

City of New Haven, Indiana

Employee Handbook



Adopted by Common Council: June 12, 2018
Effective Date: July 1, 2018

Revisions to the Employee Handbook are effective September 17th, 2019
and supersede prior policies and procedures.

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101 PURPOSE

101.01 The purpose of this Employee Handbook is to provide for the proper administration of the affairs of the City of New Haven (hereinafter referred to as the City) and to provide a reference for employees about what is expected of the employee and what the employee can expect from the City as an employer. It is written, adopted, and interpreted exclusively by New Haven’s Elected Officials, and their designees, and is not subject to modification, change, or contrary interpretation by any employee or employee representative except as may otherwise be specifically authorized and recognized by the laws and/or Constitutions of the State of Indiana and United States

101.01.01 Role of City Employees. The purpose of City government is to serve the community. Employees of the City are public employees, subject to public scrutiny, with a responsibility to the people, businesses and visitors of New Haven. The quality of service provided by the City to the people of New Haven depends upon the quality of the City’s workforce. Thus, the strength and future of the community depends, in large part, upon employee contributions and employee conduct on the job and the way employees perform their duties. Contact employees may have with the public are often the only basis on which the City government is judged.

101.01.02 Applicability. All policies and procedures contained within this handbook shall apply to all employees, unless otherwise indicated, restricted by proper authority, or prohibited by state or federal law and regulations governing the operation of a department (the Police, Fire, and EMS Department and Parks Department). All employees are charged with the responsibility of being thoroughly familiar with all provisions of this handbook.

101.01.03 Any statement within a policy or procedure found to be illegal, incorrect, and/or inapplicable shall not affect the validity and intent of the remaining content of said policy and procedure. Titles utilized shall not govern, limit, modify or affect the scope of meaning or intent of any provision.

101.02 **Responsibilities**

101.02.01 Each Elected Official, Department Head, and supervisor is responsible for enforcing the provisions of the Employee Handbook and ensuring the policies and procedures are fairly administered and equitably enforced.

101.02.02 City employees are responsible for complying with and adhering to the Employee Handbook, all rules of their department and to the directions provided by departmental management in the fulfillment of City personnel policies, and all other City rules, policies, ordinances, and the laws of the State of Indiana and the United States.

SECTION 1 – ADMINISTRATION AND GENERAL INFORMATION

101.02.03 It is the responsibility of each employee to read, retain, understand, and update his/her Employee Handbook when provided with applicable revisions and additions.

101.03 **Administration.** The employee policies established herein are intended to cover all employees of the City of New Haven except where otherwise indicated. The Director of Human Resources, under the direction of the Mayor, shall administer the employee policies. Questions about employee policies should be directed to a department supervisor, department head, or to Human Resources. The Director of Human Resources shall monitor these policies and shall make a good faith effort to ensure compliance not only with the letter but also with the spirit of the objectives set forth in these policies.

101.04 **Changes to Policies.** The Mayor shall authorize changes in the format of the Employee Handbook as necessary for clarification or proper administration. The Mayor may change or amend the provisions of the policies within the Employee Handbook as deemed necessary for the proper administration of the affairs of the City. No City of New Haven Department Head or supervisor is authorized to modify this handbook or make exceptions to policies for any employee or to enter into any agreement, oral or written.

101.04.01 Policy changes having financial implications to the City are subject to the approval of the Clerk Treasurer and City Council.

101.05 **Policy Distribution and Availability.** It is the responsibility of the Director of Human Resources to ensure that each employee receives a copy of the Employee Handbook at his/her initial employment orientation.

101.05.01 The Director of Human Resources will ensure the most current version of the Employee Handbook is available to each employee and in the Human Resources office.

101.06 **Approval and Effective Date.** The New Haven Employee Handbook was adopted by City Council on June 12, 2018 and is effective July 1, 2018. It supersedes all previous policies and procedures.

102 ORGANIZATION AND RESPONSIBILITIES

102.01 The City of New Haven is governed by the Mayor, City Council, and Clerk Treasurer. (Mayor, City Council, and Clerk Treasurer will be referred to in this handbook as Elected Official.) The Elected Official is responsible for their area of administration of City business.

102.02 The City is organized into various departments, or offices, to ensure adequate expertise, specialization, and efficient functioning. These departments, or offices, function under the administrative guidance and control of the Department Heads, who are responsible for the day-to-day management and operation of the City.

SECTION 1 – ADMINISTRATION AND GENERAL INFORMATION

- 102.03 Department Heads are appointed by the Elected Officials, as needed, within each City department, or office, to provide proper control and supervision of certain internal and department functions.
- 102.04 The appointed positions and employees work at the Elected Official's pleasure. These employees can be separated without cause.
- 102.05 Each employee's particular duties, obligations, and areas of responsibility are defined in his/her position description and/or by assignment or directive of any Department Head and/or supervisor. Employees are primarily responsible to their immediate supervisor for completion of specific work assignments and the quality, quantity, and timeliness of the work performed.
- 102.06 The City encourages open communication, feedback, and discussion about any matter of importance to an employee. The employee should first communicate with their immediate supervisor. If the immediate supervisor is unable to provide solutions, the employee may communicate with the next level of management and/or Human Resources, usually in conjunction with their immediate supervisor. The employee will be asked what steps they have taken to resolve the problem or concern before they approached the higher level of authority.

All employees are encouraged to use the Chain of Command to seek resolution to any issues or to provide suggestions. Some departments require their employees to use the Chain of Command. Employees should check with their Department Head regarding the Chain of Command in their department.

103 EMPLOYEE HANDBOOK ADMINISTRATION

- 103.01 To implement this Employee Handbook and to oversee its administration on a day-to-day basis, the following procedures will be taken:
- 103.01.01 A written copy is provided or made available to new employees, part-time, temporary, and seasonal employees. Upon receipt of the City of New Haven Employee Handbook each employee is required to sign the Acknowledgement of Receipt.
 - 103.01.02 The contents of this handbook are subject to change without notice at the discretion of the City. This handbook is reviewed and approved by the Elected Officials.
 - 103.01.03 Any changes in the Employee Handbook shall in no way alter the Employment-At-Will policy or create a binding contract between the City and any employee.

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- 103.01.04 Employees are encouraged to make suggestions for improvements in personnel policies and practices. Suggestions should be directed to the Department Head, in writing, together with an explanation as to how such a change could benefit the City, your Department, and/or the public.
- 103.01.05 The City will undertake to accomplish a review of the handbook at twelve-month intervals or as may be indicated by law or change in characteristics of the City workforce.
- 103.01.06 The Department Heads maintain the ultimate right to manage their work forces, consistent with the policies set forth in this handbook and all applicable State and Federal laws. The Department Heads' rights include, but are not limited to, determining method and procedure, recommending: number of work force, assignment of duties, compensation of personnel, hours of employment, hiring, disciplining, discharging, and promotion and transferring employees.
- 103.01.07 The policies of this Employee Handbook supersede all previous policies of New Haven, written or unwritten, on subject matters covered or referred to herein. The Policies and Procedures of the Parks Dept., Police, Fire, and EMS will supersede this handbook in situations where their manual is written with stricter requirements. In policy areas in which the Parks Dept., Police, Fire, and EMS policy manuals are silent on a topic, the City Employee Handbook will be in effect.
- 103.01.08 In the event any section of this Employee Handbook or amendment or revisions thereto is held to be unenforceable, contrary to law or otherwise restrained from its full force and effect by a court or other tribunal of competent jurisdiction, the remaining section(s) of the handbook, to the extent that they remain unaffected by such declaration restraint, shall continue in full force and effect.

104 AT WILL EMPLOYMENT

- 104.01 The policies and procedures set forth in this Employee Handbook are general guidelines only and none of its provisions are binding or contractual in nature. Employment with the City is "at-will," meaning that employment may be terminated at any time, with or without notice, for any reason or no reason, by either the City or the employee. No verbal statements or promises made by anyone at the time of hire or thereafter contrary to this policy are binding on the City in any manner.

SECTION 1 – ADMINISTRATION AND GENERAL INFORMATION

105 PERSONNEL RECORDS

- 105.01 **Retention and Inspection.** Human Resources shall maintain the official personnel file for each employee and shall retain those records in accordance with the City's records retention schedule. An employee's personnel file is available for inspection by appointment in the Human Resources office by that employee and/or the employee's immediate supervisor and/or Department Head. Personnel files of employees are the property of the City, and access to the information they contain is restricted. However, the information contained in an employee's personnel file may be subject to disclosure in accordance with the Indiana Freedom of Information Act.
- 105.02 **Information Update.** Each employee shall report to Human Resources within thirty (30) days any change in name, address, telephone number, and family status (births, deaths, marriage, divorce, legal separation, and change in dependents). This information will be maintained by Human Resources. Changes may affect the employee's benefits.

106 DEPARTMENTAL POLICIES

- 106.01 **General.** Each Department Head, with the approval of the Mayor, may develop and implement departmental policies, procedures, practices, rules and regulations which are separate from, or in addition to, the personnel policies contained within the Employee Handbook as long as they are not in conflict with the policies and procedures within this Employee Handbook. All such departmental rules/policies may be more restrictive, but not less restrictive than City personnel policies. In the event of any conflict or incompatibility between departmental policies and the City's personnel policies, the City's personnel policies shall control. Department Heads shall review departmental policies and correct any inconsistencies, conflicts, or incompatible provisions with the City personnel policies, and future amendments to City personnel policies.
- 106.02 Copies of departmental policies shall be on file in Human Resources and distributed to all affected employees. It is the responsibility of the issuing department to distribute the policy to affected employees and enforce the policy.

SECTION 1 – ADMINISTRATION AND GENERAL INFORMATION

107 INCLEMENT WEATHER / EMERGENCIES

- 107.01 **General.** In certain conditions, the Mayor may determine that the City should close due to emergency or severe weather conditions. An emergency closing will be considered when the health, safety and welfare of the public or City employees may be at risk, or conditions do not allow the conduct of normal City operations. Under some circumstances, the City may remain open but with limited essential personnel only.
- 107.02 **Emergency Support Staff.** Emergency support staff include:
- i. All uniformed Police and Fire personnel;
 - ii. Designated Public Works employees; and
 - iii. Any other employee notified on an ad hoc basis that due to the nature of the emergency, condition or circumstances, that they are expected to report to work or remain at work.
- 107.03 **Payment for Emergency Closings.**
- 107.03.01 Emergency support staff shall be paid for actual hours worked.
- 107.03.02 Non-emergency staff shall receive paid leave at their regular hourly wage rate for their normally scheduled hours during which the City is closed and they did not work. Any additional hours worked shall be compensated in accordance with FLSA.
- 107.03.03 Personnel who are unable to report to work when directed or when normal City operations commence, may use vacation or other paid leave, compensatory or unpaid leave for those hours absent.
- 107.03.04 Employees who are out on vacation, sick or other paid leave shall not be compensated for emergency closings.
- 107.03.05 Non-Critical Service Employees are expected to report for their regular shift Assignment during a weather/emergency, unless:
- i. The Mayor or his/her designee issues a media broadcast statement to the contrary requiring that citizens are to remain off City streets.
 - ii. The employee's Department Head, Mayor, Clerk Treasurer, or Judge contacts the employee prior to the start of his/her shift with alternate instructions.

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107.04 **Failure to comply** with the provisions of this policy may subject the employee to disciplinary action as deemed appropriate by his/her Department Head or Elected Official.

107.04.01 All employees are subject to call to duty at reasonable times and must respond to emergency call, unless physically unable to do so.

SECTION 2 –FEDERAL AND STATE EMPLOYMENT LAWS AND REGULATIONS

201 AMERICANS WITH DISABILITIES ACT

- 201.01 It is the policy of the City that qualified individuals with disabilities are not to be excluded from participation in or benefit from the services, programs, or activities of the City. It is the policy of the City not to discriminate against a qualified individual with a disability in: job application procedures; the hiring, advancement or dismissal of employees; employee compensation, job training, and other terms, conditions and privileges of employment. It is the intent of the City to comply with all applicable requirements of the Americans with Disabilities Act (ADA).
- 201.02 The City will reasonably accommodate persons with a disability on a case-by-case basis, which may include making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules and/or equipment, or similar accommodations.
- 201.03 Employees who want an accommodation should inform their immediate supervisor. Such employees may be required to provide medical information as identified by regulation and subject to HIPAA Medical Privacy Laws and other applicable state and federal regulations.
- 201.04 Accommodations may not create an undue hardship for the City or other employees. An individual who cannot be reasonably accommodated for a job, without undue hardship, will not be selected for that position. The Elected Official and the City Attorney will make determination of reasonable accommodation.
- 201.05 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 where the threat cannot be eliminated by reasonable accommodation, will not be hired or retained. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on the appropriate leave.
- 201.06 Further, disabled individuals cannot pose a direct threat to the safety of themselves or others. Generally, a "direct threat" means a significant risk to the health or safety of themselves or others that cannot be eliminated by reasonable accommodation. Benefits provided to disabled individuals who are qualified to perform the work must be consistent with the benefits provided to other employees. Any individual who believes he/she has received treatment inconsistent with the policies set forth above or any other requirement of ADA, may file a complaint with the ADA Coordinator, Elected Official(s) or Human Resources.

202 CONSOLIDATED OMNIBUS BUDGET RECONCILIATION ACT (COBRA)

- 202.01 On April 7, 1985 the COBRA law was enacted requiring the City to offer employees and their families the opportunity for temporary extension of medical benefits coverage (called "continuation coverage") at group rates in certain instances where coverage under the plan would otherwise end; i.e. employee's resignation, termination, or reduction in hours of employment; death of spouse, termination of spouse's employment, or reduction in spouse's hours of employment; divorce or legal separation; spouse becomes eligible for Medicare; or any other qualifying reason as defined by COBRA.

203 BREASTFEEDING SUPPORT POLICY

203.01 **Purpose.** As part of our family-friendly policies and benefits, the City of New Haven supports breastfeeding mothers by accommodating the mother who wishes to express breast milk during her workday when separated from her newborn child. Indiana Code §16-35-6 allows a woman to breastfeed her child anywhere the law allows her to be.

203.02 **Accommodation for Lactating Mothers.** Indiana Code §5-10-6-2 and §22-2-14-2 provide that state and political subdivisions will provide for any employee who is breastfeeding her child, reasonable break times to express breast milk for her baby up to one year after the child's birth. Employees will be provided with a private place, other than a bathroom, that is shielded from view and free from intrusion from co-workers and the public, to express breast milk. The room can be a designated space for lactation. If this is not practical or possible, a vacant office, conference room, or other small area can be used so long as it is not accessible or visible to the public or other employees while the nursing employee is using the room to express milk.

All women who breast feed their child and need to express milk during the working day shall work with their supervisor and Human Resources to determine how best to accommodate the needs of the mother while still accomplishing the performance of her job.

Breaks of more than 15 minutes in length shall be unpaid. Employees may substitute accrued vacation and other paid leave time or compensatory leave for the unpaid time. Should the employee perform any work while expressing breast milk, the time shall be compensated.

203.03 **Discrimination and Retaliation.** The City shall not suspend or terminate the employment of, or otherwise discriminate against, an employee because the employee has asserted her right to express breast milk in the workplace. Discrimination and retaliation are strictly prohibited.

204 EQUAL EMPLOYMENT OPPORTUNITY

204.01 **Policy.** It is the policy of the City to provide equal employment opportunity to all employees and applicants for employment. The City realizes that equal employment opportunity benefits the City and its employees through the full utilization of all human resources. The City has and will continue to provide equal employment opportunity to all qualified persons and reaffirms its commitment that there shall be no discrimination against, or harassment of, applicants or employees because of race, color, sex, religion, national origin, age, genetic information, disability, veteran status or any other protected status. The City shall continue to recruit, hire, promote, transfer, take corrective action and make all personnel decisions, including those related to compensation and benefits, non-discriminately and in accordance with applicable law. Further, the City will make reasonable accommodations for qualified applicants and employees with known disabilities who can perform the essential job functions with or without such accommodations.

SECTION 2 –FEDERAL AND STATE EMPLOYMENT LAWS AND REGULATIONS

- 204.02 **Responsibility.** The City requires all employees to bring to the City’s attention any information regarding any incident of possible discrimination or harassment so that the matter can be investigated and appropriate action taken. Violations of the City’s policy will result in corrective action and/or dismissal.
- 204.03 **Complaints.** Any employee who feels discriminated against or subjected to unlawful harassment may file a complaint in accordance with *Section 5, Policy 513 – Workplace Conduct Policy*.

205 FAIR LABOR STANDARDS ACT (FLSA)

- 205.01 The City complies with the Fair Labor Standards Act (FLSA). The FLSA established minimum wage, overtime, record keeping and child labor standards and applies to all full-time and part-time employees. The FLSA provides for compensatory time in lieu of overtime compensation for non-exempt employees. Refer to *Section 6 – Wage and Salary Administration* for additional information.

206 FAMILY MEDICAL LEAVE ACT (FMLA)

- 206.01 **General.** The City shall provide authorized leave for family and medical reasons to eligible employees in accordance with the provisions of the Family Medical Leave Act of 1993. The purpose of this policy is to enable eligible employees to take absences from work for up to twelve (12) weeks during a 12-month period for new child leave; for medically-related reasons due to a serious health condition regarding self, spouse, child or parent; or for a qualifying exigency arising from a call to active duty. This policy will also enable eligible employees to take absences from work for up to twenty-six (26) weeks during a single 12-month period to care for an injured or ill service member.

FMLA is enforced by the Wage and Hour Division of the U.S. Dept. of Labor. This agency investigates complaints of violations. For information on how to file a complaint, contact the Wage and Hour Division. To locate the nearest Wage-Hour Office, telephone their toll-free information and help line at 1-866-487-9243.

- 206.02 **Eligibility Requirements and Leave Entitlement.**

206.02.01 An employee is eligible for FMLA Leave if the employee has at least 12 months of service and has worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. The 12 months of service need not be consecutive months. However, prior service which occurred more than seven years prior to the request for leave will not be considered in determining whether an employee worked for the City for at least 12-months.

SECTION 2 –FEDERAL AND STATE EMPLOYMENT LAWS AND REGULATIONS

- 206.02.02 FMLA entitles eligible employees to as much as 12 weeks of unpaid leave of absence for the following five reasons:
- i. The birth of a child, to care for that child.
 - ii. The placement of a child for adoption or foster care.
 - iii. The serious health condition of the employee's spouse, child or parent.
 - iv. The employee's own serious health condition.
 - v. The employee's spouse, son, daughter, or parent is a member of any branch of the Armed Services and is on active duty or has been notified of an impending call or order to active duty in support of a contingency operation.
- 206.02.03 Leave for an injured or ill service member. An eligible employee is entitled to take 26 work weeks of leave during a single 12-month period for the employee to care for a spouse, child, parent or next of kin who is a service member undergoing medical treatment, recuperation, or therapy, is on out-patient status or is on the temporary disabled retired list for injury or illness. Any leave taken pursuant to Section 206.02.02 above will reduce the amount of leave available to an employee by this Section 206.02.03.
- 206.02.04 An employee who takes FMLA leave must substitute and exhaust accrued sick leave, vacation leave, and any other accrued leave with pay except compensatory leave before beginning leave without pay status. An employee may choose to use compensatory leave to substitute pay before beginning leave without pay status. Employees who take FMLA leave to care for a qualifying family member can use up to twenty-four (24) hours of accrued sick leave along with other paid leave time. Refer to *Section 7, Policy 707.13 – Sick Time to Care for Family*.
- 206.02.05 FMLA leave shall run at the same time as leave taken by an employee as workers' compensation leave if the injury meets the criteria for a serious health condition.
- 206.02.06 If both spouses are employed by the City, the combined total leave is limited to 12 work weeks during any 12-month period, if the leave is taken for:
- i. The birth of a child, to care for that child.
 - ii. The placement of a child for adoption or foster care.
 - iii. The care of a seriously ill parent.

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206.02.07 If both spouses are employed by the City, the combined total leave is limited to 26 work weeks during a single 12-month period, if the leave is taken to care for an injured or ill service member.

206.03 **Leave Calculations.** The 12-month period during which an employee is eligible for FMLA leave will be measured forward from the date the employee takes the first day of FMLA leave.

Entitlement to FMLA leave for the birth of a child or the adoption of a child expires at the end of the 12-month period beginning on the date of the birth or placement of the child.

206.04 **Intermittent Leave.**

206.04.01 FMLA leave may also be taken on an intermittent or reduced leave schedule.

206.04.02 If an employee requests intermittent leave or reduced schedule leave that is foreseeable based on planned medical treatment, the City may require the employee transfer temporarily to an available alternative position for which the employee is qualified and that:

- i. Has equivalent pay and benefits; and
- ii. Better accommodates recurring periods of leave than the regular employment position of the employee.

206.05 **Responsibilities of Employee for FMLA leave.**

206.05.01 When the necessity for FMLA leave for the birth or placement of a child is foreseeable because of an expected birth or placement, the employee shall provide his/her Department Head and Human Resources with notice of the employee's intention to take FMLA leave not less than thirty (30) days before the date leave is to begin. If the date of the birth or placement requires leave to begin in less than thirty (30) days, the employee shall provide notice as soon as practical.

206.05.02 When the necessity for FMLA leave for the serious health condition of the employee's family member, the employee's own serious health condition, a qualifying exigency related to a call to active duty, or to care for an injured or ill service member is foreseeable because of planned medical treatment or qualifying exigency, the employee:

- i. Shall make a reasonable effort to schedule the treatment so as to not disrupt unduly the operations of the City, subject to the approval of the health care provider; and

SECTION 2 – FEDERAL AND STATE EMPLOYMENT LAWS AND REGULATIONS

- ii. Shall provide Human Resources with not less than thirty (30) days' notice before the date the leave is to begin; except, that if the date of the treatment or qualifying exigency requires the leave to begin in less than thirty (30) days, the employee shall provide the notice as soon as practical.

206.05.03 When an employee takes paid or unpaid leave for a reason that qualifies for FMLA leave, the employee shall include in the notice or request given to the Department Head or Human Resources, a description of the reason for the leave.

206.05.04 Requirement to Notify of Absence – in the absence of unusual circumstances, nothing herein excuses an employee from complying with the requirement to timely notify his or her supervisor of an absence.

206.06 Responsibilities of Employer for FMLA leave.

206.06.01 Eligibility Notification to Employee. Within five (5) business days of receipt of notice from an employee requesting leave, the employee will be notified of their eligibility to take FMLA leave and the employee's rights and responsibilities for taking FMLA leave.

206.06.02 Designation Notification to Employee. The employee shall be notified within five (5) business of receipt of enough information to determine whether the leave qualifies for FMLA.

206.07 Medical Certification and Documentation

206.07.01 Documentation for Leave Due to Medical Condition. The City may require medical certification from a health care provider to support a claim for leave for the following:

- i. For the employee's own serious health condition,
- ii. To care for a seriously ill child, spouse or parent,
- iii. To care for a service member, or
- iv. For leave for a qualified exigency.

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Medical certifications must be returned to Human Resources within fifteen (15) working days. For the employee's own serious health condition, the certification must include a statement that the employee is unable to perform the essential functions of the position, and expected duration. For leave to care for a seriously ill child, spouse, or parent, qualified service member or qualified exigency the certification must include an estimate of the amount of time the employee is needed to provide care. The City does not seek and should not be provided genetic information. If an employee or applicant's genetic information is inadvertently received by the City; the City will return it to the health care provider and not use genetic information for any employment decision or action.

- 206.07.02 Incomplete or Insufficient Certifications. If the City determines that a medical certification provided for leave is incomplete or insufficient, the City may require the employee to cure deficiency and if the deficiency is not cured, the City may deny FMLA leave. The City may also require the employee to provide a necessary HIPAA authorization of the medical certification. If the employee refuses to provide the necessary HIPAA authorization, the City may deny FMLA leave.
- 206.07.03 Second Opinion. If the City has reason to doubt the validity of the certification provided, the City may require, at the expense of the City, the employee obtain the opinion of a second health care provider designated or approved by the City. A health care provider designated or approved under this paragraph may not be employed on a regular basis by the City.
- 206.07.04 Third Opinion. If the second opinion described differs from the opinion in the original certification, the City may require, at the expense of the City, the employee obtain the opinion of a third health care provider designated or approved jointly by the City and the employee. The opinion of the third health care provider concerning this information is final and binding on the City and the employee.
- 206.07.05 If an employee submits a complete and sufficient certification in support of his or her leave because of a qualifying exigency, and the qualifying exigency involves meeting with a third party, the City may contact the individual or entity with whom the employee is meeting for purposes of verifying the meeting or appointment schedule and the nature of the meeting. The City may also contact an appropriate unit of the Department of Defense to request verification that a covered military member is on active duty status.

SECTION 2 – FEDERAL AND STATE EMPLOYMENT LAWS AND REGULATIONS

206.08 **Health Benefits.**

206.08.01 Continuation of Benefits. The City will provide health benefits to an employee while on FMLA leave at the level and under the conditions that would have been provided if the employee had continued in employment for the duration of the leave. After the FMLA is exhausted, this shall constitute a “qualifying event” for purposes of COBRA. For the first ninety (90) days of COBRA coverage, the employee shall pay the same rate of contribution the employee makes to its regular health insurance and the City will pay the balance. After the first ninety (90) days of COBRA, the employee will be responsible for one hundred percent (100%) of the COBRA premiums.

Failure to pay the employee portion of the premiums may result in loss of coverage.

206.09 **Return to Work.** Before reporting back to work following an FMLA absence due to the serious health condition of the employee, the employee must provide a written release from the physician to Human Resources. Human Resources will contact the supervisor to release the employee to return to work.

206.09.01 Full Duty Release. An employee may return to work unrestricted and resume normal job duties as set forth in the employee’s job description upon receipt of a release completed and signed by the health care provider indicating full release and the final date of release from medical care.

206.09.02 Light Duty or Modified Duty Release. An employee who receives a release from his/ her health care provider that contains any restrictions must follow *Section 7, Policy 714 - Modified Duty* to determine if modified duty is available.

If an employee fraudulently obtains FMLA leave, the City may deny job restoration or maintenance of health benefits.

206.10 **Separation of Employment.** If the employment relationship terminates, an employee’s right to continued maintenance of health benefits and restoration to their position cease under FMLA, except for the employee’s right to continuation of health benefits under COBRA.

206.11 **Coordination with Workers’ Compensation.** Leave for a Workers’ Compensation injury will be designated as FMLA Leave and run concurrently with Workers’ Compensation Leave.

207 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

207.01 **Policy.** The Health Insurance Portability and Accountability Act (HIPAA) requires the City to ensure that all medical information regarding an employee is maintained in a confidential manner; and protects health insurance coverage for employees and their families when they change or lose their jobs. In compliance with this Act, the City maintains all medical information separate from all personnel files; and provides employees with notices regarding their rights to continued coverage and ensures the City health insurance providers comply with this Act.

It is the policy of the City to limit the use or disclosure of protected health information (1) only as permitted or required by the Privacy Rule, as described in the Notice of Privacy Practices; or (2) as authorized in writing by the individual who is the subject of the information.

207.02 **Applicability.** This policy applies only to those administrative functions by the City associated with health, dental, vision, prescription drug, and flexible spending account benefits provided by the City. This policy does not apply to the responsibilities of the carriers that provide the City’s health, dental, vision, prescription drug, and flexible spending benefit plans to comply with the Privacy Rule. Further, this policy does not apply to individually identifiable health information that is maintained by the City in its role as employer. For example, this policy does not apply to information learned during pre-employment or drug testing, in processing workers’ compensation, or in complying with the Family Medical Leave Act. As such, the City is considered a “hybrid entity” under the provisions of the Privacy Rule, and this policy shall apply only to the health care components previously described.

207.03 **Safeguards.** The City will maintain reasonable and appropriate administrative, technical, and physical safeguards to protect the privacy of protected health information. These safeguards reasonably prevent the intentional or unintentional use or disclosure of protected health information and limit incidental use and disclosure of protected health information.

207.04 **HIPAA’s Effect on other Health Care Information.** Neither HIPAA nor this policy protect individually identifiable health care information required for life insurance, disability insurance, workers’ compensation, or employment records kept by the City in its capacity as an employer.

SECTION 2 – FEDERAL AND STATE EMPLOYMENT LAWS AND REGULATIONS

208 TITLE VI ASSURANCE

- 208.01 The City values each individual's civil rights and wishes to provide equal opportunity and equitable service for the citizens. As a recipient of federal funds, the City is required to conform to Title VI of the Civil Rights Act of 1964 (Title VI) and all related statutes, regulations, and directives, which provide that no person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving federal financial assistance from the Indiana Department of Transportation (INDOT) and the U.S. Department of Transportation (DOT) on the grounds of race, color or national origin.
- 208.02 The City's non-discrimination policy prohibits discrimination based on race, color, sex, religion, national origin, age, genetic information, disability, veteran status or any other protected status.
- 208.03 Title VI of the Civil Rights Act of 1964 is a federal law that prohibits discrimination based on race, color and national origin in the administration of federally assisted programs and activities. Title VI does not cover claims of employment discrimination except in instances where the primary objective of the financial assistance is to provide employment for the service, benefit or program. Title VI has broad applicability. The scope of Title VI includes all programs and activities of federal aid recipients regardless if the programs or activities are federally funded. For more information refer to the Title VI Plan.

209 EMPLOYMENT ELIGIBILITY VERIFICATION

- 209.01 Form I-9, Employment Eligibility Verification, requirements come out of the Immigration Reform and Control Act of 1986 (IRCA). IRCA prohibits employers from hiring and employing an individual for employment in the U.S. knowing that the individual is not authorized with respect to such employment. Employers also are prohibited from continuing to employ an individual knowing that he or she is unauthorized for employment. This law also prohibits employers from hiring any individual, including a U.S. citizen, for employment in the U.S. without verifying his or her identity and employment authorization on Form I-9.
- 209.02 The City is required to follow Ind. Code 22-5-1.7 and as such, before being considered for hire, the City shall use the E-Verify Program to verify the work eligibility status of all applicants considered for Employment after June 30, 2011 so long as the E-Verify Program continues to exist.

SECTION 3 – APPLICATION AND INITIAL EMPLOYMENT

301 EMPLOYMENT APPLICATIONS

- 301.01 **General.** The City accepts employment applications for vacant positions approved in the budget.
- 301.02 **Retention.** Employment applications of candidates shall be maintained on file for the retention period specified by the County/Local Government Retention Schedules.

302 RECRUITING

- 302.01 **Vacancies.** Only those vacancies allocated in the annual budget or new positions authorized by the Clerk Treasurer and City Council shall be filled.
- 302.01.01 In the event the Elected Official and/or Department Head determines a vacancy exists, a notice of such position opening shall be conspicuously posted for a period of five (5) working days on employee bulletin boards throughout the City's facilities. The notice shall include the date of posting, as well as the date the notice expires. The Department Heads should notify his/her Elected Official's or their designee to coordinate all postings with Human Resources.
- 302.02 **Qualified Applicants.** Recruitment is conducted in an effort to attract and select the candidate who best fits the vacancy while complying with all Federal, State, and local laws. Applicants will be evaluated for positions on the basis of the best overall fit and minimum job description requirements, including, but not be limited to: education, experience, skills and ability to meet the essential functions of the position.
- 302.02.01 Employees desiring to be considered for the position must complete a new application and apply for a posted vacancy provided he or she possesses the requisite minimum qualifications and is not a probationary employee. Employees must also complete the Verification of Applicant for Employment for Compliance with Municipal Nepotism Policy Form (402-001).
- 302.03 **Disqualification from the Process.** An applicant may be disqualified from consideration for a position for many reasons, including, but not limited to the following:
- i. Does not meet the minimum qualifications necessary for performance of the duties of the position;
 - ii. Has made any false statement of fact on the application form (consideration will be given to the seriousness, willfulness, and applicability of the false information to the position sought);

SECTION 3 – APPLICATION AND INITIAL EMPLOYMENT

- iii. Has intentionally omitted information of fact on the Employment Application Form (consideration will be given to the seriousness, willfulness, and applicability of the omitted information to the position sought);
- iv. Has committed or attempted to commit a fraudulent act at any stage of the selection process;
- v. Is not legally permitted to hold the position; or
- vi. Any other reasonable grounds relating to job requirements at any time in the process.

303 PRE-EMPLOYMENT SCREENING AND CONDITIONAL OFFERS

303.01 **Pre-employment Screening.** Applicants selected for hire and provided conditional offers of employment will be required to successfully complete pre-screening requirements that may be deemed appropriate for the position. All pre-employment screening shall be conducted in accordance with applicable federal and state employment laws and will be kept confidential to the greatest extent possible.

303.01.01 Confidentiality of Medical Records. Unless required by law, all medical information obtained in an examination by a physician designated and paid for by the City shall be the property of the City. Unless otherwise required by law, all records are considered confidential and shall be maintained separate from all personnel files.

303.01.02 Unsatisfactory Background Checks. An applicant shall not be automatically disqualified from consideration for employment due solely to a background check. Factors that will be considered include:

- i. Nature and severity of the incident or issue;
- ii. Time since the incident or issue occurred; and
- iii. Nature of the position sought.

304 RE-EMPLOYMENT

304.01 **Re-employment.** Consideration for re-employment of any former employee may be granted to those applicants who have demonstrated acceptable prior service. Employees who leave the employment of the City and are re-hired shall be treated as new hires in respect to their hire date, service, benefits, and longevity.

SECTION 4 – CONDITIONS OF EMPLOYMENT

401 CRIMINAL BACKGROUND CHECKS

401.01 **Policy.** The City shall conduct criminal history background checks to bring a level of protection to the City and to vulnerable program participants who are unable to protect themselves.

401.01.01 Contract Instructors. The City shall conduct criminal history checks on all contract instructors who provide recreation, athletic or other similar programming services that involve the care of or access to a minor, an elderly person and/or a person who is mentally or physically impaired.

401.01.02 Employee Applicants. The City shall conduct criminal history checks on all employment applicants who have been provided a conditional offer of employment.

401.01.03 Employees. The City shall conduct annual criminal background checks on employees whose positions require the performance of a service that involves care of or access to a minor, an elderly person and/or a person who is mentally or physically impaired.

401.01.04 Volunteer Applicants. Prior to beginning service as a volunteer, and annually thereafter, criminal history checks will be conducted for volunteer applicants who will perform volunteer services that involve the care of or access to a minor, an elderly person and/or a person who is mentally or physically impaired.

401.01.05 Volunteers. The City shall conduct annual criminal background checks on volunteers whose positions require the performance of a service that involves care of or access to a minor, an elderly person and/or a person who is mentally or physically impaired.

401.02 **Review of Criminal History.** A criminal history does not serve as an automatic bar to employment or volunteering with the City. Rather, disqualification will only occur on the basis of a justified business necessity. Factors to be considered may include but are not limited to:

- i. The seriousness of the offense;
- ii. When it occurred;
- iii. The remoteness or any extenuating circumstances of the offense; and
- iv. The duties of the applicable job position.

Criminal histories may not be used to discriminate against an individual because of the person's race, color, sex, religion, national origin, age, genetic information, disability, veteran status or any other protected status.

SECTION 4 – CONDITIONS OF EMPLOYMENT

- 401.03 **Conducting Criminal History Checks.** Criminal history checks shall be conducted:
- i. During the post offer stage for all employee applicants;
 - ii. During the applicant stage for contract instructors and volunteer applicants; and
 - iii. Annually for contract instructors, employees and volunteers who perform a service that involves care of or access to a minor, an elderly person and/or a person who is mentally or physically impaired.
- 401.04 **False Statements.** An employee applicant making a false statement or omitting information relating to a prior conviction on the application shall be disqualified from consideration for employment.
- 401.05 **Final Determination.** The Director of Human Resources and an Elected Official, or his/her designee, shall make a final decision regarding the suitability of the contract instructor, employment applicant, volunteer applicant, employee or volunteer for the position. The City may rescind a conditional job offer of employment or terminate an active contract instructor, employee or volunteer, provided it can demonstrate that the history shows conduct which indicates unsuitability for a particular position. This provision does not alter the City's status as an at-will employer.

402 NEPOTISM

- 402.01 Under IC 36-1-20.2, individuals who are relatives may not be employed by the City in a position that results in one relative being in direct line supervision of the other relative. A person is in the "direct line of supervision" of an Elected Officer or employee if the Elected Officer or employee is in the position to affect the terms and conditions of the individual's employment, including making decisions about work assignment, compensation, grievances, advancements, or performance evaluation.
- 402.02 Relative is defined as spouse, parent or stepparent, child or stepchild, brother, sister, stepbrother, stepsister, niece, nephew, aunt, uncle, daughter-in-law or son-in-law (including half-brothers and sisters and adopted children).
- 402.03 There is a "Grandfathering clause" in the nepotism law for current elected officials or employees with family relationships that would otherwise be in violation of the nepotism policy unless there is a break in the office holding or in employment. Grandfathered individuals may be promoted as they are subject to the IC 26-1-20.2 chapter. Employees hired after July 1, 2012 who in later years have relatives elected that are in the direct line of supervision will have no promotion possibilities unless the promotion is within the merit ranks for police and fire departments.
- 402.04 Job applicants or candidates for promotion are required to disclose relatives employed by the City using the Verification of Applicant for Employment for Compliance with Municipal Nepotism Policy Form (402-001).

SECTION 4 – CONDITIONS OF EMPLOYMENT

- 402.05 **Relatives after Employment.** If, because of changing circumstances, a current employee comes to violate this section due to promotion or marriage or other circumstances, such circumstances shall not be a defense to this section and, if not cured by the employee within a reasonable period of time, may be cured by the City through transfer, reassignment, or termination of an employee.
- 402.06 **Elected Official.** Each elected official of the City must annually certify in writing, subject to the penalties for perjury, that the officer has not violated the nepotism law and submit the Certificate of Compliance form (402-002) to the Clerk Treasurer of the City no later than December 31 of each year.

403 OUTSIDE OR SECONDARY EMPLOYMENT

- 403.01 **Policy.** Employees may engage in an outside employment activity or enterprise provided that it does not constitute a conflict of interest, adversely affecting the employee's job performance with the City, or unfavorably reflecting upon the City.
- 403.02 **Interests of the City.** With the exception of part-time, temporary or seasonal employees, the City of New Haven is the primary employer.
- 403.03 **Workers' Compensation Insurance.** The employee shall not be covered by the City's workers' compensation insurance for work performed for another employer.
- 403.04 **Outside Employment while on Leave.** Approval for outside employment as set out in this policy does not authorize an employee on FMLA leave, sick leave, disability leave, workers' compensation leave, administrative leave, or an unpaid leave of absence or on modified / light duty to engage in any outside employment.
- 403.05 **Adverse Affect on Job Performance.** Should the Department Head feel an employee's outside employment is adversely affecting the employee's job performance, the Department Head may recommend, but may not demand, the employee refrain from such activity. However, any conflict, policy infractions, or other specific offense which is the direct result of an employee's participation in outside employment or enterprise will subject the employee to discipline or dismissal, in a manner that is otherwise consistent with the policies set forth in this handbook.

404 PROBATION

- 404.01 **Probationary Period.** All employees shall serve a probationary period of ninety (90) days. This applies to new hires or employees who are promoted, transferred or demoted. The probationary period allows time for supervisors to closely observe and evaluate the work of probationary employees and to aid and encourage them in adjusting to the position.
- 404.01.01 Extension of Probation. Under certain circumstances a probationary period may be extended at the request of the Department Head. The approval of the Elected Official is required to extend a probationary period. The Director of Human Resources must be notified of the extension.

SECTION 4 – CONDITIONS OF EMPLOYMENT

- 404.01.02 **Promotional or Lateral Probation.** An employee who transferred or promoted to a new position whose work has not been satisfactory during the probationary period may, with the approval of the Department Head(s), revert back to the employee's former job position, providing a vacancy exists for the position.
- 404.02 **Review of Work.** During the probationary period, the probationary employee's supervisor is responsible for reviewing the quality and efficiency of the employee's work. The supervisor should attempt to meet with the employee prior to the completion of his or her probation period and provide a progress review. The Progress Review Form (404-001) may be used.
- 404.03 **Right of Appeal.** An initial hire employee who has been dismissed from the City for failure to successfully complete probation shall have the right to appeal pursuant to *Section 8, Policy 802, Employee Grievance and Appeals*. Employees who are promoted, transferred or demoted into a new position who have been dismissed from the City for failure to successfully complete the probationary period shall have the right to appeal.
- 404.04 **Effect of Probationary Period.** The successful completion of the probationary period, and the existence of and access to the appeal procedure shall not constitute any limitation on the rights of the City to manage its affairs. All employees hold their positions at the will and pleasure of the City and may be terminated with or without cause when, in the opinion of the direct supervisor, Department Head, Clerk Treasurer, or Mayor, such action is in the best interest of the City.

405 RESIGNATIONS

- 405.01 **Notice of Resignation or Retirement.** Employees are encouraged to provide a two week notice to facilitate a smooth transition out of the City. Employees who wish to discuss the possibility of resigning or retiring are encouraged to do so before making a final decision.
- 405.02 **Form of Notice.** All resignations shall be confirmed in writing.
- 405.03 **Pay in Lieu of Notice.** The City reserves the right to provide an employee with two weeks' pay in lieu of notice in situations where job or business needs warrant. Such a decision should not be perceived as reflecting negatively on the employee, given that it may be due to a variety of reasons. The Clerk Treasurer shall be consulted prior to providing pay in lieu of notice.

406 DISMISSAL

- 406.01 **Dismissal.** Dismissal must be made by, or with the approval from, an elected official, governing body or board, and a representative from human resources.
- 406.02 **Appeal.** An employee may appeal the dismissal by filing an appeal in accordance with *Section 8, Policy 802 – Employee Grievance and Appeals*.

SECTION 4 – CONDITIONS OF EMPLOYMENT

407 SEPARATION FROM EMPLOYMENT

- 407.01 Whether by resignation or dismissal the following provisions apply to any separation of employment.
- 407.02 **Separation Date.** The separation date is the last physical day worked.
- 407.03 **Accrued Leave.** The use of accrued paid leave may not be used during the last two weeks of employment. The employee will be paid in a lump sum check all remaining personal, vacation, and compensatory leave accrued. If the employee takes paid time off during the last two weeks of employment, then the last day worked prior to their paid time off will become their separation date.
- 407.04 **Accrued Sick Leave.** Upon separation from employment with the City, any employee with at least ten (10) consecutive years of service will be paid ten (10%) percent of their total unused sick days up to a maximum of six (six) sick days.
- 407.05 **Health Coverage Benefits.** Health coverage ends on the day of separation. Separating employees, their spouses, and/or dependents that are enrolled in the City's group health insurance and/or dental insurance at the time of separation may elect to continue participating in the group health insurance and/or dental insurance plan through the Consolidated Omnibus Reconciliation Act (COBRA). COBRA paperwork will be sent to the separated employee's home. Contact Human Resources for additional information regarding health coverage.
- 407.06 **City Property.** The Department Head is responsible for the separation process for their employees and is to establish an exit "check-off" list of department specific City property and intellectual property issued. The Employee Exit Checklist Form (407-001) can be used for non-specific departmental City property and intellectual property issued.
- 407.07 **Exit Interview.** The Human Resources Department will offer an employee voluntarily leaving the City an opportunity for an exit interview. The exit interview will be conducted by the Human Resources Director. The Employee Exit Interview Form (407-002) will be used to record the interview information.

SECTION 4 – CONDITIONS OF EMPLOYMENT

408 REDUCTION IN FORCE

- 408.01 **General.** Should it become necessary to reduce the number of employees because of budget constraints or for any other reason, every effort will be made to determine those positions to be eliminated in the most fair and equitable method possible
- 408.02 **Factors to be considered.** Consideration will be given to a number of job-related variables including, but not limited to:
- i. Job classification,
 - ii. Anticipated staffing levels,
 - iii. Specific duties performed,
 - iv. Performance and attendance records, and
 - v. Seniority
- 408.03 **Notice.** Employees who are affected by layoff shall be provided fourteen (14) calendar days written notice.
- 408.04 **Eligible.** A laid off employee shall be eligible for recall for a period of one (1) year.
- 408.05 **Recall.** A recalled employee shall be allowed ten (10) calendar days from the date of receipt of the certified letter to return to work, except in the event of extenuating circumstances, submitted in writing and approved by the Department Head.
- 408.06 Any employee declining reinstatement to the same classification from which the layoff or displacement initially occurred shall be removed from eligibility for further recall.
- 408.07 Laid off employees and their dependents that are enrolled in the City's group health insurance and/or dental insurance at the time of being laid off may elect to continue participating in the group health insurance and/or dental plan through COBRA. It is the responsibility of the employee to notify Human Resources if they wish to continue insurance coverage. The City administers the COBRA and the monthly payment/expense is paid directly to the City by the employee.

SECTION 5 – EMPLOYEE STANDARDS OF CONDUCT

501 CONFLICT OF INTEREST

- 501.01 **General.** It is the policy of the City to avoid the appearance of conflict of interest in City employee activities and to provide definitive guidelines in avoiding such appearances.
- 501.02 **Conflict of Duties.** No employee shall use his/her position with the City for personal gain, nor shall he/she engage in any business or transaction, which are in conflict with the proper discharge of his/her duties.
- 501.03 **Acceptance of Any Valuable Gratuity.** No employee shall accept any valuable gratuity, whether in the form of a service, loan, item, or promise from any person, firm, or corporation which is interested directly or indirectly in any manner whatsoever in business dealings with the City; nor shall employees accept any valuable gift, favor, or item that may tend to influence an employee in the discharge of his/her duties. No employee shall grant any improper favor, service, or item in the discharge of his/her duty. No employee shall, without proper and legal authorization, disclose confidential information concerning the property, government, or affairs of the City.
- 501.04 **Improper to Sell or Provide Services.** It is improper for any employee to sell or provide at an additional cost any good or services to any other City or utility department, citizen business or industry except as the result of an open bidding process in which such goods or services are subject to control of another party.
- 501.05 **Financial Interest or Gain.** A City employee may not knowingly have a financial interest in a contract made by another department/area. This prohibition, however, does not apply to an employee of the City who does not participate in or have official responsibility for any of the activities of the contracting agency, provided certain criteria are met. All new or renewed contracts for goods, services or public works must be made in compliance with the contracting. Under IC 36-1-21 any Boards, Commissions, purchasing agencies or agents may not enter into a contract or renew a contract or renew a contract for public works or procurement of goods and services with a relative or a business entity that is wholly or partially owned by a relative of an employee or executive for the City unless the requirements of the statute are met. These requirements include the employee to complete the Uniform Conflict of Interest Disclosure Statement (Indiana State Form 236). The Clerk Treasurer will file the completed form with the State Board of Accounts within 15 days after final action on the contract or purchase.
- 501.06 It is illegal to accept or benefit in any way by influencing the awarding of a contract or purchase of good or service or to influence performing of City services.
- 501.07 Corrective action shall be taken for any proven violation of this policy and may result in termination.

502 INTERNAL CONTROLS AND VALUES

502.01 **Purpose.** 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 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.

502.02 **Internal Controls** are to be an integral part of the City’s financial and business policies and procedures. Everyone within the City has some role in internal controls. The City has in place a set of internal controls that provides reasonable assurance that:

- i. Transactions are properly authorized and accurately recorded based on City policies and procedures;
- ii. City assets are adequately safeguarded;
- iii. Financial and management reporting is reliable and accurate, and reflects actual City activity;
- iv. Activities comply with applicable legal requirements; and
- v. City operations are effective and efficient.

Creating and complying with strong and effective internal control systems is, ultimately, the responsibility of each employee with respect to his/her areas of operation. Refer to the City of New Haven Internal Control Policy for the guidelines on compliance.

502.03 **Core Values** reflect the principals and standards by which the City exists and operates. All City staff members are required to adhere to these value statements. The City’s core values are as follows:

502.03.01 Integrity – Being worthy of the public’s trust in all things. All employees will deal honestly and respectfully with each other and the public at all times.

502.03.02 Innovation – Valuing progressive thinking, creativity, flexibility and adaptability in service delivery.

502.03.03 Accountability – Taking personal responsibility for our actions or inaction while putting the interests of the taxpayer first.

SECTION 5 – EMPLOYEE STANDARDS OF CONDUCT

- 502.03.04 Commitment to Excellence –Behaving responsively in our delivery of service to the public. Our work is characterized by its quality and by the diligence with which it is carried out. All employees will proactively seek to solve problems in advance.
- 502.03.05 Teamwork – Recognizing the importance of working together to meet our citizen’s needs, communicating clearly, sharing resources and information freely.

503 ATTENDANCE

- 503.01 **Policy.** To maintain a safe and productive work environment, the City expects employees to be reliable and punctual in reporting to work. Employees are expected to be at their work stations and ready to work at their scheduled start time.
- 503.02 **Absenteeism and Tardiness.** Absenteeism and tardiness are disruptive and place a burden on the City and on co-workers. Either may lead to corrective action, up to and including termination of employment.
- 503.02.01 Reporting. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, the employee shall personally notify the supervisor by phone as soon as possible in advance of the anticipated tardiness or absence in accordance with departmental procedures. The employee shall disclose to the supervisor whether the absence or tardiness is approved Family Medical Leave or sick leave and the date and time of anticipated arrival. The employee shall personally notify the supervisor on each subsequent day of absence unless the supervisor expressly waives this requirement. An employee who does not personally reach the supervisor by phone shall leave a detailed message with the information described above.
- 503.02.02 Failure to Report. An employee who does not come to work and fails to notify the City of the reasons for the absence for three (3) consecutive scheduled working days or more may be presumed to have voluntarily resigned employment.
- 503.03 **Excessive Tardiness.** Excessive tardiness on a regular basis is inexcusable and will not be tolerated. Late arrival/tardiness is defined as any situation where an employee reports to work after his/her scheduled starting time. Excessive shall mean any of the following:
- i. Two (2) or more incidents in a seven (7) day calendar period.
 - ii. Three (3) or more incidents in a thirty (30) day calendar period.
 - iii. Five (5) or more incidents in a ninety (90) day calendar period.

SECTION 5 – EMPLOYEE STANDARDS OF CONDUCT

- iv. Ten (10) or more incidents in a three hundred and sixty-five (365) day calendar period. In addition, if an employee is tardy, that employee may be subject to appropriate disciplinary action, unless he/she offers, to the supervisor a written reason for being late which is deemed acceptable by the supervisor.

504 DRESS AND GROOMING STANDARDS

- 504.01 **General.** The City of New Haven desires to project a positive and professional image of employees representing the City. Employees are expected to dress in a conservative, professional manner that is appropriate to their position and to observe good habits of grooming and personal hygiene. Presenting a professional image creates a favorable impression for the City, promotes confidence in the services the City provides, promotes respect among co-workers, and encourages higher working standards. Employees must remember that they are dressing for business, not for pleasure. Attire must always reflect a professional business attitude and presence.
- 504.02 **Policy.** The Department Head shall determine which dress standard is applicable in order to maintain acceptable dress and appearance. Employees may be held to different standards, depending upon the work assignment. This policy provides guidelines for appropriate appearance, uniform, and grooming of employees.
- 504.03 **Application.** This policy applies to all employees. An employee who is in doubt as to which dress standard applies should contact his or her supervisor.
- 504.04 **Grooming.** Each employee shall maintain a personal hygiene, grooming and general appearance standard that is neat, clean, professional, reflective of the City's philosophy on pride and professionalism, and is commensurate with accepted general business practices. Examples include, but are not necessarily limited to obscene tattoos, unkempt or unclean hair, a lack of personal hygiene. Facial hair shall be kept clean and neatly trimmed. Nothing in this policy shall prohibit a supervisor from restricting clothing or other personal grooming attributes that may create a safety hazard based on the employee's job duties.
- 504.05 **Fragrances.** The City recognizes that some employees can have a reaction or sensitivity to strongly scented products. As such, the Department Heads and/or Elected Officials may decide policy for perfumes and colognes within their Departments. Notwithstanding the foregoing, employees who work at the City Hall building as their main area of work are prohibited from wearing fragrances while at work. This would also apply to those employees who have regular interaction with City Hall but are located elsewhere.
- 504.06 **City Logo Wear.** An employee shall refrain from wearing attire that displays the City's logo except when on duty, representing the City, or in route to or from such duty. Further, wearing such attire while engaging in conduct or activity that by virtue of the association discredits the City or places either the employee or the City in disrepute or discredit is prohibited.

SECTION 5 – EMPLOYEE STANDARDS OF CONDUCT

505 DRUG AND ALCOHOL-FREE WORKPLACE

- 505.01 **General.** It is the desire of the City to provide an alcohol and drug-free, healthy, productive and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner.
- 505.02 **Prohibition against Alcohol and Illegal and Unauthorized Drugs.** While on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment, no employee may use, possess, distribute, sell, or be under the influence of alcohol (except under the limited circumstances described below), inhalants, illegal drugs, including drugs which are legally obtainable but which were not legally obtained, and prescribed or over-the-counter drugs which are not being used as prescribed or as intended by the manufacturer.
- 505.02.01 **On-duty and Pre-duty Use.** Reporting for, or remaining on, duty requiring the performance of safety-sensitive functions is prohibited under the following conditions:
- i. While having a breath alcohol concentration of greater than 0.00 as indicated via breath test;
 - ii. While using alcohol; or
 - iii. Within four (4) hours after using alcohol.
- 505.02.02 **Prohibited Drug Use.** An employee shall not report for duty or remain on duty when using or after use of any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to safely operate a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment.
- 505.03 **Prohibition against Illegal and Unauthorized Drug-Related Paraphernalia.** This policy also prohibits the use, possession, distribution and sale of drug-related paraphernalia while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment. Drug-related paraphernalia includes material and/or equipment designed for use in testing, packaging, storing, injecting, ingesting, inhaling or otherwise introducing illegal or unauthorized drugs into the body.

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- 505.04 **Permissive Use of Prescribed and Over-The-Counter Drugs.** The legal use of prescribed and over-the-counter drugs are permitted while on City premises, while on duty, while conducting City-related business or other activities off premises, while driving a City-owned or leased vehicle, or while operating or using other City-owned or leased property or equipment only if it does not impair an employee's ability to perform the essential functions of the job (or operate the vehicle, property or other equipment) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.
- 505.05 **Mandatory Disclosure by Employees.** Employees taking prescription medication and/or over-the-counter medication shall report such use to either their Department Head or to the Director of Human Resources if there is a reasonable likelihood the medication will impair the employee's ability to perform the essential functions of his or her job (or operate a vehicle, property or other equipment, if applicable) effectively and in a safe manner that does not endanger the employee, citizens or other individuals in the workplace. Examples of impairment include, but are not limited to, slurred speech, drowsiness, dizziness, confusion, or feeling shaky.
- 505.06 **On-Call Employees.** Employees scheduled to be on call are expected to be fit for duty upon reporting to work. Any employee scheduled to be on call, and who is called out, is governed by this policy. Sometimes, an employee who is not scheduled to be on call may nevertheless be called out. If this or any other situation occurs where the employee called out is under the influence of alcohol or has a presence of drugs in the system, such that reporting to work would result in a violation of this policy, the employee must so advise the appropriate supervisor on duty. The employee will not be required to report to work.
- 505.07 **Mandatory Reporting of Arrests and Convictions.** Employees must notify their immediate supervisor and the Department Head, in writing, of any alcohol or drug-related arrest and/or convictions (including a plea of nolo contendere) or deferred adjudication, for a violation occurring off duty and/or in the workplace no later than twenty-four (24) hours after the arrest and/or conviction.
- 505.08 **Off-Duty Conduct.** The City may take corrective action, up to and including termination of employment, if an employee's off-duty use of or involvement with drugs or alcohol is damaging to the City's reputation or business, is inconsistent with the employee's job duties, or when such off-duty use or involvement adversely affects the employee's job performance. Any employee reporting to work under the influence of illegal drugs or alcohol may be disciplined, up to and including termination.
- 505.09 **Rehabilitation/Treatment.** Employees may seek assistance through the City's employee assistance program.

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- 505.10 **Policy Violations.** Violations of this policy will generally lead to corrective action, up to and including immediate termination of employment. Employees with questions or concerns about substance dependency or abuse are encouraged to discuss these matters with their supervisor or the Director of Human Resources to receive assistance or referrals to appropriate resources.
- 505.11 **Drug and Alcohol Testing.**
- 505.11.01 Types of Tests. Testing may include one or more of the following: urinalysis, hair testing, breathalyzer, intoxilyzer, blood, or other generally-accepted testing procedure.
- 505.11.02 Testing of Applicants. Applicants to whom a conditional offer of employment has been may be required to submit to testing for alcohol and illegal and unauthorized drugs. A positive test result, refusal to test, or attempts to alter or tamper with a sample or any other part of the test, will render the applicant ineligible for consideration of employment or future employment with the City.
- 505.11.03 **Testing of Employees.**
- i. Employees may be tested for alcohol and/or illegal and unauthorized drugs for the following:
 - a. When reasonable suspicion exists; or
 - b. In connection with any required treatment or rehabilitation.
 - ii. Police and Fire/EMS Department employees are also subject to any applicable departmental rules and regulations regarding illegal and unauthorized drug and alcohol testing.
 - iii. For purposes of this policy, reasonable suspicion is a belief based on articulable observations (e.g., observation of alcohol or drug use, apparent physical state of impairment, incoherent mental state, changes in personal behavior that are otherwise unexplainable, deteriorating work performance that is not attributable to other factors, a work-related accident or near miss accident, evidence of possession of substances or objects which appear to be illegal or unauthorized drugs or drug paraphernalia) sufficient to lead a supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Supervisors who refer an employee for reasonable suspicion testing shall contact Human Resources and document the specific factors that support reasonable suspicion testing (e.g., the who, what, when, where of the employee’s behavior and other symptoms, statements from other employees or third parties, and other evidence supporting the reasonable suspicion testing). See Section 505.11.05 for additional testing procedures.

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- iv. Tests will be paid for by the City. To the extent possible, testing will normally be done during the employee's normal work time. Any employee who refuses to be tested, or who attempts to alter or tamper with a sample or any other part of the testing process, will be subject to corrective action up to and including termination.
- v. A positive test result is a violation of this policy and may result in corrective action up to and including termination of employment. Any employee who is terminated for violation of this policy is ineligible for future employment with the City. (see 503.02)
- vi. The City has additional obligations when testing for controlled substances and alcohol for those employees regulated by the U.S. Department of Transportation. Please see the City's Drug and Alcohol Policy for CMV Drivers for additional information.

505.11.04 **Testing Following an On-the-Job Accident.** Employees may be tested following an on-the-job accident if any of the following criteria apply:

- i. Evidence of an unsafe practice;
- ii. Significant damage to property;
- iii. Careless operation of a vehicle;
- iv. Significant injuries to persons;
- v. A pattern of erratic accidents.

505.11.05 **Testing Procedures.**

- i. All testing must normally be authorized in advance by both the employee's supervisor and the Director of Human Resources or his or her designee. If the supervisor, or his or her designee, is unavailable within a reasonable period of time, the Director of Human Resources or his or her designee may, with sole discretion, authorize the testing of an employee. If the Director of Human Resources, or his or her designee, is unavailable within a reasonable period of time, the Department Head may, with sole discretion, authorize the testing of an employee. For reasonable suspicion testing, testing may not be authorized without the supervisor's documentation of the articulable factors which led the supervisor to suspect that the employee is under the influence of illegal or unauthorized drugs or alcohol. Testing should be arranged as soon as possible after the supervisor's articulable observations.

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- ii. If an employee meets any of the criteria in Section 505.11.03, the employee shall be provided with transportation to the testing facility. A supervisor or other designated City representative may be required to stay with the employee during the testing process. The City may, in its discretion, reassign the employee or put the employee on administrative leave with pay until the test results are received. The City shall make arrangements to have the employee transported home after the testing if necessary.
- iii. All substance abuse testing shall be performed by an approved laboratory or healthcare provider chosen by the City. All positive test results shall be subject to confirmation testing.
- iv. Test results shall be maintained in a confidential file separate and apart from the employee's personnel file. Any medical-related information will be confidential and accessible only by Human Resources; Elected Officials and Department Heads on a need to know basis.

506 DRUG AND ALCOHOL POLICY FOR CMV DRIVERS

506.01 **Employees/Applicants Subject to Testing.** City employees who drive a Commercial Motor Vehicle (CMV) requiring a Commercial Driver's License (CDL) as part of their job duties are subject to alcohol and drug testing as required by the U.S. Department of Transportation (DOT) and the Federal Motor Carrier Safety Administration and as outlined in this policy. The employee's supervisor or Human Resources will advise the employee if the employee is subject to DOT testing and the terms of this policy. Employees who are not required by DOT to hold a CDL are not subject to this policy. Applicants for employment for a position requiring a CDL are also subject to testing under this policy. Employees covered by this policy are also required to comply with the City's Drug and Alcohol Use Policy. In other words, this DOT Drug and Alcohol Policy is in addition to, not in lieu of, the provisions of the City's general Drug and Alcohol Use Policy. DOT tests will be completely separate from non-DOT tests in all respects. DOT tests take priority and will be conducted and completed before a non-DOT test is begun. All drug and alcohol testing performed under this DOT Policy will comply with applicable DOT procedures. If this policy conflicts with DOT regulations in any way, the DOT regulations will govern. An employee subject to the provisions of this policy may be a person employed by the City, a contractor engaged by the City or an employee of such contractor. Any City employee who is required to obtain and maintain a CDL drivers' license as part of their position is subject to testing provisions of this policy. Employees required by DOT to hold a CDL, due to the type of equipment they operate, are subject to this policy. Employees who hold these jobs are required to carry their CDLs when they are at work or are operating City equipment.

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506.02 **Prohibited Drug Use.** Illicit use of drugs by safety sensitive drivers is prohibited both on and off duty. An employee may not report for duty or remain on duty when using or after use of any controlled substances, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the employee that the substance will not adversely affect the employee's ability to safely operate a Commercial Motor Vehicle (CMV). An employee may not report for duty, remain on duty or perform a safety sensitive function if the employee tests positive for controlled substances or has adulterated or substituted a test specimen.

506.03 **Required Alcohol and Drug Tests.** The Department of Transportation (DOT) requires the following testing for covered drivers: pre-employment, post-accident, random, reasonable suspicion, return-to-duty and follow-up testing. Before conducting any required DOT testing, the City will notify the driver that the alcohol or drug test is required by DOT regulations.

506.03.01 **Pre-employment Testing.** Drug and alcohol tests will be conducted after a conditional offer of employment is made, but before actually performing safety-sensitive functions for the first time. These tests are also required when employees are promoted, demoted or transferred into a safety sensitive driver position.

506.03.02 **Post Accident Testing.** Post-accident drug and alcohol testing must be conducted as soon as practicable on all individuals performing safety-sensitive functions with respect to a vehicle following an occurrence involving a CMV operating on a public road in commerce, as follows:

- i. When the employee is issued a moving traffic violation citation within 8 hours of the occurrence and one or more of the vehicles involved is disabled and must be towed from the scene;
- ii. When the employee is issued a moving traffic violation citation within 8 hours of the occurrence and any person involved in the accident is injured to the extent that he/she requires and receives immediate medical treatment away from the scene of the accident; or
- iii. In an accident involving a fatality, testing will be performed on anyone who was performing safety sensitive functions with respect to the vehicle.

An employee subject to post-accident testing must remain readily available for such testing or will be deemed by the City to have refused to test. Nothing in this policy shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

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In post-accident situations, the City may substitute a blood or breath alcohol test for a urine drug test, so long as the test is performed by state or local law enforcement officials using procedures required by their jurisdictions, provided such test results are received directly from the local jurisdiction or the driver. A positive post-accident test administered by law enforcement will result in the same action as a positive post-accident test performed at the City's behest.

Post-Accident Alcohol Testing. If alcohol testing cannot be administered within two (2) hours of one of the above listed occurrences, a written statement explaining why the alcohol test was not promptly administered must be provided to the Director of Human Resources by the appropriate supervisor. If alcohol testing cannot be administered within eight (8) hours after the occurrence, the City will cease attempts to administer an alcohol test and document the reasons the alcohol test was not administered. This report must be promptly forwarded to the Director of Human Resources.

Post-Accident Drug Testing. A driver will be drug tested as soon as practicable but not later than 32 hours after one of the above listed occurrences. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Director of Human Resources.

506.03.03

Reasonable Suspicion Alcohol Testing. Reasonable suspicion alcohol testing is permitted only if the reasonable suspicion observation is made during, just before, or just after, the period of the work day the employee is required to be in compliance with this policy. An employee may be directed to undergo reasonable suspicion testing only while the employee is performing, just before performing, or just after performing, safety sensitive functions. If alcohol testing cannot be administered within two (2) hours after the reasonable suspicion observation, a written statement that explains why the alcohol test was not promptly administered must be given to the Director of Human Resources. If alcohol testing cannot be administered within eight (8) hours after the observation, the City will cease attempts to administer an alcohol test and the appropriate supervisor must immediately document the reasons that the alcohol test was not administered; this report must be promptly forwarded to the Director of Human Resources. Notwithstanding the absence of a reasonable suspicion alcohol test under this policy, an employee may not report for duty or remain on duty requiring the performance of safety sensitive functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech and performance indicators of alcohol misuse.

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- 506.03.04 **Reasonable Suspicion Drug Testing.** A driver will be drug tested as soon as practicable but not later than 32 hours after the reasonable suspicion observation. If the driver is not drug tested within 32 hours, the appropriate supervisor must prepare a report documenting the reason why and promptly forward the report to the Director of Human Resources.
- 507.04.05 **Random Testing.** Drivers are selected for random, unannounced drug and alcohol testing using a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with the employee's Social Security number, payroll identification number, or other comparable identifying numbers. Each driver subject to this policy will have an equal chance of being tested each time random selections are made. The number of drivers randomly selected will be in accordance with applicable DOT regulations. Each driver randomly selected for testing will be tested during the selection period. Dates and times for random testing are unannounced and are spread reasonably throughout the calendar year. Each driver selected for random testing must proceed to the test site immediately after notification; if, however, the driver is performing a safety-sensitive function, other than driving a CMV, at the time of notification, the City will instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible.
- 506.03.06 **Return-to-duty and Follow-up Testing.** Return-to-duty tests are conducted when a driver who has violated DOT's prohibited drug and alcohol standards returns to performing safety sensitive duties. Follow-up tests are unannounced, and at least six (6) tests must be conducted in the first twelve (12) months after a driver returns to duty; follow-up tests may be extended for up to 60 months following a driver's return to duty. Drug and alcohol tests must be negative. The employee will pay all costs associated with return to-duty testing. When applicable, the City will follow all applicable DOT regulations in requiring return-to-duty and follow-up testing. The City is not, however, required to hire an applicant or continue the employment of a driver who has violated DOT drug and alcohol regulations or this policy and it is the policy of the City not to do so. Thus, return-to-duty and follow-up tests are generally applicable only for those seeking assistance. (*See 506.07*).

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- 506.03.07 **Refusal to Test.** An employee who refuses to be tested in any of the above circumstances, who obstructs the testing process, or who tampers/alters a specimen, will not be permitted to perform or continue to perform safety sensitive functions and will likely be terminated. An applicant who does one of these prohibited acts will not be hired. Except in the case of pre-employment testing, a refusal to test includes the failure to appear for testing within a reasonable time, as well as failure to remain at the testing site until the testing process is complete. Failure to test also includes the failure to provide the required sample with no adequate medical explanation, and the failure to cooperate with any part of the testing process (e.g., refusing to empty pockets when asked to do so, behaving in a confrontational way that disrupts the collection process, or failure to undergo a medical exam or evaluation as directed by the physician medical review officer (MRO) as part of the verification process).
- 506.03.08 **Additional Information About Alcohol Testing.**
- i. **Consequences of a Positive Alcohol Test.** An employee who tests positive for alcohol shall be removed from safety sensitive functions and may be terminated.
 - ii. **Alcohol Testing Procedures.** A trained breath alcohol technician will conduct alcohol tests. If the alcohol concentration is greater than 0.00, a second confirmation test will be conducted in accordance with DOT regulations, the results of which will determine any actions taken. Any result of greater than 0.00 alcohol concentration is considered a “positive” test. The second, confirmation test results determine if the employee is in violation of this policy. Testing procedures that ensure accuracy, reliability and confidentiality of test results will be followed pursuant to DOT regulations.
- 506.03.09 **Additional Information about Drug Testing.**
- i. **Drug Testing Procedures.** Drug testing is conducted by analyzing a driver’s urine specimen at a lab certified by the U.S. Department of Health and Human Services. The driver provides a specimen in a location that affords privacy and the “collector” seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug-testing lab. “Split” urine specimens provide drivers with an opportunity for a second test, if needed. If the driver challenges the validity of the test, then the employee has 72 hours to request that the split specimen be sent for testing to another certified lab approved by the City’s Director of Human Resources. The second test will be at the driver’s own expense.

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- ii. **Drugs Tested For.** DOT requires testing for marijuana (THC), cocaine, amphetamines, opiates – opium and codeine derivatives, phencyclidine (PCP). A screening test is performed first. If it is positive for one or more of these drugs, then a confirmation test is performed. Whenever the terms “drug,” “drugs” or “controlled substances” are used in this policy, they refer to the substances listed above. The City will not test for any other substances under this policy. The City may, however, test for other controlled substances pursuant to its general Drug and Alcohol Use Policy.
- iii. **Review of Drug Test Results.** All positive drug test results are reviewed and interpreted by a physician medical review officer (MRO) before they are reported to the City. If the lab reports a positive result to the MRO, the MRO will contact the driver (either in person or by phone) and will conduct an interview to determine if there is an alternative medical explanation for the drug(s) found in the driver’s urine specimen. If the driver provides appropriate documentation and the MRO determines that it is a legitimate medical use of the prohibited drug(s), the drug test result is reported as a negative to the City.
- iv. **Consequences of a Positive Drug Test.** A driver will be removed from safety sensitive duties and placed on administrative leave if the test returns a positive for drugs. The removal cannot take place until the MRO has interviewed the driver and determined that the positive test resulted from the unauthorized use of a controlled substance. A confirmed positive drug result will result in termination of employment.

506.04 **Confidentiality.** Test results may be released only to the driver, designated City officials, a substance abuse professional, laboratory officials or a medical review officer. Records will also be made available to a subsequent employer or other identified person upon the driver’s specific written request. Test results will not be released to others except as required by law or expressly authorized in the applicable DOT regulations (e.g., the decision maker in a lawsuit, appeal or administrative proceeding initiated by or on behalf of the driver and arising from a positive DOT drug or alcohol test or refusal to test; this includes workers’ compensation and unemployment proceedings.) All test results will be kept in a confidential file by the Director of Human Resources. Management and supervisory personnel who are authorized to have access to alcohol and drug testing results must maintain complete confidentiality regarding this information. City employees who make a reasonable suspicion observation or who witness an accident must also maintain confidentiality. Breach of confidentiality relating to test results, or any other related matters, will likely result in disciplinary action, up to and including termination of employment.

506.05 **Record Retention.** The City will maintain and retain records under this policy as mandated by DOT regulations.

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- 506.06 **Notification to Applicants/Employees of Positive Test Results.** The City will notify applicants of the results of a pre-employment drug test if the applicant requests such results within 60 calendar days of being notified of the disposition of the employment application. The City will notify an employee of the results of random, reasonable suspicion and post-accident drug tests if the test results are confirmed positive, and also which controlled substance(s) verified positive after the MRO confirms the positive. The City will also make reasonable efforts to contact and request each driver who tested positive to contact and discuss the results of their drug test with an MRO who has been unable to contact the driver. The City will immediately notify the MRO that the driver has been notified to contact the MRO within 72 hours.
- 506.07 **Employee Admission of Drug/Alcohol Use.** An employee who admits to alcohol misuse or drug use must do so in accordance with the City’s general Drug and Alcohol Use Policy; provided, however, the employee may not self-identify in order to avoid the testing requirements of this DOT policy. Further, the employee must make the admission prior to performing a safety sensitive function, i.e., prior to reporting for duty. The employee may not perform a safety sensitive function until the City is satisfied that the employee has been evaluated and has successfully completed educational or treatment requirements in accordance with the City’s general Drug and Alcohol Use Policy. A drug and alcohol abuse evaluation expert, i.e., an EAP professional, a substance abuse professional or a qualified drug and alcohol counselor, will determine successful completion. Prior to the employee performing safety sensitive functions, the employee must undergo a return to duty alcohol and/or drug test with a negative test result.
- 506.08 **Safety Sensitive Functions.** For purposes of this policy, safety sensitive function or duty means all the time from the time a driver begins to work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. Safety sensitive functions/duties include:
- 506.08.01 All the time at a City, facility, or other property, or on any public property, waiting to be dispatched, unless the driver has been relieved from duty by the City;
 - 506.08.02 All the time inspecting equipment as required by applicable DOT regulations or otherwise inspecting, servicing, or conditioning any CMV at any time;
 - 506.08.03 All the time spent at the driving controls of a CMV in operation;
 - 506.08.04 All the time, other than driving time, in or upon any CMV;
 - 506.08.05 All the time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
 - 506.08.06 All the time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

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- 506.09 **Transportation to Testing Site.** With the exception of pre-employment and random testing, employees will be driven to the testing facility by a supervisor. The supervisor will remain with the employee during the testing process. The City will make arrangements to have the employee transported back to the City or home, as appropriate, after the testing is complete.

507 PHONE, ELECTRONIC COMMUNICATION AND INTERNET USE

- 507.01 **Scope.** The guidelines specified in this policy apply to all regular and part-time, seasonal employees, contract personnel, and volunteers whose access to or use of the technology systems is funded by the City or is available through equipment owned by the City.
- 507.02 **User Responsibilities.** Employees are representatives of the City in all their communications. Responsible use of the City's technology systems requires discretion, professionalism and awareness of potential liability. Employees should be aware that when they are utilizing certain technology systems, they are creating City documents. Employees must understand at all times that communication and use of any of the City's technology systems are matters of public record under the Public Information Act and may be subject to discovery requests.
- 507.03 **Policy Guidelines.** The following guidelines have been established for using the Internet, City-provided cell phones, tablets, laptops, e-mail, and other technology in an appropriate, ethical and professional manner:
- 507.03.01 Internet, City-provided equipment (e.g., cell phone, laptops, tablets, computers, etc.) and services shall not be used for transmitting, retrieving or storing any communications of a defamatory, discriminatory, harassing or pornographic nature.
- 507.03.02 Employees shall not use technology to play or download any games, communicate disparaging, abusive, profane or offensive language; create, view or display materials that might adversely or negatively reflect upon the City or be contrary to the City's best interests; and engage in any gambling or illegal activities, including piracy, cracking, extortion, blackmail, copyright infringement, and unauthorized access of any computers and City-provided equipment such as cell phones, tablets and laptops.
- 507.03.03 Employees obtaining information may not copy, retrieve, modify or forward copyrighted materials, except with permission or as a single copy to reference only.
- 507.03.04 Employees shall not use the system in a way that disrupts its use by others such as streaming video, music or other media that is not work related.
- 507.03.05 Employees shall not interfere with or disrupt network users, services or equipment including but not limited to: damaging equipment, spreading viruses, impersonating another user, or destroying communications or electronic files.

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- 507.03.06 Employees shall not use technology systems for personal gain, outside employment, personal business operations, other financial profit or to advertise or solicit funds for political, religious or other personal causes.
- 507.03.07 Employees should not open suspicious e-mails, pop-ups or downloads. Contact Information Technology with any questions or concerns to reduce the release of viruses or to contain viruses immediately.
- 507.03.08 Employees shall ensure that all technology related purchases are coordinated with Information Technology prior to the actual purchase.
- 507.03.09 Internal and external e-mails are considered business records and are subject to the Public Information Act and may be released upon request.
- 507.03.10 City network user login and password information shall not be shared with or used by other individuals or stored in an unsecured / visible location.
- 507.03.11 Employees should refrain from making personal calls, personal instant messaging, and personal text messaging, tweeting, or interacting with all social media during the work hours regardless of whether the equipment used is company provided or not.
- Receiving or making personal telephone calls during work hours should be limited. When possible, calls should be made and received during breaks and lunch times.
- Employees should notify their friends and family members of this policy.
- 507.03.12 Employees shall not make personal, long distance calls using City telephones without prior supervisor authorization and, in all cases, charges for long distance personal calls shall be reimbursed by the employee.
- 507.04 **Right to Monitor.** All City-supplied technology and City-related work records belong to the City and not to the employee. The City reserves the right to monitor the use of City supplied technology. E-mails are retained in accordance with the City's document retention policy. Inappropriate or illegal use or communications may be subject to corrective action up to and including termination of employment.
- 507.05 **Violation of Policy Guidelines.** Any violation of this policy and its guidelines may be subject to corrective action, including but not limited to the loss of access and other privileges, and/or termination of employment.

508 FRAUD

- 508.01 **Purpose.** The purpose of this policy is to establish a fraud policy to convey, both internally and externally, the intent and conviction that all City business is conveyed with integrity using the highest ethical standards possible. To accomplish this purpose, this policy seeks to establish rules that clearly define unacceptable behavior, prevent fraud and outline the appropriate response to allegations of fraud in connection with City programs, functions or activities. This policy applies to all City employees.

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- 508.02 **Scope.** This policy establishes three (3) key expectations of the City of New Haven:
- 508.02.01 As “Integrity” is one of the City’s corporate values, it is important to discourage and prevent fraudulent activity and report suspected fraud.
 - 508.02.02 Strong procedures, outlined in this policy, will respond to allegations of fraud.
 - 508.02.03 Investigation procedures ensure objective review of each situation.
- 508.03 **Definition of Fraud.** The intentional misappropriation of City assets by any act including, but not limited to, theft, embezzlement and intentional misrepresentation. Acts constituting fraud include but are not limited to:
- 508.03.01 Forgery or alteration of any document or account belonging to the City.
 - 508.03.02 Forgery or alteration of a check, bank draft or any other financial document representing funds belonging to the City.
 - 508.03.03 Misappropriation of funds, securities, supplies or other assets of the City.
 - 508.03.04 Impropriety in the handling or reporting of money or financial transactions involving the City and any other entity.
 - 508.03.05 Profiteering as a result of insider knowledge of City activities.
 - 508.03.06 Disclosing confidential and proprietary information to outside parties.
 - 508.03.07 Accepting or seeking anything of material value from contractors, vendors or persons providing services/materials to the City in return for a referral of business.
 - 508.03.08 Unauthorized destruction, removal or personal use of records, furniture, fixtures and equipment belonging to the City.
 - 508.03.09 Embezzlement, larceny or any other misapplication of City funds.
 - 508.03.10 Any official misconduct including the misapplication or misuse of City funds, property or information.
- 508.04 **Appropriate Law Enforcement Authority.** An appropriate law enforcement authority is a part of a state or local governmental authority or of the federal government that an employee in good faith believes is authorized to regulate or enforce the law alleged to be violated in a report of fraud or is authorized to investigate or prosecute a violation of criminal law.

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- 508.05 **Policy.** Fraudulent activity is prohibited. All allegations of fraudulent activity will be investigated. If it is determined that any employee has engaged in fraudulent activity, the employee will be subject to corrective action, up to and including termination of employment, and referral may be made to an appropriate law enforcement authority. Retaliation against any employee for reporting fraudulent activity or for participating or cooperating in an investigation of an allegation of fraud, is prohibited.
- 508.06 **Fraud Investigation Types.** Depending on the seriousness and scope of the allegation, three types of investigations could be conducted. Some allegations may be considered less serious and can be handled by a Department Head while others may touch multiple departments and require the Internal Control Oversight Committee.
If at any point within an investigation it becomes suspected that criminal activity may have occurred, whomever is leading the investigation shall promptly notify the appropriate law enforcement authority as well as the Clerk Treasurer who will determine if the case should also be pursued as an administrative investigation in addition to any criminal investigation.
- 508.07 **Fraud Investigation Procedures.** The following procedures apply to all fraud investigations, regardless of whom is leading the investigation.
- 508.07.01 An investigation shall be planned in coordination with Human Resources and initiated within five (5) working days after the allegations have been received.
- 508.07.02 After all relevant information has been collected, a written report of findings regarding the allegations of fraud shall be completed. The Director of Human Resources, Clerk Treasurer and Department Head shall meet to confer about the findings and discuss the nature of appropriate action.
- 508.07.03 A determination regarding the reported conduct will be made and communicated to the complainant, if appropriate, and the accused employee.
- 508.07.04 Based on the findings, the appropriate supervisor will administer the appropriate corrective action, including but not limited to, counseling, mandatory training, reprimand, suspension or termination of employee(s) violating the provisions of this policy.
- 508.07.05 Any disciplinary actions resulting from the application of this policy will be handled in accordance with the City's policies.
- 508.07.06 A copy of the findings report shall be provided to the accused employee(s), the appropriate Department Head, the Human Resources Director, the Clerk Treasurer, Mayor and the complainant, if deemed appropriate. A copy shall also be placed in the personnel file(s) of the accused employee(s).

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- 508.07.07 To the extent allowed by law, all documentation and matters regarding the investigation shall be handled with due sensitivity and confidentiality appropriate to the circumstances.

509 CASH AND ASSET LOSSES, VARIANCES, SHORTAGES AND THEFTS

- 509.01 All employees shall report any variance, loss, shortage or theft of which the Employee becomes aware to his or her Department Head or Elected Official.
- 509.02 All Department Heads and Elected Officials shall report all erroneous or irregular material variances, losses, shortages or thefts of cash or assets to the Indiana State Board of Accounts. For the purposes of this policy (A) material shall mean a variance, loss or shortage exceeding Fifty Dollars (\$50.00) in cash or equivalent value.
- 509.03 All Department Heads and Elected Officials of the City who have actual knowledge of, or reasonable cause, to believe that there has been a misappropriation of public funds or assets of any office including (1) information obtained as a result of a police report; (2) an internal audit or finding; or (3) any other source indicating a misappropriation has occurred, shall immediately send written notice of the misappropriation to the State Board of Accounts and to the Prosecuting Attorney for Allen County, Indiana.
- 509.04 The Clerk Treasurer shall be notified immediately of any knowledge of, or reasonable cause of belief of misappropriation of public funds or assets.

510 MEDIA RELATIONS

- 510.01 **General.** The City seeks to provide consistent, accurate, and timely information to the media while keeping City officials informed of emerging media issues.
- 510.02 **Official Spokesperson.** The Mayor shall designate official spokespersons for the City. In accordance with the Emergency Operations Plan, the Mayor is the designated spokesperson for the City during City emergencies.
- 510.03 **General Inquires.** Any media inquiries received by City staff shall be referred immediately to the Mayor's Office or designee.
- 510.04 **Interviews Outside of City Business.** The U.S. Constitution holds that US Citizens have the right to their personal points of view regarding any issue. City employees who interact with the media outside their capacity as a City employee should take measures to ensure that he or she is not designated as a City spokesperson, or as offering an "official City point of view."

SECTION 5 – EMPLOYEE STANDARDS OF CONDUCT

511 SOCIAL MEDIA

- 511.01 **Policy.** An employee’s use of social media, both on and off duty, shall not interfere with or conflict with the employee’s duties or job performance, reflect negatively on the City or violate any City policy. The intent of these standards is to regulate the creation and distribution of information concerning the City, its employees and citizens through electronic media, including, but not limited to websites and applications that enable users to create and share content such as video, photographs, written content or to participate in social networking. This policy is designed to protect the City’s reputation and ensure that an employee’s communications reflect positively on the City.
- 511.02 **Guidelines for City Sponsored Social Media Sites.** Employees shall adhere to the following guidelines:
- 511.02.01 All content posted to the City’s social media sites shall be aligned with the City and the department’s strategic priorities.
- 511.02.02 The Elected Officials and the Department Heads will determine who is authorized to post on social media sites on behalf of the City.
- 511.02.03 Employees must obtain authorization from their Department Head to update or post on social media sites on behalf of the City. Employee time spent updating or posting on City social media sites as part of the employee’s job duties is considered hours worked and is compensable.
- 511.02.04 Employees shall not disclose confidential information on social media. Posting of confidential information may violate state law and subject the user to criminal penalty.
- 511.03 **Guidelines for Personal Social Media Sites.** The City recognizes that many City employees utilize social media when not at work. The City requires that employees be aware of the following guidelines regarding posting of work-related information on personal social media sites.
- 511.03.01 If the employee’s social networking includes any information related to the City, the employee shall make it clear to the readers that the views expressed are the employee’s alone and not reflective of the views of the City.
- 511.03.02 Employees are expected to act responsibly on and off duty, and to exercise good judgment when using social media. Employees should be aware that postings on social media sites, even if done off premises and while off duty, could have an adverse effect on the City’s legitimate business interests.

SECTION 5 – EMPLOYEE STANDARDS OF CONDUCT

- 511.03.03 Employees are expected to refrain from posting anything on a personal social media site that may defame, embarrass, insult, demean or damage the reputation of the City or any of its employees.
- 511.03.04 Employees are expected to refrain from posting on personal social media sites information that may constitute a violation of the City’s Workplace Conduct Policy. Employees shall not post pornographic pictures of any type that could identify them as an employee of the City. Employees should be mindful that the City’s Workplace Conduct Policy covers both work and non-work time, including postings on social media sites.
- 511.03.05 Employees shall not post information on a personal social media site that could adversely impact the City and/or an employee of the City.
- 511.03.06 Employees are expected to remove postings violating this policy, even when placed by others on a personal social media site.

512 TOBACCO-FREE WORKPLACE

- 512.01 **General.** All employees are prohibited from the use of all tobacco products, including smokeless electronic cigarettes, at any time in City buildings, City facilities, City vehicles, while using City equipment, or as otherwise directed. Employees may smoke during their two (20 fifteen (15) minute breaks and lunch period outside of the building. The Indiana House Enrolled Act 1149, known as the “Indiana No Smoking Law” effective July 1, 2012 prohibits smoking within 8 feet of an entrance. Smoke breaks which are excessive in frequency or length will be treated as an attendance issue.

513 WORKPLACE CONDUCT POLICY

- 513.01 **Purpose.** The purpose of this policy is to prohibit discrimination, harassment, and workplace violence; the condoning or perpetuating of such conduct, or retaliation for reporting such conduct or assisting in an investigation; and to provide a process for reporting and resolving complaints of harassment, discrimination and workplace violence.
- 513.02 **Policy.** All City employees are entitled to a workplace free of workplace violence and unlawful discrimination and harassment by management, supervisors, co-workers, citizens, and vendors. This means that each employee must be respectful of others and act professionally. City employees are also prohibited from engaging in workplace violence and unlawful discrimination and harassment of other employees, citizens, vendors, and all other third parties.
- 513.03 **Scope.** All City employees (regular, part-time and seasonal, temporary, non-exempt and exempt), elected officials and volunteers are governed by the provisions of this policy.

SECTION 5 – EMPLOYEE STANDARDS OF CONDUCT

513.04 **Sexual Harassment.** All types of sexual harassment are prohibited. Sexual harassment is behavior of a sexual nature that is not welcome, is personally offensive, undermines morale, interferes with the work performance and effectiveness of another person in the work environment, or creates an intimidating, hostile or offensive work environment.

Sexual harassment is defined as unwanted or unwelcomed sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature constitute sexual harassment when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or 2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Sexual harassment does not require sexual attraction or interest. Sexual harassment prohibited under this policy includes, but is not limited to:

- i. Unwanted or unwelcome sexual advances and requests for sexual favors or propositions,
- ii. Sexual jokes and innuendo;
- iii. Comments about bodies, sexual prowess, sexual preferences, sexual experiences or sexual deficiencies;
- iv. Leering, whistling, or physical contact such as touching or blocking movements;
- v. Verbal abuse of a sexual nature, including insulting or obscene comments or gestures;
- vi. Display in the workplace of sexually suggestive objects or pictures, including nudity and pornography;
- vii. Continuing to express sexual or social interest after being informed directly that the interest is unwelcome, and;
- viii. All inappropriate conduct of a sexual nature, whether it be physical, verbal or visual conduct.

SECTION 5 – EMPLOYEE STANDARDS OF CONDUCT

513.05 **Unlawful Harassment and Discrimination.** Harassment or discrimination on the basis of any legally protected characteristic is strictly prohibited. Demeaning, hostile, or offensive conduct based on membership in a group defined by characteristics such as race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law when it is unwelcome, and has the purpose or effect of unreasonably interfering with an individual's work performance, creating an intimidating, hostile or offensive work environment, or otherwise adversely affecting an employee's employment opportunities is prohibited.

No employee shall discriminate against any individual on the basis of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law with respect to any employment action or condition of employment. This means that demeaning, hostile or offensive verbal or physical conduct that singles out, denigrates, or shows hostility or aversion toward someone because of race, religion, color, national origin, age, disability, genetics, veteran status, citizenship, or any other characteristic protected by law is prohibited.

513.05.01 Prohibited conduct includes, but is not limited to, epithets, slurs and negative stereotyping; threatening, intimidating, or hostile conduct; denigrating jokes and comments; and writings or pictures, that single out, denigrate, or show hostility or aversion toward someone on the basis of a protected characteristic. Conduct, comments, or innuendoes that may be perceived by others as offensive are inappropriate and are strictly prohibited.

513.05.02 This policy also prohibits sending, showing, sharing, or distributing in any form, inappropriate jokes, pictures, comics, stories, etc., including but not limited to via facsimile, e-mail, cell phone or other electronic devices, social media, and/or the Internet, such as YouTube, Twitter and Facebook. Harassment of any nature, when based on race, religion, color, sex, national origin, age or disability, genetics, veteran status, citizenship or any other characteristic protected by law is prohibited and will not be tolerated.

513.06 **Workplace Violence.** Workplace violence is prohibited. Workplace violence is physically aggressive, violent or threatening behavior intended to instill fear in another person or persons through intimidation, including verbal or physical threats of any kind; or any other conduct that suggests a tendency toward violent behavior. Examples include:

- i. Excessive arguing, belligerent speech, profanity, sabotage or threats of sabotage to City property or other employees' property;
- ii. Causing physical damage to City facilities or defacing City property; and
- iii. Carrying firearms or weapons of any kind onto City property and into the workplace unless specifically allowed by law enforcement officers.

SECTION 5 – EMPLOYEE STANDARDS OF CONDUCT

- 513.07 **Complaints.** It is the responsibility of any employee who believes he or she has been subjected to unlawful harassment or discrimination, regardless of the offender’s identity or position, to promptly report such incident.
- 513.07.01 A person who experiences harassment or discrimination may seek to resolve the problem by advising the offending individual that the behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. However, persons are not required to deal directly with an offending individual in seeking resolution of a complaint of harassment or discrimination and may proceed as outlined below.
- 513.07.02 A complaint may be filed verbally, or in writing to the employee’s Supervisor or Department Head or to the Director of Human Resources.
- i. If the employee does not feel comfortable reporting the incident to the employee’s Supervisor, Department Head or to the Director of Human Resources, the employee may report the incident to an Elected Official.
 - ii. Verbal reports must be reduced to writing by either the employee or the person who receives the complaint and must be signed.
 - iii. The person’s complaint should be as detailed as possible, including the names of individuals involved, the names of any witnesses, the date and time of the incident, direct quotations when language is relevant, and any documentary evidence (notes, pictures, cartoons, et cetera).
 - iv. A person wishing to file a complaint should do so promptly at the occurrence of the discrimination harassment, workplace violence or retaliation. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived discrimination.
- 513.07.03 A Supervisor or Department Head who receives a formal or informal complaint (verbal or in writing) must forward it to the Director of Human Resources immediately upon receipt.
- 513.07.04 The Director of Human Resources, or designee, shall notify the Mayor immediately of all complaints of prohibited conduct reported pursuant to this policy.

SECTION 5 – EMPLOYEE STANDARDS OF CONDUCT

- 513.08 **Mandatory Reporting.** The City requires that employees report all observed or perceived incidents of harassment or discrimination, regardless of the offender’s identity or position.
- 513.08.01 Any employee who observes or otherwise learns of possible harassment in the workplace or who feels that harassment has occurred must immediately report it to one of the following:
- i. Director of Human Resources;
 - ii. Elected Official;
 - iii. Department Head; or
 - iv. Employees are discouraged from making anonymous reports via means of notes, messages, letters, etc. as this type of report does not allow for response.
- 513.08.02 The Director of Human Resources, or designee, shall notify the Mayor immediately of all reports of prohibited conduct reported pursuant to this policy.
- 513.09 **Investigation Process.** The Director of Human Resources, or designee, shall promptly investigate all complaints and reports of prohibited conduct.
- 513.09.01 The Director of Human Resources shall interview the complainant, the person against whom the complaint is filed, and all other persons having any information on the matter.
- 513.09.02 Employees may be placed on administrative leave pending the outcome of the investigation.
- 513.09.03 An employee who fails to cooperate in an investigation shall be subject to corrective action, up to and including termination.
- 513.09.04 After all relevant information has been collected; the following shall occur:
- i. The Director of Human Resources, or designee, shall prepare a report of findings;
 - ii. The Director of Human Resources shall meet with the Mayor to discuss the findings of the report;
 - iii. The Director of Human Resources shall meet with the Department Head to discuss the findings of the report;

SECTION 5 – EMPLOYEE STANDARDS OF CONDUCT

- iv. A determination of the reported conduct shall be made and communicated to the complainant and to the accused employee; and
- v. Based upon the findings, the Elected Official or Department Head, (if appropriate) shall administer appropriate corrective action.

513.09.05 A volunteer found to have violated any provision of this policy may be reassigned or removed. If an elected or appointed official is found to have violated any provisions of this policy, such behavior shall be considered to have violated the provisions of the City of New Haven and shall be subject to the penalties described therein.

513.10 **Retaliation.** Retaliation against employees who make a good faith charge or report of prohibited conduct or who assist in a complaint investigation is prohibited. Acts of retaliation must be reported immediately as set out above.

513.11 **Responsive Action.** Violations of this policy may lead to corrective action, up to and including termination of employment. Corrective action will also be imposed in situations where claims of prohibited conduct were untruthful, fabricated or exaggerated or when employees are untruthful during an investigation.

513.12 **Counseling Resources.** The Director of Human Resources is available to provide counseling, referrals, and assistance to employees and supervisors regarding complaints of discrimination, harassment, workplace violence and retaliation.

513.13 **Appeal.** Please refer to *Section 8, Policy 802 - Employee Grievance and Appeals* for more information.

514 POLITICAL ACTIVITY

514.01 Employees may not participate in any partisan or non-partisan political activity while on-duty or off-duty in a uniform required by, used by, or identified with any department of City government.

514.02 Employees may not use municipal vehicles for any partisan or non-partisan political activities.

514.03 Any municipal employee found violating any provisions of this policy is subject to reprimand, suspension, or dismissal from City employment.

SECTION 5 – EMPLOYEE STANDARDS OF CONDUCT

515 CITIZEN INTERACTION

- 515.01 All citizens should be treated with respect and courtesy. Employees should not engage in arguments, debates, or lengthy discussions with private citizens regarding the City's policies, procedures, or services.
- 515.02 Any employee who receives a complaint from a private citizen should refer that individual to the Department Head.

516 SOLICITATION AND DISTRIBUTION

- 516.01 Solicitation in the interior premises of the City's facilities for non-employees is not permitted unless approved by an Elected Official.
- 516.02 Employees of the City are permitted to conduct solicitation and distribution activity in non-work areas but only if both employees are on non-work time and is non-coercive and consented to by the employee being solicited.
- 516.03 The Elected Official or Department Heads may regulate any solicitation and distribution activity by any employee or non-employee, which disrupts or interferes with the normal work of the City on its premises or in areas under the operational control of the City.

517 CLEAN DESK POLICY

- 517.01 A clean desk policy can be an important tool to ensure that all sensitive/confidential materials are removed from an employee's workspace and locked away when the items are not in use or an employee leaves his/her workspace. Computer screens should be cleared and turned off as well.
- 517.01.01 Employees are required to ensure that all sensitive/confidential information in hardcopy or electronic form is secure in their work area at the end of the day and when they are expected to be gone for an extended period.

SECTION 6– WAGE AND SALARY ADMINISTRATION

601 EMPLOYEE CLASSIFICATION AND PAY

- 601.01 **Policy.** City Council shall establish the compensation by ordinance.
- 601.02 **Salary Reduction.** The City may reduce the salary of any employee at any time when necessary for the proper administration of the affairs of the City.
- 601.03 **Definitions.**
- 601.03.01 Full-Time Employee. An employee whose position is budgeted to work a normal work week of forty (40) hours or more (2,912 for Fire shift personnel) and is provided City benefits.
- 601.03.02 Part-Time Employee. An employee in a budgeted position who works less than 30 hours in a normal work week.
- 601.03.03 Non-Exempt Employee. An employee occupying a non-exempt position is eligible for overtime pay and/or compensatory time off under the provisions of the Fair Labor Standards Act.
- 601.03.04 Salaried / Exempt Employee. An employee occupying a position that is exempt from overtime pay and/or compensatory time off requirements under the specific provisions of the Fair Labor Standards Act.
- 601.03.05 Temporary and Seasonal Employee. A temporary or seasonal employee is considered a budgeted position, on a temporary basis, for a specified period of time or until completion of a specific assignment or project, generally lasting no more than six months. Employment beyond any initially stated period does not in any way imply a change in the employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing.

602 WORK WEEK AND PAY PERIODS

- 602.01 **Civilian Employees.** The standard work week for all full-time civilian and non-sworn public safety employees shall be a 40-hour work week commencing at 2400 hours (12:00 a.m.) Sunday and ending at 2359 hours (11:59 p.m.) Saturday. All full-time exempt and non-exempt employees are expected to work a minimum of a forty (40) hour work week. Salaries shall be paid bi-weekly. Auto deposits will be released to employees on a bi-weekly basis. If a scheduled pay day falls on a holiday, paychecks shall be issued on the day preceding the holiday.
- 602.02 **Sworn Police and Fire/EMS Shift Personnel.** Should refer to departmental policies and procedures.

SECTION 6– WAGE AND SALARY ADMINISTRATION

- 602.03 The hours of work, including the workday, workweek, and work shift, for all employees shall be as established by the Elected Official.
- 602.04 Records will be maintained showing hours worked each day by Department Heads or supervisors. Time records will be approved by the Department Heads or the Elected Official.
- 602.05 Subject to the discretion of the City, employees may be authorized to take break periods each full working day. Such breaks shall not interfere with the proper performance of the employee's work responsibilities, will be set by the Elected Official/Department Head, and are subject to change.
- 602.06 Operational needs and/or emergencies, however, may necessitate the establishment of other work hours, days, or weeks on a temporary or permanent basis.
- 602.07 Breaks: While not required by law, allowing up to two fifteen (15) minute breaks within a scheduled shift is at the discretion of each department head. Employees should not clock in and clock out for the fifteen (15) minute breaks due to the breaks are paid time.
- 602.08 Breaks are not meant or afforded to the employee for the purpose of taking advantage of the situation or privilege. Honesty is essential.

603 OVERTIME AND COMPENSATORY TIME

- 603.01 **Policy.** Overtime compensation shall be paid to all non-exempt employees in accordance with federal and state wage and hour requirements. Exempt employees shall not be paid overtime compensation.
- 603.02 **Eligibility.** All non-exempt employees are eligible for overtime compensation. Employees in positions that are designated as exempt under the Fair Labor Standards Act (FLSA) regulations are not eligible for overtime compensation. The Director of Human Resources is responsible for determining the exempt or non-exempt status of positions in accordance with FLSA.
- 603.03 **General.** When the City's operating requirements or other needs cannot be met during regular working hours, non-exempt employees may be required to work overtime, at the request of their supervisor. When possible, advance notification of mandatory overtime assignments will be provided. Refusal or other failure to work mandatory overtime may result in corrective action, up to and including termination of employment. Overtime work is otherwise subject to the same attendance policies as straight time work.
- 603.04 **Work Assignments.** Overtime assignments will be distributed as equitably as practical to all non-exempt employees qualified to perform the required work.

SECTION 6– WAGE AND SALARY ADMINISTRATION

- 603.05 **Rate of Pay.** Overtime shall be paid to non-exempt employees at one and one-half (1½) times the regular rate of pay in accordance with FLSA and as described below.
- 603.05.01 Civilian Employees. Overtime shall be paid for hours worked in excess of eight (8) hours in a workday.
- 603.05.02 Sworn Police Personnel. During the time officers are training at a training academy, overtime shall be paid to sworn police personnel for hours worked in excess of forty (40) hours in a work week. For all other work periods, overtime shall be paid to sworn police personnel for hours worked in excess of eight (8) hours in a workday.
- 603.05.03 Sworn Police Detectives. Overtime shall be paid to Police Detectives for hours worked in excess of forty (40) hours in a work week.
- 603.05.04 Sworn Firefighter Certified Fire/EMS Shift Personnel. Overtime shall be paid to sworn fire shift personnel for hours worked in excess of one hundred and six (106) hours during a 14-day work period.
- 603.05.05 Sworn Non-Firefighter Certified Personnel. Over time shall be paid for hours worked in excess of forty (40) hours in a work week.
- 603.06 **Unauthorized Overtime.** All non-exempt employees shall receive their supervisor’s prior authorization before performing any overtime work. This means employees may not begin work prior to their scheduled work day and may not continue working beyond the end of their scheduled workday, without prior authorization from the appropriate supervisor. Similarly, employees may not work through their lunch break without prior authorization from the appropriate supervisor. In addition, employees may not conduct work via electronic devices when not on duty, such as checking their work email without prior approval. Non-exempt employees who work overtime without receiving proper authorization shall receive compensation for all hours worked, but may be subject to corrective action, up to and including termination of employment.
- 603.07 **Compensatory Time.** Effective January 1, 2014 compensatory (comp) time accrual is no longer available. All credited and unused comp time prior to January 1, 2014 is available for employees to use in lieu of other paid leave time or choose to pay out all remaining compensatory time.

604 ADVANCE PAY

- 604.01 **Advance Pay.** No full or partial advance payment of salary shall be made to any employee.

SECTION 6 – WAGE AND SALARY ADMINISTRATION

605 SEPARATION PAY

- 605.01 **Separation Pay.** All employees who leave the service of the City for any reason shall receive all pay which may be due them with the following qualifications:
- 605.01.01 An employee who has completed ten (10) or more years of continuous service with the City and separates from the City for any reason except by involuntary termination shall be paid ten (10%) of their total unused sick days up to a maximum of six (6) sick days upon separation.
- 605.01.02 Upon separation from employment, the employee will be paid in a lump sum all remaining personal days, vacation days and accrued compensatory time.

606 STANDBY / ON-CALL PAY

- 606.01 **Policy.** The City provides for after-hour service needs by allowing some departmental operations to designate certain non-exempt employees to be on-call. Employees designated to be on-call are expected to respond to departmental after-hour service needs as required by procedures established by their department.
- 606.02 **General.** After regularly scheduled working hours, on-call employees are free to pursue personal activities but must respond to a call back within designated guidelines set by their department. Employees designated as on-call must be fit, both mentally and physically, to accomplish on-call services needed within the time frame required. An employee is considered officially scheduled and designated as on-call only when approved by the supervisor in accordance with procedures established by the department.
- 606.03 **Department Procedures.** On-call and call-back procedures shall be established for each department by the Department Head, subject to approval by the Elected Official. Established procedures shall be provided to Human Resources and remain on file with Human Resources.

607 GARNISHMENTS

- 607.01 A court ordered legal claim against the wages of an employee by a creditor for nonpayment of a debt by legal authority is a garnishment and shall be recognized and executed by the City. When a garnishment is received for an employee, the Clerk Treasurer's office will notify the employee.

SECTION 7 – EMPLOYEE BENEFITS

701 GENERAL

- 701.01 **General.** All employee benefits are provided at the discretion of the Mayor and City Council and in accordance with the approved annual budget. Benefits are not a right, but a privilege and may be changed or suspended at any time.

702 BEREAVEMENT LEAVE

- 702.01 **Policy.** The City provides regular full-time employees paid time off in the event of a death(s) of an immediate family member, for the purpose of attending the funeral. The employee must notify their supervisor as soon possible and provide the length of time needed for the bereavement leave. Upon return the employee must provide the name, date of death and relationship to the deceased along with a copy of the obituary, funeral program, or prayer card.
- 702.02 **Immediate Family.** For the purpose of authorizing paid bereavement leave “family” is defined as current spouse, child, parent, grandparent, brother, sister, grandchild, step-child, step-father, step-mother, step-grandchild, half sibling, step-siblings, step-grandparents, all corresponding in-laws and other residents of the household of an employee.
- 702.03 **Bereavement Leave Pay.** Three (3) consecutive working days are provided in the event of the death of an immediate family member. One (1) working day is provided in the event of the death of an aunt or uncle on either the employee’s or spouse’s side of the family. Employees shall notate the familial relationship on their timesheet.
- 702.04 **Additional Leave.** If an employee requests more than the allowed days of bereavement leave, it must be approved by an Elected Official, Department Head or designee. If the bereavement leave is for a longer period than allowed, any additional approved time off shall be deducted from the employee’s accrued vacation, personal or compensatory time. If accrued vacation, personal or compensatory leave is not available, the additional time may be approved without pay.

703 HOLIDAYS

703.01 **Eligibility.** Paid holidays are extended to all regular, full-time employees. Every other employee is extended the official holiday, without pay. There is no waiting period for employees to receive holiday pay. Part-time, temporary or seasonal employees are not eligible for paid holiday leave. All holidays are approved by the Mayor. In addition to the official holidays listed below, the Mayor has the authority to add or extend holiday time.

New full-time employees who do not work a standard (40-hour/5-day week) work schedule and have completed the (90) ninety-day probationary period will receive the holidays which fall on or after the date of employment into their bank of holiday hours.

703.02 **Official City Holidays.** The following holidays will be observed by the City. (Subject to change yearly).

New Year’s Day (January 1);

Martin Luther King, Jr. Day (third Monday in January);

President’s Day (third Monday in February);

Good Friday (Friday before Easter);

Memorial Day (last Monday in May);

Independence Day (July 4);

Labor Day (first Monday in September);

Columbus Day (second Monday in October);

Veteran’s Day (November 11th);

Thanksgiving Day (fourth Thursday in November);

Day after Thanksgiving (fourth Friday in November);

Christmas Day (December 25th).

703.03 **Holidays on Weekends.** When an official holiday falls on a weekend, the following alternative schedule applies:

- i. A holiday which falls on a Saturday shall be taken on the Friday before the holiday.

SECTION 7 – EMPLOYEE BENEFITS

- ii. A holiday which falls on a Sunday shall be taken on the Monday after the holiday.

703.04 **Holiday Pay.**

- 703.04.01 To be eligible to receive holiday pay, employees both exempt and non-exempt must work their full work schedule prior to and following the holiday. If an employee has approved paid time off to equal a full work schedule prior to or following the holiday the employee will receive full holiday pay.
- 703.04.02 Regular full-time employees shall receive holiday pay equivalent to a standard eight (8) hour workday.
- 703.04.03 Any hourly full-time employee who is called in to work on a holiday, shall be compensated at one and one-half (1 ½) times their regular rate of pay for all hours worked, in addition to their normal holiday pay.
- 703.04.04 An official holiday occurring while vacation, sick or FMLA leave is being taken will be reflected as a holiday on the payroll and no deduction from the vacation or sick leave balance will be made for the holiday.
- 703.04.05 In the event an official City holiday conflicts with a City sponsored event, the Mayor may designate an alternate holiday for employees designated as essential personnel on the normally scheduled holiday.
- 703.04.06 No holiday will be paid for a holiday after an employee's separation date.
- 703.04.07 Time worked on any of the above listed holidays shall be included in time calculations.
- 703.04.08 The holiday schedule may be amended by the Mayor, with written notice and distributed to all departments within City government.

704 BIRTHDAY HOLIDAY & FLOATING HOLIDAYS

- 704.01 **Eligibility.** All regular full-time employees are eligible for one (1) paid birthday holiday and two (2) paid floating holidays they can take on any day within the calendar year.

New full-time employees will be eligible for the birthday holiday pay after the (90) ninety-day probationary period and when the birthday falls on or after the date of employment.

New Employees hired before May 31st, will receive two (2) Floating Holidays. New employees hired on June 1st or later will receive one (1) Floating Holiday for the year of hire.

- 704.02 **General.** Unused birthday and floating holidays will not carry forward from one (1) calendar year to the next.

SECTION 7 – EMPLOYEE BENEFITS

- 704.03 If the employee chooses to take their one (1) paid birthday holiday prior to their birth date and leaves employment for any reason the employee will be required to pay back the one (1) paid birthday holiday which will be deducted from their last paycheck.
- 704.04 Birthday and floating holidays must be used in whole day increments.
- 704.05 Birthday and floating holidays are paid at straight time.

705 PERSONAL DAYS

- 705.01 Personal leave is a benefit provided to full-time employees.
- 705.02 Full-time employees receive five (5) paid personal days in a calendar year. Upon completion of the probationary period, full-time employees will receive five (5) paid personal days.
- 705.03 New Employees hired before June 30th, will receive the full five (5) personal days. New employees hired July 1st or later will receive two (2) personal days for the year of hire.
- 705.04 Personal days will not accumulate from year to year but can be converted to sick days not to exceed sixty (60) days. After the employee's bank reaches sixty (60) days, unused personal days will be lost after December 31st of that year.
- 705.05 An employee who transfers from one department or office of the City to another shall be permitted to take his/her accumulated personal leave with him/her.
- 705.06 Notification of personal days taken must be made by the employee to the Department Head at least twenty-four (24) hours prior to the requested day off. The day off will be at the discretion of the Department Head, based on staffing needs.

706 VACATION LEAVE

- 706.01 **Eligibility.** All regular full-time employees shall accrue vacation leave during their first year of employment; however, vacation leave may not be used until ninety (90) days of service is completed.
- 706.02 **Part-time, Temporary and Seasonal Employees.** Part-time, temporary and seasonal employees are not eligible for vacation leave.
- 706.03 **Vacation Leave Accrual.** Accrual time is based on length of continuous service with the City of New Haven.

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706.04 **Vacation Leave Pay.** Vacation leave pay for each day or week of vacation shall be determined by multiplying the employee’s regular hourly wage rate by the number of hours in his/her regular work week.

706.04.01 **Regular full-time employees.** Regular full-time employees receive vacation leave at the below rates:

Length of Service	Accrued Time (Number of Days)
January 1 st – June 30 th (1 st year)	5 days after completion of 90 days
July 1 st – December 31 st (1 st year)	None
January 1 st – (2 nd year)	10 days; however, if employee is hired in the last 90 days of the previous year the employee must complete a total of 90 days before receiving the 10-day vacation benefit.
January 1 st – (3 rd Year - 6 th Year)	10 days
January 1 st – (7 th Year)	11 days
January 1 st – (8 th year)	12 days
January 1 st – (9 th Year)	13 days
January 1 st – (10 th year)	14 days
January 1 st – (11 th year)	15 days
January 1 st – (12 th year)	16 days
January 1 st – (13 th year)	17 days
January 1 st – (14 th year)	18 days
January 1 st – (15 th year)	19 days
January 1 st – (16 th year)	20 days
January 1 st – (17 th year)	21 days
January 1 st – (18 th year)	22 days
January 1 st – (19 th year)	23 days
January 1 st – (20 th year)	24 days
January 1 st – (Over 20 years)	25 days

706.05 **Maximum Accrual Allowed.** Employees shall not be permitted to accrue more than twenty-five (25) vacation days at any time. Vacation leave shall cease to accrue when a full-time employee’s vacation leave balance reaches the twenty-five (25) days.

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- 706.06 **Scheduling Vacation.** Employees shall schedule vacation in advance with the employee's supervisor or Department Head, who shall give due consideration of the employee's needs and to the ability of the remaining employees to perform all essential tasks of the department while the employee is on vacation. Vacation requests by Department Heads are subject to the approval of the Mayor, or his or her designee. Vacations shall only be scheduled when workload permits; however, every reasonable effort shall be made to accommodate individual requests. Employees have the responsibility to assure that the vacation is requested within a reasonable amount of time and confirm they will have adequate leave accruals to cover the requested time off. Carryover entitlements must be requested in writing to the Mayor for approval.
- 706.07 **Holidays during Vacation.** Official holidays occurring during an employee's vacation shall be paid as holiday pay and not considered as vacation leave.
- 706.08 **Illness or Injury during Vacation Leave.** If an employee becomes ill or injured while on vacation, the scheduled vacation time shall be counted as vacation; if the disability continues beyond the scheduled time of vacation leave, the sick day/leave allowances shall begin on the first scheduled working day after the end of the scheduled vacation leave.
- 706.09 **Vacation Leave during Disciplinary Suspension.** An employee on disciplinary suspension forfeits all claims to use vacation leave for the duration of the disciplinary suspension. In no case shall vacation time be granted an employee during the course of a disciplinary suspension as a means to supplement pay lost as a result of the disciplinary suspension.
- 706.10 **Sick Time Prior to Vacation Leave.** In the event an employee becomes sick prior to a vacation the time may be used as sick time instead of vacation leave time. The employee may reschedule his/her vacation at the convenience of the department.
- 706.11 **Vacation Payout upon Termination of Employment.** Upon termination of service, a full-time employee shall be paid for any unused vacation time, not to exceed the established maximum time of twenty-five (25) days.

707 SICK LEAVE /NON-JOB RELATED

- 707.01 **General.** The intent of sick leave is to prevent a loss of income to employees who are absent from work due to an illness or injury that is not job related.
- 707.02 **Eligibility.** Regular, full-time employees are eligible for ten (10) sick days per calendar year after successful completion of the mandatory ninety (90) days probationary period.
- 707.02.01 New Employees hired before June 30th, will receive the full ten (10) sick days. New employees hired July 1st or later will receive five (5) sick days for the year of hire.
- 707.02.02 To be eligible for sick leave benefits, all employees must have reported for work or called in reporting the sickness or injury prior to scheduled work time.

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- 707.03 **Part-time, Temporary and Seasonal Employees.** Part-time, temporary and seasonal employees are not eligible for sick leave.
- 707.04 **Maximum Accrual Allowed.** All employees shall accrue sick leave up to a maximum of 560 hours. Sick leave accruals shall cease when an employee's sick leave balance reaches 560 hours.
- 707.05 **Holidays during Sick Leave.** Official holidays or additional holiday time approved by the Mayor occurring while an employee is absent from work due to an illness or injury that is not job related shall be paid as holiday pay and not considered as sick leave. Employee on unpaid leave shall not receive holiday pay.
- 707.06 **Permitted Sick Leave Uses.** Sick leave may be allowed in case of doctor appointments, personal illness, or physical incapacity of an employee. Sick leave shall also be used for FMLA qualifying events. Employees are entitled to use up to twenty-four (24) hours of sick leave to care for a family member. Refer to *Section 7, Policy 707.13 – Sick Time to Care for Family*.
- 707.06.01 Employees shall not be entitled to sick leave when absent from work due to illness or injury resulting from employment with another employer.
- 707.07 **Use of Other Paid Leave.** When an employee's accumulated sick leave has been exhausted, accrued vacation leave, personal time, birthday holiday, or compensatory time may be used upon request of the employee and with approval of the supervisor or Department Head.
- 707.08 **Sick Leave Notice.** Whenever possible, employees shall report and provide notice in accordance with *Section 5, Policy 503 – Attendance*. Failure to give notice may result in the employee being declared absent without leave and subject to corrective action.
- 707.09 **Certification from Medical Provider.** An employee may be required to furnish his or her supervisor or Department Head with a statement (original) from an attending licensed physician when:
- i. There is question as to the merits of an employee's claim that his or her absence was due to illness or injury of the employee or of a family member residing in the employee's household;
 - ii. The employee's safety or ability to work is in question;
 - iii. There is a question of sick leave abuse;
 - iv. The safety or efficiency of the work is in question

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707.09.01 When the employee has been absent from work for three (3) consecutive work days or longer they are required to furnish his or her supervisor or Department Head with a statement (original) from an attending licensed physician stating the first day of absence and when the employee can return to work.

707.10 **Insurance Benefits.** The employee's health insurance benefits will continue for the first ninety (90) days at the employee rate. The employee will be responsible for paying for their portion of the insurance premiums. After the ninety (90) days, the employee may continue the group health insurance under COBRA. The employee will be responsible for their portion of the insurance premiums and the City will pay the remaining portion of the insurance premiums for ninety (90) days. After six (6) months from the time of the employee's first leave day the employee will be responsible for the full insurance premiums under the COBRA plan. Failure to pay the employee portion of the premiums may result in loss of coverage.

707.11 **Fit for duty examination.** An employee who has been absent because of illness or injury may be required to submit to a physical examination by a licensed physician selected by the City prior to returning to work. In such cases the employee may return to work upon certification by the examining physician that the employee is physically or mentally fit to return to work, or if the employee is certified fit for limited or light duty, but not his or her regular duty, the employee may, at the discretion of the City, be required to report for light or limited duty. Refer to *Section 7, Policy 714 – Modified Duty* for additional information.

707.12 **Return to Work.** An employee who is released by an examining physician to return to regular or light duty and refuses to report for work or perform his or her assigned duties is subject to corrective action, up to and including termination.

707.13 **Sick Time to Care for Family.** After successful completion of the mandatory ninety (90) day probationary period, full time employees are eligible to use up to twenty-four (24) hours of the sick time allowed per year to care for an eligible family member. These twenty-four (24) can ONLY be used in eight (8) hour increments. If the time off is for the care of a family member with a serious health condition that is a qualifying family member under the provisions of the Family and Medical Leave Act (FMLA), then the time off shall run concurrent with FMLA leave. For the purpose of this policy, eligible family members are defined as: spouse, child and parent. Sick time may be used for those family members in the following circumstances:

- i. The care of an eligible family member who is ill or injured.
- ii. Accompanying an eligible family member to a scheduled medical or dental procedure or checkup.
- iii. Attending to an eligible family member who is hospitalized.

707.14 Unused sick time granted for that year will be put into a bank not to exceed sixty (60) days per employee.

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708 EXTENDED MEDICAL LEAVE

- 708.01 **General.** To encourage employees to return to work, and to manage the affairs of the City in an orderly and efficient fashion, and to give employees who need extended leave for reasons of illness or injury a reasonable time to recuperate and recover, the City has adopted the following policy providing unpaid leave benefits above and beyond what is required by law.
- 708.02 **Extended Leave Over and Above FMLA.** If an employee's illness or injury requires a leave of absence exceeding the applicable FMLA period, the City may, with satisfactory medical evidence, extend an employee's unpaid leave for an additional ninety (90) days, or a total of six (6) months. The City may extend the employee's reinstatement rights on or before the end of the six (6) month period, if the employee can continue to perform the job with or without reasonable accommodation.
- 708.03 **Cost of Insurance During Extended Medical Leave.** For the first ninety (90) days of COBRA coverage, the employee shall pay the same rate of contribution the employee makes to its regular health insurance and the City will pay the balance. After the first ninety (90) days of COBRA, the employee will be responsible for one hundred percent (100%) of the COBRA premiums.
- 708.04 **Periodic Reporting During Extended Leave.** While on extended leave, employees are required to report periodically to their supervisor, at least every thirty (30) days regarding the status of medical condition and their intent to return to work. Employee may be required to provide satisfactory medical evidence substantiating their need for continued leave.
- 708.05 **End of Leave.** If, at the end of an extended leave, an employee is still not able to return to his/her job because he/she is unable to perform the job, either with or without reasonable accommodation, due to illness or injury, then the employee may be separated from employment.

709 BORROWED LEAVE

- 709.01 For an employee who misses time on eligible FMLA leave, or on an extended medical leave, who has exhausted all accumulated sick days available, compensatory time, vacation time, personal days, the employee may borrow up to an additional thirty (30) days paid sick leave from the City with approval from the Board of Works.
- 709.02 To be eligible for borrowing of sick leave, employee must provide a report from the treating health care provider stating that the employee is unable to work and the expected return to work date. This notice shall be given to the Department Head or appropriate Elected Official along with a written request for borrowed sick leave.
- 709.03 Borrowing of additional sick leave must also be approved by the Board of Works.
- 709.04 Borrowed sick leave can only be used for personal illness or injury. Borrowed sick leave may not be used for non-medical related matter.

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- 709.05 When the employee returns to work, the borrowed sick leave may be paid back to the City with personal time, sick time, and/or vacation days once the employee has accumulated them.
- 709.06 If the employee does not return to work or if the employee's employment is terminated before all days are repaid, the employee shall reimburse the City in a monetary value of the days based upon their average daily wage.

710 JURY DUTY AND COURT LEAVE

- 710.01 **General.** Employees shall be granted court leave with pay when summoned for jury duty or when appearing as a witness on behalf of the City or as a consequence of his or her official City duties. It is expected that employees will work their normal working hours during any time that they are not required to serve.
- 710.02 **Notification.** Employees shall notify their supervisor upon receiving a summons for which court leave is requested and shall submit appropriate documentation verifying the nature and duration of absence in order to receive jury duty or court leave with pay.
- 710.03 All fees paid and expenses reimbursed by the court may be retained by the employee, provided that the City did not furnish travel, meals, lodging or miscellaneous expenses and that the employee is not appearing as a witness on behalf of the City or is appearing as a consequence of his or her official City duties. If the City furnished travel, meals, lodging or miscellaneous expenses, the employee shall submit any fees paid or expenses reimbursed by the court to the City.
- 710.04 **Pay.** If an employee is appearing as a witness for a reason other than on behalf of the City or personal matters during any portion of the employee's regular scheduled working day, that employee may choose to be compensated for such time in one of the manners set forth below:
- i. The employee may choose to use his/her vacation, personal, compensatory time as compensation. If there is no vacation, personal or compensatory time left the time will be unpaid.
- 710.05 The employee will be expected to report for work following jury duty, if a reasonable amount of time two (2) hours or more remains during his/her scheduled workday. If any employee is called for court jury duty or subpoenaed to testify in a court of law, outside of his/her regularly scheduled working hours, all compensation received for such court service shall be retained by the employee.
- 710.06 The City will not reimburse employees when appearing in court for criminal or civil cases, when the case is being heard in connection with the employee's personal matters, such as traffic court, divorce proceedings, custody, appearing as directed with a juvenile, etc. unless the employee utilizes unused vacation, personal, or compensatory time.

711 MILITARY LEAVE

- 711.01 **General.** The City complies with all federal and state laws relating to employees in reserve or active military status and does not discriminate against employees who serve in the military. The City supports its employees and their service in federal and state military units and provides them with a number of military leave benefits.

- 711.02 **Eligibility.** Employees who serve in the uniformed services in a voluntary or involuntary basis, including active duty, active duty for training, initial active duty for training, inactive duty training, and full-time National Guard duty.

- 711.03 **Military Training Leave.**
 - 711.03.01 **Eligibility.** A full-time employee, who is a member of the Indiana or National Guard or Reserves of the United States Armed Forces shall, upon notification to the department head and submission of appropriate documentation, be granted leave for a period required to perform active duty for training. Part-time employees will be given authorized leave without pay for this purpose.

 - 711.03.02 **Definition.** Active duty for training is defined as engaging in short periods of authorized military training such as cruises, training schools, weekly or weekend drills, and other similar activities.

 - 711.03.03 **Length of Leave.** In accordance with Sections 10-16-75, and 36-8-5 et. Seq., Indiana Code, a full-time employee engaged in authorized military training or duties will receive pay and accrue benefits as if the employee were on the job, for up to fifteen (15) working days leave with pay per calendar year for training purposes.

 - 711.03.04 **Leave in Excess of 15 days.** An employee eligible for military leave who is ordered or authorized to participate in training or other duty for more than 15 work days in one calendar year will be placed on leave without pay for any time in excess of 15 work days. The employee may choose to use accrued vacation, personal or compensatory time in lieu of leave without pay.

 - 711.03.05 **Notice to Department Head.** An employee shall give notice to his or her supervisor within 72 hours of receiving written or verbal military orders regarding dates for military training leave. Annual or quarterly training schedules should be given to the department head as the schedules become available to the employee. Employees are required to submit the published order authorizing the military duty or a written statement from the appropriate military commander authorizing such duty.

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711.03.06 **Rescheduled Work Days.** An employee who participates in weekend military training that occurs on a scheduled workday may reschedule a workday rather than have the absence charged to military leave, if the employee reschedules the workday within the same work period.

711.04 **Active Duty Military Leave.**

711.04.01 Eligibility. A full-time employee, who leaves a position with the City for the purpose of entering any branch of the United States Armed Forces for extended active duty, shall be placed in military active duty status and granted a leave of absence. The employee should give the department head advance notice of the employee's intent and, for reemployment purposes, submit a copy of the orders for inclusion in the employee's personnel record.

711.04.02 Length of Active Duty. In accordance with § 4312, Title 38, United States Code, and employee may serve a total of five (5) years on active duty in the armed forces, (six (6) years for Navy Nuclear Program) and still be eligible for reemployment. An employee's right to re-employment is not protected for periods of military active duty longer than five (5) years (six (6) years for Navy Nuclear Program) whose initial enlistment period is six years.

711.04.03 Employee's current medical insurance benefits only, will continue while employee is on active duty. Employee will not accrue vacation, personal, or sick time during active duty.

In accordance with USERRA, an employee may serve a total of five (5) years on active duty in the armed forces, (six (6) years for Navy Nuclear Program) and still be eligible for reemployment. An employee's right to re-employment is not protected for periods of military active duty longer than five (5) years (six (6) years for Navy Nuclear Program) whose initial enlistment period is six years.

711.04.04 Re-employment. A full-time employee who returns from active duty in the armed forces of the United States is entitled to reemployment in the same position held upon entrance to active duty or in a position of comparable status and pay, if the employee:

- i. Is physically and mentally qualified to perform the duties of the position;
- ii. Was discharged, separated, or released from military active duty under honorable or general conditions;
- iii. Has not been on military active duty leave for more than five (5) years (six (6) years for Navy Nuclear Program); and

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Makes a written application for reappointment after discharge, separation, or release from military active duty and presents evidence of the discharge, separation, or release from military active duty:

- a. Less than 31 days Active Duty: The employee must report to work at the next regular scheduled work period after a reasonable time to return home safely and an 8-hour rest period.
- b. Between 30 to 181 days Active Duty: The employee must submit a written application within 14 days of release of service.
- c. More than 181 days Active Duty: The employee must submit a written application within 90 days of release of service.

711.04.05 Credit for Military Service. A full-time employee with the City upon reemployment from military active duty will be allowed full credit for time spent in the military service for the purpose of computing seniority, vacation and sick leave, and service longevity. In addition, upon re-employment, the employee will be credited with sick and vacation leave accruals not accrued during his or her active military duty leave.

711.04.06 Military Pay and Benefits. A full-time employee called to active duty in a reserve component of the armed forces shall be granted leave and employee benefits in the following manner:

- i. Use of Paid Leave. The employee may request in writing to use any accrued vacation, personal or compensatory time leave balances. If the employee elects to use these leave balances, the leave must be taken in amounts consistent with the employee's regular work schedule with the City. For example, if the employee was regularly scheduled to work forty (40) hours per week for the City, the leave must be used at a rate of forty (40) hours per week.
- ii. Insurance Benefits. The City will continue to pay its portion of the employee's insurance benefits paid prior to the employee beginning active military duty, with the employee continuing to be financially responsible for the employee's portion of the premium for the selected coverage. Payment of insurance benefits will continue in this manner for ninety (90) days from the day the leave begins. Upon exhaustion of the ninety (90) days, the employee may then elect to continue health insurance coverage through COBRA coverage in compliance with the law.

712 PERSONAL (NONMEDICAL) LEAVE OF ABSENCE WITHOUT PAY

- 712.01 **General.** Leave without pay is granted as a matter of administrative discretion. No employee may demand leave without pay as a matter of right.
- 712.02 **Use of Accrued Paid Leave.** Employees must exhaust all paid leave prior to requesting leave without pay.
- 712.03 **Leave Without Pay Requests.** Employees who wish to request leave without pay must do so in writing.
- 712.04 **Approval.** An unpaid Leave of absence must be requested in writing and may be granted to employees with the written approval of the Elected Official. Leave of absence may be granted for a period of up to thirty (30) days and will be unpaid.
- 712.05 **Benefit Coverage.** During an approved unpaid leave of absence, the employee’s health insurance benefits will continue for thirty (30) days at the employee rate. The employee will be responsible for paying for their portion of the insurance premiums.
- 712.06 **Return to Work following Extended Leave.** The employee on the approved leave must notify his/her Elected Official of his/her intent to return to work at least two (2) weeks in advance. An employee who requests and is granted an extended leave without pay shall have no guarantee of any job upon return to work but shall be subject to the availability of that particular job. Failure to report for a work assignment at the designated return date specified will result in termination unless an extension is requested and approved.
- 712.07 Leave is not available for time away from work due to a conviction or jail sentence.
- 712.08 Notwithstanding the foregoing, leave of absences involving Police and Fire/EMS personnel shall be governed by 36-8-1-5 et. Seq. and to the extent the statute conflicts with the policy, the statute shall control.

713 WORKERS' COMPENSATION

- 713.01 **General.** All regular, temporary, seasonal or part-time City employees who are injured in the course and scope of their employment with the City of New Haven are afforded the protections guaranteed by the Workers' Compensation laws of the State of Indiana. If an employee is injured on the job, he or she may be eligible for benefits under Workers' Compensation that may cover the cost of medical treatment for the injury. Workers' Compensation may also include partial salary compensation during the recovery period. Workers' Compensation is designed to cover the costs associated with injuries resulting from identifiable and specific accidents or injuries occurring on the job. It is not designed to cover "ordinary diseases of life". Human Resources is responsible for administering the City's Worker's Compensation program.
- 713.02 **Reporting an Injury.** Any employee who sustains an on the job injury is required to complete the First Report of Injury form and submit it to Human Resources within three (3) calendar days from the date of injury. The First Report of Injury provides necessary information regarding the injury to begin the claim process and must be completed. Human Resources must report to OSHA any employee fatality within eight (8) hours and any amputation, loss of an eye, or hospitalization of an employee within twenty-four (24) hours.
- 713.03 **Missed Time Due to Injury.** If an employee is unable to perform the essential functions of his or her job due to an on the job injury or illness and is absent from work for more than three (3) days, the employee will be placed on FMLA leave in accordance with the FMLA Policy.
- 713.04 **Statutory Benefits.** An employee who sustains an injury at work may be eligible to receive benefits prescribed by the Workers' Compensation Act of Indiana. These benefits include income benefits, medical benefits as reasonably required to cure and relieve the effects of the injury or occupational diseases, and/or death benefits.
- 713.05 The Workers' Compensation Act does not apply to municipal employees if they are members of the Police or Fire Department and are members of the 1977 Pension Fund.
- 713.06 **Benefits Waiting Period.** Compensation benefits are subject to qualifications and a seven (7) calendar day waiting period. State law currently provides that compensation is to be paid for the first seven (7) calendar days of disability only if the employee's disability continues for longer than twenty-one (21) days. The first weekly installment of compensation for temporary disability benefits is due fourteen (14) days after the disability begins.

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- 713.07 **Benefit Coverage.** The employee’s health insurance benefits will continue for ninety (90) days at the employee rate. The employee will be responsible for paying for their portion of the insurance premiums. After the ninety (90) days, the employee may continue the group health insurance under COBRA. The employee will be responsible for their portion of the insurance premiums and the City will pay their portion of the insurance premiums for ninety (90) days. After six (6) months from the time of the employee’s injury the employee will be responsible for the full insurance premiums under the COBRA plan.
- 713.08 **Return to Work Release.** Before reporting back to work, an employee shall provide a written release to Human Resources from the attending physician. The release should indicate the employee’s fitness to return to duty, stipulate the type of duty permitted, specify any physical restrictions, and the date of the employee’s release from medical care.
- An employee may be required to submit to a physical examination by a licensed physician selected by the City prior to returning to work. In such cases the employee may return to work upon certification by the examining physician that the employee is physically or mentally fit to return to work, or if the employee is certified fit for limited or light duty, but not his or her regular duty, the employee may, at the discretion of the City, be required to report for light or limited duty. Refer to *Section 7, Policy 714 – Modified Duty* for additional information.
- Human Resources shall notify the employee’s supervisor of the employee’s ability to return to work. An employee shall not be permitted to return to work until cleared by the attending physician to do so. Workers’ Compensation benefits shall end on the date the employee is released to return to work.
- 713.09 **Subrogation of City Rights.** The City has subrogation rights granted by law or contract for other benefits, including worker’s compensation. Therefore, the City shall be subrogated to the rights of the injured employee or the employee’s beneficiary as a third party to the extent of the injured employee’s wage continuation benefit payments paid to the employee under this policy.
- 713.10 **Sick Leave/Vacation Accrual.** Sick leave and vacation benefits will continue to accrue at the normal rate for an employee who is missing work due to a worker’s compensation injury at the normal rate for the first 120 days of his or her workers compensation absence. After 120 days of workers compensation absence, sick leave and vacation benefits will not accrue until the employee returns to work.
- 713.11 **Coordination with Long-Term Disability (LTD).** If an employee’s workers’ compensation leave fulfills the waiting period for LTD benefits, then the employee may apply for LTD benefits. LTD benefits will coordinate with the worker’s compensation benefits. At no time will the employee’s total compensation exceed the employee’s salary prior to the work-related injury.

714 MODIFIED DUTY POLICY

- 714.01 **General.** It is the policy of the City, subject to the limitations set forth below, to allow and encourage temporary limited use of employees who are temporarily disabled due to injury or illness, incurred while either off-duty or on-duty, in order to benefit both the employee and the City.
- 714.02 **Eligibility.** This policy applies to all regular and part-time City employees except temporary employees.
- 714.03 **Modified Duty Assignment.** A modified duty assignment is a temporary reassignment of an employee with an illness, injury, or medical condition that prevents the employee from performing the full duties of their job classification. The modified duty assignment is one that can be performed within the limitations of the employee’s medical condition.
- 714.03.01 Modified duty assignments are not guaranteed but will be granted by the Department Head when there is a modified duty assignment available and the employee is qualified to perform the available modified duty assignment.
- 714.03.02 A modified duty assignment shall not be made to accommodate an ill or injured employee. However, a special offer for a department that would require the reassignment of staff away from or in addition to their regular work assignments may be considered for modified duty if the project is expected to take more than thirty (30) days to complete.
- 714.03.03 An employee, who is released by the employee’s physician to return to work in less than full duty capacity, may be required to work in a position or department other than the department in which the employee regularly works. Assignments shall be made in accordance with the employee’s limitations and the needs of City services.
- 714.04 **Duration of Modified Duty Assignment.** All modified duty positions are temporary in nature, subject to the availability of productive work assignments, and shall not exceed twelve (12) weeks in length from the date of initial assignment. An employee is not eligible for more than twelve (12) weeks modified duty in any twelve (12) month period.
- 714.05 **Procedures for Requesting Modified Duty.**
- 714.05.01 Non-Workers’ Compensation. An employee who experiences injury and/or illness that prevents the performance of his or her essential job functions may make a written request for a “Modified Duty” assignment during recuperation. An employee may request modified duty but is not required to do so. An employee who desires to return to work in a modified duty assignment must provide Human Resources with a written release from the attending physician. The release must include the following:

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- i. The date the employee may return to work in a modified duty assignment;
- ii. The type of restrictions imposed on the modified duty;
- iii. The period of time the restrictions apply;
- iv. The date of the employee's next physician's appointment; and
- v. The anticipated date of return to full duty.

714.05.02 Workers' Compensation. The City reserves the right, to the extent permitted by law, to require an independent physical analysis/assessment to ensure that the employee can perform a modified duty assignment.

714.06 **Modified Duty Offer.**

714.06.01 Upon receipt of an employee request for Modified Duty, Human Resources shall review the capabilities and restrictions of the employee. A review of potential work assignments will be conducted with the employee's supervisor to determine if an assignment is available which matches the employee's training, skills and/or physical limitations as determined by the employee's physician.

714.06.02 If available, a modified duty work assignment will be offered in writing by Human Resources to an injured or ill employee for a period not to exceed twelve (12) weeks if:

- i. A bona-fide work assignment exists within the City, and
- ii. The physical requirements of the assignment are within the abilities documented by the treating physician; and
- iii. It is approved by the Department Head.

714.06.03 An offer of modified duty shall include:

- i. The location at which the employee will be working;
- ii. The schedule the employee will be working;
- iii. A description of the physical and time requirements that the position will entail; and

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- iv. A statement that the City will only assign tasks consistent with the employee’s physical abilities, knowledge, and skills and will provide training if necessary.

714.07 **Responsibilities of Department Heads.** Department Heads shall work with supervisors to identify possible modified duty assignments when requested by Human Resources. Attempts will be made first to make modified duty assignments in the division and department in which the ill or injured employee currently works. If placement in the department is not possible, Human Resources will poll other City departments to determine if a modified duty assignment can be found based on the employee’s physical abilities and skills.

714.08 **Conditions of Modified Duty.** An employee working in a modified duty assignment is subject to all City policies and regulations and if warranted, is subject to corrective action by the employee’s supervisor for the modified duty assignment.

714.08.01 As a condition of continuing in a modified duty work assignment, an employee must:

- i. Adhere to prescribed treatment and make reasonable efforts toward rehabilitation;
- ii. Fully perform the modified duties assigned;
- iii. Present to Human Resources and the employee’s supervisor monthly progress reports, or after each doctor’s visit, whichever is more frequent. The progress report shall state the expected date the employee is able to return to work full duty as well as any physical limitations that may impact the employee’s ability to perform the modified duty assignment;
- iv. Accept progressively more demanding assignments as the employee’s condition improves; and
- v. Make progress in returning to full performance capability.

714.09 **Termination of Modified Duty.** The City may terminate or amend an employee’s modified duty work assignment if:

- i. The employee’s physician modifies the work release;
- ii. The employee is found to be performing beyond the modified duty restrictions;
- iii. The work assignment is completed, and no work assignment exists within the City which suits the employee’s abilities and meets the limitations documented by the treating physician;

SECTION 7 – EMPLOYEE BENEFITS

- iv. The employee performs unsatisfactorily in the modified position;
- v. The employee's physician fails to release the employee as capable of performing the modified assignment upon examination;
- vi. Budgetary constraints do not allow continuation of modified duty;
- vii. The employee has utilized twelve (12) weeks of modified duty in a rolling twelve (12) month period; or
- viii. The employee fails to present regular progress reports to Human Resources.

715 EMPLOYEE ASSISTANCE PROGRAM

- 715.01 The City New Haven provides Employee Assistance Program (EAP) services to the employees and their household members. The EAP is to provide aid to employees in resolving problems that may affect job performance, attendance, and employee morale. Some of the broad categories that may be covered by this program are related to personal, family, marriage, legal, financial, and drug and alcoholism problems. Contact Human Resources for more information regarding this program.

716 PENSION PLAN

- 716.01 All full-time employees are covered by the Indiana Public Retirement System (INPRS). Membership will become automatic upon employment. Employees are required by state law to contribute 3% of their gross wages (regular and overtime pay) to their annuity saving account. Indiana law permits local unit of government to pay their employees 3% as a part of a wage adjustment. The City will pay this 3% for all full-time employees. (See departmental policy for police and fire retirement plans.)

717 GROUP HEALTH INSURANCE COVERAGE

- 717.01 **Group Health Plan(s).** Employee group health insurance plans are reviewed and determined by the Elected Officials. The Elected Officials will make a determination on which group health insurance plan(s) will be offered based on the City's budget for the plan year.
- 717.02 **Eligibility.** All full-time employees and their dependents are eligible for coverage under the current employee group health and/or dental insurance plan beginning the first day of employment. A surcharge is applied if spouse has coverage available through their employer.

718 LIFE INSURANCE

- 718.01 **Eligibility.** All full-time employees shall be enrolled in the City's life insurance plan beginning the first day of employment.

SECTION 7 – EMPLOYEE BENEFITS

719 RETIREMENT

- 719.01 **Indiana Public Retirement System (INPRS).** The City participates in the Indiana Public Retirement System, which provides retirement benefits to eligible employees. Contact INPRS for more information.

720 RETIREE HEALTH INSURANCE BENEFITS

- 720.01 **Retiree Health Insurance Benefits.** The City of New Haven provides the opportunity for full-time employees who retire from the City to purchase health insurance coverage for the retiree unless the retiree is eligible for group health insurance benefits through another employer.
- 720.01.01 Eligibility. Regular full-time employees who retire from the City of New Haven are eligible to enroll in retiree health insurance at the time of retirement if the retiree is not eligible for Medicare or other medical insurance.
- 720.01.02 Insurance Premiums. Retirees shall be responsible for paying for the health insurance coverage at the same rates as the City of New Haven. Retirees shall make payments to the City. Payments are to be coordinated with the Clerk Treasurer.
- 720.01.03 Termination of Coverage. Retiree health insurance shall be terminated once a retired employee becomes eligible for Medicare or is eligible to be covered under another medical plan.

801 CORRECTIVE ACTION PROCESS

801.01 **General.** An employee who violates established City or departmental values, rules, policies, procedures, or a code of conduct shall be subject to corrective action. An employee who fails to perform at a satisfactory level shall be subject to corrective action. The City reserves the right to dismiss an employee at any time the City determines that continued employment of an employee is not in the City’s best interest. In every situation where corrective action is taken, the action taken should be commensurate with the specific offense or violation for which it is intended and should take into consideration the specific situation and the previous performance record of the individual involved.

801.02 **Documentation.** Every corrective action taken shall be in written format and forwarded to Human Resources for inclusion in the employee’s personnel file. Proper documentation ensures that rules are enforced equitably and in accordance with stated policy, without regard to race, color, sex, religion, national origin, age, genetic information, disability, veteran status or any other protected status. Errors or defects in the preparation of written notices of corrective action shall not nullify the action.

801.02.01 Prior to a termination, demotion, or suspension without pay of a full-time employee, (not a probationary employee) written notice shall be given to the employee stating:

- i. The reasons for the discipline in sufficient detail to enable the employee to respond;
- ii. The type of action to be taken; and
- iii. The employee’s right to appeal.

801.03 **Types of Corrective Action.** The City of New Haven has a progressive corrective action policy. However, there may be cases when it is necessary to move to the next step of corrective action due to the violation of the policy. In making a decision as to what corrective action should be taken, a supervisor should consider such factors as the type and severity of the offense(s), the employee’s work performance record and any mitigating circumstances. Depending on the circumstances of each individual case, corrective action may consist of one or more of the following:

801.03.01 Verbal Reprimand. A verbal reprimand is best suited for a minor rule infraction or incident of substandard performance. The supervisor should document for his or her records that the conversation occurred. No formal documentation shall be submitted for inclusion in the employee’s personnel file.

801.03.02 Written Reprimand. The written reprimand is used as a formal warning that future corrective action may occur if the behavior is not corrected.

SECTION 8 – CORRECTIVE ACTION, APPEALS AND GRIEVANCES

- 801.03.03 Disciplinary Probation. The purpose of this step is to allow the employee a stated period of time to demonstrate improvement on a specific problem(s) specified at the time the employee is placed on disciplinary probation.
- 801.03.04 Suspension without Pay. An employee may be suspended without pay for serious or repeated offenses or for failure to meet performance expectations. Employees shall not be permitted to use any accrued paid leave during a disciplinary suspension.
- 801.03.05 Demotion. An employee may be demoted for disregarding or violating a personnel rule or policy or for repeated refusal or inability to improve performance.
- 801.03.06 Involuntary Termination of Employment. An employee may be involuntarily terminated from employment for a serious disregard or violation of a personnel rule or policy or for continued inability to improve performance.

801.04 **Acts Constituting Corrective Action.** Corrective disciplinary action will be imposed for violations of City or departmental policies and procedures, codes of conduct, rules and regulations, either written or verbal. In addition, action may be taken against an employee for act(s) constituting unsatisfactory behavior or conduct relative to inadequate job performance and fitness for public employment.

801.05 **Group I Rules.** If a violation of a Group I rule occurs, the following steps will be followed:

- 801.05.01 **Step 1.** Corrective interview, confirmed in writing.
- 801.05.02 **Step 2.** Continued violation of any Group I rule within the calendar year may subject the employee to up to three (3) days suspension without pay.
- 801.05.03 **Step 3.** Continued violation of any Group I rule, following a disciplinary suspension will be subject to discharge pending review.

These acts include, but are not limited to the following:

- i. Excessive unscheduled absenteeism;
- ii. Repeated tardiness or early departure;
- iii. Repeated tardiness to meetings or other required work events;
- iv. Repeated abuse of sick leave;
- v. Endangering the safety of other persons through negligent or willful acts;

SECTION 8 – CORRECTIVE ACTION, APPEALS AND GRIEVANCES

- vi. Discourteous treatment of the public;
- vii. Violation of dress and grooming standards;
- viii. Refusal or failure to perform assigned work after being directed to do so, by an immediate supervisor or higher authority;
- ix. Inefficiency, incompetence or neglect of duty;
- x. Violation of Phone, Electronic Communication and Internet Use Policy;
- xi. Unauthorized use of telephones, technology, or other City-owned equipment;
- xii. Violation of departmental policy or procedure;
- xiii. Smoking or use of nicotine or e-cigarettes in prohibited areas;
- xiv. Engaging in outside employment that interferes with the performance of duties for the City;
- xv. Sleeping on duty;
- xvi. Unsatisfactory performance or conduct;
- xvii. Sharing of user name and password for any City account without prior approval from an Elected Official or Department Head.

801.06

Group II Rules. Any violation of a Group II Rule, will result in the employee being relieved from duty without pay three (3) to five (5) days and may be subject to discharge pending a review. These acts include, but are not limited to the following:

- i. Insubordination or other disrespectful or unprofessional conduct;
- ii. Absence without leave, including failure to notify a supervisor of sick leave, or failure or refusal to report to work after being directed to do so, by the employee's immediate supervisor or higher authority;
- iii. Job abandonment, occurring when an employee is absent from work, without notification, for three (3) consecutive days or longer;
- iv. Intoxication or drug abuse while on duty or while in City uniform or on City property;

SECTION 8 – CORRECTIVE ACTION, APPEALS AND GRIEVANCES

- v. The illegal use or possession of any controlled substance, narcotic or drug;
- vi. Unauthorized use of public funds or property;
- vii. Falsification of documents or records;
- viii. Unauthorized use of official information or unauthorized disclosure of confidential information;
- ix. Conviction of official misconduct;
- x. Unauthorized or abusive use of official authority;
- xi. Any action that impairs the performance of others;
- xii. Coercion, intimidation, or threats against citizens, supervisors, co-workers, City officials, or others;
- xiii. Fighting, horseplay, provoking or instigating a fight, or threatening violence;
- xiv. Fraudulent timekeeping;

801.07 **Pending Investigations.** When an employee is suspected of a violation of a City, state or federal law, rule, regulation or policy which, if proven, would justify disciplinary action but an investigation is in progress the employee may be administratively placed on leave with or without pay pending the outcome of the investigation and or the imposition of corrective action.

801.08 **Human Resources Review.** Any corrective action involving time off, reduction in pay, or termination shall be discussed with Human Resources prior to taking action.

801.09 **Termination of an Employee.** Termination can be made with the approval of an Elected Official, Board of Works or Governing Body, with concurrence of Human Resources.

802 EMPLOYEE GRIEVANCE & APPEALS

802.01 **Purpose.** To settle matters on as low an administrative level as possible, as soon as possible after the applicable event, and to discover, whenever possible, mutually satisfactory solutions to problems which arise.

All employees are encouraged to use the Chain of Command to seek resolution to any issue prior to filing a grievance. Some departments require their employees to use the Chain of Command. Employees should check with their Department Head regarding the Chain of Command in their department.

SECTION 8 – CORRECTIVE ACTION, APPEALS AND GRIEVANCES

- 802.02 **Definitions.**
- 802.02.01 Grievance – An allegation that an employee’s nonspecific employment conditions, rights, or benefits specifically provided by law, policy, personnel rule, or previous employer action (such as overtime pay, fringe benefits, or pay rate) has been adversely affected, denied or misapplied.
- 802.02.02 Disciplinary Appeal – The process for requesting a formal change to an official decision or corrective action.
- 802.02.03 Business Days – Posted office hours per department. Can be modified by an Elected Official.
- 802.02.04 Elected Official – An official who is involved in public administration or government, through either election, appointment, or selection.
- 802.02.05 Department Heads – The Director of the department, Police Chief or Fire Chief.
- 802.02.06 Discipline Review Panel – The discipline review panel is comprised of an Elected Official and two Department Heads not associated with the employee’s department.
- 802.03 **Probationary and Temporary Employees.** Probationary and temporary employees may use this procedure in cases where the employee considers performance evaluation or termination of employment to be improperly based upon the employee’s race, color, sex, religion, national origin, age, genetic information, disability, veteran status or any other protected status, the employee shall have the right to such relief pursuant to Section 802.04 below.
- 802.04 **Discrimination Complaint.** Any employee who feels that he or she has been discriminated against in matters relating to working conditions of employment solely because of the employee’s race, color, sex, religion, national origin, age genetic information, disability, veteran status or any other protected status shall have the right to file a complaint directly with Human Resources.
- 802.05 **Freedom from Reprisal.** Employees wishing to file a grievance or disciplinary appeal under this procedure shall be assured of freedom from restraint, interference, or reprisal from their supervisors or other employees.
- 802.06 **Grievance Policy.** In the interest of employee efficiency and morale, City employees shall have the opportunity to discuss Complaints with their supervisor after decisions are made. The Police and Fire/EMS Departments have their own grievance policy.

SECTION 8 – CORRECTIVE ACTION, APPEALS AND GRIEVANCES

802.07 Grievance Procedure.

802.07.01 Timely Initiation. Grievances shall be filed promptly after the complained of events occur. Matters under this procedure shall be presented to Human Resources within five (5) business days from the occurrence of the challenged action, or from the time the employee first became aware (or with the exercise of reasonable diligence should have become aware) of its occurrence.

802.07.02 Grievance Procedure. An employee shall, within five (5) business days of the date the incident occurred or from which he or she could have become knowledgeable of the incident, file the grievance with Human Resources. If the grievance is against the Director of Human Resources, the employee shall file the grievance with an Elected Official. In presenting the grievance, the complainant must complete the appropriate Grievance Form (802-001) which includes the following information:

- i. The nature of the matter;
- ii. The act or acts of commission or omission out of which the dispute arose;
- iii. The exact date (if uncertain, the approximate date) of the act or acts of commission or omission;
- iv. The identity of the party or parties alleged to have caused the problem; and
- v. The remedy which is sought.

The Director of Human Resources, or his or her designee, shall be responsible for coordination of the grievance procedures and for the maintenance and control of grievance records.

802.07.03 Grievance Review Steps. Depending on the nature of the grievance filed, the Director of Human Resources, or his or her designee, shall forward the grievance to the appropriate individual for review. If the grievance is based upon action taken by a Department Head, it shall be heard by an Elected Official as described in 802.07.03 (iv.) below.

- i. Upon receipt of the grievance, the Department Head shall meet with the complainant to discuss the matter as soon as practicable. Following that meeting, the Department Head shall thoroughly review and investigate by meeting with all other persons having any information on the matter.

SECTION 8 – CORRECTIVE ACTION, APPEALS AND GRIEVANCES

ii. The Department Head or Elected Official shall respond in writing to the complainant with his or her decision as soon as practical.

iii. The decision of the Elected Official shall be final.

802.07.05 Police and Fire/EMS. The following provisions shall not apply to Police and Fire/EMS but grievances in the Police and Fire/EMS Departments shall be made pursuant to the internal policies and procedures of the Police and Fire/EMS Departments.

802.08 **Corrective Action Appeal Policy.** City employees dissatisfied with any corrective action that results in a written reprimand, suspension, demotion or termination of employment may file an appeal with Human Resources. All appeals must be filed within five (5) business days of the corrective action or the corrective action will be deemed final.

802.08.01 The employee's appeal shall be heard by the Discipline Review Panel.

802.08.02 The employee will be notified in writing by Human Resources the decision of the appeal. The decision of the Discipline Review Panel is final.

802.09 A copy of the original corrective action, appeal, and responses shall be maintained in the employee's personnel file unless otherwise stated in the response.

SECTION 9 – PERFORMANCE REVIEWS

901 PERFORMANCE REVIEWS

- 901.01 **General.** Performance reviews permit the supervisor and the employee to discuss the job responsibilities, standards, performance requirements, goals and objectives, and any existing or anticipated problems.
- 901.02 **Probationary Employees.** New employees shall be evaluated on a cycle of approximately three (3) months and six (6) months following the beginning of employment.
- 901.03 **Regular Employees.** All regular employees shall be evaluated annually. However, supervisors may elect to prepare a written performance evaluation at any time. All employees shall be evaluated not less than once a year and completed performance appraisals with all signatures obtained, should be given to Human Resources to be placed in the employee's personnel file.
- 901.04 **Addressing Deficiencies.** Supervisors are expected to address deficiencies at the time they are observed. Warning in sufficient time for improvement should precede any formal corrective action or adverse performance appraisal, but nothing in this section shall prevent immediate formal action whenever the interest of the City requires.

902 PERFORMANCE APPRAISAL POLICY

- 902.01 **General.** The performance appraisal provides a means for discussing, planning and reviewing the performance of each employee.
- Regular performance appraisals:
- i. Help employees clearly define and understand their responsibilities.
 - ii. Provide criteria by which employees' performance will be evaluated.
 - iii. Identify specific achievements.
 - iv. Suggest ways in which employees can improve performance.
 - v. Help supervisors plan, distribute and achieve departmental goals.
- 902.02 **Eligibility.** All full-time and part-time regular employees are eligible for a performance appraisal. Supervisors are required to evaluate their eligible employees' performance on an annual basis. The Employee Performance Review Form (902-001) may be used or the Department Head can use an evaluation specifically for their department with the approval of Human Resources.

SECTION 10 – SAFETY RESPONSIBILITIES

1001 SAFETY RESPONSIBILITIES

- 1001.01 **General.** The City is interested in all employees' safety and well-being. Accordingly, the City has developed safety rules and regulations in accordance with the federal Occupation Safety and Health Act (OSHA) and state safety regulations. Each and every employee is required to comply with all safety rules and to exercise caution in all work activities. From time to time employees will be updated and reviewed on safety procedures in an effort to increase awareness of the importance of safety on the job. Employees can prevent accidents and injuries by following the safety rules of your job, by remaining alert, and by thinking safety at all times. If an employee sees something that the employee believes is an unsafe act or an unsafe condition, the employee should immediately report it to a supervisor or a Department Head at once.
- 1001.02 **Safety Training.** Safety training includes formal training, if applicable, for City employees and on-the-job safety training for all employees. Additionally, the City will periodically make available special training programs to address specialized areas. Department Heads and supervisors are responsible for orienting all employees under their control on City safety procedures.
- 1001.03 **Safety Rules.** The following safety rules apply at all times, and specific job descriptions may contain additional operational safety guidelines. Departments may also implement departmental specific safety rules. Each employee must always be familiar with such rules and apply them.
- 1001.03.01 Use prescribed protective equipment such as eye protection, hearing protection, hard hats, safety shoes, gloves, shields, etc. when those items are appropriate to the task being performed.
- 1001.03.02 Smoke only during designated times in authorized outside areas.
- 1001.03.03 Walk, do not run. Wipe spills and pick up fallen objects and debris. Keep floor surfaces clear of hazards and other obstacles, electric cords, etc. For your comfort and safety, wear shoes with non-slip soles, in good condition and with enclosed toes. Do not wear sandals, sneakers, moccasins or tennis shoes on any job site where feet could be injured.
- 1001.03.04 To avoid back injuries, use correct lifting methods. Get additional help with heavy (or difficult to handle) objects.
- 1001.03.05 Be aware of sharp tools. Use safety devises where provided, and do not alter or remove them in any way. Report hazards to management immediately.

SECTION 10 – SAFETY RESPONSIBILITIES

- 1001.03.06 Employees will be shown the location of the City’s Material Safety Data Sheets (MSDS). MSDS sheets provide valuable information about various chemicals and other agents that may be encountered in the work. MSDS explain possible reactions to exposure, and steps for employees should take if it occurs. Review this information from time to time.
- 1001.03.07 Be alert for causes and report smoke, heat or unusual odors immediately. Alert other people in the area to the possibility of danger in order to evacuate, if necessary. Try to verify the location and call the Fire Department or 911. Use proper portable extinguishers for small fires.
- 1001.03.08 Do not put fingers, hands, feet or clothing in moving machinery.
- 1001.03.09 Do not carry items in a manner that obscures vision.
- 1001.03.10 Do not block access to fire extinguishers.
- 1001.03.11 Do not touch open or loose electrical circuits.
- 1001.03.12 Report unusual vibrations, smells, or noises coming from equipment.
- 1001.03.13 Do not wear rings or jewelry while operating machinery.
- 1001.03.14 Do not perform maintenance or repairs on running equipment.
- 1001.03.15 Do not remove or alter warning tags or safety devices.
- 1001.03.16 Never leave nails or spikes protruding from planks or boards.
- 1001.03.17 Perform routine maintenance at all scheduled intervals.
- 1001.03.18 Do not use compressed air for cleaning clothing or floors.
- 1001.03.19 All employees who operate or drive a motorized vehicle owned or used by the City shall be responsible for the proper use and operation of the vehicle and shall obey all City and state traffic laws and regulations. This includes the use of cell phones and seat belts must be worn when operating or riding in City vehicles.
- 1001.03.20 All operators of motorized vehicles shall report to their supervisors any defects that exist or may occur in their vehicle.

SECTION 10 – SAFETY RESPONSIBILITIES

- 1001.04 **Employee Responsibility.** All employees are required as a condition of employment to exercise due care in the course of their work. To prevent or minimize injuries to themselves and their co-workers, and to protect and conserve City equipment, each employee shall:
- i. Obey all safety rules and follow published work instructions;
 - ii. Report to immediate supervisor all unsafe conditions;
 - iii. Keep work areas clean and orderly at all times;
 - iv. Report all accidents immediately to the immediate supervisor; and
 - v. Operate only machines or equipment that he/she has been authorized to operate.
- 1001.05 **Accident and Injury Reporting.** All accidents and injuries, however slight or seemingly inconsequential, must immediately be reported to the appropriate supervisor or the Director of Human Resources.
- 1001.05.01 Employee Responsibilities. Employees are required to immediately report to their immediate supervisor all accidents resulting in personal injury and/or damage to the City equipment, City vehicles, or any other property. Failure to report any accident or injury within 24 hours of its occurrence may lead to corrective action, up to and including termination of employment.
- 1001.05.02 Supervisor Responsibilities. Supervisors must report all accidents resulting in personal injury and/or damage to the City equipment, City vehicles, or any other property to their respective Department Heads and to Human Resources.
- 1001.06 **Corrective Action.** Employees who violate safety standards, who cause or exacerbate hazardous or dangerous situations, or who fail to report or, where appropriate, correct such situations, will likely be subject to immediate corrective action, up to and including termination of employment.

1101 EMPLOYEE TRAINING

1101.01 **General.** It is the policy of the City to help employees develop or enhance job related knowledge and skill through workshops, seminars, etc.

1101.02 **Responsibility.** Supervisors and employees bears primary joint responsibility for maintaining individual knowledge, skills, and abilities necessary to perform the job, and for upgrading skills necessary to meet technological change or seek promotion. The City will facilitate those efforts and provide training from time to time.

1101.03 **Procedure to Request Training.** In certain circumstances, employees may be eligible to attend workshops and seminars.

Employees wishing to attend a workshop or seminar must follow the following procedure:

- i. The employee should seek approval in advance by the Department Head or Elected Official for attending the workshop and seminar for determination of eligibility for reimbursement of expenses of attendance.
- ii. An employee seeking reimbursement must complete a formal request by completing the Training Request Form (1101-001). To be eligible for reimbursement, the course work must be approved in advance by the Elected Official or Department Head. Approval will be determined based upon job relevance and departmental budget. Approvals must be in writing to be valid. Approvals must be obtained before enrollment to be valid.
- iii. Upon completion of the workshop or seminar, the Employee must provide a certificate of completion and/or proof of attendance to be eligible for reimbursement.
- iv. The intent of approved educational assistance is not afforded the employee for the purpose of obtaining a degree.
- v. In appropriate cases, the Elected Official or the Department Head may approve fees paid in advance of the workshop or seminar.

1101.04 **Procedure for Reimbursement.**

- i. After successful completion of a workshop, seminar, etc., the employee must submit a certificate and/or proof of attendance and/or grades(s) or a certificate of satisfactory performance to the Elected Official or the Department Head.
- ii. The City will reimburse the employee for registration and tuition, and appropriate fees paid by the employee.
- iii. Reimbursement shall be made by check after all paperwork has been submitted and approved.

SECTION 12 – DEFINITIONS

1201 DEFINITIONS

The words and terms used in Employee Handbook shall have the meaning indicated as follows unless the policy or context clearly indicates otherwise.

ADDRESS – The street and number of a residence and the post office box mailing address, if applicable.

APPLICANT – A person who has applied for employment with the City or an employee who has applied for a different position within the City.

BUSINESS DAY(S) – Any day of the week based on department’s schedule.

CITY - The City of New Haven, Indiana.

CLASSIFICATION – All jobs, regardless of departmental location, that are sufficiently alike in duties and responsibilities to:

1. be called by the same descriptive title;
2. be accorded the same pay scale under like conditions; and
3. require substantially the same education, experience and skills.

COMPENSATORY TIME – Time off in lieu of monetary overtime compensation.

DEMOTION – An assignment of an employee from a position in one classification to a position in another classification having a lower salary and/or less job responsibilities.

DEPARTMENT – A division of the City dealing with a specific subject or area of activity.

DEPARTMENT HEAD – Any person appointed by the Mayor or Governing Body who is responsible for the administration of an administrative department of the City.

EMPLOYEE – Any person employed and paid a salary or wages by the City, and includes a person employed on a temporary, seasonal or part-time basis, but does not include an independent contractor, or member of the City Council or board.

EXEMPT (SALARIED) EMPLOYEE – An employee occupying a position that is exempt from overtime pay and/or compensatory time off requirements under the specific provisions of the Fair Labor Standards Act.

FULL-TIME EMPLOYEE – An employee whose position is budgeted to work forty (40) hours or more in a normal work week (2,912 hours for Fire/EMS shift personnel) and is provided City benefits.

SECTION 12 – DEFINITIONS

HOURS WORKED – In general, all time that an employee is required to be on duty and all time during which the employee is working “on-the-job” for the City.

IMMEDIATE FAMILY – The spouse, son, daughter, father, mother, father-in-law, mother-in-law, brother or sister, grandfather, grandmother or grandchildren or any other relative of an employee, who may be residing in the same household with the employee.

INDEPENDENT CONTRACTOR – A private employer or an individual that has contracted to perform a service for the City.

JOB – A collection of tasks, duties, and responsibilities regularly assigned to and performed by an individual or individuals when the magnitude of the job is such that it cannot be performed by one person. The term “position” is synonymous with “job” when it can be performed by one person.

LEAVE WITH PAY – An authorized temporary absence with pay, for administrative reasons.

LEAVE WITHOUT PAY – An authorized temporary absence without pay.

MILITARY LEAVE – Any authorized absence of an employee for active duty or training in the United States armed forces including the reserves and National Guard.

NON-EXEMPT EMPLOYEE – An employee occupying a non-exempt position is eligible for overtime pay and/or compensatory time off under the provisions of the Fair Labor Standards Act.

PART-TIME EMPLOYEE – An employee in a budgeted position who works less than 30 hours during a normal workweek.

PHYSICIAN – Any physician licensed by the Indiana Medical Board.

PROBATION – A period required to be worked in a position before an employee will acquire regular employee status.

PROMOTION – An assignment of an employee from a position in one classification to a position in another classification having a higher salary and/or increased job responsibilities.

REGULAR EMPLOYEE – Any employee working full-time or part-time, and who has satisfactorily completed his or her probationary period, who is not appointed as a temporary or seasonal employee.

RESIDENCE – The actual place of abode of an employee.

RETIREMENT DATE – The first day an eligible employee becomes entitled to receive retirement benefits.

SECTION 12 – DEFINITIONS

SUPERVISOR – Any person responsible to a superior for directing the work of others.

SUSPENSION – An involuntary discontinuance of pay and performance of work for a specified period of time.

TEMPORARY / SEASONAL EMPLOYEE – A temporary or seasonal employee is considered a budgeted position, on a temporary basis, for a specified period of time or until completion of a specific assignment or project, generally lasting no more than six months. Employment beyond any initially stated period does not in any way imply a change in the employment status. Temporary and seasonal employees retain that status unless and until notified of a change in writing.

TERMINATION OR SEPARATION OF EMPLOYMENT – Cessation of employment with the City.

TRANSFER – Any change of an employee from one position to another position, but which does not result in either promotion or demotion.

VOLUNTEER – A person who performs without compensation, services for the City.

WORK DAY or WORKING DAY – Any one shift during which a department is open for business or on which an employee is scheduled to work.

WORK WEEK – The number of hours regularly scheduled to be worked during any seven (7) consecutive day period.

APPENDIX

**City of New Haven
Travel Policy**

I. **PURPOSE**

The purpose of this Travel Policy is to establish regulations for the allowances of Travel Expenses relate to City Business. Authorized travelers should neither gain nor lose personal funds as a result of City-related business expenses incurred on behalf of the City of New Haven.

II. **APPLICABILITY, RESPONSIBILITY AND AUTHORITY**

A. This policy applies to all City Employees, volunteers, board appointees and Elected Officials acting within an official City capacity (traveler).

1. The traveler and Authorized Approver (Approver) are responsible for understanding the provisions of this policy and conformance to the regulations.
2. Approvers are responsible for authorization of Travel and to ensure Budgetary Requirements are met prior to spending funds for Travel.
3. The Clerk Treasurer is responsible for administering the requirements of this policy.

B. A traveler’s signature certifies the accuracy of all information and the justification of the Travel and expenses incurred during authorized Travel dates. The approval signature certifies the Travel was necessary and that requested allowances have been reviewed, authorized, and are within this policy’s requirements.

C. Unless specified otherwise, exceptions to this policy must be approved by the Clerk Treasurer.

III. **ADMINISTRATIVE**

A. The City will pay all reasonable and necessary Travel Expenses related to City Business, if funds are available.

B. Except for Mileage-Only expenses, travelers on City Business must have prior authorization in order to receive allowances for expenses.

C. The Travel Expense Reimbursement form must be completed and submitted to the Clerk Treasurer’s Office (Accounts Payable) within the times specified within this policy.

D. The traveler has a Fiduciary Responsibility to safeguard the public trust and the use of taxpayer dollars when making Travel arrangements. Therefore, travelers and Approvers are expected to complete the Travel Expense Reimbursement form while recognizing they are subject to public scrutiny and the use of public funds should be transparent.

IV. **GENERAL REQUIREMENTS**

- A. Travel Expenses include all reasonable and necessary expenses related to City Business. The use of City funds to accommodate personal comfort, preference or conveniences is not permitted.
- B. The Travel Expense Reimbursement form must be completed for each traveler and must be submitted to the Clerk Treasurer's Office (Accounts Payable) within ten (10) business days from the end travel date.
- C. A traveler may not pay for another traveler's expenses while on Travel, including meals.
 - 1. Unless specified otherwise, exceptions to this policy must be approved by the Clerk Treasurer.
- D. Itemized Receipts and appropriate documentation will be required regardless of payment method as provided within this policy.
- E. At times, travelers may have expenses incurred as an officer, board member or presenter for a professional organization. The City will pay allowable expenses. However, an effort to have the requesting organization reimburse a portion or all of the expenses incurred is encouraged. The City must be reimbursed by the Third-Party Organization.
- F. Expenses of accompanying spouses, dependent or others are the responsibility of the authorized traveler and are not reimbursable. See Section VIII, Non-Reimbursable Expenses.
- G. Travel reservations should be made as far in advance as possible to obtain the most reasonable prices. Travelers should justify the mode of Travel on the basis of the most economical use of time, the cost of the various Travel options and the requirements of the trip.
- H. Vacations or personal trips in conjunction with Travel require prior authorization, and the expenses incurred in connection with such, which are not related to City Business, are not reimbursable.
- I. Failure to meet the requirements of this policy may be considered unsatisfactory work performance and is subject to disciplinary action as outline in the City of New Haven Employee Handbook. Other applicable administrative practices and policies, including the reporting of injuries, accidents or illness, are in force during Travel. While on Travel, if clarification of, and/or assistance with, existing policies and procedures is needed, the traveler should contact their Department Head.

V. TRANSPORTATION

The mode of transportation authorized should provide the most practical, cost-effective and economical use of time, based upon the requirements of Travel. Itemized Receipts for related transportation expenses are required.

A. City Vehicle

1. The City provides vehicles that are available for City-related Travel. The use of a City vehicle is encouraged, if available.
2. Gasoline, parking, tolls and emergency repairs to City vehicles are allowable expenses by the City. When possible, gasoline and service should be obtained from City facilities.

B. Privately-Owned Vehicle (POV)

1. If a traveler elects to Travel by POV rather than other means, the total transportation expenses reimbursed, including meals and lodging, may not exceed the cost of the most economical Travel mode available.
2. Reimbursement of POV expenses are at the standard mileage rate, as set forth by the Internal Revenue Service, for miles traveled on official City Business, plus parking and toll fees when documented, in accordance with this policy.
 - a. Travelers will not be reimbursed for automotive repair or breakdowns when using a POV.
 - b. If a POV is used, only one (1) authorized traveler, per POV, may claim reimbursement for mileage.
3. When City-related Travel is from home directly to the destination without going to the workplace, the traveler will be reimbursed for the miles which exceed the miles traveling from home to work.
 - a. Driving directions using the most direct route that shows the distance in miles to and from home to work and to and from then destination are required to be submitted.
4. The City's Travel Policy does not apply to one's normal commute.

C. Rental Vehicles

1. The use of a rental vehicle is generally not permitted unless it is approved in advance and justified as a reasonable need. The rental vehicle chosen must be the most reasonable available, given the purpose for which the vehicle will be used. While on Travel together, travelers should share vehicle to minimize costs.

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2. The City will not provide additional pay for the use of a rental car to accommodate family members or non-business associates while on Travel with the authorized traveler.
3. The acceptance of optional insurance for collision and comprehensive coverage by a traveler is not an allowable expense. The insurance provided by the City includes rental cars; Certificates of Coverage can be obtained from Finance prior to Travel.

D. Public Transportation

1. The use of taxicabs, shuttle services, buses and public conveyance are encouraged. Tips are reimbursable and the traveler should get a receipt when available.
2. Other allowable transportation expenses include; ferry, road, tunnel and bridge tolls and parking charges. Receipts are required for reimbursement.
3. Reasonable effort must be made to obtain the most economical transportation to and from the airport.

E. Air Travel

1. Airfares purchased online or otherwise should show (0) balance before being submitted for reimbursement.
2. If the traveler misses their flight due to unrelated City Business, any expense incurred will be at the traveler's expense.
3. The City will allow for the cost of one (1) piece of luggage, with a receipt, if the airline charges to check luggage.
 - a. The traveler is responsible for any additional fees charged by the airline if the bag exceeds weight or size limits.
4. The most economical available seat at the time of purchase must be chosen. Personal comfort, preference or convenience will be at the traveler's expense.
5. Travelers may not pay for another traveler's expenses during Travel, including baggage fees and the like.

VI. **LODGING**

- A. Lodging expenses are allowed when Travel exceeds one (1) day and the destination is more than 75 miles (one-way) from the City. Itemized Receipts are required.
 1. Lodging expenses include the cost of lodging and any applicable taxes and fees. As a governmental entity, the City of New Haven is sales tax exempt.

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2. All hotel bills should show a (0) balance before being submitted for reimbursement.
 3. Additional lodging expenses for spouses, dependents or others are the responsibility of the authorized traveler and are not reimbursable.
- B. Separate rooms are permitted for each authorized traveler.
- C. If reserved accommodations are no longer needed, it is the responsibility of the traveler to ensure the room is canceled in accordance with the cancellation policy of the lodging entity.
- D. Allowances for lodging expenses are not authorized for non-commercial lodging facilities, such as a relative or friend.

VII. **MEALS EXPENSE**

A. Meals

1. The daily maximum allowable per traveler for M&IE is \$35.00 per day.
2. One (1) meal is permitted for One-Day Travel status with no overnight stay.
 - a. For One-Day Travel, expenses will not be allowed for meals less than 50 miles from the City.
3. Alcoholic beverages (including tax and tip) are not allowable expenses and should not be included on the meal receipt.
4. For longer than One-Day Travel, expenses will not be allowed for meals purchased less than 75 miles from the City.
5. A registration fee that includes a meal(s) is not subject to the meal allowance.
6. Unless the conference agenda includes an entertainment event, meals purchased at entertainment venues are not reimbursable.
7. While on Travel, a traveler may not pay for another traveler's meal – including authorized travelers or spouses. When possible, only meal expenses for the traveler should be included on the itemized receipt.
8. A maximum of 15% to 20% gratuities and tips is reimbursable

VIII. **NON-ALLOWABLE EXPENSES**

- A. Expenses including, but not limited to the following, will not be allowed:
1. Alcoholic beverages

APPENDIX 1 – TRAVEL POLICY

2. Personal toiletry articles, medicines or other personal convenience items (hotel minibar or other)
 3. Airline or trip insurance, passports or money orders
 4. Loss of funds or loss/damage to personal belongings
 5. Childcare, eldercare, babysitting or pet care costs
 6. Barber or salon services
 7. Gum, candy, cigarettes or other tobacco products
 8. Penalties (airline or other)
 9. Personal entertainment not related to the conference such as movies, cable fees, health clubs or golfing
 10. Parking or moving violation fines, bail or legal fees
 11. Donations
 12. Medical expenses (Human Resources will need to be contacted if a work-related injury occurs while on Travel)
 13. ATM or banking service fees

**City of New Haven
Time Clock Policy**

I. TIMEKEEPING SYSTEM OVERVIEW

The City of New Haven is subject to numerous laws and regulations that govern the way we conduct our City. The laws that regulate employee’s wages and hours are designed to ensure that employees are paid as specified, within these regulations.

This policy outlines information pertaining to recording and tracking hours of work, accruals, and making manual edits.

Our official timekeeping system is NOVAtime, which is a Time and Attendance System that collects actual time entered by the employee using the time clock using the NOVAtime software. The data is later transferred to the payroll system where employees are paid according to the hours recorded in the NOVAtime system. NOVAtime captures and records all employee’s time records with the exception of the Elected Officials. The electronic time tracking system allows employees to accurately monitor and keep track of their time and enables the Payroll Office to efficiently process employee time worked and leave taken for payroll purposes.

II. TIMEKEEPING PROCEDURES

A. ALL EMPLOYEES:

Exempt (salaried) and Non-Exempt (hourly) employees must record time and attendance via the NOVAtime system. The time must be approved by the supervisor each pay period. The NOVAtime system tracks exception time (vacation, sick, etc.) for both Exempt and Non- Exempt employees. Exempt Employees and non-exempt employees must have eighty (80) hours worked, for each bi-weekly pay period.

B. OFFICIAL TIME OF RECORD

The NOVAtime electronic time keeping system and associated work records are the official basis for recording hours worked for all employees of the City. This includes but is not limited to all employees including part-time and seasonal. In order to ensure consistency of treatment for all employees, the data recorded in the NOVAtime system shall be considered as the “official” record of the workday. Any disputes over actual hours worked or attendance will be resolved by referring to the NOVAtime records.

C. EMPLOYEE TIME REPORTS

The Fair Labor Standards Act (FLSA) and the State Board of Accounts requires the City keep detailed records on time and payments for all employees. NOVAtime electronic timekeeping system is used to record all hours worked and leave taken. These automated time reports must reflect all regular and extra duty hours worked for the payroll period.

D. EMPLOYEE NUMBER

Every City employee is assigned an employee number upon hire. The employee number is unique to each employee and is used for identification purposes. The employee number along with a finger is used to clock in at the time clock location. The employee number is also used with the NOVAtime Web application.

E. CLOCK LOCATIONS

There are two (2) timeclocks located at City Hall one on the administrative side and the other on Police Department side. Other timeclocks are located at the Utility Shop, Fire/EMS Department and the Parks Community Center, Jury Pool and the maintenance building.

F. DAILY CLOCK IN/OUT REQUIREMENTS

It is a job requirement that all must “clock in” at the start of their shift and “clock out” at the end of their shift. Employees should clock in no sooner than seven (7) minutes before/after the scheduled shift and clock out no later than 7 minutes before/after the scheduled shift.

Under certain conditions (such as trainings at an off-site location, extracurricular events, etc.) when an employee cannot “clock in” at their worksite, the employee should report time worked to their supervisor, so their time worked can be manually entered before the end of the pay period.

Employees who consistently miss time clock entries will be subject to disciplinary action.

G. EMPLOYEE ROUNDING RULES

In/Out Punch:

1. All In and Out punches will follow a 15-minute rounding rule with a 7-minute grace. This includes clocking in and out for unpaid breaks.
2. Employees should not clock in more than 7 minutes before the start time; otherwise the punch will round back and could result in overtime.
3. If an employee leaves 8 minutes or more before the shift end time, the punch will round back. If employee leaves 8 minutes or more after the shift end time, the punch will round forward.

4. If the employee has no schedule set, but is still working, the rounding rules will follow the same 15-minute rounding rule.

H. MULTIPLE JOB CLASSES/TRANSFER BUTTONS

There may be instances where employees have multiple job classes. Departments with multiple job classes have transfer buttons on their time clock. It is the responsibility of the employee to ensure they are always clocking for the correct job. Example: Transfer buttons at the Fire Station are Hourly FD (Fire Dept.) and Hourly EMS.

If you are unsure which job class you should be using, please contact your supervisor or the Payroll Office.

Employees who have punched in incorrectly using the wrong job class will need to contact their supervisor immediately before time is imported to payroll.

I. VIEWING HOURS WORKED

Employees can view their timesheets from any clock location. Additionally, employees have access to the NOVAtime web application. Contact your supervisor or payroll for setup instructions.

1. To view your timesheet from the timeclock – click the ‘view’ button on the timeclock and enter your employee ID number. Follow the prompts to view cumulative time for the current week.

J. FALSIFICATION, TAMPERING, AND UNAUTHORIZED VIEWING

The following infractions are prohibited and will be considered severe. Due to the severity of these infractions, employees may be subject to immediate corrective action, up to and including termination.

1. Any attempt to tamper with timekeeping hardware or software.
2. Interference with another employee’s use of the NOVAtime system.
3. Unauthorized viewing of another employee’s time in the NOVAtime system.
4. Falsifying time by not clocking in and out at required times.

K. CLOCK PROBLEMS

If an employee is unable to punch in or out because of a time clock malfunction or network difficulties it is the employee’s responsibility to immediately inform their supervisor. In this situation, the supervisor will manually correct the clock in or clock out information. The supervisor will notify Payroll of any clock problems or malfunctions.

L. LUNCHES

The City provides a lunch break for all employees. Each employee is required to punch out for lunch and back in at the end of the lunch break. The seven (7) minute rounding rule applies to lunch breaks.

1. Due to the nature of some positions, exceptions to the lunch period may be made with the approval of the employee's Department Head or Elected Official.

M. BREAKS

While not required by law, allowing up to two fifteen (15) minute breaks within a scheduled shift is at the discretion of each Department Head. Employees should not clock in and clock out for the fifteen (15) minute breaks due to the breaks being paid time.

N. UNREPORTED HOURS

The FLSA does not permit an employer to benefit from the work of an employee without compensating them for such work. Therefore, all hours worked must be reported using the NOVAtime system. Any time spent working while not clocked in (a.k.a. "working off the clock") is strictly prohibited. Employees are required to clock in before performing any work and are not permitted to clock out until all work has stopped. Employees who under report or fail to report hours worked are subject to corrective action up to and including termination. Examples of "working off the clock" may include:

1. Voluntarily working at the beginning or end of regular working hours;
2. Taking work home to complete on the weekend or in the evening;
3. Checking/Reading/Reviewing work-related emails or listening to work related voicemail message while away from the office or workplace;
4. Answering phones, emails, or attending to customers while clocked out for a lunch break.

Once an employee has clocked in, he/she is responsible for starting work. When a shift has been completed, it is the employee's responsibility to clock out. If an employee leaves their location to conduct personal business, the employee must clock out. Employees conducting personal business or simply not working while clocked in may be considered "riding the clock" and could be subject to corrective action up to and including termination.

O. PROCESSING OF ELECTRONIC TIME REPORTS

Payroll will close the work pay period in NOVAtime according to a bi-weekly schedule. Supervisors must resolve all missed punches and review clock hours for their staff following the close of a pay period. The approved timesheets are due in payroll by 10 am the Monday following the close of a pay period.

P. DISPUTES OVER TIME CLOCKED IN OR OUT

In the event an employee has a dispute over time that was clocked in or out, they should bring it to the attention of their supervisor immediately. The NOVAtime tracking system provides a log to assist in validating times and locations of all employees. Any dispute that cannot be resolved using the logs should immediately be reported to the Human Resources Department.

Q. TIME OFF REQUEST

Leave time should be requested and approved in advance. If not possible due to an illness or emergency, leave time can be requested upon return to work when prior approval was not requested. If leave is at the end of a pay period, notify your supervisor to have a manual entry made. Once approved by the supervisor, the leave hours will appear automatically on the employee's timesheet.

When an employee has a doctor's appointment, he/she should clock out when leaving, and clock back in upon return. Sick time can be requested in the amount to total an 8-hour day or twenty-four and one half (24 ½) hours for Fire/EMS personnel.

R. DUE DATES

A payroll processing schedule is established at the beginning of each calendar year. The official schedule prepared by the Payroll Office makes exceptions related to holidays and operational necessities, but generally is based on the following sequence of events:

1. Supervisors are encouraged to review and monitor time records during the pay period and make schedule adjustments if needed
2. Supervisors must approve time records in the NOVAtime system by 10 AM on the Monday or first work day following the close of the pay period. Follow the payroll schedule for dates.
3. Supervisors who are not available on the day time records are due should make arrangements with their designee so that time approval duties are carried out.

S. ADDING AND REMOVING EMPLOYEES FROM SYSTEM

New employees will be added to the NOVAtime System by the Payroll Office as soon as possible after employment. The employee number is assigned by the Payroll Office. New employees should obtain their ID number prior to beginning work. The Payroll Office will remove employees from NOVAtime upon receipt of the Payroll Authorization Form from the Human Resources Department to terminate an employee.

T. TRAINING

Employee training on how to use the NOVAtime system will be provided to all employees at their new hire orientation. Any additional training will be provided upon request by the Payroll Office on an “as needed” basis. Any request for training should be directed to the Payroll Office.

U. FAILURE TO CLOCK IN/OUT

Employees who have excessive failures to clock in or out violate the Employee Time Clock Policy and will be subject to disciplinary actions. First offenses will result in verbal warnings. Additional offenses will result in written warnings. As with any policy, continued lack of compliance may result in termination. Any instance of falsifying time records will result in immediate termination. Excessive shall mean any of the following:

1. Three (3) or more incidents in a fourteen (14) day calendar period.
2. Five (5) or more incidents in a thirty (30) day calendar period.

FORMS