

## **1. PERSONNEL ADMINISTRATION**

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

This handbook is designed to provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with policies in the handbook. These policies describe many of your responsibilities as an employee and outline programs developed by Greene County to benefit our employees. One of our objectives is to provide a work environment that is conducive to personal and professional growth.

Nothing in this handbook is intended to in any sense constitute a contract of employment or an expectation of continued employment. **Greene County is an “At-will” employer, which means an employee may resign at any time and the employer may discharge an employee at any time with or without cause.** This handbook is not a contract of employment.

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

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

With respect to employees of the Sheriff’s Department, the Emergency Medical Service, Community Corrections, the Prosecutor, the Courts, and Court-related offices, reference should be made to the Appendices of this Handbook. **The provisions set forth in the Appendices shall apply to those employees of those offices.**

### **1.2 EXCEPTIONS AND SPECIAL CONDITIONS**

These policies and procedures apply to all Greene County employees, except when in conflict with special employment conditions set forth for elected officials, or when in conflict with statutes governing employment relationships.

Elected officials and department heads may have additional office or department operational rules and procedures that employees shall be subject to, excluding salary administration and employee benefits, as long as the policies and procedures are not inconsistent with the Greene County Policy.

To the extent the provisions of the appendices for the various offices under the jurisdiction of the Indiana Supreme Court are inconsistent with other provisions contained in this Handbook, the provisions in the appendices shall control the terms of employment for those offices and the provisions in such appendices may be changed from time to time at the sole discretion of those office holders.

### **1.3 “GREENE COUNTY” DEFINED**

The "County" shall be defined to mean the Greene County Board of County Commissioners, the Greene County Council, the elected officials of Greene County, County Commissions, County Boards, and department heads acting individually or in conjunction with each other within the areas of responsibility assigned to said individuals or as defined by applicable statute, constitutional provision, ordinance, case law, or resolution.

### **1.4 EMPLOYEES “UNDER JURISDICTION OF INDIANA SUPREME COURT” DEFINED**

Employees under the jurisdiction of the Indiana Supreme Court shall be defined to mean employees of Circuit Court, Superior Court, Prosecutor’s Office, Drug and Alcohol Office, CASA, and Probation Office.

### **1.5 “EMERGENCY MEDICAL SERVICE PERSONNEL” DEFINED**

Emergency Medical Service Personnel shall be defined to mean employees assigned to work a 12-hour or a 24-hour shift, such as EMT’s and Paramedics. Emergency Medical Service Personnel excludes staff working on a standard 35-hour workweek.

### **1.6 PERSONNEL ADMINISTRATION**

The Greene 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 procedures in the Greene County Personnel Policies Handbook and providing advisory recommendations as warranted;
2. Monitoring personnel policies and procedures and making recommendations for revisions, modifications, additions, and deletions as deemed necessary; and
3. Reviewing all standard operating procedures adopted by any department.

The Greene County Personnel Administration Committee shall serve yearly and be comprised of three (3) members. The members of the Personnel Administration Committee shall be one

(1) County Commissioner (appointed by the County Commissioners), one (1) County Council member (appointed by the County Council), and the County Auditor by virtue of the position or designee. The Human Resources Director shall serve as a non-voting advisor by virtue of the office.

## **1.7 EQUAL EMPLOYMENT OPPORTUNITY**

Greene County does not discriminate on the basis of race, color, creed, gender, national origin, religion, age, disability, veteran status, genetic information, sexual orientation or gender identity, or any other classification under state, local, or federal law in employment or in the provision of services.

All position vacancy notices, postings, advertisements, and recruiting literature shall contain the phrase “An Equal Opportunity Employer.”

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

## **1.8 MANAGEMENT RIGHTS**

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

1. The right to direct the work of its employees.
2. The right to establish policy.
3. The right to maintain the efficiency of public operations.
4. The right to design and implement safety programs for employees.
5. The right to design and implement job training for employees.
6. The right to determine what services shall be rendered to the public and the maintenance procedures, materials, facilities, and equipment to be used.
7. The right to determine job responsibilities.
8. The right to determine, effectuate, and implement the objectives and goals of the County.
9. The right to establish, allocate, schedule, assign, modify, change and discontinue County operations, work shifts and working hours.
10. The right to establish, modify, change and discontinue work standards.
11. The right to hire, examine, classify, train, transfer, assign and retain employees; suspend, discharge or take other disciplinary action 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 determine the size, change, modify and alter the composition of the work force.

13. The right to determine, establish, set and implement policies for the selection, training and promotion of employees in accordance with applicable law.
14. The right to establish, implement, modify and change procedures and policies for the safety, health and protection of the County property and personnel.
15. The right to adopt, modify, change, enforce or discontinue any existing rules, regulations, procedures and policies which are not in direct conflict with any provisions of this agreement.
16. The right to establish, select, modify, change or discontinue equipment, materials and the layout and arrangement of equipment.
17. The right to determine the size and character of inventories and their disposal.
18. The right to control the use of property, machinery inventories, and equipment owned, leased or borrowed by the County.
19. The right to locate, establish, and organize new departments, divisions, subdivisions, or facilities thereof, and the right to relocate departments, subdivisions, locate and the close and/or discontinue same.
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.

#### **1.9 PRODUCTIVE WORK ENVIRONMENT**

It is the policy of Greene 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.

#### **1.10 AUTHORIZED ALIEN STATUS AND CITIZENSHIP**

**Verification of Employment Eligibility.** All employees shall cooperate with the County in its compliance with the Immigration Reform and Control Act of 1986, as amended. In addition, all new employees are subject to E-verification requirements and procedures. Employees who refuse to supply the documentation necessary to prove they are American citizens or aliens authorized to work in this Country will not be considered for employment. The Human Resources Office shall ensure that the I-9 Form is properly completed and retained as required by law.

The Greene County Auditor cannot process payroll claims for any employee unless the appropriate forms are completed and are on file in the Auditor's office.

#### **1.11 E-VERIFY**

The Human Resources 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.

## **1.12 ELIGIBILITY FOR LOCAL PUBLIC BENEFITS**

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

## **2. EMPLOYMENT POLICIES**

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

### **2.1 RECRUITMENT**

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

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 the elected official/department head. Insofar as practicable, open and new jobs shall be posted on County workdays until positions are filled, during which time any employee may make written application.

Information regarding vacancies or new positions shall be publicly posted on bulletin boards located in the County government buildings, on the county's website, and in such other media reasonably likely to provide information about the vacancy, for a minimum of seven (7) calendar days or until the position is filled. The County encourages internal promotion and transfer whenever possible.

At the discretion of elected officials and department heads, based on the urgency and specialization of the job requirements, trade journal advertising and Internet postings may be used in recruiting employees. Advertisements shall describe the position, basic qualifications, and state that Greene County is "An Equal Opportunity Employer."

### **2.2 EMPLOYMENT APPLICATIONS**

All applicants are required to complete a Greene County Employment Application (Application), as well as any other forms required for the hiring process. The Employment Application shall be maintained by the Human Resources Office and made available upon reasonable request to elected officials, department heads and applicants for use. Information requested on the application is reasonably related to occupational standards.

All applicants must complete the Employment Application in its entirety, providing any requested information in its entirety and accounting for periods of employment and unemployment. The elected official/department head may screen applicants and conduct testing relevant to the skills needed to effectively complete the duties of the position.

Greene County relies on the accuracy of information on the Employment Application, as well as other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information 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 all applicants will be granted an interview by the elected official/department head. However, equal consideration will be given to all applicants based on the qualifications required for the job. Employment Applications will be retained in active files for forty-five (45) days or until the position is filled; and shall be returned to the Human Resources Office office prior to hiring or being placed on the County payroll.

Hiring decisions are the sole responsibility of the appointing authority (i.e., elected officials and department heads).

### **2.3 APPLICANT TESTING**

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

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

Pre-employment interviews may be used to gather information and screen applicants for County employment. Initial interviews may be conducted by the officer receiving the application, although the final interview is reserved for the administrative officer making the employment decision.

### **2.5 CONDITIONAL OFFER OF EMPLOYMENT/OFFER OF EMPLOYMENT**

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

Applicants who receive a Conditional Offer of Employment are not employees of the County unless they receive an official 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 Human Resources Office before the applicant is considered an employee of Greene County. The Offer of Employment form will be maintained by the Human Resources Office.

## **2.6 MEDICAL EXAMINATIONS/DRUG SCREEN**

To help ensure that employees are able to perform their duties safely, medical examinations may be required for new hires. In addition, medical examinations may be required of those positions responsible for public safety at anytime during the course of employment with the County (e.g. FMLA, ADA, Worker's Compensation, and other fitness for duty evaluations) which will be paid for by the County.

After a conditional offer of employment has been extended, certain designated positions may require an applicant to undergo medical examinations by health professionals of the County's choice, at the County's expense. (Refer to forms "Conditional Offer of Employment" and "Medical Review.")

Employees shall be required to submit to fitness for duty medical or psychological evaluations prior to employee illness or injury leave under the Family and Medical Leave Act (FMLA), or

to meet terms and conditions associated with performing job duties. Elected officials/department heads may require a medical fitness for duty examination to ensure employees do not pose a threat to the health or safety of themselves or others. Applicants may be required to submit to a drug test prior to being hired by the County.

Information on an employee's medical condition or history shall be kept in a confidential medical file that is separate from other employee information. Access to this information will be limited to the employee and the elected official/department head of the employee and persons designated by the County Commissioners on a need-to-know basis.

## **2.7 EMPLOYMENT STATUS**

It is the intent of the County to specify the definitions of employment status, so employees understand their employment status and benefit eligibility. **Any changes in employment status shall be conveyed in writing. No change in employment status is to be construed or inferred without written notification.** Each employee will belong to one of the following employment categories:

**REGULAR FULL-TIME (FTR)** employees are those who are not in a FTA, PT, or temporary status and who are regularly scheduled to work the County's full-time schedule of thirty-five (35) hours per week for more than twenty-six (26) consecutive weeks. FTR employees are eligible for the following benefits, subject to the terms, conditions, and limitations of each benefit program: Paid Time (PTO), Holidays, Bereavement Leave, Jury Duty Leave, Worker's Compensation, Social Security benefits, Health Insurance, and retirement programs.

**FULL-TIME AFFORDABLE CARE ACT (FTA)** employees are those who are not in a FTR, PT, or temporary status and who are regularly scheduled to work at least thirty (30) hours or more per workweek. FTA employees are eligible for all legally mandated benefits such as Worker's Compensation, Social Security benefits, and County Health Insurance, subject to the terms, conditions, and limitations of benefit programs. FTA employees are **not** eligible for the following benefits: PTO, Holidays, Bereavement Leave, Jury Duty Leave, and retirement programs.

**PART-TIME** employees are those who are not in a FTR, FTA, or temporary status and work more than fifteen (15) hours per week for more than twenty-six (26) consecutive weeks. Part-time employees shall not work more than twenty-nine (29) hours per week, with the exception of mandatory certification training required of the position.

Part-time employees retain that status until expressly notified in writing of a change. Part-time employees receive all legally mandated benefits such as Worker's Compensation and Social Security benefits, subject to terms, conditions, and limitations of each benefit program. Part-time employees are **not** eligible for the following benefits: PTO, Holidays, Bereavement Leave, Jury Duty Leave, and retirement programs.



**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 and who are not assigned to a FTR, FTA, or PT status. It is the policy of the County that a Temporary employee who works for one-hundred twenty (120) days in a calendar year shall not be rehired by the County without a minimum of six (6) months separation period between temporary engagements. 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 temporary employees receive all legally-mandated benefits such as Worker's Compensation and Social Security, they are **not** eligible for the following benefits: PTO, Holidays, Bereavement Leave, Jury Duty Leave, and retirement programs.

## **2.8 PROBATIONARY PERIOD**

**PROBATIONARY** employees are those whose performance is being evaluated to determine whether further employment in a specific position or with the County is appropriate. County employees shall be probationary employees for a period of ninety (90) days. Sheriff Department police officers shall be probationary employees for a period of one (1) year. Employees transferring from one department to another shall be probationary employees of the department into which the employee has transferred for a period of thirty (30) days.

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

A probationary employee may be discharged at any time during their probationary period, or any extension thereof, with or without cause.

## **2.9 EMPLOYMENT REFERENCE CHECKS**

To ensure that individuals who are employed by Greene 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. Information regarding this procedure is contained in the "Employment History and Work Experience" section of the County's Employment Application.

For employment reference checks requested by other employers of past or current County employees, the County will respond in writing only to those reference inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held. Employees and former employees shall be provided copies of past performance records upon request; and must acknowledge receipt in writing.

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

Applicants shall be subject to criminal background and credit checks who apply to positions responsible for handling County funds.

Requests by elected officials/department heads for reference, background, and/or credit checks on applicants should be directed to the Auditor's Office.

## **2.10 PERSONNEL FILES**

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

Greene County shall maintain four (4) separate personnel records concerning the employee's employment history. These shall be the employee's:

1. **Personnel File** which shall contain the employee's employment application, I-9 Form, emergency information sheet, salary, employment data information sheets concerning history of employment, insurance enrollment forms, retirement enrollment forms, educational accomplishments, change in address forms, beneficiary forms, and records of training. This file shall be maintained by the Human Resources Office. Certain documents in this personnel file shall be deemed as confidential and released only to persons on a need-to-know basis.
2. **Confidential Administrative File** which shall contain documentation of performance evaluations, disciplinary records, commendations, and other documentation concerning disciplinary actions, including complaints, absences, tardiness, and other related information. This file shall be maintained by the Human Resources Office with access available to relevant elected official/department head.
3. **Confidential Medical File** which shall contain all medical information, including health insurance, disability information, worker's compensation issues, results of alcohol and drug tests, and other medically related information. This file shall be maintained by the Human Resources Office.
4. **Commercial Drivers License (CDL) File** shall be maintained by the Highway Department.

The information contained in an employee's personnel file shall be available to the elected official/department head having direct supervisory control of the employee, Human Resources Office, County Attorney, and the employee.

The employee's confidential administrative file and confidential medical files shall be deemed personnel records which are exempt under the Indiana Public Records Law.

Confidential personnel files shall only be available to the persons set out in this section, or upon court order and/or subpoena submitted to the County Attorney. The Auditor shall not provide any information pursuant to a subpoena or court order sooner than ten (10) days after receipt of that subpoena or court order. Within five (5) days after the receipt of the subpoena

or court order, the County Attorney shall notify the employee of receipt of the subpoena or court order to permit the employee to seek appropriate judicial relief.

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

#### **2.11 PERSONAL INFORMATION CHANGES**

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

#### **2.12 ORIENTATION/EXIT INTERVIEWS**

Elected officials and department heads are responsible for conducting an informal orientation to familiarize a new employee with the County. New employees shall be provided a copy of the **Greene County Personnel Policy Handbook**.

Upon termination of employment with an employee, the Human Resources Office shall conduct an exit interview with the employee.

#### **2.13 PERFORMANCE EVALUATION**

Elected officials, department heads and employees are 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 should be conducted on employees at the end of their probationary period, before entering full-time status, especially if the probationary period is extended. This allows the elected official/department head and employee the opportunity to discuss the job responsibilities, standards and performance requirements, in addition to correcting deficiencies and reinforcing strengths and future goals.

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

Performance evaluations should be conducted on an annual basis.

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

An employee may hold a job with another organization as long as he/she, in the opinion of the County, satisfactorily performs his/her job responsibilities with the County. Employees should consider the impact that outside employment may have on their ability to efficiently perform their county job duties, 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 County's scheduling demands, regardless of any existing outside work requirements. Employees provided Family and Medical Leave under the County's FMLA policy for their own serious illness or injury shall not be employed by outside employers while on FMLA.

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

Outside employment will present a conflict of interest if it has an actual or potential adverse impact on the County. County employees are required to file a conflict of interest statement with the Greene County Clerk and State Board of Accounts with a copy provided to the Auditor and Human Resources Office whenever an employee's outside business activities are directly or indirectly linked to the County in a business relationship, such as vendor, supplier, contractor, or independent subcontractor.

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

Employees are protected from requirements, whether real or implied, to contribute time or money to any person or party. Soliciting political party campaign contributions is a prohibited activity.

## **2.15 REQUESTS FOR INFORMATION**

Occasionally, employees of the County are contacted by outsiders for information about current or former employees, or about the County's policies, practices or projects. All such requests must be referred to appropriate officials in the organization. Employees are advised to consult with their elected official or department head before releasing information which is confidential or privileged by law.

## **2.16 LAYOFF POLICY**

Greene 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 the layoffs shall occur and the number of employees to be laid off in each department. Determinations on which employees will be laid off will include considerations of employee performance evaluations, employee qualifications, length of continuous service, operational needs of the County, and other relevant factors.

On the last day of work when the employee is notified of being laid off, he or she shall be compensated for time normally worked that day.

## **2.17 BREAK IN SERVICE**

**FULL-TIME TO ELECTED OFFICIAL EMPLOYMENT** - In the event that a full-time employee is elected to a full-time Greene County elective office he/she shall be compensated for any accrued PTO or compensatory time earned as a regular full-time employee. Such employee's PTO 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. Also, if such elected official returns to a non-elective full-time position their time in elective office shall count as years of service for the purposes of determining the amount of eligible PTO or other benefits based on years of service with the County. County elected officials who become regular County employees within forty-five (45) calendar days after leaving office shall be entitled to count years of service based on their date of hire in elective office.

**LAPSES IN EMPLOYMENT FOR NON-ELECTED FULL-TIME EMPLOYEES** - Lapses in employment that do not exceed forty-five (45) continuous days shall count as years of service for the purposes of determining the amount of eligible PTO time or other benefits based on years of service with the County. A full-time employee who is re-hired by Greene County within forty-five (45) calendar days after leaving employment with the County, shall be entitled to count years of service based on his/her previous date of hire with the County.

## **2.18 NEPOTISM**

The County is committed to hiring and retaining highly qualified employees. At the same time, the County recognizes that, despite their qualifications, the hiring and retention of close relatives of present employees could raise serious questions regarding the objectivity, or appearance of objectivity, by individuals regarding work assignments, performance appraisals,

and overall employee treatment. The County's employment policies are based on balancing these concerns.

No person being related to any member of any County board or commission, or to the head of any office or department or institution, as father, mother, brother, sister, uncle, aunt, husband or wife, son or daughter, step-son, step-daughter, mother-in-law, father-in-law, son-in-law or daughter-in-law, brother-in-law or sister-in-law, niece or nephew, shall be eligible, to any position in any such board or commission, office or department or institution, as the case may be, nor shall any such relative be entitled to receive any compensation for his or her services out of any appropriation provided by law. Further, no person related as father, mother, brother, sister, uncle, aunt, husband or wife, son or daughter, mother-in-law or father-in-law, son-in-law or daughter-in-law, brother-in-law or sister-in-law, niece or nephew, may be placed in a direct supervisory-subordinate relationship.

This shall not apply to any such father, mother, brother, sister, uncle, aunt, husband or wife, son or daughter, mother-in-law or father-in-law, son-in-law or daughter-in-law, brother-in-law or sister-in-law, niece or nephew who has been employed in the same position in such office or department or institution for at least twelve (12) consecutive months immediately preceding the appointment of his/her relative as a board member or head of such office, department, or institution. Further, this policy shall not apply to any such father, mother, brother, sister, uncle, aunt, husband or wife, son or daughter, mother-in-law or father-in-law, son-in-law or daughter-in-law, brother-in-law or sister-in-law, niece or nephew who was employed prior to January 1, 2011, as long as that employee holds the same position in such office, department, or institution as they held as of December 31, 2010.

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 class D felony with up to three (3) years prison sentence. The County's failure to adopt policies under Indiana Code 36.1.20.2 (Nepotism) will result in the Department of Local Government Finance not approving the County's budget or any additional appropriations for the ensuing calendar year until the State Board of Accounts certifies the County is in compliance.

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

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

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

## **2.20 CONTRACTING WITH THE COUNTY**

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

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

If a contract is entered into with a relative the appropriate agency of the County shall make a certified statement that the contract amount or purchase price was the lowest amount or price offered or make a certified statement of the reasons why the vendor or contractor was selected. Contracts in existence prior to July 1, 2012, are 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 two and one-half (2 ½ ) years prison sentence. The County's failure to adopt policies or failure to include a statement in the R-100 Personnel Report under Indiana Code 36-1-21 (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 Greene County Personnel Policies Handbook apply to all Greene County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.**

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

The normal work week begins on Sunday and ends on the following Saturday.

#### **3.2 WORK HOURS**

All public offices of Greene County shall be open to the public from 8:00 a.m. to 4:00 p.m., Monday through Friday.

Employees shall not commence any work activities in behalf of Greene County before seven (7) minutes preceding the start of the work shift, or continue work activities more than seven (7) minutes after the completion of the work shift.

The normal work hours are as follows:

##### **Courthouse Employees:**

8:00 a.m. to 4:00 p.m. Monday through Friday, local time. Each employee shall be entitled to non-paid time off for lunch not to exceed one (1) hour, the starting time for which shall be determined by the employee's supervisor.

The normal work pattern for full-time Courthouse employees shall be seven (7) hours for a normal day's work, and thirty-five (35) hours for a normal week's work. County Courthouse employees' annual salaries are based on a thirty-five (35) hour work week or 1,820 hours per year.

##### **Highway Department Employees:**

The normal work hours of the Greene County Highway Department shall be forty (40) hours per week with workday hours determined by the County Commissioners and posted at the Highway Department with a copy to the Auditor's office for payroll purposes. Highway Department employees' annual salaries are based on a forty (40) hour work week or 2,080 hours per year.

##### **Offices under the Jurisdiction of the Supreme Court, Community Corrections, the Sheriff's Department and the Emergency Medical Services:**

See appendices for the normal work hours for full-time employees of the offices under the jurisdiction of the Indiana Supreme Court, Community Corrections, the Sheriff's Department, and the Emergency Medical Services.



### **3.3 FLEX TIME**

The County may utilize “time-off” or flexible hours for exempt positions to avoid having employees work in excess of forty (40) hours in a week. Flex-time scheduling shall be approved in advance by the elected official/department head. Any flex-time shall be used by the end of the following pay period.

As noted in Section 3.2, the Judges, Prosecutor, and Public Defender may utilize flexible hours with non-exempt employees to meet the business needs of the Courts and Offices.

### **3.4 JOB CLASSIFICATION**

Greene 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:

<b>(COMOT)</b>	Computer/Office Machine Operation/Technician
<b>(PAT)</b>	Professional, Administrative, Technological
<b>(LTC)</b>	Labor, Trades, Crafts
<b>(POLE)</b>	Protective Occupations, Law Enforcement
<b>(SO)</b>	Special Occupations

The position description is the primary document used to classify County jobs. Job descriptions on file in the Auditor’s Office are incorporated in this personnel policy and shall be adopted by reference.

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

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

To establish a new position or change a current position, the elected official/department head shall submit a request with a detailed job description.

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 his/her position, review form(s) from the County Auditor shall be completed and returned with all required supplemental information.

### **3.6 COMPENSATION**

The County Council adopts an annual salary ordinance establishing pay rates for all County positions. The County's compensation plan is based on the job classification system; except certain positions that are not classified.

### **3.7 WAGE POLICY**

Violations of the PTO policy of the County shall be subject to disciplinary actions and penalized as follows:

- a. Unauthorized time away from work shall be subtracted from existing leave time in the following order: accrued compensatory time, PTO.
- b. If an employee paid on an hourly wage has no existing paid leave time as described above, unauthorized time from work shall be docked from his/her wages on an hourly basis.
- 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 docked, as set by law.

Additional disciplinary actions may be taken for violations of the PTO policy, up to and including termination of employment with Greene County.

### **3.8 TIMEKEEPING**

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

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

Employers are required to maintain the following records:

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

10. All additions to or deductions from the employee's wages;
11. Total wages paid each pay period; and
12. Date of payment and the pay period covered by the payment.

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

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

Every employee is responsible for accurately recording time worked on forms or time machines. Employees should accurately record the time they begin and end their work, the time they begin and end each meal period, and the time they begin and end any split shift or departure from work for personal reasons. Overtime work must always be approved by the elected official, department head, or person designated by the department head before it is performed.

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

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

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

### **3.9 ROUNDING**

Time is to be recorded to the quarter hour, using the seven (7) minute rule i.e. (leeway of (7) minutes before and (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 last work hour will be paid on a quarter hour schedule.

### **3.10 WORK TIME RESTRICTED**

Non-exempt employees shall not commence any work activities in behalf of Greene 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 MULTIPLE POSITIONS

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

### 3.12 TEMPORARY REMOTE WORK POLICY

**In the event of a health pandemic or FMLA-qualifying condition, the County may require or allow employees to temporarily perform County job duties remotely to ensure continuation of Office/Department essential services.**

#### **County Required Remote Work**

When employees are required to work remotely due to a County-wide closure such as a health pandemic or Office/Department quarantine, employees will be advised of such work assignments by their Elected Official/Department Head. Temporary remote plans should be made by Elected Official/Department Head well in advance of emergency situations. Remote work plans must specify work hour expectations, assignment and timeline completion of specific job duties, and essential equipment needs, including hardware, software, telephone and data lines. The County IT department/vendor is available to review and assist Elected Officials/Department Heads with equipment needs and provide support to employees in advance of emergency telework situations.

#### **Employee Requested Remote Work**

Full-time employees are hired for public-facing roles, and for that reason, remote work (work from home) is discouraged. Employees who *request* to work remotely shall complete and submit the **Remote Work Request Form** to their Elected Official/Department Head. The employee and Elected Official/Department Head will review the request and discuss the job responsibilities to determine if the position is suitable for a remote work assignment, including equipment work duties, scheduling, and equipment requirements.

Employee shall complete the **Remote Work Request Form** and submit the form to his/her Elected Official/Department Head. The Elected Official/Department Head may deny the request or make a recommendation for approval to the Personnel Administration Committee for final review and approval.

Part-time employees shall not be eligible for remote work opportunities.

#### **Remote Work Costs**

The County will not be responsible for costs associated with the setup of an appropriate work environment in the employee's remote office, such as remodeling, furniture or lighting, nor for repairs or modifications to the remote office space.

County Commissioners may authorize the purchase of equipment needs for each employee on a case-by-case basis. Equipment supplied by the County is to be used for County purposes only, and returned to the County following the Use of Equipment policy. Additional equipment that is required to be purchased for the purpose of working remotely shall be purchased from the department budget.

### **Remote Work Confidentiality**

Employees shall follow the County's Confidentiality policy in order to ensure information security while working remotely. Violations of the confidentiality policy shall result in disciplinary action up to and including termination.

### **Remote Work Timekeeping and Salary Administration Requirements**

Employees shall be required to perform County job duties for the scheduled number of hours per pay period. A work log shall be submitted with County timekeeping records. Exempt and Non-Exempt employees shall only be paid for actual hours worked according to the County's pay policies and salary ordinance.

### **Remote Work Time Period**

Elected Officials/Department Heads may approve an employee emergency temporary remote work request to work regularly scheduled shifts during a (14) calendar day work period.

Employee emergency temporary remote work assignments beyond (14) calendar days shall require approval of the County Commissioners.

The County Commissioners reserve the right to require employees to return to their regular, in-office work at any time.

## **3.13 CLOTHING ALLOWANCE**

Payment by the way of reimbursement for the following types of expenses will not be regarded as part of the employee's regular rate of pay: actual or reasonably approximate amount expended by an employee in purchasing, laundering, or repairing uniforms or special clothing which employer requires the employee to wear.

## **3.14 SHIFT PREMIUMS**

Employee shift premiums pay is added to the regular pay rate to derive an hourly FLSA overtime rate.

## **3.15 WORK TIME**

Employees are expected to be reliable and punctual in reporting for scheduled work. Employees who arrive at the workplace before their scheduled work time shall not begin

performing job duties. Likewise, employees are not to continue working beyond their regular scheduled work shift unless otherwise authorized.

### **3.16 VOLUNTARY TIME**

Employees are prohibited from “volunteering time” to Greene County. Under the FLSA all such “voluntary time” must be considered as “time worked” and be compensated.

### **3.17 OVERTIME COMPENSATION AND COMPENSATORY TIME**

Each employee is designated as **NON-EXEMPT**, **EXEMPT**, or **EXCLUDED** from federal and state wage and hour laws. Elected officials are excluded from federal and state wage and hour laws.

**NON-EXEMPT** employees, whether hourly or salaried, are entitled to overtime pay at the rate of one and one-half (1 ½) or compensatory time off at the rate of one and one-half (1 ½) under the specific provisions of federal and state laws.

**EXEMPT** employees are excluded from specific provisions of federal and state wage and hour laws, are not entitled to overtime pay. Exempt employees must maintain time keeping records to satisfy Indiana statutes governing public employers. To be considered exempt, a position must comply with federal regulations and laws regarding exempt status.

**EXCLUDED** employees include elected officials, their policymaking appointees, and their personal staff and legal advisors. These employees are not covered by FLSA and are not eligible for or entitled to receive overtime compensation under FLSA. Excluded positions within the County include, but are not limited to:

- Elected Officials
- Chief Deputy Assessor
- Chief Deputy Auditor
- Chief Deputy Clerk
- Chief Deputy Recorder
- Chief Deputy Treasurer
- Chief Deputy Sheriff
- Chief Deputy Prosecutor
- County Attorney
- Health Officer
- Highway Superintendent
- Matron
- Public Defender

Employees are provided the opportunity for overtime work assignments when operating requirements or other needs cannot be met during regular working hours. All overtime work must receive the elected official's/departments head's prior authorization except in emergency

situations where immediate action is required by the highway superintendent, the building superintendent, emergency medical service director, emergency management director, or law enforcement personnel.

### **3.17.1 Overtime Compensation**

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

Calculating overtime compensation is based on actual hours worked. Time off on PTO, personal leave, compensatory time, or other leave of absences 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.)**

Except as provided above, failure to work scheduled overtime or overtime worked without prior authorization from the elected official/department head may result in disciplinary action, up to and including termination of employment. This policy applies to all employees of the County.

When monetary compensation is the method used for payment of overtime, employees eligible for overtime shall be paid straight time for hours worked up to and including forty (40) hours per week; and shall be paid at a rate of one and one half (1 1/2) times the hourly wage for all approved hours worked in excess of forty (40) in a work week. Exempt and excluded employees (except for elected officials) shall be paid straight time for any hours above the employee's regular work week.

### **3.17.2 Compensatory Time**

Use of compensatory time must be approved by the person designated by the department head in advance of submission of the department payroll. If employee requested time cannot be approved, time off will be granted within a reasonable period, unless the time off would unduly disrupt operations. The County may elect to substitute monetary compensation for earned compensatory time, either at the time the overtime is actually worked or any later time. The department head may schedule employee use of any earned compensatory time.

When compensatory time is used in place of monetary reimbursement, employees shall be awarded compensatory time on an hour-for-hour basis for hours worked up to forty (40) hours per week. Compensatory hours shall be awarded at a rate of one and one half (1 1/2) times the amount of approved hours worked in excess of forty (40) in a normal work week.

Exempt and excluded employees (except for elected officials) who work a thirty-five (35) hour work week shall receive compensatory time on an hour-for-hour basis for hours worked in excess of thirty-five (35) hours in a normal work week.

Exempt and excluded employees (except for elected officials) who work a forty (40) hour work week shall receive compensatory time on an hour-for hour basis for hours worked in excess of forty (40) in a normal work week.

Calculating compensatory time is based on actual hours worked. Time off on PTO, personal leave, compensatory time, or other leave of absences 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 the payroll.)**

Compensatory time accrued in excess of forty (40) hours shall be used by December 1<sup>st</sup> of each year or shall be paid out by the end of the calendar year. Employees shall not carry over more than forty (40) compensatory time hours for the next calendar year. Compensatory time shall be scheduled off at the sole discretion of the elected official/department head.

This Section 3.18.2 applies to all employees of the County, excluding the 24-hour shift and 12-hour shift Emergency Medical Personnel, as determined by the County Council's designation of jobs for compliance with the Fair Labor Standards Act. Elected Officials, County Attorney, and Emergency Medical Service Personnel will not receive compensatory time.

Elected officials and 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 and department heads must provide a record of certification of current liability for compensatory time as of the date of the adoption of this handbook. All elected officials and department heads shall provide documentation showing that compensatory hours are computed in accordance with this policy.

### **3.18 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.

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

New hires are paid two (2) weeks in arrears.

### **3.19 PAY CORRECTIONS**

Greene County takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In



the unlikely event there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Auditor in order for corrections to be made as quickly as possible.

### **3.20 PAY DEDUCTIONS/GARNISHMENTS**

Greene County is legally required to make certain deductions from each employee's paycheck, including federal, state and local income taxes. The County must also deduct social security taxes on each employee's earnings. The County matches the amount of social security taxes paid by each employee. 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 the costs for participating in these programs.

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

### **3.21 EMPLOYMENT TERMINATION**

Since employment with Greene County is AT-WILL and based on mutual consent, both the employee and County have the right to terminate employment at any time, with or without cause.

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

**Resignation:** Voluntary employment termination initiated by an employee. Although advance notice is not required, the County requests at least two (2) weeks written notice from the employee.

**Layoff:** Involuntary employment termination initiated by the County for non-disciplinary reasons.

**Retirement:** Voluntary employment termination initiated by the employee meeting County retirement criteria, such as age and length of service.

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

The County schedules exit interviews at the time of employment termination to afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of

outstanding debts to the County, or return of County-owned property. Suggestions, complaints and questions may also be expressed.

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

All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee chooses. The employee will be notified of the benefits that may be continued and of the terms, conditions, and limitations of such continuance. An employee's termination date may not be extended to gain additional paid or unpaid time off (e.g., sick days).

Employee's termination date shall be the last day physically worked unless the employee is on FMLA leave. An employee's termination date may not be extended to gain additional paid or unpaid time off (e.g., sick days).

### **3.22 RETURN OF PROPERTY**

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

### **3.23 EMERGENCY CLOSING**

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

When County facilities are officially closed for emergency conditions, before the beginning of the workday, the time-off from scheduled work will be paid to full-time employees affected by the facility closing by use of accumulated employee leave time. This policy does not apply to Emergency Medical Service Personnel, Public Safety employees, and County Highway employees.

Any employee who reports to work and the work facility is later closed due to an emergency after his or her arrival shall be paid for a full workday without being penalized by using PTO or compensatory time, or by making up this time within the pay period. However, if a full-time employee does not report to work on a day in which the facility is later closed, time missed will be charged to PTO or compensatory time, time without pay; or under certain circumstances the elected official or department head may allow the employee to make up missed time within the pay period which must be documented. Any exceptions to this policy must be approved by the County Commissioners.

### **3.24 HEALTH PANDEMIC EMERGENCY CLOSING**

When a state or local public health disaster emergency has been declared, County Commissioners may alter, modify, and suspend necessary procedures as recommended by the County Health Department, the Indiana State Health Department, and Centers for Disease Control.

The County Commissioners will take into consideration all guidelines and directives provided by the County Health Department, the Indiana State Health Department, and Centers for Disease Control to determine facility closures.

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

The County Commissioners believe all employees are essential to the operation of county government and ask elected officials to determine the availability of and allocate work from home opportunities with respect to their offices.

During any health pandemic emergency closure, the County Commissioners may establish restricted travel policies, meeting protocols, and health precautions for employees and facilities. The County Commissioners may establish protocols to reduce employee exposure to the public. Accruals for benefit calculations, such as PTO or holiday benefits, shall accrue during the health pandemic emergency closing.

Employees on PTO at the time of a health pandemic emergency closing will be charged with their PTO time as previously scheduled. Employees on sick leave or FMLA leave at the time of a health pandemic emergency closing will be charged with sick leave or FMLA leave as previously requested. Employees on sick leave or FMLA leave will be eligible to receive paid health pandemic emergency leave at the end of such sick leave or FMLA leave contingent upon providing the County with a medical release from the employee's medical provider.

## **4. EMPLOYEE BENEFITS**

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

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

Benefits for employees of the Sheriff's Department, the Emergency Medical Service, and the offices under the jurisdiction of the Indiana Supreme Court, are set forth in the Appendices

of this Handbook, and to the extent such benefits differ from this Section 4, the provisions of the appendices apply.

#### **4.1 PAID TIME OFF**

A Paid Time Off (PTO) system provides an employee with more flexibility to use time off to meet personal needs, while recognizing the employee's individual responsibility to manage their paid time off.

With PTO, employees will accumulate a specified amount of time each year, and the individual employee will determine how to use the time - for vacation, illness, attendance of children's school activities, medical/dental appointments, personal business, or emergencies. The amount of time earned will depend on the length of service with the County.

PTO *does not* replace the County holiday schedule. The County will continue to have compensated holidays each year. The County will maintain separate policies for compensatory time, bereavement leave, FMLA, and worker's compensation. If a holiday falls on a day on which an employee is using PTO, the employee will not be charged PTO hours for the holiday and will receive holiday pay instead.

##### **4.1.1 ELIGIBILITY:**

Full-time exempt and non-exempt employees are eligible for PTO. Use of PTO time must be approved by the Department Head/Elected Official in accordance with Greene County Government's payroll procedure.

##### **4.1.2 DEPOSITS INTO YOUR LEAVE ACCOUNT:**

PTO will be calculated and accrued based on a calendar year beginning January 1<sup>st</sup> and ending December 31<sup>st</sup> of each year. An employee eligible for PTO will earn PTO based on the Earning PTO Schedule at the beginning of every year on January 1<sup>st</sup>.

##### **4.1.3 FULL-TIME EMPLOYEE PTO**

PTO time for full-time employees will be accrued per calendar year, based on continuous whole years of service. For the purpose of calculating PTO earned per year, the calendar year minus the year of the employee's start date will determine the employee's "length of service" category in the Earning PTO Schedule.

Example: An employee who was hired February 2, 2024, will have 2 years of service as of February 2, 2026, and will qualify to receive 18 days of PTO on January 25, 2026, in accordance with the Earning PTO Schedule.

A newly hired full-time employee who is eligible for PTO will have their PTO time prorated for the remainder of the calendar year. The employee will receive the prorated amount once they have completed 90 days of employment. The employee then will be eligible for PTO at the one (1) year length of service on January 1<sup>st</sup>.

If an employee is hired in the last quarter of the year, they will receive their prorated amount for the initial year along with the amount for one (1) year of service after their first 90 days.

#### **4.1.4 PART TIME TO FULL TIME EMPLOYEE STATUS CHANGE**

If a permanent part-time employee becomes a full-time employee, the employee will be granted PTO time as a newly hired full-time employee.

Years of service as a permanent part-time employee will be counted towards the number of years for determining PTO accrual level at a rate of 50% of the number of years of service, rounded up to the next whole year.

#### **4.1.5 FULL TIME TO PART TIME EMPLOYEE STATUS CHANGE**

Per the County's handbook, if a full-time employee becomes a part-time employee, without any interruption in employment, he/she may retain any accrued time in their PTO bank. Such time shall be frozen and will be available for employee use per policy, should the employee return to full-time status.

Transition provision: If such a situation occurred prior to the PTO policy's approval and implementation, any frozen sick time will be automatically moved to the employee's PTO bank and remain frozen until such time as the employee returns to full-time employment and meets the conditions provided by the PTO bank policy.

#### **4.1.6 ELECTED OFFICIAL TO EMPLOYEE STATUS CHANGE**

If an Elected Official returns to a non-elective full-time position, his/her time in elective office shall count as years of service for determining amount PTO time.

If an employee is elected to a full time Greene County elective office, he/she will be compensated for unused PTO up to the maximum allowed by this policy. Any hours accrued in the PTO bank will be frozen and available for employee use per policy, should the elected official return to a non-elected full-time position without any interruption in County employment.

Transition provision: If such a situation occurred prior to the PTO policy's approval and implementation, any frozen sick time will be automatically moved to the Elected Official's PTO bank and remain frozen until such time as the Elected Official returns to non-elective employment and meets the conditions provided by the PTO bank policy.

#### **4.1.7 MAXIMUM TIME ACCUMULATED:**

Although employees may carry over unused PTO time from year to year, there is a maximum amount of PTO time employees can accumulate. This encourages employees to use their PTO and allows the County to manage its financial obligations responsibly. Maximum accrual is 36 days (252 hours for 35-hour per week or 288 hours for 40-hour per week employees,

which reflects the maximum PTO available per year to employees having 20 or more years of tenure

#### **4.1.8 SEPARATION FROM EMPLOYMENT:**

A full-time employee who voluntarily separates from employment with Greene County for any reason shall be paid for unused PTO time up to a maximum of 120 hours. The payout shall be calculated on the employee's current rate of pay at the time of separation.

A full-time employee who is discharged or terminated for disciplinary reasons from Greene County *shall not* be paid for any unused PTO time.

#### **4.1.9 MANAGEMENT OF PTO:**

Each employee is responsible for managing their own paid time off. It is important that employees plan ahead for use of their individual PTO account. This means developing a plan for taking vacations, doctor's appointments, and personal business. Each employee should hold some time in "reserve" for unexpected needs, such as emergencies and illnesses. The amount reserved for illness should depend on personal health and sick leave history.

PTO time may be used by an employee after approval by the Department Head/Elected Official; and the Department Head/Elected Official shall provide approval in writing using the prescribed form. Any PTO time used must remain in compliance with any Federal Medical Leave Act regulations, Active Military Duty regulations, and any Department of Labor requirements.

PTO requests will be reviewed based on a number of factors, including business needs and staffing requirements. Under no circumstance may an eligible full-time employee be allowed a deficit PTO balance, and PTO hours cannot be taken in advance of earning them.

PTO is paid at the employee's current base pay rate at the time the PTO is taken and does not include overtime or any special forms of compensation. PTO will not be counted as hours worked for the purpose of calculating overtime.

Not every employee can take accumulated time in December. If extenuating circumstances prevented the employee from taking scheduled PTO, this PTO may be carried over and taken in the first half of the next calendar year with the approval of the Personnel Administration Committee.

#### **4.1.10 MINIMUM INCREMENTS OF PTO:**

Employees may take PTO in minimum increments of one (1) hour.

#### **4.1.11 SCHEDULED ABSENCES**

An employee wishing to schedule PTO time usage must have prior written approval from their Department Head/Elected Official in advance of the date(s) requested. The Department

Head/Elected Official has the final right to approve or disapprove the use of PTO. Any preapproved PTO time is considered a “scheduled absence” for the purposes of this policy.

#### **4.1.12 UNSCHEDULED ABSENCES**

An employee may use PTO time without prior approval from the Department Head/Elected Official in advance of the date used. Such PTO time used will be considered an “unscheduled absence”.

Employees who are absent for three (3) or more consecutive days due to unscheduled absences must provide a medical provider’s certification that verifies the employee’s or family member’s condition, the reason for the absence and expected return to work date. The medical provider’s certification must be provided to the Department Head/Elected Official prior to or upon the employee returning to work. Failure to provide a physician’s note or medical documentation may result in disciplinary action.

Verification of a medical emergency is the employee’s responsibility and must be made by a medical provider’s certification statement to the department head or supervisor upon returning to work. A return to duty fitness exam may be required for longer absences. Employees are required to check with their supervisor and the Human Resources Office to see if their event requires such information.

#### **4.1.13 EARNING PTO SCHEDULE**

Greene County employees will earn PTO based upon the below schedule:

<b>Length of Service, full time</b>	<b>PTO Earned per Year</b>
0-6 months	0 Days
6 months-1 year	3 Days
1-2 years	12 Days
2-5 Years	18 Days
6-9 Years	22 Days
10-14 Years	26 Days
15-19 Years	31 Days
20 + Years	36 Days

Day is defined as the regular number of hours per day worked in a regular workweek (i.e. 7 or 10 hours).

Note: Full time employees who are not working the standard number of hours in a work week (i.e. 37 or 40 hours per week), will receive the same number of days per the scheduled above but the total hours will be based on the average number of hours per day worked in a week.

As an example, an employee who works 30 hours per week (in the 2-9 year bracket) will receive 21 day at 6 hours per day, or a total of 126 hours. An employee working 40 hours per week (in the 2-9 year bracket) will receive 21 days at 8 hours per day, or a total of 168 hours.

#### **4.1.14 RECORDING PAID TIME OFF:**

Greene County has instituted the use of a PTO tracking system to keep a record of an employee's account balance and the amount of time taken off each pay period. This system requires the completion of (written/electronic) timesheet for all time taken off from an employee's regular work schedule. The County is required to track time off for illness or work related illness/injury for legal compliance reasons (see definition of unscheduled absence).

The amount of leave time accrued, used and available will appear on the employee's paycheck stub.

#### **4.1.15 PTO BANK**

Any earned PTO time accrued by an employee in excess of the annual maximum days of 240 hours as of January 1 each year, or carryover of 240 hours of accumulated vacation and sick leave under the policy in effect prior to January 1, 2026, will be placed into a PTO Bank. Use of PTO Bank time must be approved by the Personnel Administration Committee and may only be used under the following conditions:

1. PTO Bank time may only be used while the employee is on an approved FMLA and/or a longer term of disability due to a medical condition.
2. PTO Bank time may only be used after the employee has exhausted all their other current and accumulated PTO time.

An active employee will not be reimbursed for accumulated PTO Bank time except as provided above. An employee will not be reimbursed for any PTO Bank time when they separate from employment with the County for any reason.

#### **4.1.16 PTO AND FAMILY MEDICAL LEAVE ACT**

No PTO time shall be earned while an employee is on unpaid leave of absence, except for instances where it is required by law, such as Family Medical Leave Act and certain military leaves. Current and continuous employment time shall be used in determining the amount of eligible earned PTO for use.

If an employee has accrued PTO time under this policy at the time he or she requests a leave, and if the absence qualifies under the County's FMLA policy, then the absence will count toward any FMLA entitlement. The employee's PTO, as well as the employee's FMLA entitlement, will be reduced by the period of the leave. During a period of medical leave for the employee's own serious illness or injury, a County employee is not permitted to work for any other employer or the employee's own business while receiving PTO time without prior authorization from the County. Failure to obtain prior authorization from the County may result in termination of the employee's PTO time, leave of absence, and/or employment.

#### **4.1.17 TRANSITION PROVISIONS:**

Most employees will start the new PTO banking system with an account balance consisting of all previously accrued sick and vacation time. Employees will not lose any days upon transition



to the plan with a balance greater than the allowed PTO maximum. Employees who have hours exceeding the PTO maximum will continue to accrue PTO time and will have one year to use time in excess of the maximum accrual. After one (1) year, any amounts exceeding maximum PTO accrual will be transferred to the employee's PTO bank.

**AN EMPLOYEE'S TERMINATION DATE MAY NOT BE EXTENDED TO GAIN ADDITIONAL PAID TIME OFF.**

**4.2 HOLIDAYS**

Each year the schedule of holidays will be determined by the Greene County Board of Commissioners. The Board of Commissioners reserves the right to designate days off to substitute for holidays that occur on Saturday or Sunday.

An employee must work the first full scheduled day before and the first full scheduled day after a holiday in order to receive his/her holiday pay. If approved by an employee's supervisor, an employee will be allowed use of authorized time off for the day before and/or after the holiday and shall receive holiday pay.

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 straight-time pay rate (as of the date of the holiday) times the number of hours the employee otherwise would have worked on that day. Part-time employees and temporary employees are not eligible for holiday pay.

"Straight-time," or the "base rate pay," is the employee's weekly rate of pay divided by the number of hours the employee is regularly scheduled to work each week.

If an eligible employee works on a recognized holiday, he/she will receive the number of hours normally scheduled as holiday pay, plus compensation for those hours actually worked on the holiday. Holiday pay will not be paid in advance of holiday time earned but will be paid during the pay period that the holiday occurs.

If a holiday occurs while an employee is on an approved PTO, the holiday will not be charged against his or her PTO leave.

**4.3 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. Greene County shall adhere to the "General Notice Requirements" prescribed by the Department of Labor through the following actions:

1. Posting required FMLA information explaining provisions of the Act and procedures for filing complaints of violations of the Act with the Wage and Hour Division of the

Department of Labor. This information shall be posted prominently where it can be readily viewed by employees and applicants for employment; and

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

#### **4.3.1 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.

##### **4.3.1 (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.

##### **4.3.1 (B) Chronic or Long-term Health Condition Defined**

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

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

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

#### **4.3.2 Eligibility**

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

1. Has been employed by the employer for at least 12 months; and
2. Has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of leave.
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.

#### **4.3.2 (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 Greene 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.

#### **4.3.3 Employee Notice Requirements**

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

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

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

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

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

#### **4.3.3 (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.

#### **4.3.3 (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.

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

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

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

#### **4.3.4 Employer Notice Requirements**

#### **4.3.4 (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.

#### **4.3.4 (B) Designation Notice**

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

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

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

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

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

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

#### **4.3.5 Certification**

Greene 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.

Greene 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)**.

Greene 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.

##### **4.3.5 (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.

##### **4.3.5 (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 Human

Resources 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.

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

#### **4.3.5 (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.

#### **4.3.5 (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.

#### **4.3.6 Calculation of FMLA Leave**

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

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

An employee is required to substitute any accrued Non-FLSA compensatory time and PTO, 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 PTO or holiday benefits, shall not be affected by taking FMLA leave.

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

Intermittent leave shall be calculated using one (1) hour increments.

#### **4.3.6 (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.

#### **4.3.7 Employee Reinstatement**

On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

An employee is entitled to such reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence.

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

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

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

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

#### **4.3.8 Military Family Leave Entitlements**

Effective January 28, 2008, the National Defense Authorization Act for FY 2008 (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 active duty or call to 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 two new 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 existing FMLA policy.

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

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

Employees seeking to use Military Caregiver leave **must** provide thirty (30) days advance 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 notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable.

When the need for Military Family leave is not foreseeable, the employee must provide notice to the County as soon as practicable under the facts and circumstances of the particular case. Generally, it should be practicable to provide notice for unforeseeable leave with the time prescribed by the County’s usual and customary notice requirements. Please see section “Requesting FMLA Leave” above.

#### **4.3.8 (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 active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

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.

#### **4.3.8 (C) 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 active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation.

Qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves or a retired military member of the Regular Armed Forces or Reserve; it does not extend to family members of military members in the Regular Armed Forces.

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

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 active duty or call to active-duty status of a covered military member;
3. **Childcare and related activities:** Certain childcare and related activities arising from the active duty or call to active

- duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to 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 active duty or call to active-duty status of the covered military member;
  6. **Rest and recuperation:** Taking up to five (5) days of leave to spend time with a covered military member who is on short-term 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 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.

#### **4.3.8 (a) Certification**

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

#### **4.3.8 (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 active duty or call to active-duty status; no additional information may be requested and the employee's permission is not required.

#### **4.3.8 (D) 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 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.

#### **4.3.8 (c) 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.

#### **4.3.8 (d) 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.

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

#### **4.3.8 (e) 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.

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.

#### **4.3.8 (f) 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 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.

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

It is the intent of the County to comply with all applicable requirements of the Americans with Disabilities Act (ADA). It is the policy of Greene County that qualified individuals with disabilities shall not be excluded from participation in the services, benefits, programs or activities of the County. It is the policy of the County not to discriminate against a qualified individual with a disability in the job application process; the hiring, advancement or discharge of employees; employee compensation; job training, and other terms, conditions and privileges of employment.

With regard to any employee request for a job, or an adjustment to a job, it is the responsibility of an employee with a disability to make Greene County aware of his or her disability and to request, based upon the nature of the disability, an accommodation, if necessary. The Human Resources Office shall determine if a reasonable accommodation can be made. If an accommodation can be made, the determination of the kinds of changes, the time frame for its completion, and who will be responsible for those changes, will be made in a reasonable time period.

All employee requests for a reasonable accommodation shall be submitted on ADA forms provided by Greene County. Such requests shall be supported by medical certifications as required. Employees are directed to contact the Human Resources Office to secure such forms, and instructions used for processing such requests. Employees are responsible for completion and return of such forms and medical certifications on medical review forms prescribed by the County.



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

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

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 hired or retained.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, and which threat cannot be eliminated by reasonable accommodation, will not be hired or retained. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace may be placed on appropriate leave. Such employees may be required to submit to a fitness for duty evaluation which may include mental and physical examinations.

A “direct threat” means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

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

Employees and members of the public, including individuals with disabilities and groups representing individuals with disabilities, are encouraged to submit suggestions to the ADA Coordinator/Human Resources Office, so that Greene County might better meet the needs of individuals with disabilities pursuant to this policy.

Any individual who believes he or she has received treatment inconsistent with the policies set forth above or any other requirement of ADA, may file a complaint within ninety (90) days of the date of the alleged discriminatory act or practice with County ADA Coordinator/Human Resources Office, Courthouse, Bloomfield, Indiana 47242.

## **4.5 MILITARY LEAVE**

Greene 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.

### **4.5.1 Annual Training**

A military leave of absence will be granted to all full-time Greene 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 (Greene 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.

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.

#### **4.5.2 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 PTO 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 Greene County position provided the employee is discharged from military status under honorable conditions and makes a request for reinstatement within thirty (30) days after release from active duty, or one (1) year after release from hospitalization due to military accident. The employee must also be qualified to perform the essential functions of the position for which he/she is being reinstated and shall be required to provide medical release forms from the military.

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

#### **4.5.3 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 Greene 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.

Greene 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 accrued PTO 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 the FMLA.

#### **4.6 BEREAVEMENT LEAVE**

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

Employees are eligible for up to a maximum of three (3) consecutive regularly scheduled working days, upon the death of an immediate family member, and such days must be in conjunction with the date of the death or the funeral or memorial service. An immediate family member is considered to be a father, mother, father-in-law, mother-in-law, brother, sister, spouse, child, step-child, son-in-law, daughter-in-law, step-father, step-mother, step-brother, step-sister, grandfather, grandmother, step-grandfather and step-grandmother, and grandparents or step-grandparents-in-law.

In the event of a holiday falling during this time period, employees will receive the holiday, plus two (2) consecutive regularly scheduled working days.

Employees are eligible for one (1) regularly scheduled working day, upon the death of an aunt, uncle, nephew, niece, cousin, brother-in-law, or sister-in-law.

Additional time for travel to and from the funeral site and for other necessary funeral duties may be granted upon request. Such time will be charged against unused PTO.

If death occurs while employee is on PTO, the bereavement leave shall not be counted as PTO time.

An employee may be required to present proof of funeral service attendance to his/her elected official/department head.

Part-time and temporary employees are not entitled to bereavement leave.

#### **4.7 JURY DUTY**

Greene County encourages employees to fulfill their civic responsibilities by serving jury duty when summoned in any state, federal, or local court. All full-time employees who are lawfully required to report to jury duty or to serve as witnesses in any county-related cause of action in court, or to appear before any governmental agency, will be granted leave with pay by the elected official/department head during the absence required for such duty. All County employees, including Sheriff, Highway and courthouse employees, are also entitled to per diem and mileage for serving on jury duty.

Full-time County employees who have been called for jury duty or as witnesses will receive regular pay as well as compensation for jury duty from the courts. If the serving or appearing in court will adversely affect the delivery of County services to the public, the County Attorney shall seek exemption for the employee from such jury duty.

Employees must show the jury duty summons to their elected official/department head within 24-hours after receipt of notice of selection for jury duty so the elected official/department head may make arrangements to accommodate the employee's absence. Failure to provide such notification may result in loss of regular pay. The employee is expected to report for work whenever the court schedule permits.

If an employee is released from jury duty with more than half of his/her regularly scheduled shift remaining, the employee is expected to report to work within one (1) hour. The County will continue to provide and accrue all regular benefits for the full term of the jury duty absence.

#### **4.8 WORKER'S COMPENSATION**

Greene County provides a comprehensive worker's compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of

employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, worker's compensation insurance provides benefits after a short waiting period. While on worker's compensation disability, employee benefits shall accrue.

Any employee who sustains a work-related injury or illness should inform his/her elected official/department head **immediately** and the Human Resources Office within 24-hours.

No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

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

Applicable forms are available in the Human Resources Office. Employees should contact the Human Resources Office to obtain information regarding worker's compensation claims. Medical certifications are required. Once completed, all such forms are to be filed directly with the insurance carrier.

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

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

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

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

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

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

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

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

#### **4.9 EMPLOYEE INSURANCE**

Greene County provides a medical insurance program for employees in a full-time position eligible for such benefit. A portion of the annual premiums are paid by the County. Optional benefits programs for dental and life insurance are available through a payroll deduction program at a cost to the employee.

Each employee shall receive an insurance handbook describing all benefits upon completion of their orientation interview. The terms and conditions specified in such plans shall govern coverage. Group insurance benefits will continue while an employee is on disability leave; however, when in a non-pay status, employees will be responsible for the timely payment of those insurance premiums that are normally deducted from gross pay. Employees who fail to pay insurance premiums within 60 days will be terminated from Insurance coverage with the County.

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

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) has four major administrative requirements for private and government sponsored health plans: portability, nondiscrimination, fraud and abuse, and administration simplification.

Greene County is compliant with applicable HIPAA requirements and standards; and has established guidelines regarding the privacy of individually identifiable health information accordingly. Greene County has designated the Auditor as the County's privacy official who is responsible for developing and implementing privacy policies and procedures; and is the contact person who is responsible for receiving complaints regarding compliance.

All County HIPAA inquiries shall be directed to the Auditor located in the Greene County Courthouse.

#### **4.11 BENEFITS CONTINUATION (COBRA)**

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

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

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

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

#### **4.12 INDIANA PUBLIC RETIREMENT SYSTEM (INPRS) [Previously known as PERF]**

Eligible Greene County employees are covered by INPRS, a retirement program established and maintained by the state of Indiana. INPRS pays benefits to cover workers or their dependents upon retirement, death and, in certain cases, serious illness or injury. The County contributes a percentage of employees' gross wages for deposit in an annuity savings account. The contributions and accumulated interest credits are refundable when an employee terminates employment prior to being eligible for benefits. The INPRS Employer Financed Pension requires ten (10) years of service to become vested and is paid by the County based on an employee's length of employment, average salary and age at retirement.

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

#### **4.13 DEFERRED COMPENSATION**

Greene County offers a voluntary deferred compensation program to eligible employees. Employees interested in participating in the program should contact the Auditor's office.

#### **4.14 RE-EMPLOYMENT**

Former employees who left County employment in good standing may be considered for re-employment. Former employees who resigned without adequate notice or who were dismissed for disciplinary reasons may not be considered for re-employment. A previously terminated employee who is re-employed will be considered a new employee from the date of re-employment, unless the break in service is less than 365 days, in which case the employee shall retain accumulated employment tenure beginning with the original date of hire for purposes of determining eligibility benefit for PTO. However, benefits shall not accrue for time such persons were away from County service.

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

Full-time employees who have not completed 365 calendar days of service may request a leave of absence without pay not to exceed four (4) work weeks in a twelve (12) month period measured forward from the date when the leave begins.

Such requests shall be submitted in writing to the Elected Official/Department Head stating the reason for unpaid leave. Such leave may be granted at the discretion of the Elected Official or Department Head.

A leave of absence without pay is limited to employees who have an FMLA qualifying serious illness or injury.

Full time employees who have completed one (1) year or more of service and are eligible for FMLA leave but have exhausted such FMLA leave, may request an additional leave of absence without pay prior to the end of the FMLA leave period not to exceed an additional four (4) weeks.

Eligible employees should make requests for leave of absence without pay to their Elected Official/Department Head at least thirty (30) days in advance of foreseeable events and as soon as possible for unforeseeable events.

Subject to the terms, conditions, and limitations of the applicable plans, the County will continue to provide health insurance benefits for the full period of the approved leave of absence without pay, providing the employee at each pay period, tenders his/her co-pay portion of premiums to the Auditor. The period of leave without pay shall be counted in determining years of service, but no PTO shall accrue, and such employees shall not receive compensation for designated holidays.

If an employee fails to report to work promptly at the end of the approved leave period, the County will consider that the employee has voluntarily resigned.



## **5. WORKING CONDITIONS**

**The policies contained in this chapter and throughout the Greene County Personnel Policies Handbook apply to all Greene 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 Greene County and employees from all levels of the organization. The County will take all reasonable steps to assure a safe environment and compliance with federal, state, and local safety regulations. All employees should report for work in an alert, fit condition; able to effectively perform their assigned job duties.

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

The Greene County Personnel Administration Committee will review safety practices and hazards and make recommendations for improved practices within the work areas.

### **5.2 BLOODBORNE PATHOGENS**

The Occupational Safety and Health Administration (OSHA) has determined that employees performing certain jobs in the workplace face a significant risk to bloodborne pathogens. To ensure that County employees are aware of occupational exposure to bloodborne pathogens, the County has developed an exposure control plan 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 use by all County employees and is located in the County Auditor's Office. There is a separate control plan for Emergency Ambulance Services and is available for use.

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

### **5.3 LACTATION SUPPORT**

Greene County provides reasonable breaks for an employee to express breast milk for her infant child two (2) years after the child's birth each time such employee has need to express the milk.

Greene 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 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, Greene County is not liable for any harm caused by or arising from either of the following that occur on the County's premises:

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

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

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

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

The mail system is reserved for business purposes only. Employees shall not send or receive personal mail at the workplace.

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

Personal cellular/mobile phones and pagers are disruptive in the workplace. The use of personal cellular/mobile phones, including text messaging, and/or pagers during office hours is prohibited except for emergency purposes, such as injury or illness involving transport to a hospital. All devices shall be turned off during work hours. 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, including text messaging, or pagers during office hours will be subject to appropriate disciplinary action.

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

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

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

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

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

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

Employees are prohibited from using handheld cellular/mobile phones for business purposes while driving. Should an employee need to make or receive a business call while driving, he/she should locate a lawfully designated area to park and make or receive the call. This does not apply to emergency personnel responding to and/or making emergency calls (e.g., Sheriff and/or EMS personnel).

Employees may use hands-free cellular/mobile phones to make or receive business calls. Such calls should be kept short, and should the circumstances warrant (such as heavy traffic or inclement weather), the employee should locate a lawfully designated area to park to continue the call.

### **5.6 USE OF COMPUTERS, E-MAIL, AND THE INTERNET**

Employees of Greene County are provided with information technology (computers, computer software, and the E-mail system) as a tool to support the business of Greene County. The effective performance of Greene County's computer and telecommunications network depends upon users adhering to established standards of proper conduct. In general, this requires efficient, ethical and legal utilization of network resources. This resource, as with any other public resource, demands those entrusted with the privilege of its use to be accountable. The following guidelines and policies define the responsibilities of employees and volunteers using network and Internet resources. USE OF GREENE COUNTY NETWORK RESOURCES IS A PRIVILEGE, NOT A RIGHT.

#### **5.6.1 Employer Monitoring of Internet Use**

County computers, the County Internet connection and the electronic mail (e-mail) system are County assets and are subject to review or monitoring at any time without

notice. If a user violates any of these provisions, his or her access to the Greene County employee resources will be denied and disciplinary action will be taken.

#### **5.6.2 Internet Use Policy**

All users of County-provided Internet services, including e-mail, must abide by state, federal and local laws. Internet and e-mail use must comply with the Greene County Government policies and regulations, including the County's Equal Opportunity Employment policies as well as the policies prohibiting harassment in the workplace.

#### **5.6.3 Software Duplication Prohibited**

Greene County purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the County does not have the right to reproduce this software for use on more than one 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 software may be installed on Greene County computers that has not been authorized by the County, and/or is not properly licensed to the County.

#### **5.6.4 Data Back-up**

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

#### **5.6.5 Acceptable Uses**

The following are acceptable uses of the County's computer resources:

##### **5.6.5 (a) Work related Use**

The Internet and e-mail shall be used for Greene County business purposes only. Using appropriate Web sites for work-related purposes is unrestricted as long as it is reasonable.

##### **5.6.5(b) Personal Use**

The Internet is a powerful communications tool that can provide a great deal of useful information. Unfortunately, it can also be a distraction from productive work when browsing non-work-related sites. Personal use of the Internet is prohibited.

## **5.6.6 Security**

Employees shall not allow unauthorized access to the County's computer network. Allowing unauthorized access includes but is not limited to: sharing passwords with other individuals, making authentication items such as passwords easily available, failing to log off when leaving a computer and allowing unauthorized persons physical or electronic access to the County's systems. Individual users can be held accountable for use of their account by others. Violations of this policy are subject to disciplinary action, up to and including termination.

### **5.6.6(a) Passwords**

The Password feature of the County's computer network is the foundation for maintaining the confidentiality of the County's communication system. Confidentiality of passwords and user accounts must be protected. Passwords, system telephone numbers, and similar information may not be disseminated to the public and must be retained as confidential information by the user. For privacy reasons, employees may not attempt to gain access to another employee's personal file of e-mail messages without the latter's express permission. Internet accounts are to be accessed only by the authorized user of the account. Employee passwords shall be made available to the elected official/department head.

### **5.6.6(b) Security Issues**

All security issues shall be communicated immediately upon discovery to the department head and the Technical Services Department.

### **5.6.6(c) Direct Internet Access Prohibited**

Employees may only access the Internet through an approved Internet firewall. Accessing the Internet directly, by modem, is strictly prohibited unless such access is approved and installed by the IT Department.

### **5.6.6(d) Receiving Unsolicited Offensive Materials**

Should an employee receive files, messages or information which violate the restrictions outlined in this policy, or which made the employee feel uncomfortable or offended, the employee should immediately call the matter to the attention of the immediate supervisor.

### **5.6.6(e) Use of Private Software Prohibited**

No private software, "shareware" or other unauthorized products may be run on County systems.

### **5.6.6(f) Downloading Programs**

Employees shall not install or execute software or hardware that could damage the County's systems. Personal CD's, memory sticks, flash drives, or other disks are not allowed on County computers. Such software includes, but is not limited to, files that have downloaded from the Internet or sent as attachments to e-mail.

#### **5.6.6(g) Virus Protection**

All material downloaded from the Internet or from computers or networks that do not belong to Greene County MUST be scanned for viruses and other destructive programs before being placed onto the computer system. All employees will be expected to follow the instructions from their supervisor for this scanning process. Any questions should be referred to the Technical Services Department Staff. Any problems noted by the Technical Services Department staff must be resolved prior to the downloaded material being placed on the computer system. As with all security issues, the discovery of a virus shall be communicated immediately to Technical Services.

#### **5.6.6(h) Receiving E-mail with an Attachment**

If you receive non-departmental, external e-mail with an attachment, DON'T TOUCH THE ATTACHMENT, DON'T OPEN IT, DON'T VIEW IT, DON'T SAVE IT TO A DISK REGARDLESS OF WHO SENT YOU THE E-MAIL. Many viruses attach to address books and can give the appearance of being sent to you by your loved ones or legitimate professional contacts. Contact the person who sent it to you and verify they actually sent it to you.

#### **5.6.6(i) Downloading Programs from the Internet**

Intentional use of Internet resources to access, view or process files dangerous to the integrity of the network is prohibited. Only software and programming services authorized by Greene County Technical Services may be used in conjunction with County computer or communications systems.

### **5.6.7 Privacy and Confidentiality**

Information transmitted through Greene County's electronic communication resources are NOT privileged communications. EMPLOYEES ARE CAUTIONED NOT TO COMMUNICATE ANY MATERIALS OR LANGUAGE THAT THEY WOULD NOT COMMUNICATE IN A PUBLIC ARENA. 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 state or federal law regarding E-mail and Internet use.

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.

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 Greene County property. Employees should have no expectation of privacy in any message stored, received, or sent using Greene County equipment.

#### **5.6.8 Prohibited Uses of Internet and E-mail**

The following prohibited uses of the Internet and e-mail apply to use before, during, and after work hours.

##### **5.6.8(a) Offensive Material**

Intentional use of Internet resources or e-mail to view, access, process, upload, download, distribute or print obscene material, inappropriate text, or graphic files is prohibited. The display or transmission of sexually-explicit images, messages or cartoons, or any transmission that contains ethnic slurs, racial epithets, or anything that may be construed as harassment or disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs is not permitted at any time.

##### **5.6.8(b) Political or Religious Solicitations, Promotions, Advertisements**

No one may solicit, promote, or advertise any political or religious organization or other personal causes, product or service through the use of electronic mail or anywhere else on County premises.

##### **5.6.8(c) Business Solicitations, Promotions, Advertisements**

No one may solicit, promote, or advertise any business, product or service through the use of e-mail or the Internet. This includes solicitations or advertisements for personal business ventures (i.e., rental of your apartment, selling cosmetics, buying your used car, etc.). Use of network resources for commercial use of profit is prohibited.

##### **5.6.8(d) Engaging in Gambling**

Gambling, even where legal, is not permitted at any time.

##### **5.6.8(e) Disguising Your Identity**

In the course of utilizing the County Internet system, you may not disguise your identity or the origin of any transmission over any of the County's communications systems.

**5.6.8(f) False and other Improper Materials**

Transmission of material that is false, misleading, derogatory, profane, vulgar, or sexually explicit, or any other material that would be offensive or harassing to the average person is strictly prohibited.

**5.6.8(g) Unauthorized Access**

Employees should not use the County's computer network to obtain, or attempt to obtain, unauthorized access to or unauthorized use of resources, whether within the County or elsewhere. These resources include, but are not limited to, computer accounts, messages, programs and data files.

**5.6.9 Reporting Child Pornography**

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

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

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

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

Questions regarding this policy should be directed to County Commissioners.

**5.7 DRUG-FREE WORKPLACE**



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

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

The manufacture, possession, distribution, transfer, purchase, sale or use of alcoholic beverages or illegal drugs while on the employer's property, during working hours, 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. In the event that an employee is contacted to return to work and has consumed alcoholic beverages or drugs which may impair judgment in the performance of job duties, the employee shall inform caller of such condition; and not report to work.

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 workplace.

The County recognizes that employees may wish to voluntarily seek professional assistance in overcoming drug or alcohol problems. Please contact the Human Resources 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 drugs and/or prescriptions which may impair judgment in the performance of their job duties and responsibilities.

#### **5.7.1 Drug/Alcohol Testing-(FOR EMPLOYEES NOT COVERED BY CDL POLICY)**

Greene 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), and other prohibited drugs. Results of any drug testing shall remain in the employee's confidential medical file. All Highway employees, excluding office personnel, are subject to random drug-screenings.

#### **5.7.1(a) Pre-Employment Testing**

Greene County will not employ individuals known to use illegal drugs or misuse prescription drugs. Prospective new 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.

#### **5.7.1(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 his/her employment with the County. In the event that an employee is requested to submit to a drug test, the elected official, department head, or trained supervisor shall complete the appropriate form setting forth the observations leading to the determination of reasonable suspicion including the following:

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

above.

#### **5.7.1(c) Post-Accident Testing**

Post-accident testing shall be required when an employee is involved in an accident on County property or while operating County

equipment or vehicles in pursuit of County business which results in either the death or injury to persons, or if the driver receives a citation for a moving violation, or if at least one vehicle is disabled to the extent that it must be towed from the scene. Post-accident tests may include screens for both drugs and alcohol.

**5.7.1(d) Federal Motor Safety Regulations-(FOR EMPLOYEES REQUIRED TO MAINTAIN A COMMERCIAL DRIVER'S LICENSE)**

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

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

It is the policy of the County to comply with and abide by all laws and regulations that have been established by PART 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING of the Federal Motor Carrier Safety Regulations, U.S. Department of Transportation (DOT), Federal Highway Administration (FHWA). In complying with these regulations, the County has instituted comprehensive controlled substance and alcohol testing, training, and record keeping programs for employees in positions which have been classified as safety sensitive. In accordance with DOT/FHWA regulations included in this classification of safety-sensitive positions are all positions which require an employee to operate a commercial motor vehicle and/or hold a commercial driver's license.

Information and training concerning the specific provisions of this policy will be provided to all employees and supervisors holding safety sensitive positions.

**5.8 USE OF EQUIPMENT AND VEHICLES**

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

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or

others. 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 personal vehicles in the performance of County business. Drivers of County vehicles must be Greene County employees. All passengers of a county vehicle must have supervisor approval. Employees who operate County vehicles are required to notify their elected official/department head if their driver's license is suspended or revoked. An employee's failure to notify his/her elected official/department head of a driver's license suspension or revocation is subject to disciplinary action up to and including discharge. 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 proof of insurance on file with the Human Resources Office.

Each occupant of a County or personal vehicle while on County business must wear appropriate seat belts. Each employee is personally responsible for any fines incurred as a result of driving or parking violations. In addition, no employee is permitted, under any circumstances, to operate a county vehicle or personal vehicle for county business when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes, but is not limited to, circumstances in which the employee is 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 Greene County unless authorized by the elected official/department head. Improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, including discharge.

## **5.9 TAKE HOME VEHICLES**

The Internal Revenue Code (IRC) requires the taxable value for the use of employer provided vehicles be reported as additional compensation to employees. The value of the additional compensation shall be determined according to the IRS Commuting Rule. The employer and employee must timely report personal use as a wage. Such reports are processed by the Auditor's Office. Employees other than non-emergency personnel (as defined by the IRC) are prohibited to use the vehicle for personal purposes other than for commuting or de minimis personal use (such as a stop for a personal errand on the way between a business delivery and the employee's home). 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 for travel, except for commuting, outside of Greene County is prohibited (i.e. no PTO use).

## **5.10 PERSONAL USE OF ORGANIZATION FACILITIES**

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

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

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

## **5.11 APPEARANCE OF WORK AREAS**

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

## **5.12 BUSINESS TRAVEL**

Greene County is responsible for authorizing employee business travel and reimbursement of travel expenses including overnight lodging, per diem, and transportation. All such reimbursements are subject to approval and appropriate documentation being submitted. In all cases, the expense for reimbursement must have been budgeted or else specifically approved by the County Council. Expenses not budgeted will not be reimbursed. **Employees must provide original and itemized receipts to receive reimbursement.**

### **5.12.1 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-County Travel:** A non-exempt employee who is sent out of County for one (1) day will be paid for time spent in traveling.
- c. **Overnight Travel:** If a non-exempt employee travels overnight on business and is gone for more than one day, they will 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 car or is a passenger without being offered public conveyance, then the travel time will be considered work time.

**5.12.2 Job-Related Training:** In cases where an employee receives job-related training, and especially in cases where the training received is required for the performance of job duties, the County may provide either partial or full reimbursement for expenses incurred during the training.

**5.12.3 Out-of-State Travel:** Reimbursement for out-of-state travel and subsistence other than that necessary as part of the routine operation of a county department **must have prior approval** from the elected official/department head, who is responsible for notifying the Auditor. This requirement applies whether the anticipated expenses are budgeted or not. An example of an activity requiring prior approval would be a special out-of-state

seminar or convention. An example of an activity not requiring prior approval would be a prisoner transfer or a brief investigatory trip by officers of the Sheriff's department.

**5.12.4 State Called Meetings:** The County will reimburse County elected officials and employees for a State called meeting specified by statute or the State Board of Accounts. Reimbursement for state called meetings will be for:

- a. Reasonable hotel/motel accommodations based on double occupancy where possible.
- b. State rate for mileage for using privately owned vehicle in lieu of public transportation. (usually, one individual per office may claim mileage.)
- c. The County Council shall establish per diem rates for individuals attending a meeting. Per diem covers meals, parking, incidentals, gratuities, etc.

**5.12.5 Other Necessary Meetings:** An elected official or employee on authorized official County business requiring overnight accommodations will be reimbursed for:

- a. Reasonable hotel/motel accommodations.
- b. Bus, taxi, and airport transportation.
- c. Air, rail, or bus tickets as lowest possible fare.
- d. State rate for mileage for using privately owned vehicle in lieu of public transportation.
- e. The Board of Commissioners shall establish per diem rates for each full day of County business in travel status. Per diem covers meals, incidentals, gratuities, etc.

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

- a. Bus, taxi, and airport transportation.
- b. Air, rail, or bus tickets as lowest possible fare.
- c. State rate for mileage for using privately owned vehicle in lieu of public transportation.
- d. Necessary parking and storage fees.
- e. The Board of Commissioners shall establish per diem rates for each full day of County business in travel status. Per diem covers meals, incidentals, gratuities, etc.
- f. Business-related telephone calls, with documentation required.
- g. Other necessary expenses with approval of the County Commissioners.

Meal expenses are not allowed for meals during normal duty hours for routine employee duties requiring travel.

**5.12.6 Mileage Rate:** Elected officials or employees who are reimbursed for mileage accumulated while conducting County business shall receive reimbursement at the then-applicable federal business mileage rate.

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

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

### **5.13 MEAL/LODGING/MILEAGE REIMBURSEMENT**

Payment by the way of business travel, meal, and lodging reimbursement will not be regarded as part of the employee's regular rate of pay.

#### **5.13.1 Verification of Expenses**

a. Itemized provider receipts or credit card receipts must be attached to all claims. If these are not available, the following may be substituted:

- (1) Transportation: Documentation from the provider or travel agent.
- (2) Lodging: Documentation from the provider or travel agent.
- (3) Other: Affidavit of missing receipt.

b. If reimbursement is being claimed for conference or training expenses, a brochure, program, agenda, or other documentation which describes the event must be attached to the claim.

#### **5.13.2 Reimbursement For Meals**

a. Meal(s) expense will not be reimbursed for business performed or events attended within the geographic boundaries of Greene County, except where included as part of a conference registration.

b. An employee in travel status or attending a conference or training event will be reimbursed for meal(s) expenses, not to exceed \$50.00 (including tax and tip) per 24-hour period away from Greene County.

c. The purchase of alcoholic beverages will not be reimbursed.

d. If meal(s) are provided as part of a conference or training registration fee, no additional reimbursement will be paid for meals consumed off site except in the transit to and from the conference or training session.

#### **5.13.3 Reimbursement For Lodging**

- a. Employees may claim lodging expense not exceeding the single room occupancy room charge, including taxes. The employee must obtain the lowest rate and inquire about government rates.
- b. Employees are encouraged to share lodging. In that instance, the employee who requests reimbursement for lodging shall note on the claim the name of the co-worker who shared the room.
- c. An employee may not claim reimbursement for lodging when lodging was provided by another person who is not in the business of providing lodging.
- d. Video tape rentals, pay television charges and other types of entertainment expenses are not reimbursable.
- e. Lodging expense is not reimbursable for any stay within sixty (60) miles of the Greene County Courthouse.
- f. Employees may claim lodging expense for Saturdays, Sundays, or holidays in order to reduce the total cost of travel. The savings must be documented and approved in advance by the employee's Department Head or Elected Official. Lodging may not be claimed if the employee is using PTO or holiday time.

#### **5.13.4 Reimbursement For Transportation**

- a. Air, rail or bus travel cost may be reimbursed. When more than one rate is available, the employee will be reimbursed at the least expensive rate which is available at the time of booking.
- b. If a County-owned vehicle is available to the employee, it should be used instead of a personal vehicle.
- c. An employee using a personal vehicle shall be reimbursed at the State mileage rate. Employees are encouraged to share vehicle transportation when practical, with one person designated to receive the reimbursement.
- d. An employee may be reimbursed for the cost of parking and tolls.
- e. Automobile rental expense may be reimbursed when it is efficient, cost effective, and approved by the employee's department head or elected official. The least expensive practical vehicle should be rented.

If an employee chooses a more expensive or time-consuming method of travel, he or she must obtain prior approval and will be reimbursed only to the amount of the designated amount of travel.

#### **5.14 POLITICAL ACTIVITY**

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

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



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

#### **5.15 SMOKING**

State law prohibits smoking in any of the County's places of employment and within eight (8) feet of any public entrance to a County owned building. In keeping with the County's intent to provide a safe and healthful work environment, smoking in the workplace is prohibited except in those locations that have been specifically designated as smoking areas. The smoking of tobacco products by employees in County vehicles is prohibited. Smoking is prohibited in county-owned vehicles.

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 product name or descriptor.

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

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

This policy applies equally to all employees, citizens, and visitors and signs are posted in County facilities. Violations of this policy may result in a fine and disciplinary action, up to and including termination.

#### **5.16 COUNTY CREDIT CARDS**

The Greene County Auditor, or designated elected official/department head, shall be the designated official responsible for the use and issuance of Greene County credit cards. Account numbers, and other information, of County owned credit cards will be maintained in the Auditor's Office.

The Auditor's Office shall maintain an accounting system or log which will include the names of individuals requesting usage of County credit cards, their position, estimated amounts to be charged, fund and account numbers to be charged, and date the card is issued and returned.

County employees may request the use of a Greene County credit card for travel related expenses associated with attending conferences, workshops, business meetings, or other work-related expenses. All requests, including name, position, estimated amount(s) to be charged,

must be in writing and submitted to the County Auditor. County credit cards are for business use only and shall not be used for personal purchases. Other examples of specifically prohibited uses include the purchase of alcohol and/or movies and entertainment.

County employees, who are issued a County credit card, shall only use such card as approved by the County Auditor.

When the purpose for which the credit card has been issued has been accomplished, the card and all supporting documents (i.e. receipts) shall be submitted to the custody of the Auditor's Office.

Payment of County credit cards should not be made on the basis of a statement or a credit card slip only. Credit card payments must be made through the statutory claims process. If interest or penalty is incurred due to late filing or furnishing of documentation by an officer or employee, such interest or penalty shall be the responsibility of that officer or employee.

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

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

## **5.17 SOCIAL MEDIA**

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, YouTube, Instagram, WhatsApp, TikTok, Snapchat, Reddit, Pinterest, Viber, Telegram, Discord, Wikipedia, Yelp, Flickr, Second Life, Yahoo groups, Wordpress, Zoominfo---the list is endless.

### **5.17.1 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 Greene County, or Greene 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 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, Greene 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 Greene County.

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

Carefully read these policies in this personnel policies handbook, the County Equal Employment Opportunity Policy, Productive Work Environment Policy, Request For Information Policy, Use of Computers, E-Mail, and Internet Policy, Use of Cellular/Mobile Phone and Pagers Policy, Sexual Harassment Policy, Business Ethics and Conflict of Interest Policy, Solicitation and Distribution Policy, Political Activity Policy, Workplace Violence Policy, and Confidentiality Policy.

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

#### **5.17.3 Be Respectful**

Always be fair and courteous to fellow employees, County vendors, and the public on behalf of Greene 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 complaints to a social media outlet.

However, if you do post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, and threatening or intimidating, 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.

#### **5.17.4 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. 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 Greene County, fellow co-workers, County vendors, or the public.

#### **5.17.5 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 Greene 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 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.

#### **5.17.6 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.

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

#### **5.17.8 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.

#### **5.17.9. Social Media Accounts of Public Officials**

Greene County Elected Officials, Department Heads, or their designees may create and use responsibly one or more social media accounts. Immediately upon creation of a public social media account, the Elected Official or Department Head shall notify the Greene County Attorney, Human Resources Office, and Information Technology Office, of name and internet address of the account or accounts; and the County Attorney shall inform the County Commissioners.

The purpose of the Greene County social media account is to present matters relevant to the services, activities, issues, or policies of the County and to promote or update the public on events or matters involving the County. The account is not a public forum and comments should therefore be restricted. The account may have active messaging, at the discretion of the Elected Official or Department Head, for receipt of public inquiries. The account or accounts shall be created in the name of the office or department and not in an individual name. The account, once created, is property of Greene County government. Upon a change in elected official or department head, the departing elected official or department head shall inform the arriving elected official or department head of the account's user identification and password. Such accounts are subject to Indiana's Access to Public Records Act.

Social media comments shall be maintained in an "off" position and the account shall be maintained solely for the purpose of posting official outgoing information.

Accounts maintained in individual name and held for office purposes shall be converted to official county office accounts and shall become the property of the county.

No Elected Official or Department Head, or anyone acting at their direction and on their behalf, shall post any statement or announcement to social media without first securing review and approval from the Human Resources Office. No Elected Official or Department Head shall maintain a domain, website, or web page outside the County's official website.

The Elected Official, Department Head, or their designee shall review the account periodically, to assure that content has not been modified inappropriately and/or without authority. The social media account content must contain the following statement:

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

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

- *Infringes on copyrights or trademarks;*
- *Contains computer viruses or may disrupt, damage, or restrict the use of any computer software, hardware, or telecommunications equipment;*
- *Jeopardizes the safety of Greene 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 Greene County does not reflect the opinions and position of Greene County. Programs and events provided by organizations that serve Greene County residents and receive funding or support from Greene County or provide professional services to special populations served by Greene 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.*

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

[Note: This policy was prepared and provided to County in 2016. Not sure if it was adopted.]

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 Greene County Board of County Commissioners must adopt the minimum internal control standards as defined by SBOA. Additionally, the Commissioners must ensure that employees receive training concerning the internal control standards and procedures adopted by the County.

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

At the time of submission of the annual report, the Personnel Administration Committee 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.

Apart from the required certification to be filed by the County Auditor, elected officials, appointees, and employees must sign the Internal Control Training Certification form for

Elected Officials, Appointees, and Employees as evidence for their training. These certifications are to be maintained by Greene County on-site.

## **5.19 WHISTLEBLOWER POLICY**

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

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

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

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.

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

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

Any whistleblower who believes he/she is being retaliated against should submit their concerns in writing to the Human Resources Office for presentation to the Commissioners immediately. Any report of retaliation shall be made within (30) days of the alleged incident of retaliation, or where the retaliation is of an ongoing nature, within (30) days from the most recent incident. Any report of retaliation must state with particularity those action that the employee making the report believes constitute

retaliation. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

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



## **6. PERSONAL CONDUCT**

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

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

### **6.2 ATTENDANCE AND PUNCTUALITY**

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

In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, he or she should notify the elected official/department head at least one half (1/2) hour before the time the employee would normally begin the shift or workday, 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.

Elected officials and designated department heads are to keep accurate records on County payroll forms of all employee absences; including designation of whether supervisor notification was provided by the employee.

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 with an absence of more than one (1) workday without notification of absence are subject to disciplinary action, up to and including termination.

### **6.3 PERSONAL APPEARANCE**

Citizens observe employees of Greene County often in the course of their work. As County representatives, employees are asked to meet high standards both in quality of their work and in presenting a professional image to the public. Employees are expected to maintain good physical grooming, have a neat and clean appearance, and display a pleasant disposition to citizens and colleagues. Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image we present to our citizens and visitors. During business hours, employees are expected to present a clean and neat appearance and to dress according to job requirements.

### **6.3.1 Dress**

Employees are expected to dress appropriately for the work environment. Accordingly, the following standards apply to all employees:

- A. Pants and shorts must be worn at the waist area;
- B. Shirts and tops must cover the shoulders and stomach area; sleeveless shirts are permitted provided they are hemmed at the shoulder area;
- C. No tank shirts are permitted;
- D. No nylon, spandex or skin tight clothing allowed;
- E. No large holes or slits in the clothing above the knee area;
- F. No inappropriate language or messages, including political messages, on clothing or hats; or
- G. Tattoos should be covered with clothing and visible body piercing shall not be worn on the job.

Uniforms may be required for certain jobs. Employees will be responsible to keep their uniforms clean and serviceable.

This list is not all inclusive. Elected officials/department heads shall have the discretion to establish additional personal appearance standards to promote safety and a professional business image for their individual departments/offices. Any employee in violation of the dress code policy may be sent home without pay, until such time as he or she returns to work in acceptable clothing. Excessive violations may result in disciplinary actions. Consult your elected official/department head if you have questions regarding what constitutes appropriate attire.

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

Everyone who works for Greene County is entitled to a workplace free from 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 discharge.

This policy applies to all Greene County employees.

### **6.4.1 Definition of Harassment/Hostile Work Environment**

Harassment is a form of employee misconduct that undermines the integrity of the employment relationship. All employees are entitled to work in an environment free from harassment or inappropriate conduct. While it is difficult to define what constitutes illegal harassment under the law, Greene 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, Greene 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.

Greene 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.

The 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 him/her. 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 Greene County employee. Examples of 3<sup>rd</sup> Party may include suppliers, vendors, and citizens.

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

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

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

Any employee who experiences harassment should contact his/her elected official/department head immediately. If unresolved, or in the event the harassment is alleged against the elected official/department head, the employee is advised to obtain a harassment complaint form from the Human Resources Office. The employee shall submit the completed form to the elected official/department head, or in the event the allegation of harassment is against the elected official/department head, the completed form shall be submitted to the Human Resources Office. 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 within that supervisor's purview is required to take prompt corrective action and to report the incident to the Human Resources Office. 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 or hostile work environment.

Verbal reports of harassment or hostile work environment must be recorded in written form either 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.

County elected officials/department heads and the Human Resources Office have copies of the County harassment complaint form. Employees shall 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 problem and because of the emotional toll such misconduct may have on an individual, no limited time frame will be instituted for reporting harassment or hostile work complaints. Late reporting of complaints will not in and of itself preclude the County from taking remedial action.

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

The County will not in any way retaliate against the individual who makes a report of harassment nor permit any supervisor or employee to do so. Retaliation is a serious violation of this harassment 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 possible to protect the privacy of persons involved. The County will use its best efforts to maintain confidentiality throughout the investigatory process to the extent practical and appropriate under the circumstances; however,

confidentiality is not guaranteed. The alleged harasser will be notified of the nature of the complaint made against him/her.

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

In determining whether alleged conduct constitutes 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 investigators selected 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**

Greene County also recognizes that careful consideration must be given to questions regarding whether a particular action or incident is purely personal or social without any discriminatory employment effect.

False accusations of harassment can have devastating effects on the lives and reputations of innocent women and men. 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 discharge. Additional action may include referral to counseling, withholding of a promotion, reassignment, demotion, temporary suspension without pay, or termination.

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

#### **6.4.10 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 in the Human Resources Office, 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 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**

Greene 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.

Any employee found guilty of a felony if reasonably related to employee job duties or the public trust is subject to immediate dismissal. An employee charged with a felony or found participating in felonious activity either during work hours or while off duty will be subject to either unpaid leave of absence from work until a court of law establishes innocence or guilt or being placed on discharge.

Any employee found guilty of a misdemeanor if reasonably related to employee job duties or the public trust may be subject to suspension or discharge, including not being legally qualified to operate assigned vehicles or equipment.

Misdemeanors that involve County vehicles/property, or in which the associate behavior reflects poorly upon the employee and/or the County will be subject to disciplinary action, up to and including discharge.

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 (if position requires operating a vehicle or motorized equipment) or arrests for misdemeanors or felonies which occur during an employee's off-duty hours must be reported to the elected official/ department head in writing within five (5) calendar days of receiving the citation or the arrest.

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

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

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

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

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

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

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



the reputation of the employee, the employee's department, and/or Greene County government.

## **6.6 GIFTS OR GRATUITIES**

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

Employees shall not accept unreasonable gifts or gratuities from firms, organizations, agents, or other individuals who may or do conduct business with the County in furnishing materials, goods, and services to the County. A gift or gratuity valued at more than two hundred fifty dollars (\$250.00) is deemed to be an unreasonable gift or gratuity.

Questions involving this policy should be directed to the Human Resources Office.

## **6.7 GHOST EMPLOYMENT**

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

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

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

Greene 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 Greene County.

The County also recognizes its right and obligation to determine when an employee's activities present a conflict of interest with the County. At such times the County must take whatever

action is necessary to resolve the situation, including but not limited to, terminating 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 A) submit the conflict of interest statement to the governmental entity and the governmental entity accept the conflict of interest statement in a public meeting of the governmental entity, before final action is taken on a contract or purchase; and B) file the conflict of interest statement with the County Clerk, County Auditor and Human Resources Office. If deemed by the employee's elected official or department head to be in the best interest of the County, those employees shall either divest themselves of such interest or investments or be ineligible for continued employment with the County.

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

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

Questions involving this policy should be directed to the County Attorney.

## **6.9 SOLICITATION/DISTRIBUTION**

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

Employees shall not solicit other employees or non-employees during work time.

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

## **6.10 SECURITY OF PREMISES**

Greene County wishes to maintain a work environment that is free of illegal drugs and alcohol; and prohibits the unauthorized use of firearms, explosives, or other improper or hazardous materials. To this end, the County prohibits the control, possession, transfer, sale or use of such materials on its premises. However, Ind. Code 34-28-7 allows appropriately licensed employees to bring firearms and ammunition onto County property as long as the weapon 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 vehicles where firearms and ammunition are prohibited.

Employees of a penal facility (Greene County Jail) or other County facilities listed in Ind. Code 34-28-7-2(a) (2) do not have these rights. Except for law enforcement officers, employees working at the Greene County Jail shall not bring firearms or ammunition onto County property including in their personal vehicles.

The County prohibits the possession of firearms, ammunition, and the possession of other weapons by persons other than County employees and the law enforcement officers on County property. The County requires the cooperation of all employees in administering this policy. Employees are directed to report any violations of this policy to their elected official or department head.

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.

This is with exception to Court and Sheriff department evidence rooms or sealed files maintained by the County Clerk or Court Reporters where specific rules, orders, and regulations shall apply.

## **6.11 WORKPLACE VIOLENCE**

The safety and security of Greene County employees and customers is very important. It is the intent of the County to provide a workplace for all employees which is free of violence. Threats, threatening behavior, acts of violence, or any related conduct which disrupts another's work performance or the organization's ability to execute its mission will not be tolerated.

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

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

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

firearms, weapons, and other dangerous or hazardous devices or substances are strictly prohibited from the premises of the County without proper authorization as specified in *Section 6.10 Security of Premises* above.

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 or electronic or conventional mail, or any other communication medium.

Violations of this policy will lead to disciplinary action that may include dismissal, 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.

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

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

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

Employees who act in good faith by reporting real or implied violent behavior violations of this policy need not fear retaliation. Retaliation against employees who report workplace violence is expressly prohibited, and may result in all disciplinary actions, up to and including termination, to any/all employees found to have participated in retaliation.

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

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

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 or department head.

## 6.13 **EMPLOYEE CONDUCT**

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

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

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

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

### **GROUP I OFFENSES**

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

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

### **GROUP I DISCIPLINE**

<b>First Offense</b>	<b>Written reprimand</b>
<b>Second Offense</b>	<b>Three (3) working days suspension without pay</b>
<b>Third Offense</b>	<b>Discharge</b>

### **GROUP II OFFENSES**

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

1. Leaving the job or work area during the regular working hours without authorization.
2. Threatening, intimidating, coercing, or interfering with subordinates or other employees.
3. Obliging Greene County for any expense, service, or performance without authorization.
4. Unauthorized sleeping during working hours.
5. Reporting for work or working while unfit for duty.
6. Unauthorized use of County property or equipment.
7. Failure to report for overtime work without good reason after being scheduled to work according to overtime policy.
8. Failure to sign in or out when required.
9. Making or publishing of false, vicious or malicious statements concerning employees, supervisors, the County or its operations. Making abusive or threatening remarks to supervisors, other employees, or the public.
10. Giving false testimony during a complaint, investigation or hearing.
11. Unauthorized posting, removal, or alteration of notices or signs from bulletin boards.
12. Distributing or posting written or printed matter of any description on County premises unless authorized.
13. Unauthorized presence on County property.
14. Disregard of department rules.
15. Discourteous treatment of the public.
16. Excessive absenteeism.
17. Failure to give medical certifications and/or physician's excuse in a timely manner.
18. Failure to notify authorized personnel not later than one half (1/2) hour before regular work starting time when unable to report to duty.

## **GROUP II DISCIPLINE**

**First Offense  
Second Offense**

**Five (5) working days suspension without pay  
Discharge**

If an employee at any time, during a twelve (12) month period starting with the first reprimand, has been issued a total of three (3) reprimands for Group I and/or Group II offenses, the employee shall be subject to discipline, up to and including termination.

Reprimands obtained shall become ineffective after the twelve (12) month period for purposes of an employee's reprimand total; however, all disciplinary documents shall remain in an employee's Confidential Administrative File and may be considered for future disciplinary actions.

## **GROUP III OFFENSES**

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

1. Being in possession of or drinking alcoholic beverages on the job; reporting for work or working while intoxicated or with blood alcohol content in excess of 0.04 gram of alcohol per 100 milliliters of the person's blood at the time the test sample was taken or per 210 liters of the person's breath as registered on a preliminary breath test device..
2. Violation of the Drug-Free Workplace or CDL Policy and/or failure to submit to a blood test, urinalysis, or breathalyzer examination.

3. Neglect in the performance of assigned duties or in the care, use or custody of any County property or equipment. Stealing, abuse, or deliberate destruction in any manner of County property, tools, equipment, or the property of employees.
4. Punching, signing or altering other employees' timecards, time sheets or unauthorized altering of own timecard or sheet.
5. Falsifying testimony regarding accident investigations; making false accusations, falsifying or assisting in falsifying or destroying any County records, including work performance reports; or giving false information or withholding pertinent information in applying for employment. Giving false testimony during a complaint, investigation, or hearing.
6. Performing private work on County time.
7. Making false claims or misrepresentations in an attempt to obtain any County benefit.
8. Unlawful or negligent handling of public monies.
9. Using controlled substances without a prescription or selling controlled substances.
10. Fighting or attempting to injure other employees, supervisors, or other persons.
11. Making abusive or threatening remarks to supervisors, other employees or the public.
12. Except for authorized employees of the Sheriff's department, carrying or possession of firearms on County property at any time without proper authorization.
13. Knowingly exposing others to hazardous conditions, such as communicable diseases, which may pose a health or safety risk.
14. Refusing to provide testimony in court during an accident investigation, or during any type of public hearing.
15. Misusing or removing County records or information.
16. 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.
17. Dishonesty or any dishonest action. Some examples of "dishonesty" or "dishonest action" are theft/pilfering/opening desks assigned to other employees without authorization; theft/pilfering through property of the County or other employees' without authorization; making false statements to justify an absence or tardiness. The above are examples only, and do not limit the terms "dishonesty" or "dishonest action."
18. Insubordination by refusing to perform assigned work or to comply with written or oral instruction of the supervisors, creating a hostile work environment for supervisors, employees, and the public.
19. An absence of more than one (1) workday without notification of absence.
20. Violating the County's harassment policy.
21. Failure to report accidents, injury or equipment damage.
22. Disclosure of confidential information.
23. Failure to disclose at time of employment the past conviction of a misdemeanor and/or felony, if reasonably related to the employee's duties or the public trust.
24. Failure to maintain required certifications required of the position such as a driver's license; or failure to notify the County of the loss of such a license.
25. Failure to follow safety regulations when safety of an employee or other is affected.
26. Refusal to take or failure to pass any examination required for the job including fitness for duty evaluations that may include mental or physical examinations.

### **GROUP III DISCIPLINE**

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



## **7. PROBLEM RESOLUTION**

**The policies contained in this chapter and throughout the Greene County Personnel Policies Handbook apply to all Greene 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 Greene County's policies have been violated, or who believes that he or she has been treated unfairly. A complaint is an employee's expressed dissatisfaction with what that employee believes, rightly or wrongly, to be unfair treatment, or a mistake in the administration of a rule, plan, or County policy. **This section does not apply to disciplinary actions taken by officials or department heads.**

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

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

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

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

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

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

### **STEP 3: Board of County Commissioners (Written Complaint)**

If a satisfactory solution is not reached at Step 2, the Board of Commissioners or their designated hearing officer shall hear the complaint, and render a decision within five (5) days of the hearing.

## **SEVERABILITY**

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

## **ENABLING ORDINANCE**

This employee handbook shall be approved by ordinance passed by the Greene County Board of Commissioners and Greene County Council. The terms and conditions of the policies described in this employee handbook shall be deemed as a condition of employee compensation as specified in the County Council Salary 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 Greene County and the Greene 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.

## **EFFECTIVE DATE**

This employee handbook shall be effective on and after January \_\_\_, 2021.

## EMPLOYEE ACKNOWLEDGMENT FORM

The **Greene County Personnel Policy Handbook** describes important information about employment with the County of Greene, and I understand that I should consult the elected official/department head regarding any question not answered in the handbook.

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

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

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

---

Employee's signature

---

Date

---

Employee's name (typed or printed)

---

Office/Department