CONDITIONS

Abusive use is taking sick leave in a manner for which it was not intended. For example, using it as soon as it is earned or using it in a predictable pattern. Employees may face disciplinary action, up to and including termination, for abusive use of sick leave.

Absences will be classified as either scheduled or non-scheduled. Scheduled absences are absences that are prearranged with the department administration. Examples of scheduled absence: arranged use of sick leave, vacation, military leave, disability leave, family medical leave, authorized compensation time (i.e., holiday, accrued time, floating holiday), authorized bereavement, and jury duty (supervisor notification is required). Nonscheduled absences are absences that do not fit the definition of scheduled absences. Examples of non-scheduled absence: calling in sick, leaving work early due to illness, and malingering on the job (e.g., sleeping, loafing, personal work on department time).

Notification Requirements for Sick Leave Use:

1. Employees may not rely on another person to make notification of an absence, unless an emergency has occurred and the employee cannot personally report the absence.
2. Employees must provide notification of an absence to the authorized supervisor before the start of their scheduled shift.
3. Failure to report to work or provide notification by the end of the scheduled shift for (2) two consecutive days is considered a voluntary resignation.
4. Employees are expected to schedule elective absences (e.g., sick leave, military leave, etc.) as far in advance as possible, in order that scheduling and work priorities may be adjusted accordingly. Failure to do so may result in denial of leave or pay for the period.

When earned, sick leave may be used for:

1. Illness or injury of the employee or a member of the employee's immediate family.
2. For the purposes of this policy, an employee's immediate family is defined as the employee's spouse, child, parent, or dependent.

The City has the authority to apply sick leave toward Family Medical Leave (FML) time. This means sick leave and FML time will be charged concurrently.

Rates of Pay for Sick Leave:

1. Sick leave pay is paid at the employee's straight-time rate of pay. For the purposes of overtime pay, sick leave will not count toward the total number of hours "worked."
2. If scheduled vacation or holiday leave occurs while an employee is on authorized sick leave that time will be charged as sick leave. Usually, vacation or compensatory time may be substituted for sick leave if the employee's accrued sick leave benefits are exhausted. An exception may be where an employee has established a pattern of sick leave abuse and has been warned of such abuse.

4.6 FITNESS FOR DUTY

All employees are required to be sufficiently fit to perform the essential functions of their positions in a safe, effective, and efficient manner at all times. Should a reasonable cause exist to question an employee's fitness for duty (for example injury, extensive use of sick leave), the policy is to temporarily remove an active employee from duty or to temporarily prohibit an inactive employee from returning to duty, until such fitness is evaluated. Only those employees who successfully complete prescribed fitness evaluations will be eligible to remain in their positions. This policy does not intend to illegally discriminate against employees or potential employees of the department based on sex, race, color, national origin, religion, age, disability, or genetic information.

4.7 FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Act (FMLA) of 1993 provides eligible employees job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. The provisions of this policy and any leave taken pursuant to this policy shall be governed by the Family and Medical Leave Act of 1993, as amended.

Eligibility

For an employee to be eligible for family and medical leave, he/she must meet all of the following conditions:

- The employee must have been employed by the City for at least twelve (12) months or 52 weeks as of the date the FMLA leave is to start. 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. 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.
- The employee must have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. The 1,250 hours do not include time

spent on paid or unpaid leave. Consequently, these hours of leave will not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

Types of Leave Covered

Eligible employees are entitled to:

- Twelve (12) workweeks of unpaid leave in a 12-month period for the following:
 - the serious health condition of the employee;
 - the birth of a child and to care for the newborn child within one year of birth;
 - the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
 - to care for the employee's child, spouse or parent who has a serious health condition; or
 - any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty;" or
- Twenty-six (26) workweeks of unpaid leave during a single 12-month period to care for a covered servicemember with a serious injury or illness if the eligible employee is the servicemember's spouse, son, daughter, parent, or next of kin (military caregiver leave).

For purposes of calculating employee entitlement for FMLA, the "12-month period" is measured from the date when the employee's previous FMLA leave began. For example, under this method an employee would be entitled to twelve (12) weeks of leave during the year beginning on the first date FMLA is taken (e.g., March 7, 2000); the next 12-month period would begin the first time leave is taken after completion of the 12-month period ending (e.g., March 6, 2001).

If a husband and wife both work for the City and each wishes 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 City and each wishes to take leave to care for a covered injured or ill servicemember, the husband and wife may only take a combined total of 26 weeks of leave.

Intermittent Leave or a Reduced Work Schedule

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day 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 servicemember over a 12-month period).

The City 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 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 City 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 an agreement with the City 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.

Qualifying Exigency

A “qualifying exigency” includes: (1) short-notice deployment, defined as a call/order to active duty seven days prior to the date of deployment (limited to seven calendar days of leave beginning the date the military member is notified of deployment); (2) military events and activities related to call to active duty; (3) make arrangements for the military member’s parent’s care; (4) childcare and school activities; (5) make or update financial and legal arrangements; (6) counseling; (7) rest and recuperation (limited to 5 days per leave, up to 12 weeks in a 12-month period, to spend with a military member on short-term leave); (8) post-deployment activities, defined as up to 90 days following termination of active duty status; and (9) additional activities (must be agreed to by both employer and employee). Where applicable, there must be a relationship between the reason(s) for leave and the active duty or call to active duty. Further details regarding leave for a “qualifying exigency,” including certification requirements can be obtained from the Human Resources Department.

Leave to Care for a Covered Servicemember

The FMLA also provides up to twenty-six (26) weeks of unpaid leave to eligible employees to care for a seriously injured or ill covered servicemember. A covered servicemember is 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. Veterans who are undergoing medical treatment, recuperation, or therapy for a serious injury or illness that occurred during the five years preceding the date of treatment are also covered servicemembers. A serious injury or illness is limited to an injury or illness incurred by the member in the 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 the line of duty on active duty in the Armed Forces) that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating. In the case of a veteran of the Armed Forces, a serious injury or illness means a qualifying injury or illness that was incurred by the member in the 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 the line of duty on active duty in the Armed Forces) Other types of FMLA leave are included with this type of leave totaling the 26 weeks. A husband and wife who both work for the City may take leave to care for a seriously injured or ill service member, but may only take a combined total of 26 weeks of leave. Servicemember FMLA runs concurrent with other leave entitlements provided under federal, state, and local law, such as Indiana Military Family Leave.

Procedure for Requesting FMLA Leave

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

When an employee plans to take family or medical leave under FMLA, the employee is required to give the City thirty (30) days written notice or, if this is not possible, as much notice as is practical.

An employee undergoing planned treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to City operations.

Genetic Information Nondiscrimination Act

The Genetic Information Nondiscrimination Act (“GINA”) prohibits employers from requesting or requiring genetic information of employees or their family members. In order to comply with this law, the City asks that in applying for FMLA leave employees not provide any genetic information when responding to any request for medical information. “Genetic information,” as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. When an employee is applying for FMLA leave for the care of a family member with a serious health condition it is obviously necessary to provide some medical information regarding the sick family member to support the need for leave. However, any family medical history information is only required to the extent necessary to make the FMLA medical certification complete and sufficient under the FMLA and should not otherwise be provided

Certification for the Employee’s or the Family Member’s Serious Health Condition

The City requires certification for the employee’s or the employee’s 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 Department of Labor’s Certification of Health Care Provider for the Employee’s Serious Health Condition or the Certification of Health Care Provider for the Family Member’s Serious Health Condition.

The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the certification from a second doctor, which the City will select. The City may deny FMLA leave to an employee/employee’s family member 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 City will require the opinion of a third doctor. The City and the employee/employee’s family member will mutually select the third doctor, and the City 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.

Certification of Qualifying Exigency for Military Family Leave

The City requires 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. This certification will be provided using the Department of Labor’s Certification of Qualifying Exigency for Military Family Leave.

Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave

The City requires certification for the serious injury or illness of the covered servicemember. 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. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Servicemember.

Recertification

The City may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days unless circumstances have changed significantly, or if the employer 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 City 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 City may provide the employee's health care provider with the employee's attendance records and ask whether the need for leave is consistent with the employee's serious health condition

Designation of FMLA Leave

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

Intent to Return to Work from FMLA Leave

The City may require an employee to report periodically during the leave period on the employee's intention to return to work. The City may consider an employee's failure to report to work at the end of the leave period as an employee resignation. See Section 4.7.1 regarding Additional Leave.

If the leave was due to an employee's own serious health condition, prior to returning to scheduled work the employee must provide a physician's fitness-for-duty certification indicating whether the employee may return to work with or without restrictions.

Use of Paid and Unpaid Leave

An employee may request to use his/her accrued banked compensatory time for an FMLA reason. If the hours are used, they will not be counted against the employee's FMLA leave entitlement. If an employee has elected benefits through the City's sponsored short-term disability carrier, the employee may determine how and when they wish to have their accrued sick, vacation, and floating holidays paid as not to hinder the payment of their short-term disability benefits. However, if the employee is not enrolled in the City's sponsored short-term disability benefits, the City requires that accrued sick, vacation, and floating holidays be used concurrently with any FMLA leave.

Employee Status and Benefits During Leave

Any employee who completes a period of leave will be returned either to the same position the employee was in prior to the leave, or to a position equivalent in pay, benefits and other terms and conditions of employment.

Accruals for benefit calculations, such as vacation, floating holiday, sick leave, or holiday benefits, will not be affected by taking family/medical leave.

4.7.1 ADDITIONAL LEAVE

If an employee is ineligible for FMLA leave or unable to return to work after completing 12 weeks, or 26 weeks when leave is to care for an injured or ill service member, of approved FMLA leave, they must notify the City in writing and provide medical certification to support their request for additional leave at least five (5) days prior to the date the requested additional leave is to begin. The Board of Works must approve

additional leave beyond the 12 weeks or 26 weeks of FMLA leave when leave is to care for an injured or ill service member.

If such leave is approved:

- a. Holiday pay and the accrual of sick, vacation, and floating holiday benefit time will cease.

Upon return from approved leave, the employee will receive their allotted vacation time as outlined in Section 4.1 Vacation Benefits. Floating Holidays will be received if the Floating Holiday(s) (as designated by the Board of Public Works) have not already passed within the current calendar year. (Please refer to Section 4.3 Floating Holidays.)

- b. The employees' City-paid life insurance policy will terminate at midnight on the last day of their 12/26 weeks of approved leave. The employee will be offered a conversion policy that must be paid in full by the employee.
- c. The employee may continue their medical, dental and/or vision insurance by paying the active employee premium. Premium payments will continue to be payroll deducted if the employee has remaining benefit time to be paid out to them. Otherwise, premium payments are due the first of every month for coverage for the following month (i.e. For coverage for the month of February, payment must be made by January 1st.) Payment must be submitted by check or money order and made payable to the City of Noblesville. If an employee fails to provide payment within 30 days of the due date their coverage will be canceled, provided the City notifies them in writing at least 15 days before the date their coverage will lapse. Please see Chapter 4, Section 4.12 Benefits Continuation regarding insurance continuation benefits.
- d. The City of Noblesville will continue to make contributions to the employee's Indiana Public Retirement System (INPRS) account as long as the employee continues to be on a paid leave of absence by using their accrued benefit time. (i.e. paid sick, vacation, personal and/or compensatory time.) Once benefit time has been depleted and the employee contribution has ended, INPRS will be notified of the unpaid leave. Creditable service will be determined according to INPRS guidelines.
- e. Approved leave will not affect an employees' seniority status with the City of Noblesville except where noted above pertaining to their INPRS benefits.

If additional leave is not approved and the employee is unable to work, the employee's employment with the City of Noblesville will terminate. Please refer to Chapter 3, Section 3.11 Employment Termination and Chapter 4, Section 4.12 Benefits Continuation regarding termination procedures.

4.7.2 RECORDS RETENTION

Pursuant to the County/Local General Retention Schedule (GEN) of the Indiana Commission on Public Records – County Records Management, Family and Medical Leave Act of 1993 records will be retained three (3) calendar years after the leave ends.

A Notice of Destruction of Nonpermanent Records (Local Government Public Records) will be submitted to the Secretary of the Hamilton County Commission of Public Records, which is the Hamilton County Clerk or Hamilton County Recorder, and the Indiana Archives and Records Administration 30 days prior to destruction. Records may include, but are not limited to: Request for Family and Medical Leave, Medical Certifications, and all other related records related to the use of the Family and Medical Leave Act.

4.8 MILITARY LEAVE

The City encourages employees to serve their country by participating in the uniformed services. If you are called upon to perform military service, whether it involves active duty or annual training requirements for the National Guard or U.S. Military Reserves, you may be entitled to reinstatement/reemployment and other rights under the Uniform Services Employment and Reemployment Rights Act of 1994 (“USERRA”). In order to qualify for benefits under USERRA, your separation from military service must be under honorable conditions and it must meet all of the other requirements of the law. In order to qualify for City military benefits, your military service must be in compliance with the following requirements:

Eligibility

This policy applies to any person who must be absent from employment to perform a duty, either voluntary or involuntary, in the uniformed services. To qualify under the City’s military leave policy, an employee requesting leave must provide advance written notice to their elected official/department head as soon as possible, and furnish a copy of his/her military orders that identifies the time period for the leave as specifically as possible.

Reinstatement

Upon returning from a military leave lasting fewer than thirty-one (31) days, in order to be eligible for USERRA and City military benefits, an employee must report to work at the beginning of the first full regularly scheduled workday following the completion of the military service.

Reemployment

For military leave lasting more than thirty (30) days, but less than one hundred eighty-one (181) days, in order to be eligible for USERRA and City military benefits, an employee must submit an application for reemployment before the expiration of fourteen (14) days after the completion of the military service. An employee on a military leave lasting longer than one hundred eighty-one (181) days must submit an application for reemployment before the expiration of ninety (90) days after the completion of the service.

Compensation

Employees are entitled to their civilian (City) pay and military pay for up to fifteen (15) days per year. Thereafter, the employee may determine how and when they wish to be paid for their balance of compensatory time, vacation, and/or floating holiday hours.

4.8.1 Newly Enlisted and Active Duty/Deployment

The City will compensate an employee who newly enlists in the military 50% of the difference between the employee’s City base pay and the amount he/she is paid through the military to attend initial instruction and training. The City will compensate an employee who is serving active duty deployment 100% of the difference between the employee’s City base pay and the amount he/she is paid through the military. Before receiving 50% or

100% differential pay, the employee must first use his/her fifteen (15) days of City-paid military leave.

INDIANA MILITARY FAMILY LEAVE

An employee who has been employed with the City of Noblesville for at least twelve (12) months and has worked at least one thousand five hundred (1,500) hours during the twelve (12) month period immediately preceding the day the leave begins; and is the spouse, parent, grandparent, child, or sibling of a person who is ordered to active duty, is entitled to an unpaid leave of absence not to exceed a total of ten (10) working days per calendar year. An employee may take this leave of absence during one or more of the following periods: (1) During the thirty (30) days before active duty orders are in effect, (2) During a period in which the person ordered to active duty is on leave while active duty orders are in effect, and (3) During the thirty (30) days after the active duty orders are terminated.

An employee wanting to take Military Family Leave shall provide written notice, including a copy of the active duty orders, if available. The employee is required to give the City thirty (30) days written notice before the date on which the employee intends to begin the leave, unless the active duty orders are issued less than thirty (30) days before the date the requested leave is to begin.

The City requires that accrued compensatory time, vacation, and/or floating holidays be paid and taken concurrently with the leave. The City requires an employee to first use any banked compensatory time then use vacation and/or floating holiday time during the approved leave. Accrued sick time cannot be used during the leave.

If you have any questions regarding your rights surrounding military leave, please contact the Human Resources Director.

4.9 BEREAVEMENT LEAVE

Full-time employees are entitled to paid bereavement leave as of their date of hire. An employee wishing to take time off for the death of an eligible family member should notify the department head immediately.

Employees are eligible for leave with pay for attending the funeral of a relative or other member of the household. This leave should not exceed three (3) regularly scheduled working days, and the days must be in conjunction with the date of the death or the funeral. Such leave may be granted upon the death of:

- (1) a spouse;
- (2) a father, mother, son, step-son, daughter, step-daughter, brother, half-brother, step-brother, sister, half-sister, step-sister, grandparent, grandchild, aunt, uncle or the spouse of any of these;
- (3) persons listed in (2) above that are members of the employee's spouse's family;
- (4) a person living in the same household with the employee.

Five (5) regularly scheduled working days in conjunction with the date of death or the funeral may be granted to the employee if the funeral site is over two hundred fifty (250) miles from Noblesville.

Exceptions may be granted at the discretion of the department head for other deaths.

4.10 JURY DUTY

The City encourages employees to fulfill their civic responsibilities by serving jury duty when summoned. The pay of any employee who has received a subpoena for jury duty or as a witness will continue at the regular rate. Payment by the court to the employee may be retained by the employee.

Employees must show the jury duty summons to the department head or designated supervisor as soon as possible so the City may make arrangements to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits. Either the City or the employee may request an excuse from jury duty if, in the employer's judgment, the employee's absence would create serious operational difficulties.

If an employee is released from jury duty with more than half of his/her regularly scheduled shift remaining, the employee is expected to report to work.

The City will continue to provide and accrue all regular benefits for the full term of the jury duty absence. Such time spent on jury duty shall be counted as hours worked in calculating overtime.

4.11 WORKER'S COMPENSATION

The City provides a comprehensive worker's compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, worker's compensation insurance provides benefits after a short waiting period. The City shall pay the employee's regular salary for the first five (5) workdays when an employee is absent due to a worker's compensation injury. If absent for six (6) or more workdays, a portion of the regular salary shall be provided via worker's compensation insurance. Insurance reimbursement is made directly to the employee for the first five (5) workdays if an employee is absent for twenty-one (21) workdays. Employees shall reimburse the City the full amount of any worker's compensation received for the first five (5) workdays. While on worker's compensation disability, employee benefits shall accrue.

An employee using workers' compensatory time to attend an initial/follow-up appointment will be paid for this time at normal rate of pay. Worker's compensation time is not considered as hours worked for purposes of calculating overtime compensation. The employee will be paid for this time in the form of monetary compensation. These hours may not be banked as compensatory time.

It is the responsibility of the employee to report a work-related injury or illness IMMEDIATELY to their direct supervisor, complete the proper paperwork in a timely manner and request that an incident report be completed and submitted to the City's worker's compensation carrier. No matter how minor an on-the-job injury/illness may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

Neither the City nor the insurance carrier will be liable for the payment of worker's compensation benefits for off-duty injuries or injuries that occur during an employee's voluntary participation in any off-duty recreational, social or athletic activity sponsored by the City.

4.11.1 RECORDS RETENTION

Pursuant to the County/Local General Retention Schedule (GEN) of the Indiana Commission on Public Records – County Records Management, worker's compensation employee medical records will be retained seven (7) calendar years after the employee leaves employment with the City of Noblesville. A Notice of Destruction of Nonpermanent Records (Local Government Public Records) will be submitted to the Secretary of the Hamilton County Commission of Public Records, which is the Hamilton County Clerk or Hamilton County Recorder, and the Indiana Archives and Records Administration 30 days prior to destruction. Records may include, but are not limited to: Employer's Report of Injury, Report of Attending Physician, other medical information used to document work-related illnesses or injuries, and drug screen results. Employee Hazardous Exposure Records will be retained thirty-five (35) calendar years after the employee leaves employment with the City of Noblesville.

The OSHA 300 Log, the privacy case list (if one exists), the annual summary, and the OSHA 301 Incident Report forms must be retained for five (5) years following the end of the calendar year that these records cover. Any medical information attached or included with the OSHA forms must be retained for the same time period. At the end of the time period the records will be destroyed pursuant to the County/Local General Retention Schedule (GEN) of the Indiana Commission on Public Records – County Records Management. A Notice of Destruction of Nonpermanent Records (Local Government Public Records) will be submitted to the Secretary of the Hamilton County Commission of Public Records, which is the Hamilton County Clerk or Hamilton County Recorder and the Indiana Archives and Records Administration 30 days prior to destruction.

4.12 BENEFITS CONTINUATION

Title XXII of the Public Health Service (PHS) Act, 42 U.S.C. §§ 300bb-1 through 300bb-8, which extends the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) to public sector employers, gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the employer's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation and a dependent child no longer meeting eligibility requirements.

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

The City provides each eligible employee with a written notice describing rights granted under PHS when the employee becomes eligible for coverage under the employer's health insurance plan. The notice contains important information about the employee's rights and obligations. Specific details are available in the Human Resources office.

4.13 INDIANA PUBLIC RETIREMENT SYSTEM (INPRS)

All full-time City employees are covered by INPRS, a retirement program established and maintained by the State of Indiana. INPRS pays benefits to cover workers or their dependents upon retirement, death, and, in certain cases, disability. As established by City ordinance, the City and/or

employee will contribute a percentage of the employee's gross wages to the PERF Hybrid Plan which is a defined benefit plan with a Defined Contribution account (DC) component. The contributions are refundable when an employee terminates employment prior to being eligible for benefits. INPRS's Employer Financed Pension requires ten (10) years of service to become vested and is paid by the City based on an employee's length of employment, average salary, and age at retirement. Specific details are available on the INPRS website at in.gov/inprs.

4.14 DEFERRED COMPENSATION

The City provides for employees to voluntarily participate in a deferred compensation 457(b) program. All full-time and part-time employees are eligible to participate in the deferred compensation 457(b) plan upon commencement of employment. Specific details are available in the Human Resources Department.

4.15 EMPLOYEE INSURANCE

The City offers life, dental, vision, and medical insurance programs for employees in a full-time position. Each employee shall receive an insurance plan document describing all benefits upon completion of their orientation interview. Group insurance benefits may continue during certain leaves of absence; however, when in a non-pay status, employees will be responsible for the timely payment of those insurance premiums that are normally deducted from gross pay. Specific details regarding eligibility and coverage are available in the Human Resources office.

4.16 RETIRED EMPLOYEES / ELECTED OFFICIALS INSURANCE

The City's policies regarding Retired Employees/Elected Officials Insurance are set forth in and controlled by City Ordinance 10-02-14 and its subsequent amendments.

4.17 DISABLED EMPLOYEES

Full-time employees with ten (10) years of full-time service with the City who become disabled as defined by the ADA City's disability policy, may continue their medical, dental, and vision insurance coverage until such time that the employee is eligible for Medicare; or if at such time the City discontinues such medical, dental, or vision coverage. Such employees will be required to pay the full cost of coverage.

To qualify as a "disabled employee," the employee must provide documentation using procedures and forms provided by the City. Dependents of disabled employees would be offered the same coverage, if already on the plan. When the disabled employee becomes eligible for Medicare, the dependents would be offered continued medical coverage, at no cost to the City.

4.18 EDUCATIONAL ASSISTANCE

Educational assistance is contingent upon the availability of budgetary resources. Specific details are available in the Human Resources Department.

4.19 EMPLOYEE ASSISTANCE PROGRAM

The City provides for employees to voluntarily participate in an employee assistance program. Specific details are available in the Human Resources Department.

4.20 PARKING

Employees are provided with free parking. Employees are required to keep their current vehicle(s) information on file with the Noblesville Police Department by completing an “Employee Parking Permit Application” located on the City’s intranet under the Police Department’s homepage.

4.21 LONGEVITY BENEFITS

Full-time employees receive longevity pay based upon consecutive years of service with the City. An employee starting his/her full-time employment with the City on January 1st will be considered as having completed a year of service as of December 31st of that same year.

Longevity pay is paid in the amount of \$120.00 for each calendar year of service, not to exceed twenty (20) years. Longevity pay is paid in equal bi-weekly payments during such year according to the regular payrolls of the City. Upon termination of employment, employees do not receive payment of the remaining balance of their longevity benefit.

Longevity pay is received after the one-year anniversary date of full-time service and paid on a bi-weekly basis. The effective date of the start of the longevity pay will be the pay period that the one-year anniversary date falls within as long as that date falls within the first week of the pay period. Otherwise, if the anniversary date falls within the second week of the pay period, the longevity pay will start the following pay period. This longevity pay will be paid at a pro-rated amount through the end of that calendar year. Then, starting with the first full pay period of the next calendar year, longevity will be paid out at a two-year service rate and will be paid in equal bi-weekly payments with each regularly scheduled City payroll.

For example:

Date of hire:	02/10/02
One-year Anniversary date:	02/10/03
\$120 divided by 26* pays per year:	\$4.62

Depending on what week of a pay period the one-year anniversary date falls within, the employee will start receiving \$4.62 per pay. *Some years may have more or less than 26 pays.

When calculating overtime compensation, longevity pay shall be in addition to the employee’s regular rate of pay and is figured on an hourly basis and added to the employee’s regular rate of pay.

Upon termination of employment, employees do not receive payment of the remaining balance of their longevity benefit. However, an employee will receive payment of the unused balance of his/her vacation, accrued vacation, float, and compensatory hours calculated at the employee’s base rate plus their current longevity rate. Employees will receive payment of unused sick time based on years of full-time service with the City. (Please refer to Section 4.1 - Vacation Benefits and Section 4.4 - Sick Leave regarding the payment of accrued vacation and sick time hours.)

Full-time employees terminating their employment with the City on or after 01/01/03 and then being rehired within (2) years from termination as a full-time employee shall be credited with prior full-time service starting with the first pay period for purposes of longevity benefits.

CHAPTER 5

WORKING CONDITIONS

5.1 SAFETY

Establishment and maintenance of a safe work environment is the shared responsibility of the City and employees from all levels of the organization. The City will take all reasonable steps to ensure a safe environment and compliance with federal, state, and local safety regulations.

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

5.2 USE OF TELEPHONES

Personal telephone calls should be limited in frequency and duration. Personal use of telephones and FAX machines for long-distance and toll calls is not permitted, except for emergencies. For any emergency personal use, employees shall reimburse the City for all long-distance and/or toll charges.

5.3 USE OF COMPUTER AND EMAIL

The City's computers, computer files, email system, and software are City property, intended for business use. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer and email use may be monitored without notice to employees.

Personal and City email accounts may be accessed by the City for legitimate business purposes if messages are sent, received, or accessed using City equipment or the City's computer system. All communications and information transmitted by, received from, or stored in the City's system or computers are City property. All email messages sent using the City's email system are City records. The contents of email may be disclosed without the employee's permission. Therefore, employees should not assume that messages are confidential. Backed up copies of emails may be maintained and referenced for business and legal reasons. Use of the City's email, internet, or electronic devices constitutes consent to monitoring of these systems and devices.

Non-exempt employees are prohibited from accessing the City's network, computer, and email system outside of employer-defined work periods. Non-exempt employees should not check or respond to emails while off-the-clock, must receive prior approval to work outside of normal working hours, and accurately report all time worked.

The City strives to maintain a workplace that is free of harassment and sensitive to the diversity of its employees. Therefore, the City prohibits the use of computers and the email system in ways that are intimidating, hostile, disruptive, offensive to others, or harmful to morale.

For example, the display or transmission of sexually-explicit images, messages, and cartoons are not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, jokes or anything that may be construed as harassment or showing disrespect to others.

City email accounts may not be used to solicit others for commercial venture, religious or political causes, charitable and other outside organizations or other non-City of Noblesville business activities. The City purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the City does not have the right to reproduce such software for use on more than one computer.

Employees may only use software on multiple machines according to software license agreements. The City prohibits the illegal duplication of software and its related documentation. No licensed software may be installed on City of Noblesville computers that has not been authorized by the City and/or is not properly licensed to the City.

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

5.4 INTERNET

Employees are provided access to the Internet to assist them in the performance of their duties. All computers and other media of electronic and telephone communications provided by the City for use by employees are the property of the City of Noblesville and as such, are to be used solely for job-related purposes. The use of such equipment and software for private purposes is strictly prohibited.

Internet usage may be monitored when the City of Noblesville deems it necessary to ensure its legitimate business interest in the proper utilization of its property and to ensure that this policy is being followed.

The City reserves the right to access and disclose as necessary all messages sent over its email system without regard to content. Use of the City's internet, systems, or electronic devices to access personal email or personal accounts constitutes consent to monitoring of an employee's personal email or personal accounts and review by the City of such messages sent using City systems, internet, or devices.

Because of its global nature, users of the Internet may encounter materials that are not appropriate, offensive, and in many instances, illegal. The City of Noblesville cannot control the availability of this information or restrict access to it.

- A. Employees are hereby notified that they are responsible for the material they view, download, and transmit on the Internet.
- B. Employees may only access the Internet through an approved Internet firewall. Accessing the Internet directly, by modem, is strictly prohibited unless such access is approved and installed by Information Systems staff.
- C. Sending, receiving, displaying, printing, or otherwise disseminating material that

is fraudulent, harassing, illegal, sexually explicit, obscene, intimidating or defamatory is prohibited. Employees encountering such material should report it to their supervisor immediately.

- D. Employees may not use the City Internet resources for commercial or personal advertisements, solicitations, promotions, viruses, political material, or any other unauthorized personal use.
- E. Employees must exercise the same care in drafting emails, communicating in chat groups, and posting items to newsgroups as they would for other written communication.
- F. Employees may not disseminate City property or confidential information via the Internet.
- G. All material downloaded from the Internet or from computers or networks that do not belong to City of Noblesville MUST be scanned for viruses and other destructive programs before being placed onto the computer system. All employees will be expected to follow the instructions from their supervisor regarding the scanning process. Any questions should be referred to Information Systems staff and resolved prior to being placed on the computer system or being used.
- H. Because of export restrictions, programs, or files containing encryption technology are not to be placed on the Internet or transmitted in any way outside the United States without prior written authorization from City of Noblesville.
- I. The City of Noblesville will not be responsible for any damages, direct or indirect, arising out of the use of its Internet resources.
- J. The City of Noblesville maintains the right to monitor any and all aspects of its computer system, including, but not limited to, monitoring sites employees visit on the Internet, monitoring chat groups and newsgroups, reviewing material downloaded or uploaded by employees and reviewing email sent and received by employees. These sources may also be monitored any time an employee uses City equipment.
- K. Employees do not retain any right to privacy in any documents, messages, or images they create, store, send, or receive using City property or systems.
- L. Employees must comply with all software licenses, copyrights, and all other state and federal laws governing intellectual property and online activity.

5.5 SOCIAL MEDIA

The City recognizes that employees use social media sites and/or have personal email accounts. Social media can take many different forms, including, but not limited to, internet forums, blogs/microblogs, online profiles, wikis, podcasts, pictures and video, email, instant messaging, music-sharing, and voice over IP. Likewise, there are numerous examples of social media applications including, but not limited to, LinkedIn, Facebook, Twitter, TikTok, Instagram, Snapchat, Wikipedia, YouTube, Twitter, Yelp, Flickr, Second Life, Yahoo groups, WordPress, and ZoomInfo. The purpose of this policy is to provide employees with guidelines for appropriate online activity.

The same principles and guidelines found throughout this handbook apply to employee activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, you should consider some of the risks and rewards that are involved. Keep in mind that any conduct that adversely affects your job performance, the performance of co-workers or otherwise adversely affects the City's operations, employees, citizens, business owners, vendors, or any other legitimate interests may result in disciplinary action up to and including termination of employment. Further, those who are aware of your role with the City may view your opinions online as representing the City.

This policy applies to all employees using social media, whether such use occurs during or after work hours. Employees using social media must be mindful of the City's other employment policies applicable to conduct, e.g., Anti-Harassment/Anti-Discrimination.

Employees should understand and keep in mind the following guidelines when using social media:

- Be knowledgeable about and use privacy settings when appropriate.
- Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to corrective action, up to and including termination of employment.
- If you see unfavorable opinions, negative comments, or criticism about yourself or the City on social media, do not try to have the post removed or send a written reply that will escalate the situation. If you believe the information that has been posted is harassing, discriminatory, or rises to a similar level, you should forward this information to the Human Resources Department.
- Be respectful of others. Stick to the facts, provide accurate information, and correct mistakes right away.
- Creating social media sites on the City's behalf that attempt or represent to the public that they are official City social media sites when no such authority has been given is not permitted and doing so may subject the employee to corrective action, up to and including termination of employment.

This policy does not prohibit discussion of any matters or engaging in any actions that are considered protected activity under any local, state, or federal law.

5.6 USE OF EQUIPMENT AND VEHICLES

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

All employees shall notify their department head or designated supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective or in need of repair. Prompt

reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The department head or designated supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

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

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 discharge.

5.6.1 OPERATOR'S LICENSES

Employees of the City who are required to operate a City vehicle in the course of their employment shall maintain a valid Indiana driver's license, including any endorsements or classifications which are required for the employee to undertake the essential functions of the employee's job. The employee's driving status with the State of Indiana may be periodically verified by the City or the City's liability insurance carrier.

Any employee who operates a City vehicle as part of his or her job assignment is required to notify his or her department head in the event that his/her driver's license is suspended or revoked. An employee's failure to notify his/her department head of a driver's license suspension or revocation is grounds for disciplinary action up to and including discharge.

5.6.2 INSURABILITY

In the event that the City's automobile liability carrier notifies the City that the employee has to become uninsurable for any reason, and the loss of insurability results in the employee being unable to perform the essential functions of their job, the employee shall be subject to the procedure in Section 5.5.3 below.

The City's liability insurance carrier, in its discretion, may determine that an employee is uninsurable. The determination of the uninsurability may result even though the employee may maintain a valid Indiana driver's license. The circumstances which may, but will not necessarily, cause the City's liability insurance carrier to determine that an employee is uninsurable, could include, but are not limited to, the following:

- a. The employee's driver's license is presently, or in the past has been, suspended.
- b. The employee's driver's license is presently, or in the past has expired.
- c. The employee had a conviction of operating while intoxicated, or refusal to take a chemical test within the last five (5) years.
- d. The employee had a conviction of reckless driving within the past three (3) years.

- e. The employee has had more than two (2) moving violations within the past three (3) years.
- f. The employee has been involved more than one (1) accident, where the employee was determined to be at fault, within the past three (3) years.
- g. An employee age twenty (20) or under must have no accidents or violations on their record.

5.6.3 DISCIPLINE AND PROCEDURES IN THE EVENT OF SUSPENSION OF DRIVING PRIVILEGES OR DETERMINATION OF UNINSURABILITY

If an employee's driver's license has been suspended or revoked and/or the employee is no longer considered insurable by the City's liability insurance carrier due to his/her driving record, the employee will not be allowed to operate any City-owned vehicle or equipment. Vehicles shall include any mechanized means of transportation (i.e. cars, buses, trucks, construction equipment, emergency vehicles, riding mower, etc.)

The employee may be given a non-driving assignment for up to ten (10) working days ("the Initial Period") to give the employee the opportunity to get a reinstated license and/or become insurable. The employee will continue to be covered by health insurance and other benefits during the Initial Period. If the employee's department does not have adequate work that does not require driving at any time during the Initial Period, the employee will be placed on an unpaid leave of absence. During the unpaid leave of absence, the employee may not use accumulated benefit time and will not receive holiday pay.

If, during the Initial Period, the employee is unable to resolve his/her driving privilege or insurability, the employee may provide the City written proof such as a letter from their attorney or the BMV documenting his/her attempt to resolve the license suspension or the attempt to lower the points on his/her driving record and a written request from the employee requesting the additional time ("the Extended Period") needed to resolve the matter. If no written proof is provided during the Initial Period, the employee may be terminated from employment with the City of Noblesville.

If the City, after reviewing the written request, believes that it is probable that the employee's driving privileges or insurability may be reinstated, the City may approve an Extended Period to resolve the issue. During the Extended Period, the employee may be assigned to a non-driving position, which may be at a different rate of pay, if such work is available, and the employee is qualified for the position. If such work is not available or at any point becomes unavailable during the Extended Period, the employee may be placed on a leave of absence without pay. During the unpaid leave of absence, the employee may not use accumulated benefit time and will not receive holiday pay.

If during the Initial Period or any Extended Period, the employee provides the City written proof of a valid Indiana driver's license and/or proof that he/she is insurable, as determined by the City's liability insurance carrier, the employee may be placed back into his/her driving position if the position is still available.

If, during the Initial Period and any Extended Period, the employee cannot provide written proof of a valid Indiana driver's license and/or was unable to become insurable as determined acceptable by the City's liability insurance carrier, the employee may be terminated from his/her prior position. However, the employee may submit an application to the Human Resources Department to apply for any non-driving open position that is available within the City. If no positions are available or the employee is not hired for the position, his/her employment with the City of Noblesville will be terminated.

5.7 TAKE-HOME VEHICLES

City vehicles are to be used for City business only, with the exception of personal errands during travel to and from the worksite. The department maintains mileage records. The employee is required to pay all required state and federal taxes according to state and IRS tax laws. Department heads must notify the Controller's office of employees who are assigned take-home vehicles.

All City vehicles shall be clearly marked as City of Noblesville vehicles, unless otherwise approved by the Mayor.

5.8 PERSONAL USE OF ORGANIZATION FACILITIES

In order to minimize unnecessary expenses, prevent the loss of valuable work time, and prevent lowered morale of employees, personal use of City of Noblesville facilities, vehicles, and equipment is prohibited, unless expressly authorized by the department head. This policy applies to all employees, and this policy restricts the personal use of organization facilities, including bulletin boards, vehicles and equipment, computers, and fax machines.

5.9 APPEARANCE OF WORK AREAS

The City of Noblesville expects the work areas of all employees to be well organized, clean, and portray a professional image. These qualities promote health, productivity, safety, good morale, and customer respect. This policy applies to all employees.

5.10 BUSINESS TRAVEL

The City is responsible for authorizing employee business travel and per diem reimbursement of travel expenses, including overnight lodging and per day meal allowances. All employees must obtain authorization from the department head before business travel or reimbursement of expenses. The standard travel allowance will be established as part of the annual budget process for the City. Each request for a standard per diem reimbursement shall include a list of expenditures signed by the employee. An employee may be reimbursed for expenses in excess of the standard per diem only if approved by the Department Head and upon submission of itemized receipts. Purchases of alcohol will not be reimbursed.

Whenever practical, travel will be accomplished in a City vehicle or via common carrier. If a personal vehicle must be used for authorized travel, the employees shall be reimbursed at prevailing rates authorized by the Board of Works.

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

5.11 POLITICAL ACTIVITY

City of Noblesville employees shall not be allowed to participate, financially or otherwise, in any political campaign or party activity during his/her working hours. This policy includes any threats or coercion by elected or appointed officials, or political party representatives.

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

5.12 SMOKING

In keeping with the City's intent to provide a safe and healthy work environment, smoking in City offices is prohibited, except for designated areas. This policy applies equally to all employees and visitors. Signs are posted in City facilities.

5.13 EMPLOYEE PHOTO IDENTIFICATION CARDS

City employees are issued photo identification cards, and such cards shall be in possession of the employee during work hours.

5.14 EMERGENCY CLOSINGS

Periodic emergencies, such as severe weather or power failures, can disrupt City operations, sometimes requiring the closing of a work facility. When such an emergency occurs during non-working hours, local radio and/or television stations will be asked to broadcast notification of the closing.

When operations are officially closed for emergency conditions for the City of Noblesville and/or for the county/city that the employee is a legal resident of, before the beginning of the workday, the time off from scheduled work will be paid to full-time employees affected by the facility closing. The closing of work facilities does not apply to employees in essential public safety operations; such employees who work will receive regular pay.

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

If a part-time employee cannot report to work, they will be paid for hours they were scheduled to work.

Any exceptions to this policy must be approved by the Board of Works.

CHAPTER 6

PERSONAL CONDUCT

6.1 EMPLOYEE CONDUCT AND WORK RULES

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

6.2 ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, the City expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the City. When an employee cannot avoid being late to work or is unable to work as scheduled, he/she should notify his/her department head or designated supervisor as soon as possible in advance of the anticipated tardiness or absence.

Policies specifying terms and conditions of employee absences are in Section 6.4 (Absenteeism).

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, including termination of employment.

6.3 PERSONAL APPEARANCE

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image we present to our citizens and visitors. During business hours, employees are expected to present a clean and neat appearance and to dress according to the job requirements.

6.4 ABSENTEEISM

City employment requires a team effort, and each employee plays an important part as a member of the team. Unless employees are regularly available for duty, work cannot go on effectively or efficiently. Excessive absenteeism causes unnecessary increases in operating expenses. Employees who are excessively unavailable for work (regardless of cause) force others to carry their extra loads as well as tie up job opportunities and positions for more available personnel.

Employees shall not establish patterns of absenteeism. Establishing a pattern of absenteeism is a violation of official standards regardless of whether any part of the absenteeism within the pattern has been approved or disapproved by the department administration.

Examples of non-violations:

1. Absenteeism due to restricted or light duty because of job-related injuries provided associated time off does not establish an unapproved attendance pattern with regularly scheduled time off;
2. Annual preplanned vacation time;
3. Attendance at periodic training or special details that are prearranged, recognized, and approved by a supervisor;
4. Observance of scheduled days off; and/or

5. Sick time used by employees who have a serious (life-threatening) illness or injury to self or an immediate member of the family shall not be calculated into any pattern as long as such illness or injury is properly documented, the nature of the injury or illness is certified by a licensed physician and such use is approved by the department head. (Note: All such approvals are subject to management audit and change and are intended to be in compliance with the provisions of federal, state, and local discrimination laws.)
6. Leave time taken which is protected by state or federal law (e.g., FMLA, ADA, Indiana Family Military Leave).

Examples of sick leave use which may appear to be abusive:

1. Absences of short duration (less than three [3] days) due to alleged sickness that are attached to scheduled days off (whether by the employee or the City) or other scheduled absenteeism;
2. Consistently using sick leave within a short period of time after it is earned; and/or
3. Use of sick leave at a rate that consistently leaves the employee at or near zero (less than six [6] days).
4. Patterns of use of sick leave, such as Mondays and/or Fridays.

It is not the intent of this policy to supersede or violate any applicable federal or state laws. This policy does not intend to illegally discriminate against employees or potential employees of the City.

6.5 COMMISSION OF A FELONY OR UNLAWFUL ACT

Employees are required to report all arrests and convictions to their Department Head. The City will conduct a proper, lawful analysis to determine whether the arrest or conviction will result in any disciplinary action, up to and including termination of employment. With respect to arrests, the City will first inquire as to whether the alleged conduct likely occurred. With respect to arrests and convictions, the City will conduct an individualized assessment and consider whether the conduct is job-related and consistent with business necessity, including the nature of the crime, the time elapsed, and the nature of the job. After completing this assessment, the City will determine whether disciplinary action, up to and including termination, is appropriate.

6.6 GIFTS OR GRATUITIES

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

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

6.7 BUSINESS ETHICS/CONFLICT OF INTEREST

The City of Noblesville 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 the City of Noblesville.

The City also recognizes its right and obligation to determine when an employee's activities present a conflict of interest with the City. At such times the City must take whatever action is necessary to resolve the situation, including, but not limited to, terminating employment. This policy applies to all employees, as well as to former employees, where applicable.

Employees having a financial interest in a company or substantial investments in a corporation who might benefit from their dealings with the City must file a conflict of interest statement with the City of Noblesville Clerk's Office and the statement will be filed with the Hamilton County Clerk and the State Board of Accounts. If deemed by said official to be in the best interest of the City, those employees shall either divest themselves of such interest or investments or be ineligible for continued employment with the City.

6.8 SOLICITATION

Solicitation or distribution of literature in the workplace is prohibited unless approved by the supervisor. Any solicitation for City business by vendors shall be directed to the Controller's Office for permits.

6.9 SECURITY OF PREMISES

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

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

6.10 CITIZEN COMMUNICATION

Employees are expected to communicate with citizens in a kind and courteous manner in giving and receiving information, explaining and resolving problems.

6.11 **EMPLOYEE CONDUCT**

Behavior of Employees. Employment with the City is “at-will,” unless specified otherwise in Indiana law. However, the City endeavors to use a progressive framework in addressing employee discipline issues. In regulating the behavior of its employees, the City has classified offenses as first, second, and third-level offenses based upon their seriousness. **These classifications are provided only to illustrate the procedures that will generally be followed in respect to such conduct.**

This classification system should not be construed to in any way limit the City's discretion in exercising discipline, as it finds appropriate, based on the severity of the misconduct or the totality of the circumstances. The City may elect to skip any or all steps of progressive discipline and terminate employment at any time, as allowed by law.

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 an inclusive list or to in any way limit rules, guidelines and restrictions set out elsewhere in this handbook.**

GROUP I OFFENSES

(Examples of, but not limited to, the following:)

1. Tardiness or absenteeism; or failure to provide notification to the authorized supervisor of an absence prior to the start of a shift.
2. Reporting to work clothed or groomed in an unclean or inappropriate manner.
3. Discourteous treatment of the public.
4. Neglect or carelessness in clocking 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. Mischief, horseplay, wrestling, or other undesirable conduct.
8. Excessive use of telephone or unauthorized use of mail for personal use.
9. Unsatisfactory work or failure to maintain the required standard of performance.
10. Unauthorized breaks.
11. Littering or otherwise contributing to unsanitary conditions on City property.

GROUP I DISCIPLINE

First Offense	Verbal warning
Second Offense	Written reprimand
Third Offense	Three (3) working days suspension without pay
Fourth Offense	Ten (10) working days suspension without pay or reduction in pay or position
Fifth Offense	Discharge

GROUP II OFFENSES

(Examples of, but not limited to, the following:)

1. Leaving the job or work area during the regular working hours without authorization, or excessive tardiness.
2. Threatening, intimidating, coercing, or interfering with subordinates or other employees.
3. Obligating the City for any expense, service, or performance without authorization.
4. Sleeping during working hours except as covered in the rules and regulations for 24-hour shift personnel in the Fire Department.
5. Reporting for work or working while unfit to perform essential job duties.
6. Unauthorized use of City property or equipment.
7. Performing private work on City time.
8. Willful failure to sign in or out when required.
9. Failure to report for overtime work without good reason after being scheduled to work according to overtime policy.
10. The making or publishing of false, vicious, or malicious statements concerning employees, supervisors, the City, or its operations.
11. Refusing to provide testimony in court during an accident investigation, or during any type of public hearing.
12. Unauthorized posting, removal, or alteration of notices or signs from bulletin boards.
13. Distributing or posting written or printed matter of any description on City premises unless authorized.
14. Unauthorized presence on City property.
15. Willful disregard of department rules.
16. Use of disrespectful, inappropriate, abusive, and/or threatening language toward supervisors, other employees, or the public.
17. Failure to report to work or provide notification to the authorized supervisor by the end of the scheduled shift. (Failure to report to work or provide notification by the end of the scheduled shift for (2) two consecutive days is considered a voluntary resignation).

GROUP II DISCIPLINE

First Offense	Three (3) working days suspension without pay
Second Offense	Ten (10) working days suspension without pay, or reduction in pay and position
Third Offense	Discharge

GROUP III OFFENSES

(Examples of, but not limited to, the following:)

1. Being in possession of or drinking alcoholic beverages on the job.
2. Willful neglect in the performance of assigned duties or in the care, use or custody of any City property or equipment. Stealing, abuse, or deliberate destruction in any manner of City property, tools, equipment, or the property of employees.
3. Punching, signing or altering other employees' time cards, timesheets, or unauthorized altering of own time card or sheet.
4. Falsifying testimony when accidents are being investigated; falsifying or assisting in falsifying or destroying any City records, including work performance reports; or giving false information or withholding pertinent information called for in making an application for employment or releasing confidential information.
5. Making false claims or misrepresentations in an attempt to obtain any City benefit.
6. Refusal to take or failure to pass any examination required for the job.
7. Use of controlled substances without a prescription or the sale of controlled substances.
8. Fighting or attempting to injure other employees, supervisors, or persons.
9. Except for authorized employees of the Police Department and as otherwise provided by law, carrying or possession of firearms on City property without proper authorization.
10. Knowingly exposing others to harmful conditions, such as communicable diseases, which may endanger employees or the public.
11. Misuse or removal of City records or information without prior authorization.
12. Instigating, leading, or participating in any illegal walkout, strike, sit down, stand-in, refusal to return to work at the scheduled time for the scheduled shift or other concerted curtailment, restriction, or interference with work in or about the City's work areas.
13. Dishonesty or any dishonest action. Some examples of what is meant by "dishonesty" or "dishonest action" are as follows: theft; pilfering; opening desks assigned to other employees without authorization; theft and pilfering through lunch boxes, tool kits, or other property of the City or other employees without authorization; making false statements to secure an excused absence or to justify an absence or tardiness; making or causing to be made, inaccurate or false reports concerning any absence from work. The foregoing are examples only and do not limit the terms "dishonesty" or "dishonest action."
14. Insubordination by refusing to perform assigned work or to comply with written or verbal instruction of the supervisors.
15. Violating the City's harassment policy or policies prohibiting discrimination and retaliation.
16. Failure to report accidents, injury, or equipment damage.
17. Unlawful or negligent handling of public monies.
18. Disclosure of confidential information.
19. Failure to disclose at the time of employment the past conviction of a misdemeanor and/or felony if reasonably related to the employee's duties or the public trust.
20. Failure to submit to or have a positive test result from a blood test, urinalysis or breathalyzer examination, pursuant to the City's Drug-Free Workplace Policy.
21. Failure to maintain required certifications required of the position.
22. Failure to follow safety regulations when the safety of an employee or others is affected.
23. Driving a city vehicle or personal vehicle on city business without a valid driver's license.

GROUP III DISCIPLINE

Any appropriate discipline, up to and including discharge.

CHAPTER 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 City of Noblesville policies have been violated or who believes that he or she has been treated unfairly. A complaint is an employee's expressed dissatisfaction with what that employee believes, rightly or wrongly, to be unfair treatment or a mistake in the administration of a City policy. This problem resolution section does not apply to disciplinary actions taken by the City.

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

STEP 1: Supervisor (Oral complaint)

If an employee has a complaint, it should be first discussed with the supervisor. The employee should schedule a time to discuss the situation with the supervisor. Every effort should be expended to resolve the issue satisfactorily at this meeting.

STEP 2: Department Head/Designee (Written complaint)

If the complaint cannot be solved satisfactorily by the employee and supervisor through discussion, or if the decision is not satisfactory, the employee may submit the complaint in writing within forty-five (45) calendar days following the alleged act or incident.

The employee may take or send a written complaint to the department head. The department head/designee will consult with Human Resources and shall give a written response to the complaint within thirty (30) calendar days.

STEP 3: Mayor/Designee

If the complaint cannot be solved satisfactorily by the employee and department head, the employee may take or send a written complaint to the Mayor/Designee. The Mayor or designee shall review the complaint and render a response within thirty (30) calendar days.

STEP 4: Board of Works and Public Safety

If a satisfactory solution is not reached by the employee and Mayor or designee, the Board of Works or their designated hearing officer shall hear the complaint and render a decision within thirty (30) calendar days.

SEVERABILITY

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

INDEMNIFICATION

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

EMPLOYEE ACKNOWLEDGEMENT FORM

The City of Noblesville Personnel Policy Handbook describes important information about employment with the City, and I understand that I should consult the department head regarding any question not answered in the handbook.

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

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

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

Employee's Signature

Date

Employee's Name (typed or printed)