

# PERSONNEL POLICIES HANDBOOK

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PERRY COUNTY, INDIANA

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# **1. PERSONNEL POLICIES HANDBOOK**

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

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

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

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

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

While Perry County believes these policies are accurate, they are only summaries, and any discrepancies between these summaries (such as insurance policies) shall be governed by the actual terms of the underlying, more detailed plan documents. Any questions regarding summaries, their underlying policies and procedures, if applicable, and any discrepancies between them should be directed to the County Auditor's office for resolution.

## **1.2 EXCEPTIONS AND SPECIAL CONDITIONS**

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

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Elected officials and County Purdue Agents are excluded from this Personnel Policies Handbook, except as noted. The County Highway Department will follow the policy except where noted.

The Sheriff's Office Merit Deputies under the coverage of the Sheriff's Office Merit Board will follow this Personnel Policies Handbook, except when the Merit Board Policy shall supersede.

**1.3 "PERRY COUNTY" DEFINED**

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

**1.4 PERSONNEL ADMINISTRATION COMMITTEE**

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

1. Reviewing employee complaints in connection with the problem resolution procedure in the Perry County Personnel Policies Handbook and providing advisory recommendations as warranted; and
2. Monitoring personnel policies and procedures and making recommendations for revisions, modifications, additions, and deletions as deemed necessary.

The Perry County Personnel Administration Committee shall serve yearly and be comprised of nine (9) members. The members of the Personnel Advisory Committee shall be one (1) County Commissioner (appointed by the County Commissioners), two (2) members of the County Council (appointed by the County Council), one (1) County elected official (appointed by all the elected officials), the Sheriff, County Auditor, Highway Superintendent, HR Administrator and County Attorney by virtue of the position.

Any questions concerning application of policies and procedures are to be directed to the County Auditor's office for resolution.

**1.5 EQUAL EMPLOYMENT OPPORTUNITY**

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

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

**1.6 MANAGEMENT RIGHTS**

Perry County retains the responsibility and authority to manage and direct on behalf of the public the operations and activities of the County to the full extent authorized by law. Such responsibility and authority shall include but not be limited to:

1. The right to direct the work of its employees;
2. The right to establish policy;
3. The right to maintain the efficiency of public operations;
4. The right to design and implement safety programs for employees;
5. The right to design and implement job training for employees;
6. The right to determine what services shall be rendered to the public;
7. The right to determine job content and job descriptions;
8. The right to determine and implement objectives and goals of the County;
9. The right to establish, allocate, schedule, assign, modify, change, and discontinue County operations, work shifts, and working hours;
10. The right to establish, change, and discontinue work standards;
11. The right to hire, examine, classify, train, transfer, assign, and retain employees; suspend, discharge, or take other disciplinary action against employees in accordance with applicable law and to relieve employees from duties due to disciplinary reasons or other legitimate reasons; and make promotions and demotions;
12. The right to change, modify, and alter the composition of the work force;
13. The right to determine, establish, and implement policies for the selection, training, and promotion of employees in accordance with applicable law;
14. The right to establish, implement, modify, and change procedures and policies for the safety, health, and protection of County property and personnel;
15. The right to adopt, modify, change, enforce, or discontinue any existing rules, regulations, procedures, and policies;
16. The right to establish, select, modify, change, or discontinue equipment, materials, and the layout and arrangement of equipment;
17. The right to determine the size and character of inventories and their disposal;
18. The right to control the use of property, machinery, inventories, and equipment owned, leased, or borrowed by the County;
19. The right to determine the location, establishment, and organization of new departments, divisions, subdivisions, or facilities thereof, and the relocations of departments, subdivisions, locations, and the closing and discontinuance of same; and
20. The above enumeration of management rights is not inclusive of all such rights and all rights granted the County by constitution, statute, charter, ordinance, or in any manner are retained by the County.

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**1.7 PRODUCTIVE WORK ENVIRONMENT**

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

**1.8 AUTHORIZED ALIEN STATUS AND CITIZENSHIP**

All new hires must cooperate with the County in its compliance with the Immigration Reform and Control Act of 1986 and in verifying employment eligibility. New employees shall complete an I-9 form and show proof of identity and employment eligibility within the first three (3) days of employment. Employees who refuse to or are unable to supply the documentation necessary to prove that they are American citizens or aliens authorized to work in this country will be terminated. The County Auditor shall ensure that Form I-9s are properly completed and retained as required by law. Form I-9s are maintained by the Auditor's office.

**1.9 E-VERIFY**

The Auditor's office shall administer the e-verify enrollment of all County new-hires; and shall ensure that appropriate forms are properly completed and retained as required by law.

## **2. EMPLOYMENT POLICIES**

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

### **2.1 RECRUITMENT**

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 employees, subject to ability and job qualifications to be reasonably determined by management. Insofar as practicable, open and new jobs shall be posted on County work days until said positions are filled, during which time any employee may make application in writing.

Upon a vacancy in an office, the elected official or department head (except the Sheriff) must consult the County Council at their next meeting to ask to fill the position. The County Auditor will post job descriptions when hiring. Methods of advertising such as websites and social media, if applicable, may be used to recruit applicants.

Information regarding all vacancies or new positions shall be publicly posted on bulletin boards located in all Perry County government buildings. The County encourages internal promotion and transfer whenever possible.

Advertisements shall describe the position, basic qualifications, and state that Perry County is "An Equal Opportunity Employer."

### **2.2 EMPLOYMENT APPLICATIONS**

All applicants are required to complete a Perry County Employment Application and other forms required for statistical purposes or deemed necessary to process the Application. Prospective employees may only complete and submit a job application in conjunction with a posted position. This standardized job application form shall be submitted to and maintained by the County Auditor. The County Auditor shall provide elected officials/department heads all submitted applications.

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

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

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

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

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

Applications will be retained in active files for forty-five (45) days, or for the duration of applicant recruitment lists when used. Applications shall be returned to the County Auditor once the hiring process is completed.

Hiring decisions are the sole responsibility of the appointing authority - elected officials/department heads.

All newly hired employees shall report to the Auditor's office to submit documents necessary for compliance with federal, state, and local law and for enrollment in any eligible benefit programs.

**2.3 APPLICANT TESTING**

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

**2.4 PRE-EMPLOYMENT INTERVIEWS**

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

**2.5 CONDITIONAL OFFER OF EMPLOYMENT**

Applicants may receive a conditional offer of employment conditioned on the successful completion of all established prerequisite requirements of the position, which may include passing medical, physical, and mental examinations or requirements, reference and criminal background checks, and driving record requirements. Applicants, who are provided a conditional offer of employment, except for the Highway Department, may be required to submit to a drug test prior to being hired by the County; the test is paid for by the County. For the Highway Department, drug testing shall be required for positions requiring a CDL licenses.

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Applicants who receive a conditional offer of employment are not employees of the County unless they receive an official letter of employment. Perry County may withdraw the conditional offer of employment at any time for any reason, except as otherwise prohibited by law.

**2.6 OFFER OF EMPLOYMENT**

The Offer of Employment will outline:

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

The Offer of Employment is contingent on satisfactory proof of permission to work in this country and the receipt of satisfactory references. All offers of employment for all County positions are conditioned on the prospective new employee's undergoing a background check and submitting to a drug test pursuant to the County's Drug and Alcohol Free Workplace Policy.

The Offer of Employment shall be signed by the applicant and authorized official and a copy submitted to the Auditor's office before the applicant is considered an employee of Perry County. The Offer of Employment form will be maintained by the elected official, department head or their designee, with a copy forwarded to the Auditor's office.

**2.7 MEDICAL EXAMINATIONS**

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

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

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

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Information on an employee's medical condition or history shall be kept in a confidential medical file that is separate from other employee information. Medical information shall be maintained by the Auditor's office.

Access to this information will be limited to the employee, elected official/department head of the employee, designated employees responsible for processing insurance and workers' compensation claims, and others on a need-to-know basis.

## **2.8 EMPLOYMENT CATEGORIES**

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

**REGULAR FULL-TIME** employees are those who are not in a part-time, temporary, or introductory period and who are regularly scheduled to work the County's full-time schedule of thirty (30) hours or more per week. They are eligible for the employer's benefit package subject to the terms, conditions, and limitations of each benefit program. Regular full-time employees include exempt and non-exempt classifications. The County Council sets the full-time compensation rates annually for all positions.

**PART-TIME** employees are those who are not in a full-time, temporary, or introductory period and who work an average of less than thirty (30) hours per week. Part-time employees may be required to work additional hours based on staffing and business needs of the County. Such employees receive all legally mandated benefits (such as workers' compensation and Social Security benefits), and are ineligible for other County benefit programs as described in this Handbook. The County Council sets the part-time compensation rates annually for all positions.

**TEMPORARY** employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. 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 imply a change in employment status. Temporary employees retain that status until notified of a change. While they do receive all legally mandated benefits (such as workers' compensation and Social Security benefits), they are ineligible for the County's other benefit programs.

**GRANT** employees may be full or part-time. Employment is conditioned on grant funding, and in the event that grant funds are not available to fund the position or contract, the position and the employee shall be terminated, unless otherwise stipulated by the grant and authorized by the County Council. Grant employees may be eligible for County benefits providing funding by the applicable grant.

## **2.9 INTRODUCTORY PERIOD**

The introductory period is intended to give new, rehired, promoted, and/or transferred employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The County uses this period to evaluate employee capabilities, work habits, and overall performance. If expectations are not met, employee can be released from employment at any time.

All new, rehired, promoted, and/or transferred employees work on an introductory basis for one (1) year after their “date of hire.” Any significant absence will automatically extend the introductory period by the length of the absence. If the department head/elected official determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period.

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

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

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

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

No employment data except position, date of hire, and salary will be released without written authorization and a release signed by the individual who is the subject of the inquiry.

All applicants may be subject to criminal background and credit checks. This check will be conducted by Human Resources through bhex a BIB company.

## **2.11 PERSONNEL FILES**

The employment selection procedure shall be documented and recorded and will remain strictly confidential. Accurate personnel records shall be kept on file for each employee for a period of not less than seventy five (75) years after employment termination and may be used to substantiate employment decisions in the event of inquiry.

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

**Personnel File:** This file shall contain the employee's employment application, emergency information sheet, employment data information sheets concerning history of employment, insurance enrollment forms, copy of driver's license and proof of vehicle insurance where required, retirement enrollment forms, employee handbook and job description acknowledgement forms, change in address forms and beneficiary forms. This file shall be maintained by the Payroll/HR Administrator. Certain documents in this file shall be deemed confidential, and released only to persons on a need-to-know basis.

**Administrative File:** This file shall contain documentation of performance and salary increases, educational accomplishments, records of training, disciplinary records, and other documentation concerning disciplinary actions, including grievances, absences, tardiness, and other related data. This confidential file shall be deemed as exempt under Indiana Public Records law and will be maintained by the elected officials and department heads, with copies provided to the Payroll/HR Administrator for documents affecting compensation and/or benefits.

**Confidential Medical File:** This file shall contain all medical information, including health insurance, ADA accommodations, disability information, results of alcohol and drug tests, worker's compensation issues, and other medically related information. This file shall be maintained by the Payroll/HR Administrator.

The employee's performance file and confidential medical file shall be deemed personnel records and exempt under the Indiana Public Records law.

**Commercial Driver's License Records:** The Highway Department maintains CDL records according to Federal Highway Administration requirements. This file shall be updated each calendar year.

**I-9 File:** The I-9 files shall contain the I-9 forms. This file shall be maintained by the Payroll/HR Administrator.

## 2.12 ACCESS TO PERSONNEL FILES

Access to confidential personnel files shall be limited to the employee, the elected official/department head of the employee, the Auditor's Payroll Deputy, County Auditor, County Attorney, and other persons authorized by the County Attorney on a need-to-know basis. The Auditor shall not provide any information pursuant to a subpoena or court order sooner than ten (10) calendar days after the date of receipt. Within five (5) calendar days of the receipt of the subpoena, the County Attorney shall notify the affected employee(s) of the subpoena to permit the employee(s) time to seek any appropriate judicial relief.

Personnel files are property of the County and access to the information they contain is

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restricted. Only officials or representatives of the County who have a legitimate reason to review information in a file are allowed to do so. With an appointment with their supervisor, an employee may review material in their file. Upon request, the County will provide the employee copies of any documents contained in their personnel file.

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

**2.13 PERSONAL INFORMATION CHANGES**

It is the responsibility of each employee to promptly notify, in writing, the Auditor's Payroll Deputy and their elected official/department head of any changes in personal data. Personal mailing addresses, telephone numbers, changes in marital status, number and names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, driver's license status and proof of insurance (where applicable), and other such status reports should be accurate and current at all times. Any unreported changes in personal status may impact eligibility under the County's benefit plans.

**2.14 ORIENTATION/EXIT INTERVIEWS**

Once employed by the County, their elected official/department head shall conduct an informal orientation to familiarize a new employee with the County. The employee will receive a copy of the Perry County Personnel Policies Handbook and any applicable workplace rules, including the drug-free workplace policy.

It is the responsibility of the employee to read and understand the Personnel Handbook. Each employee shall sign the Employee Acknowledgment form; periodic updates will also be acknowledged.

Upon termination of the employment relationship with an employee, an exit interview may be scheduled with the elected official/department head.

Upon termination, employees are directed to contact the Auditor's office regarding compensation and the status of any County benefits.

**2.15 PERFORMANCE EVALUATION**

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

Formal performance evaluations shall be conducted on employees at the end of their introductory period and annually and turned into the HR Administrator for placement in their personnel file. This allows the elected official/department head and employee the opportunity

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to discuss the job responsibilities, standards, and performance requirements, in addition to correcting deficiencies and reinforcing strengths and future goals.

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

Each elected official/department head may conduct a performance evaluation on each of their employees on an annual basis.

**2.16 OUTSIDE EMPLOYMENT/CONFLICT OF INTEREST**

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

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

If the County determines that an employee's outside work interferes with performance or the ability to meet the requirements of the County as they are modified from time to time, or that the outside employment is in conflict with the County's ethics code or other codes of conduct the employee may be asked to terminate the outside employment if they wishes to remain employed with the County.

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

County employees may not accept financial benefits that would reasonably tend to influence decisions or encourage that employee to disclose confidential County information. Any offers of money, services, benefits, favors, or other possible conflicts should be reported to supervisors and/or the County Commissioners. Employees having financial interest in a company or substantial investments in a corporation that might benefit from their dealings with the County must file a conflict of interest statement with the County Clerk and Auditor and the State Board of Accounts.

Employees are not required to contribute time or money to any person or party.

Employees are prohibited from engaging in any campaign conduct during work hours. The display and/or wearing of campaign buttons, posters, clothing with campaign slogans, and other political paraphernalia is prohibited.

## **2.17 REQUESTS FOR INFORMATION**

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

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

## **2.18 LAYOFF AND RECALL**

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

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

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

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

Any recalled employees needing more than the ten (10) days to report to work must have written approval from their elected official/department head. Any employee accepting or declining reinstatement to the same classification from which the layoff or displacement initially occurred shall be removed from eligibility for further recall.

During layoff, such employees shall not accrue leave benefits; however, they are eligible for unemployment compensation and COBRA benefits. The layoff period shall be limited to a period of twelve (12) continuous months beginning with the first day of the lay-off. After twelve (12) months of continuous layoff, such employees shall not be eligible for recall and shall be terminated from the County.

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**2.19 NEPOTISM**

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

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

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

Indiana Code defines relative to include a spouse; a parent or step-parent; a child or 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 County shall annually certify in writing that the officer is in compliance with the nepotism policy under Indiana Code 36-1-20.2. Such certification must be submitted to the County Commissioners not later than December 31 of each year.

An elected official or department head that is in violation of this policy may be subject to penalties for perjury which is a Level 6 felony with up to three (3) years prison sentence. The County's failure to adopt policies under Indiana Code 36.1.20.2 (Nepotism) will result in the Department of Local Government Finance not approving the County's budget or any additional appropriations for the ensuing calendar year until the State Board of Accounts certifies the County is in compliance.

**2.20 ELECTIVE OFFICER AND COUNTY EMPLOYMENT RESTRICTED**

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

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

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

In the event that a full-time employee is elected to a Perry County elective office they shall be compensated for any unused vacation and compensatory time or personal time earned as a permanent employee. Such employee's sick days will be frozen and available for use in the event the elected official returns to a non-elected full-time position without any interruption in County employment.

If such elected official fills a non-elective full-time position their time in elective office shall count as years of service for the purpose of determining the amount of eligible vacation time or other benefits based on years of service with the County.

## **2.22 CONTRACTING WITH THE COUNTY**

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

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

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

An elected official that is in violation of this policy may be subject to penalties for perjury which is a Level 6 felony with up to three (3) years prison sentence. The County's failure to adopt policies or failure to include a statement in the R-100 Personnel Report under Indiana Code 36-11-21 (Contracting with a Unit) will result in the Department of Local Government Finance not approving the County's budget or any additional appropriations for the ensuing calendar year.

### **3. SALARY ADMINISTRATION**

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

#### **3.1 NORMAL WORKWEEK**

The normal work week begins on Sunday at midnight and ends on the following Sunday at midnight. It may be changed by the Board of County Commissioners.

#### **3.2 WORK HOURS**

Regular work hours may be changed by the Board of Commissioners upon one week's notice to each elected official/department head.

**County Offices:** (except Sheriff's Office Employees, Highway Department Employees, Solid Waste Employees, and Parks and Recreation Employees): Monday-Friday 8:00 a.m. to 4:00 p.m. Each employee shall be entitled to an unpaid meal period not to exceed one (1) hour, the duration and starting time for which shall be determined by the employee's supervisor.

The normal work pattern for full-time Courthouse employees, except in designated departments, shall be seven (7) hours for a normal day's work, and thirty-five (35) hours for a normal week's work to be completed in five (5) days, Monday-Friday.

Offices and departments shall remain open to the public during business hours: 8:00 a.m. to 4:00 p.m. Monday – Friday.

**Parks and Recreation Department:** Monday-Friday 7:00 a.m. to 4:00 p.m. Each employee shall be entitled to an unpaid meal period not to exceed one (1) hour, the duration and starting time for which shall be determined by the employee's supervisor.

**Solid Waste Department:** **Cannelton** Monday-Friday 9:00 a.m. to 4:30 p.m., Saturday 8:00 a.m. to 4:00 p.m. **Branchville** Tuesday and Thursday 9:00 a.m. to 5:00 pm., Wednesday 12:00 p.m. to 5:00 p.m., Saturday 8:00 a.m. to 2:00 p.m. Each employee shall be entitled to a paid meal period not to exceed one (1) hour, the duration and starting time for which shall be determined by the employee's supervisor.

**Sheriff's Office:** Sheriff's Officers and Jailers may work twelve (12) hours shifts.

**Highway Department:** Monday – Friday 6:00 a.m. to 4:30 p.m. Each employee shall be entitled to a thirty (30) minutes unpaid meal period each day. A normal work week shall be considered forty (40) hours. The Highway Superintendent may change the Department's work hours to accommodate the needs of the department.

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Elected officials or department heads will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

**3.2.1 Travel Time**

- A. **Home-to-Work Travel:** Travel to and from home is not work time, even if an employee must travel from a town to an outlying site to get to the work facility. This is true whether an employee works at a fixed location or at different job sites.
- B. **Out-of-Town Travel:** An employee who is sent out of town for one day need not be paid for time spent in traveling from home but may earn compensatory time for all travel time outside of a normal work day.
- C. **Overnight Travel:** If an employee travels overnight on business and is gone for more than one day, they must be paid for time spent in traveling during their normal working hours on their non-working days, as well as on their regular working days. If an employee drives a vehicle or is a passenger without being offered public conveyance, then the travel time is considered work time.

The employee must follow the travel ordinance specified by the County Commissioners. In the event of any conflicts between this section and such ordinances, the ordinances shall control.

**3.3 JOB DESCRIPTIONS**

Perry County positions, except those of elected officials, have been described in job descriptions. Job descriptions are maintained in the Auditor's office. Copies of job descriptions are available in each office or department and provided to each employee.

New job descriptions or any modifications to existing job descriptions shall be submitted to the Auditor's office for approval by the County Council.

**3.4 COMPENSATION**

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

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

### **3.5 JOB CLASSIFICATION**

Perry County has adopted the Factor Evaluation System (FES) of job classification for all County non-elected positions. It is regularly monitored and revised to reflect changes in job duties as they occur. All County positions, except those of elected officials, are systematically grouped into job classes based on their fundamental similarities.

The job classification categories are as follows:

- A. Computer/Office Machine Operation/Technician (COMOT)
- B. Professional, Administrative, Technological (PAT)
- C. Labor, Trades, Crafts (LTC)
- D. Protective Occupations, Law Enforcement (POLE)
- E. Special Occupations (SO)

The position description is the primary document used to classify County jobs.

### **3.6 JOB CLASSIFICATION/PAY SYSTEM MAINTENANCE**

The Perry County Council establishes all budgetary items and pay grades for salaries and benefits. Any change in job classification by County Commissioners or pay rate must be approved by the County Council. The Council oversees maintenance of the job classification and pay plan.

The Council shall meet as deemed necessary to review all job classifications and salaries. To establish a new position or change a current position, the elected official/department head shall submit a request with a detailed job description to the Council. The Council will review the request and take appropriate action as deemed necessary.

When an elected official/department head wishes to create a new position not currently classified, or reorganize jobs within a department, review seniority, or abolish a position, or if an employee wishes to have a job classification review of their position, review form(s) from the HR Administrator shall be completed and returned with all required supplemental information. The Council will meet to evaluate the requested action.

### **3.7 WAGE POLICY**

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

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

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- B. If employees paid on an hourly wage have no existing leave time as described above, unauthorized time from work shall be deducted from their wages.
- C. For employees paid at a salary rate with no existing leave time as described above, the penalty shall be computed by the normal work hours in a year divided into the gross annual salary to determine the hourly rate of pay.
- D. The wages of an elected official cannot be deducted, as set by law.

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

### **3.8 FLSA TIMEKEEPING**

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

The Fair Labor Standards Act (FLSA) and Family and Medical Leave Act (FMLA) require that certain records be kept on each covered non-exempt worker.

The record must include accurate information about the employee and data about hours worked and wages earned. Employers are required to maintain the following records:

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

### **3.9 INDIANA TIMEKEEPING REQUIREMENTS**

IC 5-11-9-4 requires that public sector employees (except elected officials) maintain records showing which hours were worked each day by officers and employees.

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

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

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

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

**3.10 WORK TIME RESTRICTED**

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

**3.11 ROUNDING**

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

**3.12 MULTIPLE POSITIONS**

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

**3.13 RECORDING OF TIME**

Every employee is responsible for accurately recording time worked on a daily basis. Employees should accurately record the time they begin and end their work, including lunch, and the time they begin and end any departure from work for personal reasons.

It is the responsibility of those employees who are required to record their time, to properly record the time that they have worked during a payroll period. Any used accrued vacation time, sick leave, compensatory time, personal leave, or any other approved leave must be recorded on their time record. Failure to record the leave in any status may result in the employee not being paid for the leave. At the end of the reporting period, the employee should verify their timesheet for accuracy prior to submitting to their elected official/department head.

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The elected official/department head will review and approve their departments time before submitting for payroll processing.

Acceptable ways to log time is by using the biometric timekeeping system either by using the fingerprint scanner, punching in and out on their computer, or punching in and out on their phone. All employees are required to log their time by utilizing one of these methods. If any modification is required it must be completed by the elected official/department head. Due to State Board of Account (SBOA) requirements all adjustments will need to be entered by the elected official/department head.

Any adjustments to an employee's time must be made by the elected official/department head. If corrections or modifications are made to a timesheet, both the employee and the elected official/department head should verify the accuracy of the changes. Failure by an employee to submit a timesheet when required or submitting a falsified timesheet may result in disciplinary action.

It is each employee's responsibility to learn the time clock system and use it appropriately. Failure to follow the time clock system may result in disciplinary action up to and including termination per Section 6 of this handbook.

For detailed instructions on how to use the time keeping system, employees should consult with their elected official/department head.

Tampering, altering, or falsifying time records or recording time on another employee's time record shall result in disciplinary action, up to and including discharge. Questions or concerns regarding these matters should be placed in writing and submitted to a law enforcement agency for investigation. Please see Section 6.9 – Ghost Employment.

**3.14 PAYDAYS**

Regular employees are paid bi-weekly on Friday. Each paycheck will include earnings for all work performed through the end of the previous payroll period, except for compensatory time hours that are accrued and shall be used at a later time. New hires shall have two (2) weeks' pay withheld.

If a regularly scheduled payday falls on a holiday, employees will be paid on the last day of work before the regularly scheduled payday.

**3.15 PAY CORRECTIONS**

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

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

**3.16 PAY DEDUCTIONS/GARNISHMENTS**

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

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

**3.17 OVERTIME COMPENSATION AND COMPENSATORY TIME**

Each County position is designated as either **NON-EXEMPT, EXEMPT, or EXCLUDED** from federal and state wage and hour laws (such as the Fair Labor Standards Act [FLSA]); and employees holding such positions are treated accordingly:

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

Employees holding **EXEMPT** positions are excluded from specific provisions of federal and state wage and hour laws, and are not entitled to overtime compensation or compensatory time off; however, exempt employees receive non-FLSA compensatory time for each hour worked over the employee's normal workweek which allows exempt employees to "flex" their schedules, it is not intended to provide additional wages. Any flex time must be used by the end of the following pay period in which it was earned. Flex time is not guaranteed, is not accrued or saved, and does not have monetary value. Exempt employees (except elected officials) must maintain time keeping records showing which hours were worked each day to satisfy Indiana Code 5-11-9-4. The following positions within the County are considered Exempt and are not entitled to and shall not receive FLSA overtime compensation or FLSA compensatory time off:

- Health Officer (appointed)
- Highway Superintendent
- Public Health Nurse Supervisor

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**Judicial**

- Chief Probation Officer
- Community Corrections Director

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

**3.17.1 Overtime**

In the event that an elected official/department head requires a non-exempt employee to work overtime, such employee shall be granted either overtime compensation in the form of monetary reimbursement at the rate of one hour for each hour worked for the additional hours up to forty (40) and one and one-half (1 ½) times the amount of hours worked in excess of forty (40) hours in a workweek; or if overtime funds have not been appropriated, the employee will receive FLSA compensatory time as described below. Overtime monetary reimbursement or compensatory time is based on actual hours worked, except that time off for paid holidays which shall count as hours worked for purposes of calculating overtime compensation.

Overtime compensation is paid to exempt and excluded employees in the form of compensatory time at the rate of one compensatory hour off for each overtime hour worked over and above the exempt and excluded employee's normal workweek.

**3.17.2 Compensatory Time**

When compensatory time is used in place of monetary reimbursement, compensatory hours shall be awarded at the rate of one hour for each hour worked for the additional hours up to forty (40) and one and one-half (1 ½) times the amount of hours worked in excess of forty (40) hours in a workweek as specified in this policy. Compensatory time shall be approved in advance by the elected official/department head.

Calculating compensatory time off is based on actual hours worked.

Time off on sick leave, vacation leave, personal leave, compensatory time, or any other leave of absence will not be considered as hours worked for purposes of calculating overtime hours. Holiday hours will be considered as hours worked for purposes of calculating overtime hours. Use of compensatory time must be determined in advance of submission of payroll.

Compensatory time may be used in thirty (30) minute increments.

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At their sole discretion, elected officials/department heads may schedule use of employee compensatory time.

Elected officials/department heads shall provide the Auditor's office with an accurate and current record of all accrued compensatory time simultaneously with the bi-weekly payroll. All elected officials/department heads shall provide documentation showing compensatory hours is computed in accordance with this Handbook.

**3.17.3 Overtime for Sheriff Merit Officers and Jailers**

Non-exempt Sheriff Office Merit Police Officers and Jailers are scheduled on a 28-day work period under the FLSA 7(k) exemption.

The work period for the Sheriff's Office Merit Deputies and Jailers shall be one hundred and seventy-one (171) hours within twenty-eight (28) days.

When officers are required to work more than one hundred and seventy-one (171) hours during the established twenty-eight (28) day work period, they shall be entitled to overtime compensatory time-off at one and one-half (1 ½) times their regular hourly rate of pay for time actually worked in excess of one hundred and seventy-one (171) hours; provided, however, that in emergency situations, as determined by the Sheriff, such overtime may be paid in the form of monetary reimbursement at the rate of one and one-half (1½) times their regular hourly rate of pay for time actually worked in excess of one hundred and seventy-one (171) hours. Any exceptions shall be approved by both the County Commissioners and Council. Overtime shall be approved in advance by the Sheriff.

**3.17.4 Overtime for Highway Department Employees**

Overtime monetary reimbursement ~~or compensatory time~~ is based on actual hours worked, including that time off for paid holidays, vacation, personal days, military leave (non-FMLA), and bereavement leave, ~~and compensatory time~~ which shall count as hours worked for purposes of calculating overtime **monetary reimbursement compensation**.

Highway employees who have met the 40-hour threshold shall receive ~~compensatory time~~ **monetary reimbursement** at the rate of double time for hours worked on the Christmas Eve and Christmas Day holidays; and at the rate of time and one-half for hours worked on all other recognized holidays.

~~**3.17.4(a) Call Back**~~

~~Highway employees called back to work after their normal work hours shall receive a minimum of four (4) compensatory hours. Employees~~

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~~who work more than four (4) hours during a call-back shall receive compensatory time for all time actually worked.~~

**3.17.5 Maximum FLSA Compensatory Time Accrual**

Effective July 1, 2019, employees may accrue thirty-five (35) FLSA compensatory time hours before monetary compensation is paid. Elected officials/department heads must ensure that employees schedule use of any compensatory time accrued as follows: (1) any compensatory time accrued from January 1 to June 30 must be used by December 31 of the same calendar year, and (2) any compensatory time accrued from July 1 through December 31 must be used before June 30 of the next calendar year;

Public Safety employees in the Sheriff's Office, Jail, Highway, or EMA Director may accrue two hundred and forty (240) FLSA compensatory time hours before monetary compensation is paid. All compensatory time must be used within one year of being accrued.

Employees may not accrue in excess of the maximum compensatory time hours set forth above unless approved by the County Commissioners on a case by case basis. Any employee who works over the lunch hour must use that earned hour of compensatory time in the same day as it was earned.

Elected officials/department heads must state the reason for the compensatory time being approved on an employee's timesheet in order for the Auditor to monitor compliance with this policy.

Any compensatory time which is claimed in violation of this policy is considered unauthorized overtime and will not be compensated or allowed.

Accrued compensatory hours by non-exempt employees are paid upon termination of employment. However, the county retains the right to pay compensatory time at any time.

**3.17.6 Overtime Approved in Writing**

All overtime compensation or compensatory time up to the maximum as set forth above shall be approved in writing by the employee's supervisor at the time it is granted.

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

**3.17.7 Failure to Work Scheduled Overtime or Overtime without Authorization**

Failure to work scheduled overtime or overtime worked without prior authorization

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

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

**3.17.8 Flex Time**

The County may utilize "time off" or flexible hours for (excluded, exempt, or non-exempt) positions to avoid having employees work in excess of the normal workweek schedule. For example, if an employee is required to attend a night meeting on Monday they may "flex" their schedule to come in late or leave early on Tuesday, Wednesday, Thursday, or Friday. Flex-time scheduling shall be approved in advance by the elected official/department head.

Exempt employees receive non-FLSA compensatory time for each hour worked over the employee's normal workweek which allows exempt employees to "flex" their schedules, it is not intended to provide additional wages. "Flex" time is not guaranteed, is not accrued or saved, and does not have monetary value.

Any "flex" time must be used by the end of the following pay period in which it was earned.

**3.18 EMERGENCY CLOSING**

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

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

If an employee is required to work at a closed facility, the employee shall be additionally compensated for all such hours worked at their normal rate of pay or through compensatory time. Such work must have prior approval by the elected official/department head. Any employee who reports to work and their work facility is later closed due to an emergency after their arrival shall be paid for a full workday without being penalized by use of vacation or personal leave, compensatory time, or 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 sick, vacation, or personal leave, compensatory time, time without pay, or under certain circumstances, the elected official/department head may allow the employee to make up time missed, provided that the time missed is made up within the same pay period and is documented. Employees will be expected to make up for all time paid but not worked to the extent necessary to eliminate any backlog of work. If a part-time

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employee cannot report to work, time missed will not be paid.

### **3.19 EMPLOYMENT TERMINATION**

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

**Resignation:** Voluntary employment termination initiated by the employee. Although advance notice is not required, Perry County requests at least a two (2) week notice from the employee. The elected official/department head shall determine whether the employee may work out their notice.

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

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

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

Employees will receive their final pay in accordance with applicable state law. Employee benefits will be affected by employment termination in the following manner: All accrued, vested benefits that are due and payable at termination will be paid. COBRA 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 physically 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).

The County may schedule exit interviews at the time of employment separation to afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the County, or return of County-owned property. Suggestions, complaints and questions may also be expressed.

### **3.20 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.

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

## **4. EMPLOYEE BENEFITS**

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

### **4.1 VACATION**

The purpose of paid annual vacation leave is to allow and encourage all employees to renew their physical and mental capabilities and to remain fully productive. Full-time employees are provided annual vacation leave during each year in order to achieve this purpose. Vacation leave is not earned while an employee is in a non-paid leave status for disciplinary suspensions. The schedule for earning vacation hours is as follows:

<b>YEARS OF SERVICE</b>	<b>35 HOURS/WEEK</b>	<b>40 HOURS/WEEK</b>
year 1	35 hours	40 hours
year 3	70 hours	80 hours
year 6	+7 hours (77)	+8 hours (88)
year 7	+7 hours (84)	+8 hours (96)
year 8	+7 hours (91)	+8 hours (104)
year 9	+7 hours (98)	+8 hours (112)
year 10	+7 hours (105)	+8 hours (120)
year 11	+7 hours (112)	+8 hours (128)
year 12	+7 hours (119)	+8 hours (136)
year 13	+ 7 hours (126)	+8 hours (144)
year 14	+ 7 hours (133)	+ 8 hours (152)
year 15	+7 hours (140)	+8 hours (160)

#### **4.1.1 Terms and Conditions of Vacation Leave**

- A. Newly hired full-time employees shall be eligible to accrue vacation time after completing thirty (30) days of continued service, and shall be eligible for the use of accumulated vacation time after completing, three (3) months of continued service. **All full-time employees**, shall begin earning vacation time at a rate of one/twelfth (1/12) of the allotted leave time per month until all time is awarded. This time will be accrued on the twenty-seventh (27<sup>th</sup>) of each month beginning after thirty (30) days of continued service.
- B. Merit Officers working twelve (12) hour shifts shall use one and a half (1 ½) days or twelve (12) hours of vacation leave when off on vacation for a full-shift which will be deducted from the total number of accrued vacation hours.

**Vacation time shall be taken in no less than thirty minute (30) increments and shall be scheduled in advance and approved by the employee's department head.**

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- C. Highway employees working ten (10) hour shifts shall use ten (10) hours of vacation leave when off on vacation for a full shift which will be deducted from the total number of accrued vacation hours.
- D. No vacation shall accrue while an employee is on unpaid leave of absence, except for Family and Medical leave as specified in this policy.
- ~~E. Vacations may be taken in advance of time earned for the year according to the schedule, however the maximum amount in arrears may not exceed two (2) weeks based on the schedule. Only current employment time shall be used in computing vacation time. Any employee having a negative vacation balance at separation will have their final paycheck adjusted accordingly.~~
- E. Once employees enter an eligible employment classification, they begin to earn paid vacation time according to the schedule. To take vacation, employees should request advance approval (as soon as possible) from their elected official/department head. Requests will be reviewed based on a number of factors, including business needs and staffing requirements. Vacation time off is paid at the employee's regular hourly rate of pay at the time of vacation.
- F. With the exception of the Sheriff's Office, employees must use available paid vacation for each calendar year. Employees may carry over two (2) weeks of vacation to use by June 30<sup>th</sup> of the next calendar year. Any and all available paid vacation which is not utilized by June 30<sup>th</sup> of the next year shall be forfeited.
- G. In the event a holiday falls while an employee is on vacation, the employee will not be charged a vacation day for that holiday.
- H. Upon termination of employment, employees are entitled to payment for the unused balance of their accrued vacation time. Payment for accrued and unused vacation time at termination may be included in the employee's last regular earnings paycheck, if possible, or in a separate check. ~~Any employee having a negative vacation balance at separation will have their final paycheck adjusted accordingly.~~ Employees who are terminated for disciplinary reasons shall not be entitled to pay for any unused vacation time.
- I. 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.
- J. Vacation leave hours paid will not be considered hours worked in determining when overtime is to be paid.

## 4.2 HOLIDAYS

The schedule of holidays will be determined each December by the County Board of Commissioners for the next calendar year. Although Commissioners may designate other holidays, the following holidays are typically recognized by the County:

- New Years Day
- Martin Luther King Day
- President's Day (except Highway)
- Good Friday
- Primary Election Day (City/County)\*
- Memorial Day
- July 4<sup>th</sup>
- Labor Day
- General Election Day (City/County)\*
- Veterans Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Eve
- Christmas Day

If the holiday falls on a Saturday, the employee will receive the Friday before the Holiday off.  
If the holiday falls on a Sunday, the employee will receive the Monday after the holiday off.

The County will grant paid holiday time off to all regular full-time employees. Calculation of holiday pay will be based on the employee's regular hourly rate of pay (as of the date of the holiday) times the number of hours the employee otherwise would have worked on that day.

The regular hourly rate of pay of an employee is determined by dividing the total pay for employment in any workweek by the total number of hours actually worked in such workweek.

If a recognized holiday occurs during an eligible employee's paid absence (e.g., vacation or sick leave), that day shall not be deducted from the employee's paid time off benefit.

If an eligible employee works on a recognized holiday, he or she will receive holiday pay, plus compensation in the form of compensatory time for the hours actually worked on the holiday.

To be eligible for holiday pay, an employee must work the last scheduled working day before and the next scheduled working day after each holiday, unless the employee is on an approved paid leave or FMLA leave.

If the 40-hour threshold has been met, employees shall receive compensatory time at the rate of double time for hours worked on the Christmas Eve and Christmas Day holidays; and at the rate of time and one-half (1 ½) for hours worked on all other recognized holidays.

***\* When there is no election, there are no additional days off.***

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**4.2.1 Sheriff Office Holidays**

Sheriff Office Merit Police Officers and Corrections Officers will be paid monetarily for holidays. Such payment will be for the number of holidays designated by the County Commissioners for the calendar year, and each calendar year thereafter. One holiday shall be equal to eight (8) hours of regular pay.

At the discretion of the Sheriff employees with twenty (20) years of service could receive either monetary payment for holidays as stated above or be granted time off for holidays at the rate of eight (8) hours for each holiday designated by the County commissioners for the calendar year.

**4.3 PERSONAL LEAVE**

Full-time Courthouse employees shall be entitled to twenty eight (28) hours of paid personal leave time. Sheriff, Solid Waste, and Park and Recreation employees shall be entitled to thirty-two (32) hours of paid personal leave time. Full-time Highway employees shall be entitled to forty (40) hours of paid personal leave time. This leave is at regular pay and will be accumulated on the twenty-seventh (27<sup>th</sup>) of each month by one-twelfth (1/12) of the total time earned until all time is awarded. Use of personal leave time shall be subject to elected official/department head approval, based on staffing requirements and business needs of the department. Unless an emergency exists, the elected official/department head must be notified (1) day in advance of the time requested off. Personal time off will be deducted according to the shift worked; for example, a Merit Officer working a twelve (12) hour shift will use twelve (12) hours of personal leave time when off for a full shift. Personal days are payable at the employee's regular hourly rate of pay at the time of leave and must be taken in minimum of thirty (30) minute increments for Courthouse and Highway employees and four (4) hour increments for Sheriff Office employees, except when taken for intermittent FMLA which is one (1) hour increments.

Newly hired full-time employees including re-hired former employees shall be eligible to accrue personal leave after completing thirty (30) days of continued service; and shall be eligible for the use of accumulated personal leave after completing, three (3) months of continued service.

Employees must use available paid personal leave for each calendar year. Employees may carry over twenty five (25%) of their earned personal leave to use by March 31<sup>st</sup> of the next calendar year. Any and all available paid personal leave which is not utilized by March 31<sup>st</sup> of the next year shall be forfeited.

Upon termination, pay for unused personal days will not be included in the employee's last regular paycheck.

Personal leave hours paid will not be considered hours worked in determining when overtime is to be paid, except for Highway employees, and cannot be used in considering last day of work.

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**4.4 SICK LEAVE**

Perry County provides paid sick leave benefits to all regular full-time employees for periods of temporary absence due to illness or injuries. Sick leave is accrued at the rate of three and a half (3 1/2) hours per month for each full-time employee, but accrued hours may never exceed two hundred and ten (210) hours.

Sheriff, Park and Recreation, Solid Waste and Highway employees will accrue sick leave at the rate of four (4) hours per month, but accrued hours may never exceed two hundred and forty (240) hours. New full-time employees begin accrual of sick leave after completing thirty (30) days of continuous service. This time will be accrued on the fifteenth (15<sup>th</sup>) of each month.

Sick leave time off will be deducted according to the shift worked; for example, a Merit Officer working a twelve (12) hour shift will use twelve (12) hours of sick leave time when off for a full shift, and a Highway employee working a ten (10) hour shift will use ten (10) hours of sick leave time when off for a full shift.

Newly hired full-time employees including re-hired former employees shall be eligible to accrue sick leave after completing thirty (30) days of continued service; and shall be eligible for the use of accumulated sick leave after completing, three (3) months of continued service.

**4.4.1 Terms and Conditions of Sick Leave**

- A. Sick leave applies to the employee's illness or immediate family members illness (spouse, child) and FLMA leave. Routine medical care or doctor's appointment may be considered a sick day. If the employee must have follow up care, such as a second opinion or test regarding an illness they will be allowed to use a sick day.
- B. If an employee reports to work and becomes sick, they will be paid for the actual hours worked, and may utilize sick leave, if available, for the remaining hours they were scheduled to work.
- C. Sick hours paid will not be considered hours worked in determining when overtime is to be paid.
- D. Sick leave must be utilized in half hour (1/2) increments.
- E. Users of frequent sick or extended time may be considered unsuited for continued employment and may be subject to disciplinary action or dismissal. Any employee using sick leave more than four (4) times in a twelve (12) month period will be subject to inquiry into sick leave abuse.
- F. Sick leave will not accrue during any period in which the employee does not receive compensation; except for an employee on FMLA leave.

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- G. The employee or someone in their behalf shall notify the supervisor or department head in the absence of the employee prior to the scheduled hours work or as soon as possible. The elected official/department head must also be contacted on each additional day of absence.
- H. The presentation of a physician's written certification of illness or injury will be required when three (3) consecutive days or more sick leave are claimed or the supervisor deems a certificate necessary because of suspected sick leave abuse. This certification shall be presented to the elected official/department head and kept in the medical record file in the Auditor's office.
- I. Employees who resign, retire, or are terminated will not be compensated for accrued sick leave.
- J. Employees must work at least half (1/2) the month to be granted accrued sick time hours for that month.
- K. Following a sick leave absence of thirty (30) calendar days or more, an employee shall provide a physician's verification that they may safely return to work.
- L. Sick leave benefits will be calculated on the basis of the employee's regular hourly rate of pay at the beginning of the absence. The regular hourly rate of pay of an employee is determined in the Salary Ordinance.
- M. Sick leave benefits are solely intended to provide income protection in the event of illness or injury, and may not be used for any other absence. Employees will not be paid for unused sick leave benefits while they are employed or at termination.
- N. The Auditor must be provided a report of employee sick days used each payroll period.

**4.5 FAMILY AND MEDICAL LEAVE ACT (FMLA)**

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

- 1. Posting required FMLA information explaining provisions of the Act and procedures for filing complaints of violations of the Act with the Wage and Hour Division of the Department of Labor. This information shall be posted prominently where it can be readily viewed by employees and applicants for employment; and

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2. Providing this general notice to each County employee by including the notice in the Personnel Policies Handbook or other written guidance to employees concerning employee benefits and leave rights. The general notice may be distributed electronically as deemed appropriate by Perry County.

**4.5.1 Entitlement**

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

1. The birth of a son or daughter, and to care for the newborn child;
2. The placement with the employee of a son or daughter for adoption or foster care;
3. To care for the employee’s spouse, son, daughter, or parent with a serious health condition; and
4. The employee’s own serious health condition that makes the employee unable to perform the functions of one’s position.

**4.5.1(A) Serious Health Condition Defined**

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

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

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

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

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receiving active treatment by, a health care provider.

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

#### **4.5.2 Eligibility**

An “eligible employee” is an employee of a covered employer who:

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

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

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

Intermittent leave or leave on a reduced leave schedule must be medically necessary due to a serious health condition or a serious injury or illness. An employee shall advise the County, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable. The employee and Perry County shall attempt to work out a schedule for such leave that meets the employee’s needs without unduly disrupting the County’s operations, subject to the approval of the health care provider.

#### **4.5.3 Employee Notice Requirements**

##### **4.5.3(A) Foreseeable FMLA Leave**

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

If thirty (30) days’ notice is not practicable, because of a lack of knowledge of approximately when leave will be required to begin, a change in

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circumstances, or a medical emergency, notice must be given as soon as practicable – typically either the same day or the next business day of needing such leave.

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

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

**4.5.3(a) Employee Failure to Provide Notice**

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

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

**4.5.3(B) Unforeseeable FMLA Leave**

When the approximate timing of the need for leave is not foreseeable, an employee must provide notice to the County as soon as practicable under the facts and circumstances of the particular case. It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by the employer's usual and customary notice requirements applicable to such leave.

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

**4.5.3(b) Employee Failure to Provide Notice**

When the need for FMLA leave is unforeseeable and an employee fails to give notice in accordance with the County's FMLA policy,

the extent to which the County may delay FMLA coverage for leave depends on the facts of the particular case.

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

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

**All requests for FMLA leave must be submitted, in writing, directly to the elected official/department head for a determination of approval or denial of FMLA. Such requests shall be supported by medical certification on FMLA forms provided by the County.**

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

#### **4.5.4 Employer Notice Requirements**

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

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

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

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

##### **4.5.4(B) Designation Notice**

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

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

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

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

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

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

#### **4.5.5 Certification**

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

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

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

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

**4.5.5(A) Complete and Sufficient Certification**

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

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

**4.5.5(B) Clarification and Authentication**

If an employee submits a complete and sufficient certification signed by the health care provider, the County may not request additional information from the health care provider. However, the County may contact the health care provider for purposes of clarification and authentication of the medical certification (whether initial certification or recertification) after the County has given the employee an opportunity to fix any deficiencies (see above).

To make such contact, the Auditor's office or designated official by the County Commissioners will be responsible for obtaining clarification and/or authentication. Under no circumstances, may the employee's direct supervisor contact the employee's health care provider.

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

**4.5.5(C) Second and Third Medical Opinion**

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

The County may deny FMLA leave to an employee who refuses or whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. The County shall

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provide the employee with a copy of second and/or third medical opinions within five (5) business days.

**4.5.5(D) Recertification**

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

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

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

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

**4.5.5(E) Fitness-for-Duty Certification**

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

The cost of recertification shall be borne by the employee.

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

**4.5.6 Calculation of FMLA Leave**

For purposes of calculating employee entitlement for a subsequent FMLA leave, the "twelve (12)-month period" is measured forward from the date when the employee's previous FMLA leave began. For example, under this method an employee is entitled to twelve (12) weeks of leave the first time FMLA leave is taken (e.g. March 7, 2019); the next twelve (12)-month period would begin the first time leave is taken after completion of that twelve (12)-month period ending on (March 6, 2020).

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

All accrued paid sick, personal leave, and compensatory time shall be used for any part of the twelve (12) week period of such leave under the County's FMLA policy. Vacation leave may be used, as agreed by the employee and the elected official/department head, for any part of the twelve (12) week period of such leave under the County's FMLA policy. Any holiday that occurs during an FMLA leave shall be paid.

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

**4.5.6(A) Intermittent Leave or Reduced Leave Schedule**

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

**4.5.6(B) Health Benefits**

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

**4.5.7 Employee Reinstatement**

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

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

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

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

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

#### **4.5.8 Military Family Leave Entitlements**

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

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

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

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

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

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

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

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

**4.5.8(B) Entitlement**

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

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

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

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

**4.5.8(C) Covered Active Duty Defined**

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

**4.5.8(D) Covered Servicemember Defined**

The term "covered servicemember" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or condition that existed before the servicemember's active duty but was aggravated by service in the line of duty on active duty; or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness, or condition that existed before the servicemember's active duty but manifested before or after becoming a

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veteran, and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five (5) years preceding the date on which the veteran undergoes such medical treatment, recuperation, or therapy. The employee's first date of leave must occur within the five (5) year period; however, the employee may continue to take such leave throughout the "single 12-month period" of leave even if the leave extends beyond the five (5) year period.

**4.5.8(E) Qualifying Exigency Leave**

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

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

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

Qualifying exigencies include the following:

1. **Short-notice deployment:** Issues arising from a covered military member's short notice deployment (i.e., deployment on seven [7] or less days of notice) for a period of seven (7) days from the date of notification;
2. **Military events and related activities:** Events and activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of a covered military member;
3. **Childcare and related activities:** Certain childcare and related activities arising from the covered active duty or call to covered active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine,

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urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the covered active duty or call to covered active duty of the covered military member;

4. **Financial and legal arrangements:** Making or updating financial and legal arrangements to address a covered military member's absence;
5. **Counseling:** Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the covered active duty or call to covered active duty status of the covered military member;
6. **Rest and recuperation:** Taking up to fifteen (15) days of leave to spend time with a covered military member who is on short-term temporary, rest, and recuperation leave during deployment;
7. **Post-deployment activities:** Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the covered military member's covered active duty status, and addressing issues arising from the death of a covered military member; and
8. **Additional activities:** Any other event that the employee and County agree is a qualifying exigency.

**4.5.8(a) Certification**

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

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active duty status of the same or a different covered military member.

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

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

**4.5.8(b) Verification**

If an employee submits a complete and sufficient certification to support his or her request for leave because of a qualifying exigency, the County shall not request additional information from the employee.

However, if the qualifying exigency involves meeting with a third party, the County shall contact the individual or entity with whom the employee is meeting for purposes of verifying a meeting or appointment schedule and the nature of the meeting between the employee and the specified individual or entity. The employee's permission is not required in order to verify meetings or appointments with third parties, but no additional information may be requested by the County.

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

**4.5.8(F) Military Caregiver Leave**

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

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

This is the only type of FMLA leave that may extend an employee's leave entitlement beyond twelve (12) weeks to a **combined total** of twenty-six (26) weeks of leave for any FMLA-qualifying reason during the "single

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twelve (12)-month period.” However, only twelve (12) of the twenty-six (26) weeks total may be for a FMLA-qualifying reason other than to care for a covered servicemember.

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

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

**4.5.8(b) Next of Kin Defined**

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

**4.5.8(c) Designating Leave**

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

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

**4.5.8(d) Certification**

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

The County, if appropriate, shall seek authentication and/or clarification of the certification as stated above in the County's FMLA policy. However, second and third opinions and recertifications, as outlined above in the County's FMLA policy, are not permitted for leave to care for a covered servicemember.

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

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

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

**4.5.8(e) ITOs and ITAs Certification**

The County, in place of the Department of Labor form WH-385, shall accept "invitational travel orders" ("ITOs") or "invitational travel authorizations" ("ITAs") issued to any family member to join an injured or ill servicemember at his or her bedside as sufficient certification under this policy. An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA.

During that time period, an eligible employee may take leave to care for the covered servicemember in a continuous block of time or on an intermittent basis. An eligible employee who provides an ITO or ITA to support his or her request for leave shall not be required to provide any additional or separate certification that leave taken on an intermittent basis during the period of time

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specified in the ITO or ITA is medically necessary.

An ITO or ITA is sufficient certification for an employee entitled to take FMLA leave to care for a covered servicemember regardless of whether the employee is named in the order or authorization.

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

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

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

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

#### **4.6 LEAVE OF ABSENCE WITHOUT PAY**

Full-time employees may be granted a leave of absence without pay under either of the following two (2) circumstances:

1. Newly hired full-time employees who do not qualify for FMLA may be granted a leave of absence without pay for the employee's own serious illness or illness of immediate family member (spouse, child) or injury as defined by the FMLA. This leave of absence without pay shall be supported by a medical certification that confirms that the employee has a serious illness or injury as defined by the FMLA.
2. Full-time employees who have exhausted all accrued paid leave time, compensatory time, and their twelve (12) weeks of FMLA leave, may be granted an unpaid leave of absence immediately following their last day of FMLA. Leave of absence without pay is limited to employees who have been granted FMLA that was supported by required

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medical certifications, and the employee continues having a qualified serious illness or injury as defined by the FMLA. A leave of absence without pay request must be supported by a medical certification confirming that a short amount of additional leave time is necessitated to allow the employee to become fit for duty by the end of the leave time requested.

All requests for a leave of absence without pay shall be submitted on the County's request of leave form with a medical certification from the employee's medical provider. The employee may obtain a leave request form from the County Auditor's office. The completed form and supporting medical certification must be submitted directly to the employee's elected official/department head. The elected official/department head shall contact the Auditor's office for assistance in reviewing the request for compliance with County policy and making a determination for approval or denial of the leave request.

An unpaid leave of absence shall not exceed anything over sixty (60) calendar days, unless approved by the Commissioners. If supported by a medical certification the employee may request an additional thirty (30) calendar days of unpaid leave, however such leave shall not exceed ninety (90) days within a "rolling" twelve (12) month period.

During such leave, sick, personal, and vacation leave shall not accrue, and the employee shall not receive compensation for designated holidays. The employee's health insurance shall continue with the County and employee paying their designated portions.

Part-time employees and employees who are on workers compensation are not eligible for a leave of absence without pay.

Anthem Blue Access PPO Benefit Booklet always supersedes this Personnel Policy Handbook.

**4.7 AMERICANS WITH DISABILITIES (ADA)**

It is the policy of Perry County that qualified individuals with disabilities not be excluded from participating in or benefiting from the services, programs, or activities of the County.

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

The County will reasonably accommodate persons with a disability. Such reasonable accommodation may include: making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules, modifying equipment, or other similar accommodations.

Accommodations may not create an undue hardship for the County or other employees. An individual who cannot be reasonably accommodated for a job, without undue hardship, will not be selected for that position. All employees are required to comply with safety standards. Applicants who pose a direct threat, which cannot be eliminated by reasonable

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accommodations, to the health or safety of other individuals in the workplace, will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave.

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

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

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

Any individual who believes they have received treatment inconsistent with the policies set forth above or any other requirement of the Americans with Disabilities Act (ADA), can file a complaint within ninety (90) days of the date of the alleged discriminatory act or practice with the County ADA Coordinator (the County Auditor).

## **4.8 MILITARY LEAVE**

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

### **4.8.1 Annual Training**

A military leave of absence will be granted to all full-time Perry County employees to attend scheduled drills or training, or to respond to a call to active duty with the U.S. armed services.

Employees with appropriate military orders will be granted paid leave for annual training for the Reserve or National Guard for a period of up to fifteen (15) days per year; and are entitled to civilian (Perry County) and military pay up to fifteen (15) days per year. Such military leave will not be charged against an employee's accrued benefit time off, and seniority will continue to accrue in the same manner as for employees not on military leave.

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

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

**4.8.2 Active Duty/Enlistment**

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

USERRA requires employers to grant such employees reinstatement of the position held at the time of departure for military service, or in some cases to a position of equivalent or equal stature and pay provided the employee is discharged from service honorably.

The cumulative length of service that causes an absence from a position may not exceed five (5) years, except where provided by law.

USERRA also requires that returning eligible employees be granted seniority and benefits at the same level as if the employee had not left employment for service. Benefit time will continue to accrue while an employee is on military leave.

Additionally, service members may (but are not required to) use accrued vacation or personal leave while performing military duty.

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

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

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

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

#### **4.8.3 Indiana Military Family Leave**

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

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

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

Perry County may require verification of the military orders in order to approve Indiana Military Family leave.

Indiana Military Family leave is unpaid and employees are responsible for paying their own benefits while on such leave.

An employee may choose to substitute any earned paid vacation leave, personal leave, or compensatory time available to the employee for any part of the ten (10) day period of Indiana Military Family leave.

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

#### **4.9 BEREAVEMENT LEAVE**

Eligible employees are entitled to paid bereavement leave. An employee wishing to take time off for the death of a family member should notify his or her elected official/department head immediately.

Four (4) days will be allowed for a death of a spouse, child, parent, sister, brother, step-child or step-parent, grandchild, son-in-law and daughter-in-law.

Two (2) days will be allowed for a death of a father-in-law, mother-in-law, brother-in-law, sister-in-law and grandparent.

One (1) day will be allowed for death of aunt, uncle, niece or nephew.

More time will be allowed off at the discretion of the elected official/department head. All

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time must be taken off within seven (7) days of the death of the deceased or must be taken concurrent with the bereavement or memorial services. The employee supervisor may require proof of relationship between employee and the deceased.

**4.10 JURY DUTY AND COURT APPEARANCES**

The County encourages employees to fulfill their civic responsibilities by serving jury duty or testifying in a court of law when summoned. Employees must show the jury duty summons to their supervisor as soon as possible so that, the supervisor may make arrangements to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits. Either the County 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 called for jury duty in a court of law during any portion of the employee's regular scheduled working day, the employee shall receive their regular salary or wage in full for such time in court. All compensation received for court service shall be turned over to the County Auditor in full, excluding mileage/meal reimbursement for duty outside of Perry County.

The County will not reimburse employees when appearing in court for criminal or civil cases when the case is being heard in connection with the employee's personal matters, such as traffic court, divorce proceedings, custody, appearing as directed with juvenile, etc. Such absences will be charged against vacation, personal leave, or compensatory time as applicable.

If an employee is released from jury duty with more than half (1/2) of their regularly scheduled shift remaining, the employee is expected to report to work within one (1) hour.

The County will continue to provide and accrue all regular benefits for the full term of the jury duty absence.

**4.11 WORKERS' COMPENSATION**

Perry County provides a comprehensive workers' 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, workers' compensation insurance provides benefits after a short waiting period. While on workers' compensation disability, employee benefits shall accrue. Employee income received while on leave under this policy shall not exceed wages the employee would have normally received pre-major illness in-line-of-duty leave.

Any employee who sustains a work-related injury or illness should inform their elected official/department head **immediately** and the elected official/department head shall inform the County Auditor.

No matter how minor an on-the-job injury may appear, it is important that it be reported

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immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

If the employee has a life threatening condition, they should proceed directly to the nearest hospital or medical facility.

**The employee and/or the elected official/department head having supervisory control over the injured employee shall file the appropriate paper work with the Payroll Deputy or insurance company immediately. Workers' compensation forms should be obtained in the Auditor's office or from insurance company.** Medical certifications are required. Once completed, all such forms are to be filed directly with the insurance carrier.

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

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

However, if the employer/carrier denies liability, a written notice of denial must be mailed within twenty-nine (29) days after the employer's knowledge of the alleged injury. The employer may obtain an additional thirty (30) day period if it establishes that the delay is due to an inability to obtain the medical information necessary to make a determination as to liability.

Certain injuries are excluded from workers' compensation coverage, including but not limited to employee intoxication, self-inflicted injuries, failing to use safety appliances, committing a violation of work rules, failing to obey a reasonable written or printed safety rule, and knowingly failing to perform a statutory duty.

Neither the County or the insurance carrier will be liable for the payment of workers' compensation benefits or major illness/injury in-line-of-duty leave pay for off-duty injuries or illnesses that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored or not-sponsored by the County.

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

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

During workers' compensation leave, employees may be required to submit periodic medical certifications on their serious health condition.

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Before returning to work, the employee shall provide medical certification from a health care provider verifying that they may safely return to work.

For eligible employees, workers' compensation leave is considered FMLA leave beginning with the first day of leave. All FMLA leave time used counts against the employee's twelve (12) week FMLA entitlement.

**4.11.1 Sheriff's Office Light Duty Work**

The County will provide modified or light duty assignments as available, to an employee with an approved workers compensation claim, once they have been released to temporary modified/restricted work by a licensed medical professional. Placement into a light duty position is on a temporary basis and shall never become permanent.

Light duty is not guaranteed and may be modified or ended, at any time, even if the employee's physician has not released him or her to regular duty.

The nature of availability of light duty assignments will generally fluctuate and will be determined based on the needs and discretion of Perry County.

**4.12 EMPLOYEE INSURANCE**

The County provides a portion of the medical insurance, with the employee paying all other insurance benefits. For a full-time benefitted position, new hires shall work thirty (30) days continuous service to be eligible for County insurance.

The employee pays a portion of the cost as set by the Board of County Commissioners and County Council.

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

Anthem Blue Access PPO Benefit Booklet always supersedes this Personnel Policy Handbook.

Specific details regarding eligibility and coverage are available in the Auditor's office.

**4.13 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY (HIPAA)**

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

Perry County has designated the County Auditor as the County's "privacy official" who is

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responsible for developing and implementing privacy policies and procedures.

The County Auditor is the contact person who is responsible for receiving complaints regarding compliance.

All County HIPAA inquiries shall be directed to the County Auditor.

**4.14 BENEFITS CONTINUATION (COBRA)**

The Consolidated Omnibus Reconciliation Act of 1985 (COBRA), permits employees leaving their employer to have the option of continuing some of their benefits (health, dental and vision insurance) at their own expense.

A person employed by Perry County, enrolled in the employee health plan, can choose to continue the insurance coverage if their position is lost due to reduction in hours or termination of employment.

The spouse of an employee can choose to continue the coverage at their expense in the case of the death of the employee, termination of the employee, divorce or legal separation from spouse, or if the spouse qualifies for coverage under Medicare. Similar circumstances would permit the child of a separated employee to continue coverage.

Coverage may be continued for eighteen months, and in some circumstances, up to three years. The insurance company will be able to provide more information on the COBRA options for affected employees and dependents.

**4.15 INDIANA PUBLIC RETIREMENT SYSTEM (INPRS)**

All full-time employees are required to participate in INPRS. Each pay period, three percent (3%) of each employee's gross salary is withheld, and on a quarterly basis, submitted to INPRS. This is the employee's money and will be refunded to each employee should they not work long enough to earn a pension.

Employees can file to have extra contribution withheld above the three percent (3%) to a maximum of ten percent (10%) extra. The interest earned on this money is also the employees and will also be refunded if they do not retire (a federal tax penalty will be applied to the interest).

Information explaining the retirement plan is provided to each employee when they sign up for INPRS. Anytime the information contained on the form changes, it is very important that the employee contact the Auditor's Payroll Deputy so that INPRS can be informed of the changes.

INPRS's Employer Financed Pension requires ten (10) years of service to become vested, and is paid by the County based on an employee's length of employment, average salary, and age at retirement. Elected officials are vested after eight (8) years of service.

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The Sheriff and Sheriff Deputies are exempt from INPRS. The Sheriff and Sheriff Deputies are enrolled in the Sheriff pension with four percent (4%) participation.

**Questions concerning the program should be directed to the Auditor and/or Indiana Public Retirement System at One North Capital, Suite 001, Indianapolis IN. 46204.**

**4.16 DEFERRED COMPENSATION**

Perry County offers a deferred compensation program for eligible employees at full cost to the employee. Employees who are interested in participating should contact the Auditor's office.

## **5. WORKING CONDITIONS**

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

### **5.1 SAFETY**

Establishing and maintaining a safe work environment is the shared responsibility of the County and employees from all levels of the organization. The County will take all reasonable steps to 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. They are asked to immediately report any unsafe conditions to their supervisor. Supervisors and employees at all levels of Perry County are expected to correct unsafe conditions as promptly as possible. All accidents shall be reported to the employee's elected official/department head **immediately** and the elected official/department head shall inform the County Commissioners within twenty-four (24) hours, regardless of how insignificant any injury may appear. Such reports are necessary to comply with laws and initiate insurance and workers' compensation procedures.

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

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

#### **5.1.1 Highway Department Good Housekeeping**

After any project in the garage, or on highway premises, sweep, clean or pick up any parts or objects that are left over.

After oil changes and servicing of vehicles, dispose of oil and filter in the proper manner and sweep out bay area.

Good Housekeeping also includes the vehicle or piece of equipment you are operating. All vehicles must be kept clean and free of debris in the cab at all times.

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**5.1.1a Hearing Protection**

Ear protection devices are available to any employee who believes the noise level of an operation is hazardous to hearing.

**5.1.1b Eye Protection**

Eye protection will be worn by all personnel when there is a reasonable probability of injury that could be prevented by such equipment.

Eye protection must be worn but not limited to the following operations and equipment; tree and brush trimming/chain saw, weed eating, grinders, chippers, power washer/steam cleaner, cutting torch or welding. Any equipment which may cause hazards to the eyes.

**5.1.1c Hard Hats**

Hard hats must be worn by employees performing duties in which they are exposed to flying and falling objects such as but not limited to; tree cutting, pipe work, excavation, and any equipment working overhead.

**5.1.1d Vests**

Fluorescent orange vests will be worn at all times while engaged in operation upon or adjacent to a county road open to traffic.

**5.1.1e Safety Belts**

Safety belts will be worn by all employees and passengers in all trucks and passenger vehicle where seat belts are available.

**5.1.1f Shoes**

Work shoes for shop and field personnel are defined as sturdy, hard sole shoes. Specifically excluded from this definition is tennis, fabric or similar shoes. Work shoes shall be worn by all personnel when there is a reasonable possibility of injury that can be prevented by the wearing of such protective equipment.

**5.1.1g Operating Responsibility**

Each vehicle or piece of equipment is the responsibility of the person who is operating the vehicle.

### **5.1.1h Safety Control Devices**

Be sure you have traffic control devices out before starting any project; men working/mowers ahead/etc.

## **5.2 BLOODBORNE PATHOGENS**

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

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

## **5.3 LACTATION SUPPORT**

Perry County shall provide a reasonable paid break time for an employee to express breast milk for her nursing child for one (1) year after the child's birth each time such employee has need to express the milk. It is the responsibility of the employee to inform their Elected Official/Department Head and the Auditor of this need.

Perry County shall provide a room or other location, other than a bathroom, in close proximity to the work area, where employees can express their breast milk in privacy, which is shielded from view and free from intrusion from coworkers and the public, during any period away from their assigned duties.

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

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

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

#### 5.4 **DRUG-FREE WORKPLACE**

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

Perry County shall maintain a drug-free work place in accordance with the Drug-Free Work place Act of 1988, and the State of Indiana Drug-Free Workplace Executive Order No. 90-5 of 1990. Failure to comply with this law could jeopardize government funds received by the County. Any employee who is convicted of a drug or alcohol related crime arising out of conduct while on official County business, or when serving as a representative of the County, must notify the County within five days of the conviction. The County is required to notify the appropriate government funding agency within ten 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 County is strictly prohibited and may lead to disciplinary action, including suspension without pay, or discharge. When appropriate, the County may refer the employee to approved counseling or rehabilitation programs.

The County will determine on a case-by-case basis whether assistance will be provided to employees whose health or performance are at risk of deterioration. Employees may use physician-prescribed medications, provided the use of such drugs do not adversely affect job performance or the safety of the employee or other individuals in the work place.

The County recognizes that employees may wish to seek professional assistance in overcoming drug or alcohol problems. Please contact the Payroll Clerk in the Auditor's office 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 County premises when prescribed by a medical physician or as needed for over-the-counter medications. Employees who operate vehicles or equipment in the course of their employment shall notify their elected official/department head of such drugs and prescriptions which may impair judgment in the performance of job duties and responsibilities.

#### **5.4.1 Drug Testing**

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

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

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

##### **5.4.1(B) Reasonable Suspicion**

An employee will only be requested to submit to a drug or alcohol test when either the elected official, department head, or other trained supervisor has reasonable suspicion that the employee has used alcohol or drugs or is impaired from the use of alcohol or drugs during their employment with the County. In the event that an employee is requested to submit to a drug test, the elected official, department head, or trained supervisor shall complete the appropriate form 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 normal or erratic behavior by the employee; and/or
- E. Information provided by reliable or credible sources of the above.

In the case of a positive test, the County reserves the right to exercise any disciplinary action deemed appropriate up to and including termination

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based on the severity of the situation and the totality of the circumstances surrounding the incident.

**5.4.1(C) Post-Accident**

This policy shall apply to all employees, including those employees that drive a personal or County-owned vehicle in the performance of their County position. Testing of this kind occurs when an employee is involved in an accident resulting in:

1. The death or injury of a County employee or member of the general public;
2. Damage to public or private property and/or equipment if at least one of the vehicles is disabled to the extent that it must be towed from the accident scene or operating a vehicle or equipment owned by or leased by the County if the driver receives a citation for a moving violation; and/or
3. Damage to public or private property and/or equipment or injury to self or others resulting from a workplace accident that does not involve a vehicle.

The County reserves the right to order post-accident tests as it deems appropriate based on the totality of the circumstances surrounding the accident. Post-accident tests may include screens for both drugs and alcohol.

In the case of a positive test, the County reserves the right to exercise any disciplinary action deemed appropriate up to and including termination based on the severity of the situation and the totality of the circumstances surrounding the incident.

**5.4.1(D) Random Testing**

Sheriff Office Merit Officers, Jailers, Matron, and Dispatchers shall be subject to random drug and alcohol testing administered by the Sheriff's Office.

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

**5.5 SMOKING**

In keeping with Perry County's intent to provide a safe and healthful work environment, smoking in all County buildings is prohibited; outdoor locations have been specifically designated as smoking areas. The use of any tobacco products within eight (8) feet from

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facility doors is prohibited. In situations where the preferences of smokers and nonsmokers are in direct conflict, the preferences of nonsmokers will prevail.

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

“E-cigarette” means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine, or any other substances, and the use or inhalation of which simulates smoking.

The term “e-cigarette” shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other project name or descriptor.

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

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

Smoking and the use of any type of inhaled devices are prohibited on or in all County property, including County-owned or leased vehicles.

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

## **5.6 USE OF TELEPHONES**

Personal telephone calls should be limited in frequency and duration. Personal use of County telephones and fax machines for long-distance and toll calls is not permitted, except for emergencies.

For any emergency personal use, employees shall reimburse the County for all long-distance charges. All other non-emergency long-distance calls shall be approved by their elected official/department head before being conducted.

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

## **5.7 USE OF CELLULAR PHONES**

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

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Personal and County-issued cellular phones shall be turned off during meetings and training courses, except in circumstances when it is absolutely necessary to take an urgent business phone call. In these circumstances, it is courteous to alert others in attendance to the fact that such a call is expected.

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

**5.7.1 Use of Cellular Phones and Electronic Devices While Driving**

The use of cellular phones and electronic devices while driving may present a hazard to the driver, other employees, and the general public.

This policy is meant to ensure the safe operation of County vehicles and equipment, and the safe operation of private vehicles while an employee is on work time conducting County business. This policy applies to all uses of cellular phones and communication devices, including but not limited to computers, text messaging, e-mail, electronic calendars, multi-media devices, and printers.

Employees shall adhere to all federal, state, and local rules and regulations regarding the use of cellular phones and electronic devices while driving. Accordingly, employees shall not use hand held cellular phones while driving, except for emergency personnel in the performance of required job duties.

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

Employees may use hands-free cellular phones to make or receive business calls. Such calls should be kept short, and should the circumstances warrant (such as heavy traffic or inclement weather), the employee should locate a lawfully designated area to park to continue the call; except for emergency personnel in the performance of required job duties.

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

**5.8 USE OF INFORMATION TECHNOLOGIES**

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

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and the System Administrator. Questions concerning these policies should be directed to the employee's elected official/department head and/or the System Administrator.

**5.8.1 System Security**

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

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

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

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

**5.8.2 Software Licenses**

Perry County purchases and licenses the use of various computer software for business purposes and does not own the copyright to the software or its related documentation.

Unless authorized by the software developer, the County does not have the right to reproduce such software for use on more than one (1) computer.

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

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

**5.8.3 Data Backup**

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

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

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

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

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

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

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

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

Employees may be provided access to the internet and e-mail to assist them in the performance of their duties and such access is intended for business use. Violations of this policy may result in disciplinary action, up to and including termination.

Violations of federal, state, or local laws resulting from the use of County information technologies will result in referral to the appropriate legal authorities. To ensure compliance with this policy, computer and e-mail use may be monitored.

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

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

### **5.9.1 Internet Access**

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

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

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

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

### **5.9.2 Downloading From the Internet**

All material downloaded from the internet or from computers or networks that do not belong to Perry County **MUST** be approved by the elected official/department head and be scanned for viruses and other destructive programs before being placed onto the computer system. All employees will be expected to follow the instructions from their elected official/department head and/or the System Administrator for the proper scanning process.

Any questions should be referred to the elected official/ department head prior to being placed on the computer system or being used.

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

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

Employees should exercise the same care in drafting e-mail, communicating in chat groups and blogs, and posting items to news groups as they would for any other written communication. The Perry County e-mail system is subject to public records laws and certain e-mails to and from County employees may be deemed public records.

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

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this policy is being followed.

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

#### **5.9.4 Prohibited Uses of the Internet**

Sending, receiving, displaying, printing, or otherwise disseminating material that is fraudulent, harassing, illegal, embarrassing, sexually explicit, obscene, intimidating, or defamatory is prohibited.

**Employees encountering such material should report it to their elected official/department head immediately.** Employees are responsible for the material they review and download on the internet.

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

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

The County maintains the right to monitor any and all aspects of its computer system, including, but not limited to, monitoring sites employees visit on the internet, monitoring chat and news groups and blogs, reviewing material downloaded or uploaded by employees, and reviewing e-mail sent and received by employees.

Employees do not retain any right to privacy in any documents, messages, or images they create, store, send, or receive on the computer or the internet under the Electronic Communications Privacy Act and any other federal, state, or local law regarding e-mail and internet use.

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

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

### **5.9.5 Reporting Child Pornography**

An employee who witnesses child pornography being distributed or residing on County property, computers, networks, or information technologies resources must immediately report such incident to his or her supervisor. This also applies to employee-owned computers or information technologies resources which are brought and/or used on County property. The supervisor shall immediately inform System Administrator who will take appropriate action as determined by internal procedures.

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

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

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

Questions regarding this policy should be directed to System Administrator.

## **5.10 SOCIAL MEDIA POLICY**

Social media can take many different forms, including internet forums, blogs and micro-blogs, online profiles, wikis, podcasts, pictures and video, instant messaging, music-sharing, and voice over IP to name just a few. Examples of social media applications are LinkedIn, Twitter, Facebook, MySpace, YouTube, Wikipedia, Yelp, Flickr, Second Life, Yahoo groups, Wordpress, Zoominfo---the list is endless.

### **5.10.1 General Guidelines**

Ultimately employees are solely responsible for what they post online. Before creating online content, consider some of the risks and rewards that are involved.

Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees, or otherwise adversely affects the public, and people who work on behalf of Perry County, or Perry County's legitimate business interest may result in disciplinary action up to and including termination.

Discussion debate and sharing one's opinion occur in many forms and forums

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including online conversations. Social media is defined as media designed to be disseminated through social interaction, created using highly accessible and scalable publishing techniques.

Given the growing popularity of online media, Perry County has developed a series of guidelines to assist its employees when engaging in such forums and discussions. The guidelines are intended to assist employees both when participating personally as well as when acting on behalf of Perry County.

**5.10.2 Know and Follow County Policies and Work Rules**

There are several Perry County personnel policies that employees need to consider when posting on social media sites. Please carefully read these policies contained in other sections of this handbook: the County Equal Employment Opportunity Policy, Productive Work Environment Policy, Request For Information Policy, Use of Internet and Electronic Mail Policy, Use of Information Technologies, Use of Telephones, Use of Cellular Phones Policy, Sexual Harassment/Hostile Work Environment Policy, Business Ethic/Conflict of Interest Policy, Solicitation/Distribution Policy, Political Activity Policy, Workplace Violence Policy, and the Confidentiality Policy.

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

**5.10.3 Be Respectful**

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

However, if you do post comments, complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, and threatening or intimidating, or that disparage co-workers, County vendors, or the public, or that might constitute harassment or bullying.

Examples of such conduct include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or County policy.

**5.10.4 Be Honest and Accurate**

Make sure you are honest and accurate when posting information and news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered.

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

**5.10.5 Restrictions**

- a. Do not post confidential or propriety information about the County, co-workers, County vendors, or the public. Never violate federal law such as HIPAA (Health Insurance Portability and Accountability Act). Employees who share confidential information are subject to disciplinary action, up to, and including termination.
- b. Do not use the County of Perry logos or any other images or iconography on personal social media sites. Do not use the County's name to promote a product, cause, or political party or candidate.
- c. Do not discuss your job responsibilities for the County on the Internet. Do not state or imply that you speak for the County, for a County office or department, or for County officials. Be aware of your association with the County when using social networks, and do not identify yourself as a County employee.
- d. If you publish to a blog or some other form of social media, make it clear that whatever you say is your view or opinion by stating: "these are my personal views and opinions and not necessarily the views and opinions of my employer."
- e. Photographs posted on social media sites easily can be appropriated by others. Do not post pictures of County Office or Department events, County employees, or citizens visiting County offices or departments.
- f. Do not post obscenities, slurs, or personal attacks that could slander or libel you or the County which could result in civil or criminal penalties.
- g. Do not infringe on copyrights or trademarks.

**5.10.6 Respect Time and Property**

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

**5.10.7 Think Twice Before Posting**

Privacy does not exist in the world of social media. Consider what could happen if a post becomes widely known. Search engines can turn up posts years after they are created and comments can be forwarded or copied. Exercise sound judgment and

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common sense, and if there is any doubt, DO NOT POST IT.

**5.10.8 Know That the Internet is Permanent**

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

**5.10.9 Social Media Accounts of Public Officials**

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

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

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

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

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

- *Contains profanity, obscenity, vulgarity, nudity, or sexual content;*
- *Advertises or promotes private business ventures, services, or products;*
- *Advocates or depicts illegal activities;*
- *Is spam;*
- *Promotes or fosters discrimination on the basis of race, national origin, color, age, religion, gender, marital status, status with regard to public assistance, disability, or other type of group;*
- *Contains personal attacks of any kind;*
- *Campaigns for public office or promotes a political organization or candidate;*
- *Infringes on copyrights or trademarks;*
- *Contains computer viruses or may disrupt, damage, or restrict the use of any computer software, hardware, or telecommunications equipment;*

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- *Jeopardizes the safety of Perry County personnel, or the conduct of operations or investigations; and*
- *Comments that are inappropriate, unrelated to the topic, excessively repetitive, and/or considered disruptive.*

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

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

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

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

Employees shall notify their immediate 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 supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

Employees operating County vehicles shall maintain the ability to legally operate assigned County vehicles and/or personal vehicles in the performance of County business. Drivers of County vehicles must be Perry County employees. All passengers within County vehicles must have supervisor approval.

Employees who operate County vehicles or operate personal vehicles for County business are required to notify their elected official/department head in the event that their driver's license is suspended or revoked. An employee's failure to notify his or her elected official/department head of a driver's license suspension or revocation is subject to disciplinary action, up to and including termination. Employees who operate a County vehicle or operate a personal vehicle for County business are required to keep a copy of their valid driver's license and maintain legally required insurances in the Auditor's office.

Each occupant of a County or personal vehicle operated for the purpose of County business must wear appropriate seat belts.

Each employee is personally responsible for any fines incurred as a result of driving or parking violations. In addition, no employee is permitted, under any circumstances, to operate a

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County vehicle or personal vehicle for County business when any physical or mental impairment causes the employee to be unable to drive safely.

This prohibition includes, but is not limited to, circumstances in which the employee is temporally unable to operate a vehicle safely or legally because of illness, medication, or intoxication.

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

Employees residing outside of Perry County shall not be allowed to have a take home vehicle; except police officers with approval of the Merit Board.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, including termination.

**5.12 TAKE HOME VEHICLES**

The Internal Revenue Code (IRC) requires the taxable value for the use of County provided vehicles be reported as additional compensation to employees. The County and employee must timely report personal use as a wage. Such reports are processed by the Auditor's office. Police vehicles are considered non-personal use vehicles. Police officers are required to use the vehicle for commuting and personal use is incidental to use for law-enforcement purposes. Personal use of County vehicles, other than commuting, for travel outside of Perry County is prohibited (e.g. vacation use).

This includes the following departments using county vehicles: Emergency Management, Park & Recreation, Highway, Sheriff's Office (excluding deputies) and Health Department.

Department Heads must provide a report listing each employee that utilizes a take home vehicle. This report will be used for reporting additional compensation on the employee's W2. The amount of additional compensation will be figured by multiplying each one-way commute (that is, from home to work or from work to home) by \$1.50. If more than one employee commutes in the vehicle, this value applies to each employee. This report must be provided to the Payroll/HR Administrator at the end of each month.

**5.13 PERSONAL USE OF COUNTY PROPERTY AND FACILITIES**

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

It restricts the personal use of organization facilities, including bulletin boards, vehicles and

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equipment, computers, and fax machines.

**5.14 APPEARANCE OF WORK AREAS**

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

**5.15 BUSINESS TRAVEL**

Perry County elected officials/department heads are responsible for authorizing employee business travel and reimbursement of travel expenses, including overnight lodging, meal costs, and transportation.

All such reimbursements are subject to approval and appropriate documentation being submitted to the County Auditor. In all cases, the expense for which an employee seeks reimbursement must have been budgeted in departmental budgets or else specifically approved by the County Council. **Employees must provide itemized receipts to receive reimbursement.**

Meal allowance and mileage rates are subject to change as approved and adopted by the County Council.

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

**5.15.1 Mileage**

Mileage for use of a personal vehicle will be reimbursed at a rate set and approved by the State of Indiana and in effect at the time the travel expense was incurred. Attendees are strongly encouraged to use a County-owned vehicle if available in lieu of receiving a mileage allowance. In addition, attendees are strongly encouraged to carpool in the event of more than one (1) attendee attending the same function, and mileage reimbursement will be allowable only to the attendee providing the personal vehicle.

Mileage calculations shall begin at the County Courthouse or employee's residence, whichever is the shortest distance and end at the appropriate destination.

If a balance exists from an advance travel claim in which the attendee did not spend the entire advance, such balance may be applied to the mileage reimbursement. Reimbursement for mileage shall not be paid in advance of travel; however, a travel claim must be submitted on a State-prescribed General Form #101 mileage claim within three (3) months after travel has occurred.

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**5.15.2 Registration Fees**

Registration fees may be paid in advance of the respective meeting or conference upon submission of a claim and proper documentation (i.e. registration form, agenda, meeting notice, etc.) to the County Auditor. In most cases, registration fees are to be paid from budgeted funds, unless otherwise stipulated by the state agency or organization coordinating the conference. Certifications received after returning from County business should be submitted to the County Auditor to be attached to the appropriate travel claim.

**5.15.3 Meal Subsistence**

Meal subsistence will be provided up to a maximum of fifty dollars (\$50.00) per day, except in the event of certain state statutes which supersede this ordinance. The attendee must submit actual itemized meal receipts after returning from County business to be entitled to reimbursement. Service Fee associated with the use of credit card is included in the fifty dollar (\$50.00) per day amount. Credit card receipts that are not itemized which show only the total meal amount are not acceptable. Gratuities or tips will be reimbursed at a rate not to exceed fifteen percent (15%) of the meal costs. Also, the purchase of snacks and soft drinks between meals is not a reimbursable expense.

Perry County shall not pay for a person's meal more than once. This includes, but is not limited to, meals included in registration fees or by hotels in the room charge.

If a person in travel status received a meal without charge, then the meal allowance must be reduced. Meal expenses are not allowed for meals during normal duty hours for routine employee duties requiring travel.

**5.15.4 Lodging**

Lodging expenses will be allowed in an amount equal to the conference rate for lodging, or if no conference rate is applicable, then at a rate not to exceed a double occupancy rate at the conference facility or nearest accommodations. No lodging allowances will be paid by the County for attendance at meetings, training sessions or conferences that last only one (1) day or less and that are held fifty (50) miles or less from the Perry County Courthouse.

Most hotels will recognize and accept the sales tax exemption certificate in order that Perry County, as a governmental unit, does not pay sales tax. Upon an attendee's making hotel reservations, the attendee shall inquire as to the hotel's policy on accepting tax exempt certificates in an effort to save the County the expense of paying sales tax. The attendee shall submit a receipt to the Auditor's office from the hotel or other meeting place where such accommodations were provided.

**5.15.5 Parking Fees**

Attendees shall be entitled to an allowance or reimbursement equal to the cost of parking when required or necessary at the conference facility. The attendee shall submit parking receipts upon returning from travel.

**5.15.6 Long-Distance Phone Calls**

Allowance will be provided only for long-distance calls made from the conference facility and/or hotel for the purpose of handling County business.

**5.15.7 Air Travel**

Allowance will be provided only in the event that the cost of airline tickets and rental vehicles is less costly than the traditional means of travel, and/or in the event of air travel being advantageous due to time constraints and the urgency of the situation (i.e. transporting a prisoner to/from the County). Approval of the County Council is recommended for air travel if there is sufficient time to obtain approval before travel arrangements are made.

**5.15.8 Advance Travel Claims**

The County recognizes that the time period required to receive reimbursement through the normal claims process may occasionally cause financial hardship on the attendees, and therefore, the County allows for an advance for the cost of meeting registrations, lodging, and estimated meal expenses.

Except for meeting registrations, the request for advance travel must be made no more than seven (7) days and no less than two (2) days in advance of the conference or meeting.

Every effort should be made to prevent processing of meeting registrations after the scheduled deadlines so that the County will not be paying out additional fees for late registrations.

The travel advance request shall be submitted to the Auditor's office on a claim form along with a copy of the conference or meeting registration form and/or agenda showing the purpose, date, and location of the meeting.

The Auditor's office may deny issuing an advance travel check if sufficient backup is not included on the claim.

Travel advance shall be issued by the Auditor's office only if the respective attendee's Department budget has sufficient appropriation available in the travel account. Under no circumstances shall the Auditor's office issue a travel advance if there is not sufficient appropriation available, nor can travel be paid out of another

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Department's budget other than the Department requesting the advance.

Requests for travel advances cannot exceed five hundred dollars (\$500.00) or the prevailing lodging costs for the associated travel, whichever is greater, for an individual attendee. Advances cannot be sought and will not be issued for mileage reimbursement.

Itemized receipts from advance travel claims shall be submitted to the Auditor's office within three (3) days after returning from County travel.

**5.15.9 Documentation of Travel Claims**

All travel expenses, except mileage, for which attendees are requesting payment and/or reimbursement must be submitted on a state-prescribed County Form No. 17 claim form and supported by substantial documentation, including registration forms or meeting agendas giving the date, purpose, and registration fee amount. Actual itemized receipts are necessary for all other expenditures such as lodging, meals, and parking. Attendees must submit completed travel expense claims for all individual expenses within thirty (30) days after travel. Travel expenses for which an attendee seeks reimbursement must have been budgeted by the County Council. Expenses not budgeted may not be reimbursed, except for state-called meetings in which the expenses are to be paid from funds not appropriated as dictated by state statute.

**5.15.10 Non-Allowable Travel Charges**

Certain travel expenses shall not be reimbursed by the County, and therefore, if incurred, shall be the responsibility of the attendee. Non-allowable travel charges include, but are not limited to:

- A. Out-of-state travel is prohibited for any non-work related business, unless prior approval is granted by Commissioners; Judicial employees must have prior approval from the Judge.
- B. Hotel in-room charges, such as movies, bars, concessions, etc.;
- C. Personal entertainment or travel related thereto;
- D. Alcoholic beverages;
- E. Personal phone charges;
- F. Valet services, unless valet service is the only option available;
- G. In-County meal expenses prior to, or upon return from, travel;

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- H. Snacks and drinks purchased between meals;
- I. Travel expenses for accompanying spouse or non-County employee guest of attendee; and
- J. Traffic fines for parking, speeding, etc.

Travel expenses incurred that are not otherwise addressed within this ordinance will be reviewed for approval at the discretion of the Commissioners.

**5.15.11 Specific State Statutes Relating to Travel Expenses**

It is recognized that certain state statutes govern the amounts of allowable travel reimbursements, and such statutes shall supersede this ordinance. Such statutes include but are not limited to the following:

I.C. 5-11-14-1 regarding State Board of Accounts called conferences for the offices of Auditor, Treasurer, Recorder, Circuit Court Clerk, and County Council. All payments, except registration fees, shall be paid from the County general fund from funds not otherwise appropriated.

I.C. 6-1.1-35-3 regarding Department of Local Government Finance instructional sessions for Assessors and other assessing officials, such as members of the Property Tax Assessment Board of Appeals and County Auditors.

Reimbursements for such sessions shall be paid from unappropriated funds, with the allowance for meal subsistence to amount to twenty-six dollars (\$26.00) per day, unless otherwise stated in specific documentation provided by the Department of Local Government Finance.

I.C.3-6-4.2-14 regarding Indiana Election Division instructional meetings for the office of Circuit Court Clerk and County Election Board officials. All allowances are to be paid from the County general fund without appropriation, with the allowance for meal subsistence to amount to twenty-four dollars (\$24.00) per day for instructional meetings, unless otherwise stated in specific documentation provided by the Indiana Election Division.

I.C. 33-39-6-1 regarding conferences for Prosecuting Attorneys. Registrations, lodging, meals and mileage are to be paid from the general fund.

**5.15.12 Annual Review of Travel Policy**

This policy may be reviewed annually by the Perry County Board of Commissioners and Perry County Council with due consideration being given to any changes in Indiana statute and the State of Indiana's then existing travel policy and procedures.

**5.15.13 Return of Advance Payments in the Event of Non-Attendance**

If for any reason an attendee fails to attend a conference or meeting for which the attendee has drawn estimated advance expenses, the attendee shall promptly repay to the County Auditor the entire amount of the advance payment.

**5.15.14 Abuse of Travel Policy**

Abuse of this travel policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

**5.16 COUNTY CREDIT CARDS**

The issuance and use of credit cards in Perry County shall be handled by the Auditor of Perry County, who has specific delegated authority of this Board to do so.

With respect to each department or division of County government, a responsible party shall be designated and is hereby designated as follows:

- Circuit Court Judge
- Probation
- Community Corrections
- Circuit Court Clerk
- Sheriff
- Assessor
- Recorder
- Auditor
- Treasurer
- Prosecutor
- Highway Superintendent
- Parks and Recreation Department Head
- Emergency Management Department Head
- Health Department Head

The use of the credit card is limited to reasonable governmental purposes only.

When the purpose for which the credit card has been issued has been accomplished, the card shall be returned to the custody of the responsible person (the elected official/ department head).

The head of each department or elected official who issues credit cards to governmental employees shall maintain a log which includes the name of the individual requesting usage of the card, his or her position, the estimated amounts to be charged, fund and account numbers to be charged, and the date the card is to be issued and returned. The department head or

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elected official shall monitor the use of the credit card and ensure that it is used for only reasonable governmental purposes.

Credit cards should not be used to bypass the accounting system. Purchase orders and receipts shall be acquired and maintained.

Payment shall be made on the basis of a statement with supporting documents such as paid bills and receipts.

Any interest or penalty incurred due to late filing or furnishing of documentation by an office holder, department head, or employee shall be the responsibility of that office holder, department head or employee.

A reasonable annual fee approved by the auditor may be paid.

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

**5.17 INDIANA INTERNAL CONTROL STANDARDS POLICY**

Indiana Code 5-11-1-27(e) provides that through the compliance guidelines authorized under IC 5-11-1-24 the State Board of Accounts (SBoA) shall define the acceptable minimum level of internal control standards for internal control systems of political subdivisions, including the following: (1) Control Environment. (2) Risk Assessment. (3) Control Activities. (4) Information and Communication. (5) Monitoring.

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

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

**5.18 WHISTLEBLOWER POLICY**

A whistle blower as defined by this policy is an employee of the County who reports an activity that they consider to be illegal or dishonest. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures. The Board of County Commissioners is charged with these responsibilities. Examples of illegal or dishonest activities are: violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee shall submit those concerns in writing to the County Attorney. Such employee reports of wrongdoing will be investigated by investigators selected by the County Attorney.

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In addition, other individuals may be included in reviewing the investigation findings at the discretion of the County Attorney.

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

Whistle blower protections are provided in two important areas – confidentiality and no retaliatory actions. Insofar as possible, the confidentiality of the whistleblower will be maintained.

However, confidentiality is not guaranteed, the identity of the reporting individual may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide the accused individuals their legal rights of defense.

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

Any whistleblower who believes they are being retaliated against should submit their concerns in writing to the County Attorney immediately. Any report of retaliation shall be made within thirty (30) days of the alleged incident of retaliation, or where the retaliation is of an ongoing nature, within thirty (30) days from the most recent incident.

Any report of retaliation must state with particularity those actions that the employee making the report believes constitute retaliation. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

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

## **6. PERSONAL CONDUCT**

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

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

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

### **6.2 ATTENDANCE AND PUNCTUALITY**

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

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

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

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

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

### **6.3 PERSONAL APPEARANCE**

As a County employee who provides vital services to the community, appropriate dress and appearance that reflect a professional image is required. Employees must present themselves

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in a neat, orderly, businesslike manner and dress according to requirements of their position. Employees shall not wear inappropriate or revealing clothing. Employees, who are issued a work uniform, including those in the Sheriff's Office and Jail, shall properly care for and maintain such uniforms according to the departments uniform guidelines outlined in the Standard Operating Procedures (SOP).

Consult your supervisor or elected official/department head if you have questions as to what constitutes appropriate attire.

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

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

This policy applies to all Perry County employees.

### **6.4.1 Definition of Harassment**

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

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

Perry County strongly disapproves of and will not tolerate inappropriate conduct or harassment of employees by supervisors, co-workers, or other in the workplace, such as customers or vendors.

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

**6.4.1(a) Types of Workplace Harassment**

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

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

1. Unwelcome sexual advances.
2. Physical or verbal conduct of a sexual nature or joking that is sex-oriented and considered unacceptable by another individual. Examples of conduct of a sexual nature include: flirtations, advances or propositions, verbal abuse of a sexual nature, leering, touching, pinching, assault, or coerced sexual acts, or suggestive, insulting, obscene comments or gestures; written, photo, cartoon, or electronic displays in the workplace of sexually suggestive objects or pictures.

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This includes commenting about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" that are clearly unwanted and considered offensive by others, or any other tasteless sexually-oriented comments or actions that offend others. This behavior is unacceptable in the workplace itself, and in other work-related settings such as business trips and business-related social events.

3. Submission which is expressed or implied as a condition of employment, promotion, or preferential treatment.
4. Printed or electronic display or transmission of sexually explicit images, messages or cartoons is not allowed. Other violations include, but are not limited to, ethnic slurs, racial comments, jokes, or anything that may be construed as harassment or showing disrespect for others.
5. Conduct with implication that has the purpose of or results in interfering with work performance or creating an intimidating, hostile, or offensive work environment is considered sexual harassment.

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

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

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

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

Any employee who experiences harassment is directed to submit a completed sexual harassment complaint form to their elected official/ department head immediately. If unresolved through the elected official/department head, or in the event the harassment is alleged against the elected official/department head, the employee is advised to submit a completed harassment complaint form to the County Attorney.

The best time to register a complaint is immediately after the act occurs.

Any supervisor who has witnessed or becomes aware of the alleged occurrence of harassment or retaliation, or receives a complaint of harassment involving a person

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within that supervisor's purview is required to take prompt corrective action and to report the incident to the County Attorney. Failure of a supervisor to immediately take corrective action or to report the incident shall constitute misconduct subject to disciplinary action.

**6.4.3 Description of Misconduct**

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

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

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

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

**6.4.4 Time Frame for Reporting Complaints**

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

**6.4.5 Protection against Retaliation**

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

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

Any allegation of harassment that is reported will be promptly investigated in as discreet a manner as possible to protect the privacy of persons involved.

The County will use its best efforts to maintain confidentiality throughout the investigatory process to the extent practical and appropriate under the circumstances; however, confidentiality is not guaranteed. The alleged harasser will be notified of the nature of the complaint made against them.

Upon completing the investigation of a harassment complaint, the County will communicate its findings to the complainant and the alleged harasser. If the Commissioners and the alleged harasser's elected official/department head determine that harassment occurred, they will determine appropriate disciplinary action. The complainant will be informed if disciplinary action is taken.

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

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

Complaints will be investigated by independent investigators retained by the County Attorney. In addition, other individuals may be included in reviewing the investigation and outcome at the discretion of the County Attorney.

#### **6.4.8 False Accusations**

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

#### **6.4.9 Sanctions**

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

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

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

The County will maintain a complete written record of each complaint and how it was investigated and resolved. Written records shall be maintained by the elected official/department head, and if disciplinary action was taken, a record shall be maintained in the offender's personnel file.

**6.4.11 Prevention**

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

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

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

Whenever an employee is cited for an infraction while on duty or arrested for any misdemeanor or felony while on duty, the employee shall report this matter, in writing, to their elected official/department head within twenty-four (24) hours of the arrest or citation. Failure to report in accordance with this policy shall be considered a violation of the personnel policies subject to disciplinary actions up to and including termination. Citations for moving traffic violations or arrests for misdemeanors or felonies which occur during an employee's off-duty hours must be reported to the elected official/ department head in writing within five (5) calendar days of receiving the citation or the arrest.

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

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

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

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

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

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

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

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

## **6.6 VOLUNTARY SERVICES**

With the approval of the employee's supervisor, an employee may voluntarily perform services that does not promote religion, attempt to influence legislation, governmental policy, or elections to public office for the benefit of another governmental entity or an organization that is exempt from federal income taxation (Section 501(c)(3)). Such volunteering may not be more than four (4) hours per month during normal hours of employment; and is considered performing duties of the County.

## **6.7 POLITICAL ACTIVITY**

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

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

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Electioneering of any kind, such as campaign literature, materials (buttons, badges, pins, pens/pencils) are not allowed on any County property.

**6.8 GIFTS OR GRATUITIES**

Employees are encouraged to maintain good relations with suppliers and others with whom the County may have business dealings. However, the practice of accepting gifts or gratuities may be contrary to the public interest. Employees shall not accept unreasonable gifts or gratuities from firms, organizations, agents, or other individuals who may or do conduct business with the County in furnishing materials, goods, and services to the County.

**6.9 GHOST EMPLOYMENT**

Perry County is committed to providing efficient and lawful services to its citizens and to maintaining public trust. Therefore, “ghost employment” is a violation of County policy and of Indiana Code 35-44.1-1-3. Ghost employment is a Level 6 felony.

A public servant who knowingly or intentionally hires an employee for a governmental entity and fails to assign the employee any duties, or assigns duties not related to the operation of the governmental entity, is committing ghost employment. Additionally, a public servant employed by a governmental entity knowing that they have not been assigned any duties to perform for the entity and accepts property (compensation) from the entity, or a public servant who knowingly or intentionally accepts property (compensation) from the entity for the performance of duties not related to the operation of the entity, commits ghost employment.

Examples of violations of this policy include, but are not limited to, performing work on public property that is not job related, authorizing or receiving payment for time not worked, and authorizing or receiving payment for leave time not authorized by County paid leave policies. Violations of this policy shall result in disciplinary action up to and including termination, in addition to potential prosecution under Indiana Code 35-44.1-1-3.

**6.10 BUSINESS ETHICS/CONFLICT OF INTEREST**

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

Indiana Code 35-44.1-1-4 states that a person who knowingly or intentionally obtains a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the governmental entity served by the public servant commits a Level 6 felony unless a financial disclosure form is approved in advance and filed as required by law.

The County also recognizes its right and obligation to determine when an employee's activities present a conflict of interest with the organization. At such times the County must take whatever action is necessary to resolve the situation, including, but not limited to, termination

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of employment. This policy applies to all employees, as well as to former employees, where applicable.

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

**6.11 SOLICITATION/DISTRIBUTION**

There shall be no solicitation or distribution at any time in County facilities. This section does not apply to approved County vendors.

**6.12 SECURITY OF PREMISES**

Perry County wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the County prohibits the control, possession, transfer, sale, or use of such materials on its premises. However, I. C. 34-28-7 allows employees who may lawfully possess a firearm to bring firearms and ammunition onto County property as long as the firearm and ammunition are locked in a glove box or trunk or stored out of plain sight in the employee's personal locked vehicle. This exception does not apply to employees driving or riding in County-owned vehicles where firearms and ammunition are prohibited.

Employees of County facilities listed in Ind. Code 34-28-7-2(a) (2) do not have these rights. Except for law enforcement officers who have obtained handgun/firearms certification by the Indiana Law Enforcement Academy and maintained required department firearms qualifications, employees working at the Perry County Jail shall (1) secure the employee's firearm or ammunition, or both, in a locked case, and (2) store the firearm or ammunition in the trunk or glove compartment or out of plain sight in the employee's locked vehicle Ind. Code 2-3-10; 34-28-7.

The County prohibits the possession of firearms, ammunition, and the possession of other weapons by persons other than County employees and the law enforcement officers on County property. The County requires the cooperation of all employees in administering this policy.

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

**6.13 WORKPLACE VIOLENCE**

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

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

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

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

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on County-owned or leased property may be removed from the premises. Additionally, illegal firearms, weapons, and other dangerous or hazardous devices or substances are strictly prohibited from the premises of the County without proper authorization as stated in *Section 6.12 Security of Premises of this Personnel Policies Handbook*.

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

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

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

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

If an emergency exists, contact the police department at 911, and notify your supervisor. If not an emergency, employees should inform their elected official/department head.

If the elected official/department head is unavailable or if the nature of the complaint is such that the employee does not believe they can discuss it with the elected official/department head, the employee may bring concerns to the County Personnel Administration Committee.

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

#### **6.14 CONFIDENTIALITY**

Employees shall consult with their elected official/department head before releasing information which could be confidential or privileged by law. It is a violation of State law for a public servant to knowingly or intentionally disclose information classified as confidential.

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

#### **6.15 EMPLOYEE CONDUCT**

**Behavior of Employees.** In regulating the behavior of its employees, the County has classified offenses as first, second, and third level offenses based upon their seriousness. These classifications are provided only to illustrate the procedures that will generally be followed in respect to such conduct. This classification system should not be construed to in any way limit the County's discretion in exercising discipline it finds appropriate based on the severity of the misconduct or the totality of the circumstances.

The following conduct is prohibited and will subject the individual involved to disciplinary action, up to and including termination. **This list of examples is merely illustrative of the kinds of conduct that will not be permitted. It is not intended to be all inclusive or to in any way limit rules, guidelines, and restrictions set out elsewhere in this handbook. For purposes of employee suspensions, within the Sheriff's Office, a day shall equal eight (8) hours.**

#### **GROUP I OFFENSES**

Examples of, but not limited to, the following:

1. Tardiness or failure to report for duty within a reasonable time according to the attendance policy.
2. Reporting to work clothed or groomed in an unclean or inappropriate manner.

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3. Neglect or carelessness in recording work time.
4. Failure to cooperate with other employees as required by job duties.
5. Distracting the attention of others, unnecessarily shouting, demonstrating, or otherwise causing a disruption on the job.
6. Malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.
7. Unauthorized use of telephone, fax, or mail for personal use.
8. Unsatisfactory work or failure to maintain required standard of performance.
9. Unauthorized breaks.
10. Littering or otherwise contributing to unsanitary conditions.
11. Failure to report accidents, injury, or equipment damage.

**GROUP I DISCIPLINE**

First Offense	Documented verbal warning
Second Offense	Documented written reprimand
Third Offense	Three (3) working days suspension without pay
Fourth Offense	Ten (10) working days suspension without pay
Fifth Offense	Termination of employment

**GROUP II OFFENSES**

Examples of, but not limited to, the following:

1. Leaving the job or work area during working hours without authorization.
2. Threatening, intimidating, coercing, or interfering with subordinates or other employees.
3. Obligating Perry County for any expense, service, or performance without authorization.
4. Sleeping during working hours.
5. Reporting for work or working while unfit for duty.
6. Excessive absenteeism according to the attendance policy.
7. Unauthorized use of County property or equipment.
8. Willful failure to sign in or out when required.
9. Failure to report for overtime work after being scheduled to work according to overtime policy.
10. Failure to make required reports.
11. Solicitation on County premises without authorization.
12. The making or publishing of false, vicious, or malicious statements concerning employees, supervisors, the County, or its operations. Making threatening remarks to supervisors or others.
13. Refusing to provide testimony in court during an accident investigation or during any type of public hearing.
14. Giving false testimony during a complaint investigation or hearing.
15. Unauthorized posting, removal, or alteration of notices or signs from bulletin boards.

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16. Distributing or posting written or printed matter of any description on County premises unless authorized.
17. Unauthorized presence on County property.
18. Disregard of department rules.
19. Use of abusive or threatening language toward supervisors or other employees.
20. Discourteous treatment of the public.

**GROUP II DISCIPLINE**

First Offense	Three (3) working days suspension without pay
Second Offense	Ten (10) working days suspension without pay
Third Offense	Termination of Employment

**GROUP III OFFENSES**

Examples of, but not limited to, the following:

1. Being in possession of or drinking alcoholic beverages on the job.
2. Neglect in the performance of assigned duties or in the care, use, or custody of any County property or equipment. Abuse or deliberate destruction in any manner of County property, tools, equipment, or the property of employees.
3. Punching, signing, or altering other employees time cards, time sheets, or unauthorized altering of own time card or sheet.
4. Falsifying testimony or reports when accidents are being investigated, falsifying or assisting in falsifying or destroying any County records, including work performance reports, or giving false information or withholding pertinent information called for in making application for employment.
5. Making false claims or misrepresentations in an attempt to obtain any County benefit.
6. Performing private work on County time or property.
7. Violation of the sexual harassment/hostile work environment policy.
8. Stealing or similar conduct, including destroying, damaging, or concealing any property of the County or of other employees.
9. The use of controlled substances or the sale of controlled substances.
10. Fighting or attempting to injure other employees, supervisors, or persons.
11. Carrying or possession of firearms on County property at any time without proper authorization.
12. Knowingly exposing others to hazardous conditions, such as communicable diseases, which could endanger other employees or the public.
13. Misuse or removal of County records or information without prior authorization.
14. Instigating, leading or participating in any illegal walkout, strike; sit down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the County's work stations.
15. 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

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other property of the County or other employees without authorization, inserting slugs in vending machines without paying the proper charge therein, 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".

16. Insubordination by refusing to perform assigned work or to comply with written or verbal instruction of the supervisors.
17. Disclosure of confidential information.
18. Failure to disclose at the time of employment the past conviction or a misdemeanor and/or felony if reasonably related to the employee's duties or the public trust.
19. Violation of the Drug-Free Workplace policy and/or failure to submit to a blood test, urinalysis, or Breathalyzer examination.
20. Failure to maintain certifications required of the position, such as driver's license.
21. Refusing to provide testimony in court during an accident or any other job related investigation, or during any type of public hearing.
22. Failure to follow safety regulations.
23. Violation of attendance policies.
24. The positing, transmitting, reproducing, and/or dissemination of information (text, pictures, video, and/or audio) to the Internet or any other forum (public or private) by an employee that would discredit or reflect unfavorably upon the County Department, employee, or its employees.

**GROUP III DISCIPLINE**

First Offense	Any appropriate discipline, up to and including termination of employment.
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## **7. PROBLEM RESOLUTION**

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

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

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

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

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

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: Elected Official/Department Head (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.

The employee may take or send the written complaint to the supervisor. Elected officials and department heads shall give a written response to the complaint, with a copy to the Personnel Administration Committee.

### **STEP 3: Personnel Administration Committee**

If a satisfactory solution is not reached by the employee and supervisor the complaint may be reviewed by the Personnel Administration Committee at the discretion of the Committee. The Committee shall establish procedures for conducting a review of the application of policy and provide advisory recommendations as deemed necessary.

## **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. Perry County, Indiana reserves the right to delete, modify, or amend the policies contained herein or allocate new policies as needed.

## **INDEMNIFICATION**

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

## **ENABLING ORDINANCES**

This Employee Handbook shall be approved by Ordinance passed by both the Board of Commissioners of Perry County and the Perry County Council. The terms and conditions of this Employee Handbook shall be incorporated by reference in the salary ordinance approved annually the Perry County Council and the terms and conditions set out herein shall be deemed a condition of compensation under that Ordinance.

## **AMENDMENTS**

This Employee Handbook may be amended from time to time by an Ordinance in substantially the same form approved by the Board of Commissioners of Perry County and the Perry County Council. Any amendments shall be distributed to each department of the County and shall be conspicuously posted for at least ninety (90) days throughout the offices of the County after their passage.

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## **EMPLOYEE ACKNOWLEDGEMENT FORM**

The Perry County Employee Handbook describes important information about employment with the County of Perry, and I understand that I should consult the Auditor's Office regarding any question not answered in this handbook.

Since the information, policies, and benefits described here are necessary and subject to change, I acknowledge that revisions to this 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 Human Resource Administrator.

Furthermore, I acknowledge that this handbook is not a contract of employment. I have received this 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 (Printed)

\_\_\_\_\_  
Employee's Department