

City of Valparaiso
Employee Handbook
June 28, 2016

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Section One: Introduction

INTRODUCTION

Welcome to the City of Valparaiso, Indiana. This handbook is a guide that describes the procedures and regulations that relate to your employment, and has been prepared to assist you in making your employment enjoyable and rewarding.

Although the handbook is designed to serve all employees in an equitable and fair manner, parts of this book may be superseded by specific department procedure or by collective bargaining (if applicable). Wherever possible, copies of those agreements or procedures have been included in the back section of this handbook.

PURPOSE STATEMENT

The employees, staff and officials of the Valparaiso City Government work to sustain and build upon the tradition of the outstanding quality of life in our community by delivering the highest levels of services to our residents and guests through our values and actions.

VALUES STATEMENT

The City of Valparaiso is guided by the following values statement:

- Our City... our values
- Honestly Accountable
- Surprisingly Responsive
- Boldly Proactive
- Creatively Frugal
- Respectfully Compassionate

Embrace the journey from good to GREAT

UNIFORM APPLICATION OF THIS HANDBOOK

It is the intent of the City of Valparaiso to adopt an employee handbook that applies uniformly to all divisions of government unless superseded by contract or collective bargaining agreement. Although this handbook makes reference to the position of Mayor, employees of the Clerk's Office and other independent subdivisions do not fall under the Mayor's direction.

As an example, in applying this handbook uniformly, employees of the Clerk's office should substitute "Clerk" wherever this handbook uses the term "Mayor" except where such authority is granted exclusively to the Mayor by ordinance or state statute. Likewise, employees of other divisions of city government should make similar allowances wherever "Mayor" is referenced. This handbook applies to all employees unless superseded by contract or collective bargaining agreement.

PURPOSE OF THE EMPLOYEE HANDBOOK

This Personnel Policy Handbook has been prepared for the employees of the City of Valparaiso to promote and maintain a positive working environment and to provide general direction and information. Since it is not possible for this handbook to cover each and every aspect of employment, the policies, procedures and benefits described in this handbook are summary descriptions, presented for information only, and are not intended to be all encompassing or applicable to every situation. An employee who wishes to review a policy in its entirety should contact his/her department head.

Neither this handbook nor any other written or oral statement made to an employee by a representative of the City is intended to be an actual or implied contract unless reduced in writing, signed by the appropriate department head and explicitly stated in writing that the document is intended to serve as a contract.

Although the City wishes to make every effort to maintain continuity in its policies and the way it handles personnel issues, it retains the right to add, modify or terminate its policies, procedures or benefits at any time subject to Board of Works and Safety approval, should a situation arise where such change is necessary to preserve appropriate operations. In those instances, changes shall be immediately applicable to all employees regardless of whether the change conflicts with previous language contained in the handbook. In an emergency, an exception may be made to this handbook and approved by the Board of Works and Safety after the fact.

All non-sworn city employees are employees "at will," and are free to resign at any time, just as the City is free to terminate that employment at any time pursuant to City policy. Neither this handbook nor any other written or oral statements of City policy is intended to modify the "at will" status of an individual's employment. However, this statement is not intended to imply that the City and its employees are not able to enter into a contract regarding terms for employment.

NOTIFICATION OF CHANGES TO THIS HANDBOOK

This handbook provides summaries and information about what an employee can expect from the City of Valparaiso and what the City expects from its employees. Generally, revisions of this handbook are made by the Board of Works and Safety and are effective upon the Board's action; however, the City reserves the right to change the handbook at any time. When a change in policy is made, employees will be notified in writing of changes in policies by their respective department head who will distribute revisions of the manual.

QUESTIONS ABOUT THIS HANDBOOK

Employees with questions or comments regarding any section of this handbook are encouraged to first contact their respective supervisor or department head. If the matter requires additional clarification, the employee may contact the Human Resources Department.

APPLICABILITY OF POLICIES

The policies and procedures outlined in this handbook apply to all employees of the City of Valparaiso, except:

- Elected officials;
- Police Officers and Firefighters who are covered by a collective bargaining agreement;
- Individuals appointed to serve on a City Board or Commission (this does not include City employees who serve on the Board of Works and Safety);
- Attorneys who serve the City; and,
- Individuals with employment contracts, who will follow only those policies which are not superseded by specific contract provisions.

Section Two: General Employment Practices

AFFIRMATIVE ACTION

In order to implement the City's policy of equal employment opportunity, an affirmative action plan will be developed annually for implementation.

Although it has been the long-standing policy of the City to provide equal opportunity to all qualified persons without regard to race, religion, sex, sexual orientation, physical handicap, veteran's status or anything else that has no bearing on job performance, the City of Valparaiso is committed to the identification and elimination of those barriers which have denied equal employment opportunities to protected class members. In addition, the affirmative action plan will set specific goals and timetables that provide realistic, achievable opportunities for improving the employment opportunities for protected classes.

In addition to eliminating barriers for employment, the City's EEO Policy and Affirmative Action Plan also apply to contractors, vendors and service suppliers seeking a public contract to do business with the City of Valparaiso. Contractors and vendors will be required to demonstrate compliance with the City's policy and Affirmative Action Plan.

Additional measures outlining the City's commitment to affirmative action may be further defined in federal and state grant applications. City employees who are responsible for handling the purchase of contracted services should become familiar with the specific goals and requirements of the City's Affirmative Action Plan.

A copy of the City's affirmative action plan is on file and available for review in the Human Resources Department.

CIVIL RIGHTS

It is the policy of the city to provide an internal complaint and investigation procedure to encourage early resolution of civil rights violations based on employee complaints within the organization and to monitor policies, practices and actions. This policy is in addition to any existing grievance and complaint procedures.

Any employee who feels that he/she has received unfair treatment in discipline, pay, promotion or assignment because of his/her race, color, sex, sexual orientation, religion, national origin, ancestry, age, political affiliation, disability or veteran's status may file a complaint.

The City's Human Resources Department will receive and investigate all complaints of a discriminatory nature. Utilizing this procedure will not preclude any other internal grievance or complaint procedure; however, utilizing an external complaint procedure, such as filing with the State Civil Rights or the U.S. Equal Employment Opportunity Commission will preclude use of the internal procedure due to superceding authority.

Internal anti-discrimination practices will serve to improve communication and voluntary compliance. This does not, however, mean that corrective action may not be directed by the Human Resources Department or the Office of the Mayor (or other elected official) when voluntary methods fail.

AMERICANS WITH DISABILITIES ACT (ADA) REASONABLE ACCOMMODATION

Individuals with disabilities be given the same opportunity to participate in the services, programs, or activities of the City. The City will not discriminate against a qualified individual with a disability in: job application procedures; the hiring, advancement or discharge 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). ADA outlaws discrimination against individuals with disabilities in a variety of employment sectors including local government. Any employee who wishes to discuss his or her needs as a disabled employee should contact their department head.

Protection- An employee with a disability who is qualified to do a job is protected by the ADA from job discrimination on the basis of that disability. Under the ADA, a disability includes a physical or mental impairment that substantially limits a major life activity or a major bodily function. To be protected under the ADA, an employee must have, or be regarded as having a substantial (as opposed to a minor) impairment. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, walking, breathing, and performing manual tasks, caring for oneself, learning or working, or a major bodily function. An employee must satisfy the employer's requirements for the job, such as education, employment experience, skills or licenses. He/she must be able to perform the essential functions of the job with or without reasonable accommodation. Essential functions are the fundamental job duties for that position. An employer cannot refuse to hire an employee because his/her impairment prevents the employee from performing duties that are not essential to the job.

Reasonable Accommodation- is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, reasonable accommodation may include:

- Providing or modifying equipment or devices, job restructuring, part-time or modified work schedules, reassignment to a vacant position, adjusting or modifying examinations, training materials, or policies, providing readers and interpreters, and making the workplace readily accessible to and usable by people with disabilities.

An employer is required to provide a reasonable accommodation to a qualified applicant or employee with a disability unless the employer can show that the accommodation would be an undue hardship -- that is, that it would require significant difficulty or expense.

Covered Employment Practices- The ADA makes it unlawful to discriminate in all employment practices such as:

- Recruitment, firing, hiring, training, job assignments, promotions, pay, benefits, lay off, leave, and all other employment related activities.
- It is also unlawful for an employer to retaliate against an employee for asserting his/her rights under the ADA. The Act also protects an employee if he/she is a victim

of discrimination because of family, business, social or other relationship or association with an individual with a disability.

Medical Examinations and Inquiries About a Disability- When applying for a job, an employer cannot ask a candidate for hire if they are disabled or ask about the nature or severity of a disability. An employer can ask if the candidate can perform the duties of the job with or without reasonable accommodation. An employer can also ask a candidate to describe or to demonstrate how, with or without reasonable accommodation; he/she will perform the duties of the job.

An employer cannot require a candidate to take a medical examination before a job is offered. Following a job offer, an employer can condition the offer on the candidate passing a required medical examination, but only if all entering employees for that job category have to take the examination. However, an employer cannot reject a candidate because of information about the disability revealed by the medical examination, unless the reasons for rejection are job-related and necessary for the conduct of the employer's business. The employer cannot refuse to hire an individual because of a disability if that candidate can perform the essential functions of the job with an accommodation.

Once hired and working, an employer cannot require that an employee take a medical examination or ask questions about a disability, but the employer can request information about and confirmation that an employee can perform the essential functions of the job with or without reasonable accommodation. An employer may conduct voluntary medical examinations that are part of an employee health program, and may provide medical information required by State workers' compensation laws to the agencies that administer such laws.

All medical records must be kept confidential, and maintained in separate medical files.

Illegal Drug Abuse and the ADA- Anyone who is currently using drugs illegally is not protected by the ADA and may be denied employment or fired on the basis of such use. The ADA does not prevent employers from testing applicants or employees for current illegal drug use.

For Further Information, contact the Human Resources Department.

EQUAL EMPLOYMENT OPPORTUNITY

The City of Valparaiso is committed to providing equal employment opportunities for all applicants and employees. Applicants and employees shall be treated fairly and equally. Employment decisions will comply with all applicable state and federal employment discrimination laws, and made without regard to race, color, gender, sex, sexual orientation, religion, national origin, age, disability, veteran's status, political affiliation, or citizenship. In addition, the City will not tolerate any discrimination by anyone, including, but not limited to, co-workers, supervisors, department heads, elected or appointed officials, vendors and the general public. This policy applies to all employment decisions including, but not limited to, recruiting, hiring, compensation, training, promotion, termination and all other terms and conditions of employment. Any employee who believes that they have witnessed or has been subjected to discrimination has a duty to immediately report the incident to Valparaiso Human Resources Department in accordance with this policy.

It is the official policy of the City to:

1. Recruit, hire and promote for all job classifications without regard to race, color, sex, religion, national origin, ancestry, age, sexual orientation, political affiliation, veteran's status or disability.
2. Base decisions on employment so as to further the principles of equal employment opportunity in accord with the City's affirmative action plan.
3. Insure that promotion decisions are in accord with the principles of equal employment opportunity by imposing only job related requirements for promotional opportunities.
4. Acknowledge its intent to abide by this policy by including the words "Equal Employment Opportunity Employer" in all recruitment advertising, and on all City letterhead.
5. Insure that all other personnel actions such as compensation, benefits, transfers, layoffs, return from layoff, education, City sponsored training, tuition assistance, social and recreational programs, will be administered without regard to race, color, sex, veteran's status, sexual orientation, religion, national origin, ancestry, age, political affiliation or disability.
6. Special meetings will be held at least annually with executive, management and supervisory personnel to explain the intent of the City's equal employment opportunity policy, and individual responsibility for effective implementation, and clarifying the City's position on equal employment opportunity. The date of these meetings will be recorded and specified in the City's EEO/Affirmative Action Plan.

Any questions regarding equal employment opportunity, potential discriminatory practices or matters within the scope of City employment should be directed to the Human Resources Department.

HARASSMENT

The City of Valparaiso encourages all of its employees to work at creating a workplace that is harmonious and conducive to providing services to the public and to fellow employees. Deliberate or repetitious comments or actions that are hurtful, rude, unprofessional, discriminatory, or offend other employees have no business in the workplace.

An employee should advise his/her supervisor or department head in regard to activity brought about by another employee that undermines workplace professionalism.

SEXUAL HARASSMENT

The City is committed to a policy of equal employment opportunity for all applicants and employees. The City believes that it is important to maintain a safe, pleasant and comfortable work environment. Sexual harassment adversely impacts the morale and productivity of an employer's most valuable asset, its employees. In addition, state and federal law protects employees, visitors, contractors, vendors and all those who enter the workplace from sexual harassment. The City believes that it shares a responsibility with its employees, board appointments and elected officials to stop and prevent sexual harassment. Simply put, sexual harassment will not be tolerated in the workplace, and employees engaging in such activity are subject to discipline including but not limited to termination.

Definition of Sexual Harassment- Sexual harassment is generally defined as conduct which shows disrespect, hostility or aversion to an employee, visitor or contractor through the use of sexed-based or gender based comments or actions of a sexual nature or based on gender. Sexual harassment may involve verbal, visual or physical conduct, which results in an employee or employees (or others present in the workplace) being subjected to an environment that is uncomfortable and unnecessary. There are two forms of sexual harassment:

Hostile Work Environment-

This form of sexual harassment involves sex-based or gender based conduct by a co-worker or a supervisor that creates a hostile or offensive work environment and which adversely interferes with an employee's ability to perform his/her work. Examples of a hostile work environment include (but are not limited to):

- Asking questions or making statements about an employee's gender, sexual conduct or preferences;
- Exposing oneself or revealing private body parts;
- Engaging in unwelcome physical contact such as pinching, kissing or inappropriately touching another employee;
- Disseminating or displaying pornographic materials or sexually explicit photographs;
- Making obscene, sexual gestures;

Quid Pro Quo-

This type of sexual harassment involves a supervisor who uses his/her authority to either threaten or require a subordinate employee to submit to sexual activity as a requirement for either: continued employment, favorable performance evaluations, or securing advancement in the City. Examples of quid pro quo harassment include (but are not limited to) the following examples:

- A supervisor stating to a subordinate employee: "Things could be a lot easier for you here if you would go away with me for the weekend."
- A supervisor withholding a favorable performance evaluation from a subordinate employee until the employee gives in to the supervisor's sexual advances.

Although the City does not condone any inappropriate action or comment, it is important to review the manner and circumstances in which the actions in question occurred.

Reporting Harassment- Any employee who believes that the actions or words of a Department Head, supervisor, non-supervisory employee, or non-employee with whom the City does business constitutes harassment to the employee or to another has a responsibility to report or complain about the situation.

Reports or complaints of harassment may be made verbally or in writing by an employee to the employee's Department Head, or to the Human Resources Director.

Supervisors and Department Heads are required to report all harassment to the Human Resources Director, regardless of how knowledge of the harassment is acquired and even if the harassed employee never actually complains to the Department Head or supervisor. A complaint or report of harassment is **not** handled through the grievance procedure.

Investigating Reports and Complaints of Harassment- The HR Director is responsible for investigating all reports or complaints of harassment. Investigations are conducted promptly, thoroughly, and impartially. While no guarantees regarding confidentiality can be made, an investigation will be conducted in as confidential a manner as possible. Employees are required to cooperate in any investigation. Employees who refuse to cooperate in an investigation may be subject to disciplinary action. To prevent the possibility of continued harassment while an investigation is being conducted, steps may be taken to separate the complainant from the accused.

Final Determination Following and Investigation of Harassment-Following an investigation of harassment, the HR Director will submit in writing to the Board of Works and Safety the facts of the case and a recommendation for action. The Board of Works and Safety will make a final determination, as immediately as possible as to whether or not harassment occurred; and if harassment occurred, the measures to prevent its recurrence, and discipline of the harasser. The final determination and the nature of any disciplinary action is communicated to both the complainant and the accused, as well as to the HR Director and all other affected Department Heads.

Protection from Complaint-Related Retaliation-The City prohibits any form of retaliation against employees for reporting harassment, filing a complaint of harassment, or providing information in support of a harassment complaint.

If an investigation of a complaint shows that the complaint or information was willfully or intentionally false, however, the individual who provided the false information will be subject to disciplinary action, up to and including discharge.

Section Three: Employer Procedures
(Hiring, Positions, Compensation & Pay)

HIRING EMPLOYEES

Vacancies occur when an employee leaves his/her position or a need is recognized, requiring the hiring of additional personnel. All new regular and/or temporary positions require written approval by the Mayor. Please contact Human Resources for further details.

Filling Open Positions- The City recognizes two classifications of applicants:

- Internal applicants- include active employees and employees on layoff, including active employees and employees on layoff from the Utilities Department.
- External applicants- Individuals who are interested in working for the City.

Internal Process/General Posting Requirements- The City will make a good faith effort to post an open position in every City department, including the Utilities Department, before they are advertised externally. There is, however, no guarantee that every posting will be seen by every employee. During the posting period, only internal applicants may apply for the position.

Postings will include a basic description of the position, its requirements, whether the position is full-time, part-time, or temporary the category, the earnings range with minimum and maximum earnings identified; and the level of education, job standards and/or experience required.

Additionally, the posting will inform employees of the deadline for applying for the position before external applicants may become part of the selection pool.

How Internal Applicants May Apply for Posted Positions- Active employees who want to apply for open positions must submit a Letter of Intent to the employing Department Head. Letters of Intent are available in each department. In some cases, the hiring Department Head may also require an employee to complete an application, if there is information not noted in an employee's original application which would demonstrate his or her ability to perform the job for which he or she is applying.

An employee on layoff will be contacted by the department from which the employee was laid off and informed of open positions. An employee on layoff must submit a "Letter of Intent," and application, if required, in order to be considered for an open position in which he or she is interested.

Moving From One Department to Another- When an employee moves from one department to another within the City, that employee's benefits move with the employee. The employee loses no benefits when making such a move. Exceptions to this include employees who move to or from the Utilities Department, or to or from being Police Officer or Firefighter to a civilian position.

When an employee moves from one department to another, a two week notice should be given by the hiring department to the current department. Generally, this decision should be based upon the needs of the current department and the two-week notice period may be extended, if required.

Ineligibility From Consideration For Open Positions- In certain circumstances an employee may not be eligible for consideration to fill an open position. Several reasons exist, including:

1. An employee who is still completing his/her Probationary Period will not be considered for a posted position in another department.
2. An employee will not be considered for a posted position in another department if he or she has received a written reprimand or suspension for any reason within 90 calendar days prior to the initial date of a posting and through the time for which the position is being filled.
3. An employee who is on a Performance Improvement Plan at the time a position in another department is posted, may be considered for the opening, providing the employee notifies the hiring Department Head of the progress he/she is making in regard to that plan.

Exceptions to Posting Requirements- There are several exceptions to the posting policy:

- Positions which a Department Head intends to fill with an employee within his or her department do not have to be posted inside the department or City-wide.
- Departments with entry-level positions with high turnover rates for which internal applicants have not historically applied may forego posting those positions.
- If there is evidence to strongly suggest that an inadequate selection pool will result from posting alone, a Department Head may advertise the opening at the same time the position is posted. In the event an open position is posted and advertised at the same time, the decision to do so will be stated in the job posting.

External Process/ Advertising Open Positions- An open position will only be advertised after the posting period expires (unless an exception to posting requirements exists), and there are no qualified internal applicants or qualified individuals on layoff.

Applications from external applicants are accepted only in response to advertised vacancies.

For entry level positions with high turnover rates may be advertised externally twice each calendar year. Applications may only be accepted for the period of time specified in an advertisement. Advertisements for positions must also indicate for how long the applications will remain on active file. Applications submitted immediately preceding the advertising period will be used as the selection pool for positions which become open.

Consideration When Filling an Open Position- As openings occur, equally qualified applicants will be considered in the following order of preference:

1. Employees on layoff.
2. Present qualified employees.
3. External applicants.

Final selection of applicants for employment is made by the employing Department Head, who will comply with hiring procedures established by Human Resources.

Moving Expenses- Moving or temporary living expenses for new employees will not be reimbursed by the City.

Pre-Employment Requirements for External New Hires- Once a job offer has been made, all pre-employment requirements must be completed prior to an employee starting work. While there may be additional requirements specific to a department and/or position, requirements generally include:

- Reference Checks
- Proof Of Eligibility to Work In the United States
- A Limited Local Criminal History Check
- Drug Testing
- Employment Forms
- Proof Of A Valid Operator Driver's License or Commercial Driver's License (CDL)
- Proof Of Insurability To Drive City Owned And/Or Leased Vehicles
- Post Offer Essential Function Screening (refer to **POST OFFER/TRANSFER POLICY on page 16**)

Failure to demonstrate or provide proper documentation may result in the job offer being rescinded.

New Employee Orientation- Human Resources conducts a general orientation for all new employees. During this orientation, an employee completes required forms and is provided with information related to the employee's employment. Depending upon whether the employee's position is regular full-time, regular part-time, temporary full-time or temporary part-time, the following may be included in the general orientation:

1. Completing of federal and state tax withholding forms, and completing eligibility documentation for work in the United States.
2. Enrolling the employee in the Public Employees Retirement Fund (PERF) and identifying beneficiaries.
3. Providing written information about the deferred compensation plan offered by the City.
4. Explaining the City's health and insurance benefit plans and options that an employee, depending on his/her status may be eligible for.
5. Providing written information about credit union opportunities, direct deposit and payroll deduction
6. Providing the employee with a copy of the Employee Handbook, including written acknowledgment of receipt, and a general overview of the document.
7. Explaining and providing the employee with the City of Valparaiso Drug and Alcohol Testing Program, Employee Information Packet and obtaining written acknowledgment of receipt, as well as the program's consent forms and obtaining the employee's written agreement to comply with policies.

Departmental Orientation For Internal and External New Hires- After an external new hire has completed the general orientation provided by Human Resources, that employee will participate in an orientation provided by his or her department. An employee who moves to a new department within the City will also participate in an orientation provided by the department to which he or she is moving, which will better acquaint the employee with his/her new department, position, and safety requirements specific to them.

POST OFFER/TRANSFER POLICY

The purpose of this policy is to ensure that the prospective employee possesses the physical capabilities necessary to safely perform the essential functions of the job. This policy is designed to strengthen the selections process and to reduce the risk of work related injuries.

It is the policy of the City of Valparaiso to offer employment for jobs subject to this policy contingent upon the prospective employee's successful completion of an Essential Function Screening. The screening must be completed post job offer and before the prospective employee begins work.

Job classifications for which the City of Valparaiso maintains documented physical requirements and approved by the human resources office shall be subject to the post offer/pre-employment physical screening policy post offer. All prospective employees in designated job classifications, which may include part-time and temporary hires, are subject to this policy, with the exception of student work-study employees. Existing employees seeking a transfer into a subject job classification with a higher level of physical demand than their current job are subject to the policy.

Definition of Prospective Employee- An individual to whom a contingent job offer has been made is considered a prospective employee.

Documenting physical requirements- The physical requirements of the essential functions of a job are determined using information gathered from a Job Site Analysis by a certified professional.

1. Supervisors are responsible for documenting the physical requirements of the job, with outside consulting from a certified professional, as needed.
2. Department heads must approve the final documentation for the physical job requirements. Department heads then submit the documentation to the human resources office.
3. The human resources office is responsible for providing forms, maintaining documentation and providing policy assistance.
4. Job classifications without properly executed physical requirements documentation on file in the human resources office will not be subject to essential function screenings.
5. When the physical requirements for a specific job classification change, the supervisor must contact the human resources office and update the documentation on file.

Position vacancy announcements- Announcements for vacant positions in job classifications subject to this policy must contain information about the physical requirements of the essential functions for the job and a statement that employment is contingent on the successful completion of a post offer essential function screening.

Job Offers- Offers of employment for jobs in classifications subject to this policy must clearly state that employment is contingent upon successful completion of an Essential Function Screening.

Scheduling the Test- All prospective employees in a job classification requiring physical screening must successfully complete the post offer essential function screening **before** work begins. The human resources office will provide information about the process and instruct the prospective employee to contact the testing vendor to schedule an appointment for the test.

Screening- The screening vendor consistently administers the essential function screening to all prospective employees for a job classification at the level necessary for performing the essential job functions. Since employment has not yet commenced, time in performance of the screening is not considered work time.

Screening Results:

1. The human resources office maintains test results in a confidential medical file, separate from the individual's application file and personnel file (if hired).
2. The human resources department is responsible for conveying the screening results to prospective employee and intended supervisor.
3. Prospective employees who wish to request a reasonable accommodation for a disability may contact Human Resource. Requests for accommodations will be considered before further action is taken.
4. If the prospective employee does not demonstrate an ability to safely perform the essential functions of the job, the offer of employment will be re-assessed and possibly rescinded. This will be assessed on a case by case basis.
5. Only after the prospective employee passes the essential function screening, or a reasonable accommodation for a qualified individual is agreed upon, may he or she begin work.

Reapplying for the Same Job Classification- An individual who fails the essential function screening for a job classification and was not hired must wait a reasonable period of time before reapplying for the same position or another position with similar or higher physical requirements, unless extenuating circumstances, temporary in nature, are shown to have contributed to the failure.

Contact the human resource department with any questions regarding this policy.

PROBATIONARY PERIOD

New employees and employees in new positions serve a Probationary Period of 90 calendar days. This is a time of on-the-job training and a time for the employee and the supervisor to mutually evaluate an employee's skills to determine whether or not there is a good match between the skills needed to do the job and the employee's possession of those skills. Employees serving a Probationary Period are encouraged to ask questions to clarify their responsibilities and expectations.

A supervisor with hiring and firing authority may discharge an employee prior to the end of the Probationary Period without cause or if, in the supervisor's opinion, the employee appears to be unable or unwilling to perform the duties of the position satisfactorily, or if the behavior of the employee does not merit continued employment. This includes any position to which a current City employee is promoted, demoted or laterally moved.

If the supervisor determines that extending the Probationary Period will increase the employee's chances of improving performance, the period may be extended for no longer than an additional 90 calendar days. Before the end of the Probationary Period the supervisor, with consultation of the Human Resource Director will conduct a performance evaluation with the employee, and decide whether to retain or discharge the employee. Employees will not be considered for a promotion or lateral transfer before they have successfully completed their current Probationary Period.

COMPENSATION

The City is committed to the principle of equal pay for equal work, without regard to gender, age, race, color, national origin, religion, disability, or any other legally protected class.

DEFINITIONS OF EMPLOYMENT STATUS

The City uses a variety of classifications to describe the status of its employees to define the terms and conditions of employment. These terms can be used by themselves, in conjunction with each other, or even interchangeably. The terms clarify as to whether an employee is entitled to overtime or benefits.

Full-Time: An Employee who has completed his/her orientation period and who works on average at least thirty-five (35) hours or more per week.

Full-Time Probationary: A newly hired employee or an employee assigned (either through promotion or demotion) to a new job classification who has worked at the same position for more than ninety (90) days, then becomes a full time employee.

During this period, the newly hired employee will have the opportunity to get to know the City and the City will have the opportunity to get to know the employee. The period allows an employee to become familiar with the opportunities and responsibilities of being an employee of the City of Valparaiso. This period also allows both the employee and the City to determine whether continued employment will be to the advantage of both parties. At the end of this

probationary period, the employee will become eligible for regular employee status. The employee's department head will meet with the employee to discuss his/her evaluation and status for permanent employment.

In certain circumstances, it may be in the employee and City's best interest to extend the probationary period for an additional thirty days.

A full-time employee may be exempt or non-exempt:

Exempt- A full-time "exempt" employee is a salaried employee who is exempt from the overtime and/or compensatory time requirements of the Fair Labor Standards Act. An exempt employee has certain decision-making responsibilities and meets other criteria of the federal act.

Non Exempt- A full-time employee who is "non-exempt" is entitled to overtime and/or compensatory time under the Fair Labor Standards Act for all hours worked in excess of forty (40) hours in a workweek, at a rate of 1.5 times the hours worked.

Part-Time: An Employee who has completed his/her probationary period and who works on average less than thirty-five (35) hours per week. Part-time employees, although valuable members of the City's workforce, are not eligible for all of the benefits (such as health insurance or pension benefits) afforded to full time employees.

Generally, part-time employees do not work a schedule that exceeds the forty (40) hours in a week. In the event that a part-time employee does work more than forty hours in a week, the employee will be paid at a rate of 1.5 times the number of hours worked (over and above forty hours).

Temporary Or Seasonal: An Employee who is hired for a specific period of time, with a known duration of less than eight (8) months or an employee who is assigned to a part-time job with a known limited duration of less than ten (10) full months is not eligible for benefits. Often these employees are also referred to as seasonal or temporary employees. A temporary employee may work either a full or part-time schedule depending upon the assignment. If the employee works more than forty hours in a week, the employee will be paid at a rate of 1.5 times the number of hours worked (over and above forty hours).

Classification Regarding Exempt Employees

As noted above, certain positions such as department heads are considered exempt under the Fair Labor Standards Act (FLSA). The position must meet certain standards and conditions, and be given authority and responsibility that makes the position exempt under the FLSA.

For timesheet purposes, exempt employees are instructed to note which days they worked and that they "have completed all assigned tasks and duties." Exempt employees should record all hours worked and those hours should be reflected on the employees time sheet.

Employees who have specific questions regarding their exempt or non-exempt status should review the Fair Labor Standards Act or contact the City Attorney or U.S. Department of Labor Wage and Hour Division.

PAY PERIODS, PAYDAYS, PAYCHECKS, PAYROLL DEDUCTIONS, AND CREDIT UNION

Pay Periods-

Salaried Employees- There are two pay periods each month. The first pay period begins on the first day of the month and ends on the fifteenth of the month. The second pay period begins on the sixteenth of the month and goes through the last day of the month.

Hourly Employees- Each pay period includes two work weeks, except four times a year when the pay period includes three work weeks.

Time sheets are used to determine the amount an employee is paid each pay period and serve as the official record of an employee's service to the City.

Paydays- Paydays are on the fifteenth and last business day of every month. If a Holiday or a day that City Hall is closed falls on a payday, paychecks will be issued on the immediately preceding business day. A schedule of pay dates can be obtained from Payroll. No other person is allowed to "pick-up" an employee's paycheck without the employee's permission which must be provided in advance to Payroll. Paychecks are not issued in advance of payday without approval from Payroll.

Payroll Deductions- There are two types of payroll deductions, those mandated by the government and those that employees choose to make.

Mandated Payroll Deductions- Certain deductions are made from employees' paychecks, as mandated by the state and/or federal government, or court. These deductions include:

- Federal Income Taxes (as indicated by an employee on the W-4 federal income tax withholding form)
- State Income Taxes (as indicated by an employee on the state income tax withholding form)
- Social Security (FICA) and Medicare (MCARE)
- Deductions associated with a take-home City vehicle
- Court ordered child support and garnishments
- EDIT

Voluntary Payroll Deductions- Employees may choose to have any or all of the following that apply to them deducted from their paychecks:

- Contributions to the City's group health and dental insurance plan (through the 125 Plan)

- Pre-tax deferred compensation deductions (a tax sheltered annuity program through PERF and Nationwide)
- United Way contributions
- Deductions for credit union membership (deductions can only be made, if an employee is a member of the City's authorized credit union)
- AFLAC insurance premiums
- Purchase of U. S. Savings Bonds

Employees may elect to have voluntary deductions taken from their pay, only if they authorize deductions in writing.

Direct Deposit of Paychecks- Employees may elect to have their paychecks directly deposited. Participating institutions include those approved by the Clerk Treasurer.

Paycheck Errors, Lost Paycheck, or Stolen Paychecks- Employees who discover a mistake in the paycheck, lose their paycheck, or have it stolen must notify Payroll immediately. In the case of a mistake, the error will be remedied as quickly as possible.

In the case of loss or theft, Payroll will attempt to stop payment on the check and reissue a new one to the employee. The employee is solely responsible for the monetary loss, however, and the City is not responsible for the loss or theft of a check if it cannot stop payment on the check.

WORK HOURS, BREAKS. AND MEAL PERIODS

Work Hours and Work Schedule- The workweek begins on Sunday at 12:00 a.m. (midnight) and ends the following Saturday at 11:59 p.m.

The City has two classes of employees: Full-time and part-time. Full-time employees are regularly scheduled to work at least 35 hours each workweek. Part-time employees are regularly scheduled to work less than 35 hours each workweek. Full-time employees are entitled to a variety of benefits that are not normally extended to those classified as part-time.

Work hours for employees are determined by Department Heads. At the time of hire, the Department Head will inform an employee of his or her daily schedule, including meal periods and breaks. Should a schedule change be necessary, the Department Head will inform the employee of that change. Adjustments in employees' work hours and schedules may be made to meet fluctuating City and/or departmental demands and priorities or to accommodate an employee's personal needs providing that the temporary change does not impact the quality and amount of work provided.

Exempt employees are paid on a salaried basis in accordance with the Fair Labor Standards Act.

Breaks-The City provides breaks or rest periods to its employees as. Non-exempt employees who work at least seven hours in one shift will receive a break of 15 minutes at approximately the middle of every three and one half hours of work not interrupted by a meal period. Supervisors are responsible for scheduling the time for non-exempt employees' breaks. All

breaks should be arranged so that they do not disrupt City business or service to the public and should consider the workload and the nature of the job or jobs being performed. When necessary, the frequency and time of breaks may be changed. Time spent on breaks is compensated as working time. Employees are expected to be punctual in starting and ending their breaks and are subject to disciplinary action for extending breaks beyond the 15 minutes allowed.

Employees who choose to remain at work during breaks are not entitled to arrive later than the scheduled starting time or leave before the normal quitting time or extend a meal period, and will not receive extra pay for the time worked.

Employees who work in an office, breaks may be taken indoors or outdoors. For those employees whose job sites change depending upon the nature of the work being performed, breaks must be taken at the job site rather than returning to the department in order to take a break. Employees on break should avoid interfering with other employees who are continuing to work.

Meal Periods- Employees who are scheduled to work at least seven hours in one shift are entitled to a meal period. Some employees' meal period is a paid part of their scheduled shift while for others, the lunch period is unpaid. Periodically, a supervisor may ask an employee to schedule his/her lunch so as to not disrupt City business or service to the public. Paid meal periods are 20 minutes in duration. Unpaid meal periods may be one half hour or one hour in duration, depending upon the department where an employee works.

Non-exempt employees whose lunch period is unpaid may not work their lunch period without prior authorization from their Department Head. Non-exempt employees who are required to work all or any part of an unpaid meal period will be paid for the time worked.

Employees are expected to be punctual in starting and ending paid or unpaid meal periods and are subject to disciplinary action for extending meal periods beyond the time allowed.

WORKING ADDITIONAL TIME AND OVERTIME

Non-Exempt and Exempt Positions- The Fair Labor Standards Act (FLSA) establishes overtime pay provisions for employees of employers who are required to comply with the Act. The terms "exempt" and "non-exempt" employees, as used in the FLSA, have reference to the overtime pay provisions of the Act.

Non-exempt employees are those entitled to overtime pay under the FLSA, and include all employees not covered by a specific exemption. Generally speaking, non-exempt employees include clerical, labor, trades, crafts, technicians, maintenance, and other service workers. All hourly employees are non-exempt and, therefore, are entitled to overtime pay. Additionally, there are some employees in positions that are salaried, non-exempt, and those employees are entitled to overtime pay.

Exempt employees are those employees exempt from (not covered by) the overtime pay provisions of the FLSA. Exempt employees, generally speaking, are employees whose positions are supervisory, administrative or professional in nature, and whose salaries meet

certain minimums established in the regulations to qualify for exemption. Exempt employees are not entitled to overtime pay.

All position descriptions indicate whether a position is exempt or non-exempt. Questions regarding the status of a particular position should be directed to an employee's department head or Human Resources.

Definition of Additional Time and Overtime-

Additional time: is time worked in excess of a non-exempt employee's regularly scheduled hours, but which does not exceed 40 hours of work in a workweek.

Overtime: is defined as time worked over 40 hours in a workweek by a non-exempt employee.

Prior Approval to Work Additional Time and Overtime- Before employees can work in excess of their regularly scheduled hours, the Department Head must authorize those hours. Failure to receive prior approval for any additional time or overtime may result in disciplinary action.

Rate of Pay For Additional Time and Overtime Worked- Non-exempt employees regularly scheduled to work less than 40 hours per week who work more than their regularly scheduled hours, but not more than 40 hours in a week, will receive pay for the additional time at the rate of one hour's pay for each hour worked.

The overtime pay rate does not begin until non-exempt employees work more than 40 hours in a workweek.

The City pays overtime at the rate of one and one-half an employee's regular rate of pay. Therefore, a non-exempt employee is paid at the rate of one and one-half hours of pay for each overtime hour worked.

Pay for additional time and overtime is calculated in quarter hour increments.

Pay for additional time worked and overtime worked is included in the paycheck for the pay period in which the time is worked.

Time Not Counted in Calculating Pay for Additional Time and Overtime- The following time does not count in calculating pay for additional time or overtime worked:

- Unpaid meal periods
- Time lost due to tardiness, whether excused or unexcused
- PTO, whether scheduled or unscheduled, excused or unexcused
- SPTO
- Bereavement time off
- Time off for the treatment of work-related injuries and illnesses
- All leaves of absence
- Disabilities, including the elimination period

- A City-declared or personal emergency
- Time off for voting which has been approved in advance

Time Counted in Calculating Pay for Additional Time and Overtime-

- Paid meal periods and breaks
- Paid Holidays observed by the City

JOB CATEGORIZATION

The City uses the Oliver System to categorize jobs which places every position into one of the following categories:

- LTC: Labor, Trades, and Crafts
- OSS: Office Systems Specialists
- PAT: Professionals, Administrative, and Technological
- SAM: Supervisors and Managers

Please see your department head or the Human Resources Department for more information.

POSITION DESCRIPTIONS

The city maintains an up-to-date position description for each position held by an employee of the City of Valparaiso. Position descriptions serve several purposes including, but not limited to the following:

- Informing job applicants about the work they will be doing, if they are hired.
- Establishing a basis from which an employee's work performance can be evaluated.
- Providing information essential to demonstrate compliance with specific federal and state laws and regulations.
- Providing a tool for Department Heads to use in aiding them in their review of departmental structure, division of labor, workforce demands, etc.

Position descriptions are reviewed annually and revised as necessary, according to the City's Compensation Administration Policies Manual, when the responsibilities of a position change for any reason.

PROMOTIONS, DEMOTIONS, LATERAL JOB TRANSFERS, AND CHANGES IN JOB RESPONSIBILITIES

Promotions- A promotion is defined as a move in which the employee achieves higher level of specialization, responsibility or enhanced duties. A promotion may or may not result in additional compensation.

Demotions- A demotion is when an employee's responsibilities are reduced and may or may not result in a reduction in compensation. A demotion may occur due to:

1. An employee's inadequate job performance,
2. An employee voluntarily seeks a demotion; or

3. The City makes a change that results in an employee being demoted, such as, but not limited to, when there is a change in job content or departmental structure. In this case the demotion is not related to an employee's job performance.

When a demotion is the result of inadequate performance or voluntarily requested, an employee's salary/wage will be affected; when the changes is a result of a change in job content or structure, an employee's salary/wage remains the same.

Lateral Transfers- A lateral transfer is defined as a move from one position to another position which meets one of the following criteria:

- A move from one position to another position within the same job category and the same applicable point range; or
- A move to a position in a different job category with a salary/wage range that has a maximum which is not more than \$2,000 higher or lower than the position the employee is leaving (refer to **POST OFFER/TRANSFER POLICY on page 16**).

Lateral transfers may occur as the result of an employee's request or a departmental need. Lateral transfers do not result in salary/wage changes.

Changes in Job Responsibilities- A change in job responsibilities is defined as a permanent and considerable change in the position's essential and/or marginal job functions made by a Department Head. A change in job responsibilities should not be confused with a promotion, demotion, or lateral transfer since it is the position that changes, not the incumbent moving into a new or different position. Rules associated with a change in job responsibilities may apply, however, to an individual in an "interim" and, later, a "permanent" position, resulting from a departmental restructuring or reorganization. An employee's salary/wage may increase or decrease when a change in job responsibilities occurs depending on the overall change that occurs.

PERFORMANCE EVALUATIONS AND PERFORMANCE IMPROVEMENT PLANS (PIP)

The purpose of a performance evaluation is to ensure a regular and routine exchange of job performance information between an employee and an employee's supervisor. The key goals of a performance evaluation are:

- To define an employee's performance,
- To identify an employee's skills and abilities,
- To identify opportunities for improvement and to develop a Performance Improvement Plan (PIP), if necessary
- To outline what is expected for the next performance review period

Employee performance is formally evaluated annually. New employees and employees in new positions receive a performance evaluation prior to the end of their Probationary Period. Informal evaluations are provided frequently so that employees know how they are doing on the job.

Performance evaluations are maintained in an employee's personnel file. An employee may submit a written response to his or her evaluation, which becomes part of an employee's personnel file.

Performance Improvement Plan (PIP) - If at any time, it appears that an employee's work performance is "unacceptable" or "partially competent," the supervisor and employee may develop a Performance Improvement Plan to help an employee meet performance standards.

Each PIP is tailored to the needs of the employee, but will include all of the following:

- The goals or objectives the employee must achieve;
- Resources, if any, that will be provided by the City to assist the employee to achieve identified goals or objectives;
- The time frame within which the employee must achieve identified goals or objectives;
- An indication of how frequently the employee's progress will be reviewed; and
- The consequences of the employee not achieving the identified goals or objectives or of not maintaining the goals or objectives following successful completion of the PIP.

OFFICIAL PERSONNEL RECORDS AND INFORMATION

All employee personnel files are the property of the City and are maintained in the Human Resources Office. Notes, letters, the employee's official evaluations, and other matters that require documentation, shall be provided to the human resources director for placement in the file. To assure that personnel files are maintained in accordance with state and federal regulation, it will be the decision of the human resources director as to whether a document is eligible for inclusion in a personnel file.

The City will take every possible step to safeguard the confidentiality of an employee's personnel file. It is available for review/access by others only under the following circumstances:

- Ordered by a court;
- Requested by a department head or supervisor for review for a transfer, promotion, disciplinary or other personnel action;
- Required by state or federal law;
- Needed to be reviewed to answer a complaint of discrimination filed by the employee with the Indiana Civil Rights Commission, the E.E.O.C. or for compliance with any state or federal regulatory agency.
- The release of partial information, such as the release of final disciplinary action, is specifically covered by state statute.

As required by federal law, medical records, worker compensation files, and requests for Family and Medical Leave, shall not be co-mingled with the employee's regular personnel file. Instead a separate file will be maintained for any issue relating to a medical condition. Employees may periodically review their personnel file during regular business hours.

Employees should alert the Human Resources Director to perceived discrepancies and work to resolve the matter.

REFERENCES/EMPLOYMENT VERIFICATION

Requests for references should be referred to the Human Resources Director. The City does not release detailed information regarding past performance; rather, it provides only basic information regarding employment such as dates worked and confirmation of position and pay. In those cases where an employee has been discharged due to an objectionable action, such inquiries will be referred to the City Attorney.

CHANGES IN EMPLOYEE INFORMATION

When employees are hired, they provide information needed for payroll, insurance, and pension purposes, to name a few. However, some of this information periodically changes, and must be reported **immediately** to the Human Resource Department. Such changes include:

Personal Information-

- Emergency Contact Information
- Home Address or Telephone Number
- Marital Status (marriage, divorce, legal separation)
- Beneficiary (for group term life insurance and/or pension plan (PERF))
- Investment Directions (for pension plan (PERF) and/or tax deferred annuity programs)
- Changes in Education
- Birth or Adoption of Child or Placement in Home of Foster Child
- Child's Eighteenth Birthday (for employees with dependent children on the City's health and dental insurance plan). If the child is enrolled in college, he/she may continue coverage (see Human resources for details).
- Spouse's Child or Children Become Dependents
- (for employees who want dependent children enrolled in the City's health and dental insurance plan)

Changes to Report to Payroll-

- Federal or State Tax Withholding
- Deferred compensation provider Deductions
- Supplemental Insurance Deductions
- Direct Deposit
- Credit Union Deductions

LAYOFFS AND REDUCTIONS IN STAFF

In the event that a layoff is expected, the City will attempt to communicate information about an impending layoff as soon as possible. Management reserves the right to alter the layoff procedure when necessary.

An employee selected for layoff will be given as much notice as is required by law or as much as is reasonable under the circumstances, and will be informed of the reason for the layoff, the

estimated length of the layoff, and any rights they have to appeal their selection for layoff to the Board of Works and Safety.

Non-exempt employees within each affected department typically will be selected for layoff in the following order:

- Temporary and part-time employees will be laid off first.
- New employees covered under the Probationary Period will be laid off next.
- Full-time employees will be laid off last, based on their demonstrated ability to perform the available work and their length of service.

Exempt employees within each affected department typically will be selected for layoff based on evaluation of the following criteria:

- Demonstrated current and past performance.
- Promotion potential and transferability of skills to other positions within the department and City.
- Length of service with the City.

Employees will be recalled according to business need, and their ability to perform the job. An employee's length of service is measured from the original date of hire with the City, as long as there has not been a break in service. In the event that a layoff extends beyond 30 calendar days, employment will be terminated. Employees who are terminated because a layoff will be maintained on a recall list for one year or until management determines the layoff is permanent, whichever occurs first. If a determination is made that a layoff is permanent, laid off employees will be notified in writing via certified mail, return receipt requested. Because removal from the recall list terminates all job rights the employee may have, employees should report to Human Resources, if they change their home address or if they become unavailable for recall.

Notice of recall will be sent by registered mail, return receipt requested, to the current home address on record with Human Resources. Unless an employee responds to the recall notice within seven days following receipt of the notice, or its attempted delivery, the employee's name will be removed from the recall list and the employee will no longer have any job rights within the City. An employee may use all available accrued PTO until it is exhausted in order to be paid and remain on the payroll during a layoff. PTO will not, however, continue to accrue while an employee is not working. Credit for retirement benefits and service pay will stop accruing when an employee has exhausted all accrued PTO. Health and dental insurance benefits, group term life insurance, accidental death and dismemberment coverage, and disability benefits terminate based on the terms of each plan.

Reduction In Staff- When it is apparent that positions are to be permanently eliminated, an employee whose position is being eliminated may be placed into a vacant position, provided he or she is qualified for that position. If there are no positions for which an employee is qualified, or if an employee chooses to resign rather than accept a position where there is a salary/wage reduction, his or her employment will terminate. Employees whose positions are permanently eliminated will receive pay for all accrued PTO on the next regular paycheck;

claims for expense reimbursement will be paid on the next scheduled date. Employees will be offered the opportunity to continue group health and dental insurance through COBRA.

Whenever possible, employees will be notified in writing at least 14 calendar days prior to the effective date of a permanent reduction in staff.

TERMINATION/ SEPARATION OF EMPLOYMENT

Retirement- When the term “retirement” is used by the City, it is referring to retirement as defined by the Public Employees’ Retirement Fund (PERF). For information, an employee should read the Public Employees’ Retirement Fund Member Handbook. This handbook is available from Human Resources.

An eligible employee who has decided to retire should notify his or her Department Head at least 30 days prior to his or her retirement date.

Voluntary Termination/Resignation- Exempt employees are requested to give no less than 20 working days written notice prior to the effective date of their resignation, while non-exempt employees are requested to give no less than ten working days written notice. Working days indicate the days the employee is on the job and does not include PTO. Failure to give proper advanced notice prior to resignation and/or failure to work the notice period may make the employee ineligible for future re-employment.

Claims for expense reimbursement are paid on the next scheduled date. Employees who resign are notified in writing of their rights to continue health and dental insurance coverage under COBRA. When an employee leaves voluntarily, payment of PTO may be made on additional scheduled payroll dates or through one lump sum as determined by the employee. Insufficient or no notice may cause a delay in the payout of any unused PTO.

For employees who are resigning, monies accumulated in the employee’s pension plan may be refundable. Forms required to request a refund are available from Human Resources. Furthermore, insufficient or no notice may cause a delay in processing an employee’s final paycheck.

Department Heads retain the right to determine whether or not an employee must fulfill their resignation notice request. If a Department Head determines that an employee is not required to work the notice period, the employee will be paid for the applicable minimum notice period as though he or she had worked the entire period.

Discharge/Involuntary Termination- Termination of an employee for unsatisfactory job performance is usually a last resort after other management techniques, such as a Performance Improvement Plan, have not been successful. When it is apparent that an employee is going to be discharged, every effort is made by Department Heads to conduct the termination in an orderly and businesslike manner in a private setting. Before any employee is discharged, Department Heads must consult with Human Resources so that any legal issues pertaining to the proposed action may be reviewed in advance.

The discharged employee will receive compensation for all outstanding pay owed to him/her.

Death of an Employee- The Department Head of a deceased employee should contact the Clerk-Treasurer in order to secure the final wages and payment for accrued PTO, if any, due to the deceased employee. Human Resources should also be notified by the Department Head so that other required documentation can be completed. Claims of a surviving beneficiary for any death benefits provided under any insurance contracts in force on the life of the employee must be accompanied by a death certificate.

EXIT CHECKLIST AND EXIT INTERVIEW

Exit Checklist-An employee who retires, resigns, is discharged, laid off, or whose position is permanently eliminated, must complete an exit checklist and return all City property. Employees are responsible for reimbursing the City for any property not returned.

Exit Interview- Exit interviews can provide valuable information regarding positive and negative aspects of employment with the City of Valparaiso. This information is used to improve City services. Department Heads are required to schedule an exit interview with Human Resources for employees who resign or are discharged from employment with the City.

REHIRING TERMINATED EMPLOYEES

Former employees who resign from the City after providing the requested notice, and returning or reimbursing the City for all items, equipment, and/or materials owned by the City, are eligible for re-employment. Former employees interested in re-employment must complete and submit an application form when a job opening is advertised. Former employees will then proceed through the regular hiring process with other external applicants as described in the section on hiring. All rehired individuals must serve a new Probationary Period, unless that employee is rehired within six months of termination from employment, in which there will be no interruption in most benefits. Service time, however, will **not** continue uninterrupted, and employees rehired within six months of their resignation, will be treated as a new hire.

EXPENSE REIMBURSEMENT

Whenever possible, expenses incurred by an employee in order to conduct City business or in order to participate in training at the direction of the City, must be approved in advance by the Department Head. The Department Head shall also give approval for conferences and/or meetings to be attended by any employee of the City. The Clerk-Treasurer has final approval of any and all reimbursements pursuant to this policy.

Submitting Requests for Reimbursement- Pending available funds for reimbursement of expenses approved in advance by the Department Head, must include appropriate documentation of the expenses and must be submitted to the Clerk-Treasurer's office. Expense reimbursement claims are approved issued on the second and fourth Thursday of each month. The deadline for submitting requests for expense reimbursement is five working days prior to the date on which checks are issued.

Using City-Owned or Employee Owned Vehicle for City Business- In the event that employees use their own vehicles to conduct City business, such employees are reimbursed at a rate approved by the State Board of Accounts. If an employee uses a municipally owned

vehicle to conduct City business and is required to purchase fuel or incur related vehicular expenses, the employee is reimbursed for actual expenses incurred.

Meals When Attending Conferences Outside City- Employees attending City-approved conferences, meetings etc. outside of the City receive up to \$40 per day and must turn in an itemized receipt with their claim.

Employees must provide the Clerk-Treasurer's office with a copy of the conference registration form indicating whether or not meals are provided as a part of the conference or meeting. In the event that meals are provided, the employee will not be reimbursed if they did purchase a meal.

Section Four: Employer Expectations & Employee Responsibilities

ATTENDANCE AND PUNCTUALITY

In order to preserve and maintain effective operations, employees of the City should be present and ready to work by their assigned starting time. Tardiness can be cause for appropriate disciplinary action. A supervisor should exercise discretion to not discipline for tardiness if there is a justifiable emergency and no pattern of chronic tardiness on the part of this employee.

Employees are not permitted to clock in and/or begin work any earlier than seven minutes before their normal starting time or to clock out and/or work any later than seven minutes after their normal quitting time without the prior approval of their supervisor.

Employees must notify their supervisor as far in advance as possible whenever they are unable to report to work, know they will be late, or must leave early. If the supervisor is unavailable when an employee is reporting off, the employee should notify the supervisor designated by the Department Head as the "back-up" contact when reporting off. If an unscheduled absence continues beyond one day, an employee is responsible for reporting off each day.

Asking another employee, friend or relative to provide notice for a tardy or unscheduled absence is acceptable only under emergency conditions. An employee who is absent from work for three consecutive workdays when the time off is not excused and the employee fails to give proper notice will be considered to have voluntarily resigned as of the employee's last day worked unless under State or Federal law such voluntary resignation is prohibited.

An employee who utilizes a time clock, but who fails to punch in will receive up to four points for being tardy, depending upon the earliest time the Department Head is able to verify the employee's presence at work, or a minimum of one point for failure to punch in.

Non-exempt employees who report for work in a condition considered not fit for work, whether because of illness or any other reason, will not be allowed to work.

SAFETY, SECURITY AND HEALTH

It is as beneficial to the employee as it is to the City of Valparaiso that employees work in an environment that is healthy, safe, and secure. In order to ensure that a safe environment exists, the City complies with all applicable federal, state, and local health and safety regulations.

Weapons- With the exception of authorized law enforcement personnel, City employees are prohibited from having any weapons in their possession during working hours or while conducting any City business. Failure to comply with this policy will result in discharge.

Violence-Free Workplace- It is the policy of the City to ensure the safety of all employees by maintaining a workplace free of violence. Workplace violence can occur in many forms including: any verbal or physical action that is communicated or perceived as a threat, harassment, abuse, intimidation, or personal contact, that produces fear for personal safety, causes bodily harm or damage to property.

Employees are asked to take appropriate measures to keep the workplace harmonious and to treat co-workers, supervisors, and the general public with respect. Employees should not, under any circumstance, react to a threat of violence, verbal assault, or rude behavior. Rather, employees should immediately remove themselves from the situation and report the threat to their supervisor or Department Head.

Violating this policy makes an employee subject to discipline, up to and including discharge.

Right of Inspections and Inquiry- When the City deems it necessary to ensure the safety of City property; to provide a secure workplace; to prevent the possession, use, or sale of illegal drugs; or possession of alcohol in the workplace, the City of Valparaiso reserves the right to:

- Search areas and inspect employees' possessions, such as packages, purses, wallets, briefcases, and lunch boxes, brought into the workplace.
- Question employees.

In addition, the City may inspect the contents of lockers, storage areas, file cabinets, desks, offices, and work stations at any time and may remove all City property and other items that are in violation of City rules and policies. All searches may be conducted at the City's discretion and without notice. Employees are expected to cooperate with searches and inspections. Employees who fail to cooperate are subject to disciplinary action, up to and including discharge.

Furthermore, employees are subject to disciplinary action appropriate to policy violations uncovered during a search/inspection.

Damage, Loss, or Theft of City Property, Equipment, and Supplies- All employees are expected to exercise reasonable care to protect City property, equipment, and supplies from damage, loss, and/or theft. Employees are responsible for the proper care and return of all City property, equipment, and supplies used to perform work and/or assigned to their possession. An employee who has reason to believe that City property, equipment, and/or supplies are in danger of being damaged, lost, or stolen is expected to immediately report this to his or her Department Head.

Damage, Loss, or Theft of Employees Personal Property-Employees are expected to exercise reasonable care for their own protection and for that of the personal items they bring to work. The City is not responsible for the loss, damage, or theft of personal belongings. Employees are advised not to carry unnecessary amounts of cash or other valuables with them when they come to work.

Safety- Employees should strive to make the workplace a safe environment for themselves and those around them. Safety-related training is provided to employees on both an intra-departmental and inter-departmental basis, depending upon the safety topic. Employees are responsible for complying with all safety procedures and for using safety equipment provided by the City, as required, and are responsible for reporting all safety violations, potentially unsafe conditions, and any accidents resulting in injuries to employees or the public to their Department Head.

Employees are encouraged to submit suggestions to their Department Head or Safety Officer concerning safety matters. Violations of the City-wide and/or departmental safety policies and/or procedures will result in disciplinary action, up to and including discharge.

DRUG FREE WORKPLACE AND DRUG AND ALCOHOL TESTING

The City of Valparaiso is committed to maintaining a work environment free from the effects of substance abuse.

Compliance with the City's drug and alcohol policies is a condition of employment.

Department Heads are responsible for ensuring compliance with the ADA when inquiring about substances other than alcohol and illegal drugs (e.g. prescription drugs) to assure that inquiries do not elicit information about covered disabilities or otherwise violate the ADA.

The City recognizes that alcohol may be consumed legally and does not prohibit the legal use of alcohol when an employee is not at work or conducting City business or driving a City-owned or operated vehicle. The City expects the use of alcohol by employees in such instances to be responsible.

A complete and current list of employees who are subject to drug and alcohol testing described in Sections 28.16, 28.17, 28.18, and 28.19 can be obtained from Human Resources. An employee may also ask his or her Department Head which of those sections applies to his or her position.

28.01 Definitions Associated with Drug and Alcohol Testing

Drugs- Drugs include illegal drugs, illegal use of controlled substances, and misuse of prescription drugs.

The legitimate use of controlled substances which are prescribed by a licensed physician is not prohibited, but employees are directed to inquire of their physician about any adverse affects a prescribed controlled substance might have on job performance. Employees must notify their supervisor of such adverse affects.

Alcohol- Alcohol is a colorless flammable liquid that is the intoxicating agent in fermented and distilled liquor. All beverages containing alcohol or any of the various carbon compounds similar to alcohol are covered by this policy.

Substance Abuse- Substance abuse is defined as the use of illegal drugs, the illegal use of controlled substances, the misuse or abuse of prescription drugs, or the misuse or abuse of alcohol.

Workplace- Workplace is defined as including on-premises or off-premises during working hours or during break periods or meal periods (paid or unpaid) when an employee is on-duty or scheduled to return to duty, on-premises or off-premises when an on-call employee is responding to an after work hours call, at any time and place that an employee is conducting City business, and at any time while operating a City vehicle.

Medical Review Officer (MRO) - A Medical Review Officer is a licensed physician responsible for receiving laboratory results generated by an employee's drug or alcohol test who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test together with his or her medical history and any other relevant biomedical information.

Substance Abuse Professional (SAP)- A Substance Abuse Professional is a licensed physician, licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission, with knowledge of and clinical experience in the diagnosis and treatment of substance abuse related disorders.

Breath Alcohol Technician (BAT) -A Breath Alcohol Technician is an individual who is trained to proficiency in the operation of an evidentiary breath testing (EBT) device, and who has successfully completed a National Highway Traffic Safety Administration (NHTSA)-approved course of instruction.

Accident- An accident is an occurrence associated with the operation of any City-owned, leased, or operated vehicle, whether or not such vehicle is in service, if:

1. An individual dies; or
2. Any individual involved in the occurrence suffers a bodily injury and immediately receives medical treatment away from the scene of the occurrence; or
3. The occurrence results in disabling damage to any vehicle involved in the occurrence and the vehicle is transported away from the scene by a tow truck or other vehicle; or
4. The occurrence results in property damage (does not include vehicular damage) that is estimated to be \$5,000 or more.

DOT defines accident as including numbers one through three above. The City also includes number four in its definition of accident.

28.02 Substance Abuse and Training

During a new employee's orientation, the employee receives educational materials on the indicators, impact, and consequences of substance abuse on personal health, safety, and work. The educational materials comply with the Department of Transportation (DOT) requirements.

Supervisors are trained and certified on the physical, behavioral, and performance indicators of drug use and abuse and on the physical, behavioral, and performance indicators of alcohol use and abuse. Supervisor training complies with DOT requirements.

28.03 Mandatory Reporting of Conviction for a Drug Statute

Any employee convicted of a drug statute violation arising out of conduct occurring in the workplace must notify his or her Department Head of such conviction within five calendar days of the conviction.

28.04 Prohibited Activities Related to Drugs and Alcohol

The following are activities prohibited by DOT for employees in safety-sensitive positions. They are also prohibited by the City for all employees, and will result in an employee being discharged on a first offense:

1. The manufacture, distribution, dispensation, possession, consumption, or use of drugs, drug paraphernalia, and alcohol in the workplace.
2. The unlawful manufacture, dispensation, possession, consumption, or use of drugs outside the workplace.
3. The use of alcohol within four hours prior to performing scheduled safety-sensitive functions.
4. Performing any job function with an alcohol concentration of 0.04 or greater, as determined by an evidentiary breath test.
5. The use of alcohol within eight hours following an accident which requires an employee to be tested for alcohol, unless the employee has already taken a post-accident evidentiary breath test.
6. Refusing or failing to submit to an alcohol and/or a drug test.
7. Refusing or failing to cooperate with the collection process during drug and/or alcohol testing.
8. Providing false information during drug and/or alcohol testing and/or attempting to contaminate a drug test.

On-call employees are subject to reasonable suspicion drug and/or alcohol testing if, when responding to a call, a trained supervisor reasonably concludes that objective facts may indicate prohibited drug and/or alcohol use.

28.05 Methods Used to Test for Alcohol and Drugs

Alcohol testing is accomplished by means of an evidentiary breath test device administered by a BAT in compliance with DOT regulations.

There is one exception to the use of an EBT device to test for alcohol, and that is if an employee is so severely injured in an accident (as defined in Section 28.01) that an EBT device cannot be used. In such a case, with an employee's written consent (obtained at the time of hire), a test for alcohol will be performed using other means.

Drug testing is accomplished by means of a split specimen urine test that is administered in compliance with DOT regulations. The City requires re-testing for drugs when a urine specimen is diluted.

28.06 Types of Drugs and Metabolites for which Employees are Tested

- Marijuana
- Cocaine
- Opiates
- Phencyclidine (PCP)
- Amphetamines
- Barbiturates
- Benzodiazepines

- Methadone
- Propoxyphene

DOT requires that employees in safety sensitive positions be tested for the first five drugs listed above. Also, the City may, in its sole discretion, test any employee for any of the nine (9) drugs listed above.

28.07 Drug and Alcohol Testing Procedures

The privacy and dignity of each employee being tested for drugs and/or alcohol are of utmost concern in the collection process.

Depending upon the circumstances leading to drug and/or alcohol testing, an employee may be escorted to the collection site by his or her immediate supervisor or Department Head.

To ensure the integrity of the collection process, at the testing site all employees must:

1. Present photo identification.
2. Remove coat and/or bulky outer clothing and hat. Briefcases and purses may be taken into the testing site, but must be left outside the actual collection area.
3. Empty their pockets to ensure that no items are present which could be used to adulterate the specimen.

At the testing site, an employee may be asked if he or she is required to be tested by DOT. Employees in safety-sensitive positions should indicate that they **ARE** required to be tested by DOT. All other employees should indicate that they are **NOT** required to be tested by DOT.

The results of alcohol testing are determined immediately at the testing site. The results of drug testing are reported to Human Resources following processing of the urine specimen. Only employees with a positive drug test are notified of the test results.

28.08 Consequences of Excessive Alcohol Concentrations

An employee with an alcohol concentration of at least 0.02, but less than 0.04 is removed from duty for eight hours or until the employee's next scheduled work shift, whichever is later.

An employee with an alcohol concentration of 0.04 or greater may not work until the employee is evaluated by a SAP and, if not discharged, passes a return-to-duty alcohol test.

The Human Resources (HR) Director meets with an employee whose alcohol concentration is 0.04 or greater. The HR Director schedules an evaluation or assists an employee to schedule an evaluation with a SAP, if such an evaluation is required.

If the employee chooses to be evaluated by a SAP with whom the City has a special arrangement, the City will pay for the evaluation. If the employee chooses to be evaluated by a SAP with whom the City does not have a special arrangement, the employee must pay for the evaluation.

An employee with an excessive alcohol concentration may not work until the employee is evaluated by a SAP and, if not discharged, passes a return-to-duty alcohol test.

Depending upon the circumstances, the SAP may recommend that an employee enroll in an approved alcohol treatment or educational program. A last chance agreement, including treatment or educational programming for substance abuse will be considered at the City's sole discretion.

Any and all costs and expenses associated with an employee's education or treatment are the sole and exclusive responsibility of the employee, except if the employee has benefits available through his or her insurance plan or if the employee decides to receive treatment or education from providers with which the City has a special arrangement.

Depending upon the recommendation of the SAP, an employee may be able to work while completing his or her treatment or educational program, when and if the employee passes a return-to-duty alcohol test, paid for by the employee.

All reports, including but not limited to the return-to-duty alcohol test, evaluation and recommendation of the SAP, verification of completion of treatment or education, and the results of follow-up testing are submitted directly and solely to Human Resources.

An eligible employee, who has accrued PTO available, may use PTO in order to be paid for work time missed resulting from and directly connected to a positive alcohol test. If an eligible employee does not have any accrued PTO available or if an employee is not eligible to accrue PTO, time missed is unpaid.

An eligible employee may also use SPTO for an extended absence resulting from and directly connected to a positive alcohol test, if the employee has been evaluated by a SAP and the absence is for evaluation and/or treatment of substance abuse.

All work time missed, whether paid or unpaid, resulting from and directly connected to a positive alcohol test is excused.

28.09 Processing Drug Tests

Drug testing is processed by a DOT-approved laboratory with proven accuracy and reliability.

28.10 Evaluation of Test Results

The MRO receives all drug test results from the DOT-approved laboratory and does the following:

- Conducts an administrative review of the control and chain of custody to ensure its accuracy;
- Reviews and interprets positive test results;
- Notifies and discusses positive test results with employees;
- Explains to employees with verified positive test results that they may request a test of the split specimen;

- Provides to employees with verified positive test results the names of other certified laboratories where the split specimen may be sent; and,
- Reports each verified positive test result to Human Resources.

28.11 Confirmation Drug Testing

An employee with a verified positive drug test may request a further confirmation test from a second separate certified laboratory. The MRO supplies the employee with names of other certified laboratories where the split specimen may be sent. The cost of this test is solely the responsibility of the employee. An employee who is waiting for the results of a confirmation drug test may not work.

An eligible employee who is waiting for the results of a confirmation drug test may use available accrued PTO to be paid for work time missed, but that employee may not use SPTO. SPTO may only be used by an employee with a verified positive drug test who has been evaluated by a SAP and misses work time for evaluation and/or treatment of substance abuse.

If an employee does not have any accrued PTO available or is not eligible to accrue PTO, time missed while waiting for the result of a confirmation drug test is unpaid.

If the confirmation test is negative, the City will reimburse the employee for the cost of the test.

Additionally, if the confirmation test is negative, any PTO used by an employee in order to be paid for work time missed while waiting for the result of a confirmation test, will be restored to the employee's PTO bank.

Furthermore, if the confirmation test is negative, an employee will be reimbursed for any unpaid work time missed while waiting for the result of a confirmation test.

28.12 Actions the City Takes while Waiting for the Results of Reasonable Suspicion or Post-Accident Drug Testing

The City does not allow an employee to work in any capacity while waiting for the results of a reasonable suspicion or post-accident drug test.

In such an event, an employee who has accrued PTO available, may use PTO in order to be paid for work time missed, but that employee may not use SPTO. SPTO may only be used by an employee with a verified positive drug test who has been evaluated by a SAP and misses work time for evaluation and/or treatment of substance abuse.

If an employee does not have any accrued PTO available or is not eligible to accrue PTO, time missed is unpaid.

If a reasonable suspicion or post-accident drug test is negative, any PTO used by an employee in order to be paid for work time missed while waiting for the results of the drug test, will be restored to the employee's PTO bank.

Furthermore, if a reasonable suspicion or post-accident drug test is negative, an employee will be reimbursed for any unpaid work time missed while waiting for the results of the drug test.

28.13 Consequences of a Verified Positive Drug Test

The Human Resources (HR) Director meets with an employee for whom the MRO reports a verified positive drug test. The HR Director schedules or assists an employee in scheduling an evaluation by a SAP.

If the employee chooses to be evaluated by a SAP with whom the City has a special arrangement, the City will pay for the evaluation. If the employee chooses to be evaluated by a SAP with whom the City does not have a special arrangement, the employee must pay for the evaluation.

An employee with a verified positive drug test may not work until the employee is evaluated by a SAP and, if not discharged, passes a return-to-duty drug test.

An employee, who chooses to have a further confirmation test from a second separate certified laboratory, may choose to wait to be evaluated by a SAP until the results of the confirmation test are known.

Depending upon the circumstances, the SAP may recommend that an employee enroll in an approved drug treatment or educational program.

A last chance agreement, including treatment or educational programming for substance abuse will be considered at the City's sole discretion.

Any and all costs and expenses associated with an employee's education or treatment are the sole and exclusive responsibility of the employee, except if the employee has benefits available through his or her insurance plan or if the employee decides to receive treatment or education from providers with which the City has a special arrangement.

Depending upon the recommendation of the SAP, an employee may be able to work while completing his or her treatment or educational program, when and if the employee passes a return-to-duty drug test, paid for by the employee.

All reports, including but not limited to the return-to-duty drug test, evaluation and recommendation of the SAP, verification of completion of treatment or education, and the results of follow-up testing are submitted directly and solely to Human Resources.

An eligible employee who has accrued PTO available, may use PTO in order to be paid for work time missed resulting from and directly connected to a verified positive drug test. If an employee does not have any accrued PTO available or is not eligible to accrue PTO, time missed is unpaid.

An eligible employee may also use SPTO for an extended absence resulting from and directly connected to a verified positive drug test, if the employee has been evaluated by a SAP and the absence is for evaluation and/or treatment of substance abuse.

All work time missed, whether paid or unpaid, resulting from and directly connected to a verified positive drug test is excused.

28.14 Actions that will Result in Discharge

An employee who tests positive for alcohol or drugs and who is given a “last chance,” will be discharged for any of the following actions that occur subsequent to the “last chance” agreement:

1. Failure to cooperate fully with the Human Resources Director, the SAP, and/or the employee’s Department Head;
2. Failure to successfully complete recommended treatment or educational programming;
3. Refusal or failure to take or failure to pass a return-to-duty drug or alcohol test;
4. Refusal or failure to take or failure to pass a follow-up drug or alcohol test; or
5. Any subsequent violation of the drug and alcohol policies.

28.15 An Employee’s Self Referral for Treatment of Substance Abuse

An employee may refer himself or herself for drug and/or alcohol testing and treatment.

While self referrals are encouraged when an employee believes that he or she has a substance abuse problem, the employee is not relieved of the responsibility for adequate job performance or exempt from disciplinary action arising from violations of drug and alcohol policies.

A regular full-time employee may use available PTO and, if it conforms with policies, SPTO, for work time missed to participate in substance abuse assessments and treatment.

Self-referral after notification of a required drug or alcohol test does not eliminate the requirement to take the test.

28.16 Drug and Alcohol Testing of Employees in Regular and Temporary, Full-Time and Part-Time Safety-Sensitive Positions

Definition of Safety-Sensitive Position- A safety-sensitive position is a position held by an employee who operates a non-revenue service City vehicle that requires the employee to hold a Commercial Drivers License (CDL) in order to legally drive the vehicle and as a condition of employment; or a supervisor of an employee in a safety-sensitive position who also operates a non-revenue service City vehicle that requires the supervisor to hold a CDL in order to legally drive the vehicle.

Human Resources maintains a current list of employees in safety-sensitive positions.

Employees and Circumstances For Which Drug And/Or Alcohol Tests Are Conducted

1. Post-Offer Pre-Employment Drug Test- All potential new hires for safety-sensitive positions, including full-time and part-time regular and temporary employees, are given a drug test.

Individuals, including full-time and part-time regular and temporary employees, moving into safety-sensitive positions from other positions within the City are given a drug test, only if the position from which the employee is moving did not require post-offer pre-employment drug testing.

Post-offer pre-employment drug testing is done for illegal drugs only.

A new hire who refuses to take or fails to pass a post-offer pre-employment drug test will have the job offer rescinded.

An employee moving into a safety-sensitive position from another position with the City who is required to take a drug test, but who refuses or fails to take the drug test will be discharged.

An employee moving into a safety-sensitive position from another position with the City who is required to take a drug test, but who fails to pass the drug test is disqualified from moving into the safety-sensitive position. Furthermore, that employee must be evaluated by a SAP. Also read Section 28.13.

Post-offer pre-employment alcohol testing is not done.

The City pays for post-offer pre-employment drug testing.

2. Random Testing- All employees in safety-sensitive positions, including full-time and part-time regular and temporary employees, are subject to random drug and alcohol testing.

A scientifically valid random number selection method is used to select employees in safety-sensitive positions for drug and alcohol testing.

At least 25% of the total number of employees in safety-sensitive positions in all City departments and the Valparaiso Water Department are subject to alcohol testing each calendar year.

At least 50% of the total number of employees in safety-sensitive positions in all City departments and the Valparaiso Water Department are subject to drug testing each calendar year.

The City pays for all random testing of its employees.

3. Reasonable Suspicion Testing- All employees in safety-sensitive positions, including full-time and part-time regular and temporary employees, are subject to reasonable suspicion drug and alcohol testing.

If a trained supervisor reasonably concludes that objective facts may indicate prohibited drug use and/or alcohol misuse or abuse, the trained supervisor will follow the procedures to refer an employee for drug and/or alcohol testing.

Two trained supervisors must complete all steps delineated in the *Reasonable Suspicion Drug and Alcohol Testing Procedures Form* prior to referring an employee for any tests.

The City pays for drug and alcohol testing performed as a result of reasonable suspicion. Also read Section 28.12.

4. Post-Accident Testing- All employees in safety-sensitive positions, including full-time and part-time regular and temporary employees, are subject to post-accident drug and alcohol testing.

Post-accident drug and alcohol testing is mandatory following an accident, as defined in Section 28.01. Post-accident alcohol testing must be performed within eight hours following an accident. Post-accident drug testing must be performed within 32 hours following an accident.

The City pays for post-accident drug and alcohol testing. Also read Section 28.12.

5. Return-To-Duty Testing- Before an employee is allowed to return to duty in a safety-sensitive position following a positive drug or alcohol test result, that employee must first be evaluated by a SAP and, if not discharged, pass a return-to-duty test for drugs, if the drug test was positive and/or for alcohol, if the alcohol test was positive.

Employees pay for return-to-duty drug and alcohol testing.

6. Follow-Up Testing- Once an employee in a safety-sensitive position who tested positive for drugs and/or alcohol is allowed to return to duty, the employee is subject to unannounced follow-up testing for at least 12 months, but not more than 60 months.

A minimum of six drug tests, if that is the test for which the employee tested positive, or alcohol tests, if that is the test for which the employee tested positive, will be performed during the first 12 months after the employee returns to duty.

Employees must pay for all follow-up drug and alcohol testing.

28.17 Drug and Alcohol Testing of Employees in the Following Regular and Temporary, Full-Time and Part-Time Civilian Positions Not Included Under Section 28.16: Department Heads; Employees with Take-Home Vehicles; Employees Required to Use a City Vehicle to Perform an Essential Job Function; Employees in Positions which Have a Significant Impact Upon Public Health/Safety

Human Resources maintains a current list of employees in positions to which Section 28.17 applies.

The Police Chief and Auxiliary Police Officers are included in a selection pool with all other Police Officers. The Fire Chief is included in a selection pool with all other Firefighters.

Employees And Circumstances For Which Drug And/Or Alcohol Tests Are Conducted

1. **Post-Offer Pre-Employment Drug Test-** All potential new hires or individuals moving into positions to whom Section 28.17 applies, including full-time and part-time regular and temporary employees, who were not subject to a post-offer pre-employment drug test, for whatever reason, for their current position, are given a drug test.

Post-offer pre-employment drug testing is done for illegal drugs only. A new hire who refuses to take or fails to pass a post-offer pre-employment drug test will have the job offer rescinded.

An employee moving into a position to whom Section 28.17 applies from another position with the City (when a post-offer pre-employment drug test is required) who refuses or fails to take the drug test will be discharged.

An employee moving into a position to whom Section 28.17 applies from another position with the City (when a post-offer pre-employment drug test is required) who fails to pass a drug test is disqualified from moving into the new position. Furthermore, that employee must be evaluated by a SAP. Also read Section 28.13.

Post-offer pre-employment alcohol testing is not done.

The City pays for post-offer pre-employment drug testing.

2. **Random Testing-** All employees in positions to whom Section 28.17 applies, including full-time and part-time regular and temporary employees, are subject to random drug and alcohol testing.

A scientifically valid random number selection method is used to select employees for drug and alcohol testing.

At least 25% of the total number of employees from a pool comprised of City employees and employees in equivalent positions who work for the Valparaiso Water Department are subject to alcohol testing each calendar year.

At least 50% of the total number of employees from a pool comprised of City employees and employees in equivalent positions who work for the Valparaiso Water Department are subject to drug testing each calendar year.

The City pays for all random testing of its employees.

3. **Reasonable Suspicion Testing-** All employees in positions to whom Section 28.17 applies, including full-time and part-time regular and temporary employees, are subject to reasonable suspicion drug and alcohol testing.

If a trained supervisor reasonably concludes that objective facts may indicate prohibited drug use and/or alcohol misuse or abuse, the trained supervisor will follow the procedures to refer an employee for drug and/or alcohol testing. Two trained supervisors must complete all steps delineated in the *Reasonable Suspicion Drug and Alcohol Testing Procedures Form* prior to referring an employee for any tests.

The City pays for drug and alcohol testing performed as a result of reasonable suspicion. Also read Section 28.12.

4. Post-Accident Testing- All employees in positions to whom Section 28.17 applies, including full-time and part-time regular and temporary employees, are subject to post-accident drug and alcohol testing.

Post-accident drug and alcohol testing is mandatory following an accident, as defined in Section 28.01. Post-accident alcohol testing must be performed within eight hours following an accident. Post-accident drug testing must be performed within 32 hours following an accident.

The City pays for post-accident drug and alcohol testing. Also read Section 28.12.

5. Return-To-Duty Testing- Before an employee to whom Section 28.17 applies is allowed to return to duty following a positive drug or alcohol test result, that employee must first be evaluated by a SAP and, if not discharged, pass a return-to-duty test for drugs, if the drug test was positive and/or for alcohol, if the alcohol test was positive.

Employees pay for return-to-duty drug and alcohol testing.

6. Follow-Up Testing- Once an employee who tested positive for drugs and/or alcohol is allowed to return to duty, the employee is subject to unannounced follow-up testing for at least 12 months, but not more than 60 months.

A minimum of six drug tests, if that is the test for which the employee tested positive, or alcohol tests, if that is the test for which the employee tested positive, will be performed during the first 12 months after the employee returns to duty.

Employees must pay for all follow-up drug and alcohol testing.

28.18 Drug and Alcohol Testing of Employees in the Following Regular and Temporary, Full-Time and Part-Time Civilian Positions NOT Included Under Section 28.16 or 28.17: Employees in Positions which May Require One or More of the Following from Them: to Drive a City Vehicle, but Not in Order to Perform an Essential Job Function; to Perform a Job Function which has an Impact, Though Not Necessarily Significant, on Public Health/Safety; to Supervise Employees Included Under Section 28.16 or 28.17

Human Resources maintains a current list of employees in positions to which Section 28.18 applies.

Employees And Circumstances For Which Drug And/Or Alcohol Tests Are Conducted

1. Post-Offer Pre-Employment Drug Test- All potential new hires to whom Section 28.18 applies, including full-time and part-time regular and temporary employees, are given a drug test.

Individuals, including full-time and part-time regular and temporary employees, moving from other positions within the City into positions to which Section 28.18 applies are given a drug test, only if the position from which the employee is moving did not require post-offer pre-employment drug testing.

Post-offer pre-employment drug testing is done for illegal drugs only.

A new hire who refuses to take or fails to pass a post-offer pre-employment drug test will have the job offer rescinded.

An employee moving into a position to whom Section 28.18 applies from another position with the City (when a post-offer pre-employment drug test is required) who refuses or fails to take the drug test will be discharged.

An employee moving into a position to whom Section 28.18 applies from another position with the City (when a post-offer pre-employment drug test is required) who fails to pass a drug test is disqualified from moving into the new position. Furthermore, that employee must be evaluated by a SAP. Also read Section 28.13.

Post-offer pre-employment alcohol testing is not done.

The City pays for post-offer pre-employment drug testing.

2. Random Testing- All employees in positions to which Section 28.18 applies, including full-time and part-time regular and temporary employees, are subject to random drug and alcohol testing.

A scientifically valid random number selection method is used to select employees for drug and alcohol testing.

At least 25% of the total number of employees from a pool comprised of City employees and employees in equivalent positions who work for the Valparaiso Water Department are subject to alcohol testing each calendar year.

At least 50% of the total number of employees from a pool comprised of City employees and employees in equivalent positions who work for the Valparaiso Water Department are subject to drug testing each calendar year.

The City pays for all random testing of its employees.

3. Reasonable Suspicion Testing- All employees in positions to whom Section 28.18 applies, including full-time and part-time regular and temporary employees, are subject to reasonable suspicion drug and alcohol testing.

If a trained supervisor reasonably concludes that objective facts may indicate prohibited drug use and/or alcohol misuse or abuse, the trained supervisor will follow the procedures to refer the employee for drug and/or alcohol testing.

Two trained supervisors must complete all steps delineated in the *Reasonable Suspicion Drug and Alcohol Testing Procedures Form* prior to referring an employee for any tests.

The City pays for drug and alcohol testing performed as a result of reasonable suspicion. Also read Section 28.12.

4. Post-Accident Testing- All employees in positions to whom Section 28.18 applies, including full-time and part-time regular and temporary employees, are subject to post-accident drug and alcohol testing.

Post-accident drug and alcohol testing is mandatory following an accident, as defined in Section 28.01. Post-accident alcohol testing must be performed within eight hours following an accident. Post-accident drug testing must be performed within 32 hours following an accident.

The City pays for post-accident drug and alcohol testing. Also read Section 28.12.

5. Return-To-Duty Testing- Before an employee to whom Section 28.18 applies is allowed to return to duty following a positive drug or alcohol test result, that employee must first be evaluated by a SAP and, if not discharged, pass a return-to-duty test for drugs, if the drug test was positive and/or for alcohol, if the alcohol test was positive.

Employees pay for return-to-duty drug and alcohol testing.

6. Follow-Up Testing- Once an employee who tested positive for drugs and/or alcohol is allowed to return to duty, the employee is subject to unannounced follow-up testing for at least 12 months, but not more than 60 months.

A minimum of six drug tests, if that is the test for which the employee tested positive, or alcohol tests, if that is the test for which the employee tested positive, will be performed during the first 12 months after the employee returns to duty.

Employees must pay for all follow-up drug and alcohol testing.

28.19 Drug and Alcohol Testing of Employees in Regular and Temporary, Full-Time and Part-Time Civilian Positions Not Including Under Section 28.16, 28.17 or 28.18

Human Resources maintains a current list of employees in positions to which Section 28.19 applies.

Employees And Circumstances For Which Drug And/ Or Alcohol Tests Are Conducted

1. Post-Offer Pre-Employment Drug Test- Post-offer pre-employment drug testing is not done on any potential new hire or to an individual who moving into a position to which Section 28.19 applies.
2. Random testing- Random drug and alcohol testing is not done on any employee in a position to which Section 28.19 applies.
3. Reasonable Suspicion Testing- All employees in positions to which Section 28.19 applies are subject to reasonable suspicion drug and alcohol testing.

If a trained supervisor reasonably concludes that objective facts may indicate prohibited drug use and/or alcohol misuse or abuse, the trained supervisor will follow the procedures to refer the employee for drug and/or alcohol testing.

Two trained supervisors must complete all steps delineated in the *Reasonable Suspicion Drug and Alcohol Testing Procedures Form* prior to referring an employee for any tests.

The City pays for drug and alcohol testing performed as a result of reasonable suspicion. Also read Section 28.12.

4. Post-Accident Testing- All employees in positions to which Section 28.19 applies are subject to post-accident drug and alcohol testing.

Post-accident drug and alcohol testing is mandatory following an accident, as defined in Section 28.01. Post-accident alcohol testing must be performed within eight hours following an accident. Post-accident drug testing must be performed within 32 hours following an accident.

The City pays for post-accident drug and alcohol testing. Also read Section 28.12.

5. Return-To-Duty Testing- Before an employee to whom Section 28.19 applies is allowed to return to duty following a positive drug or alcohol test result, that employee must first be evaluated by a SAP and, if not discharged, pass a return-to-duty test for drugs, if the drug test was positive and/or for alcohol, if the alcohol test was positive.

Employees pay for return-to-duty drug and alcohol testing.

6. Follow-Up Testing- Once an employee who tested positive for drugs and/or alcohol is allowed to return to duty, the employee is subject to unannounced follow-up testing for at least 12 months, but not more than 60 months.

A minimum of six drug tests, if that is the test for which the employee tested positive, or alcohol tests, if that is the test for which the employee tested positive, will be performed during the first 12 months after the employee returns to duty.

Employees must pay for all follow-up drug and alcohol testing.

ETHICAL ISSUES

The City of Valparaiso has a commitment to its residents, taxpayers and employees to conduct business in a professional and ethical manner. A copy of the Ethics Ordinance is inserted as an attachment to this policy manual.

EMPLOYEE POLITICAL ACTIVITY

Employees should be able to perform their jobs without being pressured to support specific political candidates and that employees' performance and advancement is judged without regard to political activity. To that end, the City prohibits political activities by employees during working time.

Political activities include, but are not limited to, soliciting contributions or anything of value for a political candidate or cause; distributing literature, badges, buttons, signs, or stickers promoting or opposing any political candidate or cause; and, organizing, planning, or in any other way participating in the administration of any political campaign.

Working time includes the working time of both the employee conducting political activities and the employee to whom such activities are directed, but does not include break, lunch, or other duty-free periods of time.

Employees who violate this policy are subject to disciplinary action, up to and including discharge. Employees should direct questions concerning this policy to their Department Head or Human Resources.

SOLICITATION AND DISTRIBUTION

Because solicitation and distribution activities may interfere with normal operations, reduce employee efficiency, inconvenience employees, annoy customers, and pose a threat to security, the City prohibits these activities on its premises by non-employees and only permits solicitation and distribution by employees under certain approved conditions where the City may authorize fund drives by employees on behalf of charitable organizations or for employee gifts. Employees are encouraged to volunteer to assist in these drives, but participation is entirely voluntary.

USE OF COMMUNICATION EQUIPMENT

The City maintains a variety of communications systems, including: fax machines, e-mail, bulletin boards, telephones and radio systems. Since these systems are provided for official use only, the City may access and monitor employee communications, as it considers appropriate, without notice to the employee or consent of the employee.

Employees should not use City communications equipment and services for personal purposes except in emergencies or when extenuating circumstances warrant it. When personal use is unavoidable, any associated user charges must be on a collect basis or charged directly to the employees' personal credit card or account.

Employees who do not have direct access to a City telephone should make provisions to have emergency or other necessary incoming calls routed to their Department Head, or in the Department Head's absence, to their department's secretary or administrative assistant. Although every effort will be made to deliver urgent personal messages to employees, the City cannot and does not accept responsibility for the prompt or accurate relay of personal messages.

Bulletin boards are used throughout City facilities to post information, which needs to be accessible to all employees and/or the general public. Employees may not post or remove information from a bulletin board without authorization from their Department Head.

Improper use of City communications equipment and services will result in disciplinary action, up to and including discharge. Improper use includes any misuse, as well as any harassing, offensive, demeaning, insulting, defaming, intimidating, or sexually suggestive written, recorded, electronically, or telephonically transmitted messages. Employees are expected to report any improper use of communications equipment and services to their Department Heads.

Cellular Phones- The use of cell phones has been approved by the City for Department Heads and those employees whom the Department Heads have designated within their departments. The City recognizes that departments and their employees have different communication needs that they require throughout the year depending on the variables of their workloads. The communication package selected should be appropriate for the employee's needs, and it can be changed as necessary; but the employee is expected to remain within the limits of their package and to be responsible for charges which exceed their monthly rates.

Computer Security- Almost all City business and administrative functions involve the use of computer or telecommunication technologies. Information is processed and stored in vast amounts on minicomputer and microcomputer systems. It is the responsibility of every City employee and contract worker to safeguard the information and the physical assets of these systems. Computer security procedures are intended to reduce or eliminate threats to computer systems and electronic information. Many of these threats do not result from malicious intent; rather they stem from basic human error. Care and awareness are the two most significant safeguards. All employees and contract staff must know what is and is not allowed in the access to and the use of computer systems and equipment.

The Management Information Systems Department (MIS) will develop and maintain policies and controls to ensure the security of computing and telecommunication equipment, the physical premises housing the equipment and the data used, stored or produced on the equipment. For further information, please contact your department head.

E-Mail and Internet- E-Mail and Internet are intended to be used for business purposes. In the event that personal use occurs, that usage must not interfere with business activities, must not involve solicitation, must not be associated with any “for personal profit” outside business activity and must not potentially embarrass the City of Valparaiso Government, its taxpayers or its employees. Because e-mail is being generated for City business, the user should realize that their e-mail files are not private. City of Valparaiso Department Heads and the MIS Department will control access to the Internet via the City network. A Department Head reserves the right to block and/or monitor Internet access to any sites deemed offensive, undesirable or having no relevance to the business.

Any emails that discriminate against employees by virtue of any protected classification including race, gender, nationality, religion, and so forth, will be dealt with according to the harassment policy. These emails are prohibited at the City of Valparaiso.

Internet use, on City time, is authorized to conduct City business. Internet use brings the possibility of breaches to the security of confidential City information. Internet use also creates the possibility of contamination to our system via viruses or spyware. Spyware allows unauthorized people, outside the City, potential access to City passwords and other confidential information. We ask staff to limit Internet use. Additionally, under no circumstances may City computers or other electronic equipment be used to obtain, view, or reach any pornographic, or otherwise immoral, unethical, or non-business-related Internet sites. Doing so can lead to disciplinary action up to and including termination of employment.

CUSTOMER SERVICE

The City places a high value on providing quality services. Employees are expected to demonstrate a strong customer service orientation by treating customers in a courteous and respectful manner at all times.

Internal and External Customer Relations- Employees are expected to be able to identify their internal and external customers. Department Heads are able to tell their employees who their internal and external customers are.

Employees with customer contact are expected to learn what their customers’ needs are, and should report customer-related problems, as quickly as possible, to their supervisor. Employees are encouraged to make suggestions regarding policies, procedures, and practices that will improve service to customers.

Personal Visitors and Telephone Calls- Employees may at times come in contact with friends or family members who are conducting business with the City. Employees are expected to balance the need to provide good customer relations with the need to perform their job responsibilities. Friends and family members should be treated in the same professional manner as any other customer, while avoiding lengthy or prolonged personal conversations and visits that might distract from the employee’s ability to serve other customers.

PERSONAL APPEARANCE

An employee's personal appearance and hygiene serves as an indication of that individual's attitude toward his or her work. Employees are asked to practice good personal hygiene and grooming along with departmental guidelines regarding appropriate dress and appearance. In some departments, the City provides uniforms or special clothing, and employees are responsible for the proper use and care of such clothing.

Non-exempt employees who report for work in improper attire may not be permitted to work. Time missed while correcting these types of deficiencies will be unpaid. Additionally, such an action may be grounds for disciplinary action.

OFFICE DECOR AND MAINTAINING WORK AREAS AND EQUIPMENT

Employees are encouraged to personalize their work areas to make them comfortable and attractive. Employees should exercise good judgment in the selection of items which will be seen by other employees, customers, and visitors. Decor which is offensive, profane, or hostile, which is sexually suggestive, which does not support a positive image of the City or its employees, or which demeans or attacks an individual or class of individuals is not permitted.

Employees are responsible for maintaining their work areas in a clean and orderly fashion. Untidy and disorganized work areas can lower productivity by making even simple tasks more difficult and may even contribute to workplace accidents.

LOSS OF LICENSE OR CERTIFICATE OR FAILURE TO MEET JOB REQUIREMENT

An employee who loses a necessary license or certificate, or fails to meet a job requirement necessary to perform specific job responsibilities risks their position with the City. A Department Head may give an employee the opportunity to rectify the problem within a reasonable period of time (not to exceed 30 days), if the employee can demonstrate that there were extenuating circumstances which resulted in the loss of the necessary license or certificate, or the inability to meet the job requirement, and given an extension, the license or certificate can be restored, or the job requirement can be met. If the employee is unable to meet the requirements within the designated time period, he or she will be discharged.

If the employee must hold a Commercial Drivers License (CDL) as a condition of employment, the City will provide the physical examination associated with the renewal of that license as often as stated by the federal and state regulation. Other expenses associated with such license are the responsibility of the employee.

WORK RULE VIOLATIONS AND DISCIPLINE

Like every organization, the City of Valparaiso has certain expectations of its employees. When those expectations are not met, certain disciplinary action may be taken. The City's work rules and discipline are divided into four types, with each type defined along with its associated disciplinary actions. The list of rules is illustrative and not complete; the City reserves the right to depart from these rules if it feels necessary to do so.

A Department Head may, however, at his or her discretion, skip any step in the progressive discipline system or decide not to use the progressive discipline system at all when an

employee is discharged. Additionally, the prescribed schedule of progressive discipline does not necessarily apply in all instances.

Type “A” Work Rule Violations- are work rule violations determined to be inadvertent or of a minor nature, addressed during a rolling calendar year by a supervisor through:

1. Documented verbal counseling on a first offense;
2. A written warning on a second offense;
3. Suspension on a third offense; and,
4. Discharge on a fourth offense.

Some examples of Type A Work Rule Violations include, but are not limited to:

- Violating the City’s solicitation/distribution policy.
- Smoking in an unauthorized location.
- Littering or contributing to unsanitary conditions of City buildings/grounds.
- Excessive visiting with personal friends, relatives, and/or co-workers during work hours.
- Extending a break or meal period beyond the time allowed.
- Improper use of the City’s communications services and equipment. Refer to the section on communication systems, for a list of complete communications services and equipment. See Type B Violations for improper use of communications services and equipment of a more serious nature.
- Demonstrating a “pattern” of unscheduled unexcused absences, such as Mondays or Fridays.
- Failing to attend mandatory meetings, in-services, workshops, etc.

In certain circumstances, a Department Head may determine that the offense constitutes a Type B or C Violation.

Type “B” Work Rule Violations- are work rule violations which have a negative impact upon or disrupt operations, or result in increased expenses. Type B Violations are addressed during a rolling calendar year by a supervisor through:

1. A written warning on a first offense;
2. Suspension on a second offense; and,
3. Discharge on a third offense.

Some examples of Type B Work Rule Violations include, but are not limited to:

- Circumventing the chain of command to address issues and/or complaints.
- Willfully engaging in gossip.
- Discussing an investigation which is being conducted or has been conducted or disciplinary action which is being taken or has been taken.
- Working when not authorized to do so, before the start of the work shift, after the end of the work shift, or during any other unpaid period, such as meals. This includes clocking in early and clocking out late.
- Posting, altering, or removing any authorized material from bulletin boards without appropriate permission.

- Violating a City and/or departmental safety rule or practice, or neglecting job duties, or performing of job duties inefficiently or carelessly.
- Talking and/or behaving in an insolent or rude manner toward another employee, supervisor, or public.
- Misuse of the City's communication services and equipment which is harassing, offensive, demeaning, insulting, defaming, intimidating, or involving sexually suggestive written, recorded, or electronically transmitted messages.
- Failing to follow established procedures from a supervisor after being instructed or reminded.
- A repeat violation of a Type A work rule.

In certain circumstances, a Department Head may determine that the offense constitutes a Type C Violation.

Type "C" Work Rule Violations- are work rule violations which involve willful and knowledgeable deviation from City and/or departmental policies or regulations, or which have an adverse impact on the image of the City and/or department. Type C Violations are addressed during a rolling calendar year by a supervisor through:

- Suspension on a first offense; and,
- Discharge on a second offense.

Some examples of Type C Work Rule Violations include, but are not limited to:

- Sleeping on the job during working hours.
- Using City materials and/or equipment for personal purposes.
- Engaging in horseplay or other dangerous or unprofessional behavior.
- Failing to provide current proof of any required license, certificate, and/or failure to meet a job requirement.
- Failing to provide proof of being able to be covered by insurance (to drive City owned and/or leased vehicles) without the cost for such coverage increasing the City's insurance premiums and/or liability, as a result, for example, of an individual's driving record.
- A repeat violation of a Type B work rule.

Type "D" Work Rule Violations- Certain work rule violations are of such a severe nature that it is in the City's best interest that an employee be discharged by his/her supervisor when such a violation occurs.

The following is a list illustrating Type D Work Rule Violations, but is not a full or exhaustive list:

- Instigating, provoking, threatening, or engaging in physical violence against another employee or the public.
- Coercing or attempting to coerce another employee to violate a City and/or departmental policy.
- Possessing a firearm or other weapon while conducting City.
- Willfully and/or maliciously making false and/or libelous and/or slanderous statements about the City, its services, or any employee.

- Disclosing confidential information to unauthorized persons.
- Knowingly and/or willfully falsifying an employment record, time record, or any other City record. This includes, but is not limited to, insurance claim forms, claims for expense reimbursement, medical certifications, and return-to-duty forms.
- Knowingly and/or willfully falsifying logs, reports, laboratory data, or any other documentation required of an employee as a function of the position held.
- Theft of City property.
- Intentionally misusing, destroying, or damaging City property.
- Engaging in prohibited activities defined in the section on drug free workplace and drug and alcohol testing.
- Insubordination (intentionally refusing to follow a specific directive, given by a supervisor verbally or in writing, unless such directive would cause an employee to place himself/herself and/or others in an unsafe situation or prevent the employee from working in a safe manner or which is unreasonable.)
- Incarceration following a conviction of a felony.
- Conviction, whether or not the employee is incarcerated, of a felony or Class A misdemeanor in connection with work, unless prohibited by law.
- Any breach of duty in connection with work that is reasonably owed an employer by an employee.
- Engaging in unlawful acts on City property.
- A repeat violation of a Type C work rule.
- Showing up for work intoxicated or under the influence of drugs.

Suspension and Working Suspension-

A **suspension** is without pay on any dates determined by the Department Head to be taken by an employee who is suspended. A **working suspension** is a suspension in which time is deducted from an employee's accrued PTO rather than having the employee actually be absent from work. A working suspension is only allowed, if an employee has sufficient PTO accrued to cover the suspension

Multiple Work Rule Violations-Any combination of four written reprimands and/or suspensions in any rolling calendar year will be considered a pattern of policy violation and will result in suspension without pay for a period of at least one, but not more than five working days while termination is considered. A working suspension is not allowed under this circumstance.

Records for all disciplinary violations, including those for attendance and punctuality, will be kept in employees' personnel files for 365 days from the date of the most recent occurrence.

Discharge for Punctuality and/or Attendance Reasons-

A regular full-time employee scheduled to work five days per week will be discharged for punctuality and/or attendance reasons, if **any** of the following three events occurs:

- A. An employee accumulates more than 13 points for being tardy without an excuse during a rolling calendar year
- B. An employee accumulates more than 9 points for occurrences of unscheduled unexcused PTO during a rolling calendar year

- C. An employee has no accrued PTO available and takes unscheduled unexcused time off.

Regular Full-Time Employees Scheduled To Work Four Days Per Week- A regular full-time employee scheduled to work four days per week (each work day is ten hours) will be discharged for punctuality and/or attendance reasons, if **any** of the following three events occurs:

- A. An employee accumulates more than 10 points for being tardy without an excuse during a rolling calendar year
- B. An employee accumulates more than 9 points for occurrences of unscheduled unexcused PTO during a rolling calendar year
- C. An employee has no accrued PTO available and takes unscheduled unexcused time off.

Regular Part-Time Employees- A regular part-time employee will be discharged for punctuality if the employee accumulates more points than shown on the following chart for being tardy without an excuse during a rolling calendar year

<u>Number of Days Scheduled to Work per Week</u>	<u>Maximum Number of Points Before Discharge for Tardiness</u>
5	13
4	10
3	7
2	5
1	2

Although regular part-time employees are not eligible to earn PTO, the City does, however, permit regular part-time employees to be absent from work without pay during a calendar year as long as employees do not exceed the number of hours calculated using the following formula:

The number of hours an employee is scheduled to work per week x 20% x 12. The number of hours permitted the first calendar year of employment (until January 1 following an employee’s hire date) is prorated based on the number of months during the calendar year the employee works, to the nearest half month. Regular part-time employees may begin taking time off without pay after successfully completing the Probationary Period.

Temporary Full-Time And Part-Time Employees-Temporary employees are not eligible to earn PTO or unpaid time off.

A temporary full-time or part-time employee will be discharged for punctuality and/or attendance, if the reason for the tardy or absence is not excused.

ABSENCES AND TARDINESS

If an employee has not clocked in and/or is not at his or her workstation at the start of the shift **and** has not reported off, he or she is considered tardy.

Schedule of Points Assigned For Being Tardy-

- After start of shift through 15 minutes late = 1 point
- 16 minutes through 30 minutes late = 2 points
- 31 minutes through 45 minutes late = 3 points
- 46 minutes through 59 minutes late = 4 points
- 60 minutes or more late = Absent without notice, for which an employee is discharged.

Points Assigned for Occurrences of Unscheduled Unexcused PTO-

For Regular Full-time Employees Scheduled To Work Five Days per Week-

Consecutive time or days off work of unscheduled unexcused PTO taken in the following ways for which points are assigned:

- A. 1 point = Assigned when the employee misses one full workday with an unscheduled unexcused absence. One point is assigned if the unexcused absence lasts more than one consecutive work day and up to three consecutive work days, providing the employee has not returned to work. When an employee has an unexcused absence followed by a day of work and then incurs another unexcused absence, each absence will be treated as a separate incident (and assigned one point). Absences that span an employee's regular day(s) off count as one continuous absence.
- B. 1 point = Leaving early on a workday and then being absent on up to the two following work days. After three consecutive work days of unscheduled unexcused absence, each additional day of unscheduled absence will be assigned one point.
- C. 1 point = A total of one work day's worth of unscheduled unexcused absences taken in single or multiple hourly increments to total one work day (seven hours or eight hours, depending on the number of hours an employee is scheduled to work). In order for an employee to have an unscheduled unexcused absence in hourly increments beginning at the start of the work shift, the employee must notify his or her Department Head prior to the start of work. Without such notification, the absence will be considered being tardy or Absent Without Notice, rather than an unscheduled unexcused absence, depending on when the employee notifies the Department Head.

For Regular Full-time Employees Scheduled To Work Four Days Per Week- The aforementioned schedule applies, however, the number of points incurred shall be at a rate of 1.25 points for each occurrence.

NO SMOKING POLICY

Employees shall not be allowed to smoke in any enclosed facilities, including buildings and vehicles owned, leased, or operated by the city.

Smoking in City Owned Vehicles - Smoking in city owned/leased vehicles is only permitted when the vehicle being used is only occupied by that employee and is in the service of the employer.

Section Five: Employee Expectations
(Leaves, Benefits, & Grievance Procedure)

LEAVES AND TIME OFF

BEREAVEMENT TIME OFF

In the event of the death of a member of the immediate family, eligible employees of the City of Valparaiso shall be granted a maximum of three consecutive work days off with straight time pay to attend the funeral and to address other concerns.

Members of the immediate family include: spouse, parents, children, siblings, grandparents, grandchildren, and equivalent in-law and step relationships, as well as an individual who is domiciled with the employee for the preceding one year or more.

Eligibility- Regular full-time employees are eligible for Bereavement Time Off upon hire. Part-time employees, temporary employees, and employees on any leave of absence (unless the leave is intermittent) are not eligible for Bereavement Time Off.

Employees should notify their Department Head as soon as possible in the event that an immediate family death occurs. Proof of need may be required before receiving compensation for this benefit.

Bereavement Time Off And Paid Time Off (PTO)- If an immediate family member dies during an employee's scheduled PTO, Bereavement Time Off may be exchanged for PTO. Employees may request PTO to supplement Bereavement Time Off granted for immediate family members or for time off needed to attend the funeral of persons not covered by this policy. Bereavement Time Off is not the same and is not counted as PTO. Bereavement Time Off is not counted in computing eligibility for overtime payment.

FAMILY AND MEDICAL LEAVE (FMLA LEAVE)

The Family and Medical Leave Act of 1993 provides eligible employees with the ability to take leave for the following reasons:

- To care for the employee's child upon birth or to care for a child upon the child's placement with the employee for adoption or foster care. Leave for this reason may not be taken on an intermittent or reduced work schedule basis. Unmarried fathers are required by the city to show proof of the parental relationship through a birth certificate or a court document before allowing FMLA Leave for this reason.
- To care for a parent, spouse, or child with a serious health condition. Leave for this reason may be taken on an intermittent or reduced work schedule. Unmarried fathers are required by the city to show proof of the parental relationship through a birth certificate or a court document before allowing FMLA Leave to care for a child with a serious health condition. Leave for this reason may be taken on an intermittent or reduced work schedule basis.
- When the employee is unable to perform the essential functions of his or her job because of the employee's own serious health condition. Leave for this reason may be taken on an intermittent or reduced work schedule.
- Leaves up to 26 weeks may be available to care for members of the Armed Forces, including the National Guard or Reserves, who have suffered a serious injury or

illness in the line of duty while on active duty, that may render the members medically unfit to perform the duties of their office, grade, rank or rating. This applies broadly to service members who are undergoing medical treatment, recuperation, or therapy are in outpatient status or otherwise are on temporary disability retired list, for a serious injury or illness. For this type of leave, the FMLA definition of covered employee is expanded to include the next of kin, or nearest blood relative, of a covered service member. It also covers spouse, children and parents.

- Leaves of up to 12 weeks may be available because of any qualifying exigency arising out of the fact that a covered employee's spouse, child or parent is on or had been called to active duty in the Armed Forces. Contingent upon the Department of Labor's definition of a qualifying exigency, this provision provides 12 weeks of leave to the immediate family of service members called to active duty.

Eligibility For FMLA Leave- A City employee, whether regular full-time or regular part-time, who has worked for the City for at least 12 months and for a minimum of 1,250 hours in the immediately preceding 12-months is eligible for FMLA Leave. Paid and unpaid leave is not counted when computing the 1,250 hours worked.

Eligibility is determined as of the date the FMLA Leave actually begins, not when a request for leave is made.

Duration Of FMLA Leave-The City has established a calendar year as the method for determining the 12-month period in which an eligible employee's FMLA Leave entitlement occurs.

FMLA Leave is an unpaid leave of up to 12 weeks, or 26 weeks if applicable, in any calendar year, which an eligible employee may take for any or a combination of all the reasons listed above. Employees on FMLA Leave must take all their accrued PTO before beginning the unpaid portion of the leave. Additionally, employees on FMLA Leave for the employee's own personal serious health condition must also take all accrued SPTO before beginning the unpaid portion of the leave. All PTO and SPTO taken count toward the 12 or 26 weeks of FMLA Leave.

An employee who fails to return after the end of 12 or 26 weeks of FMLA Leave may be terminated (unless of an exception required under the ADA, the delay in return is dominium, or the FMLA Leave is the result of a work-related illness or injury). If an employee is on a Disability Leave at the time employment is terminated, disability coverage will continue (see COBRA Rights for additional details). A terminated employee may be considered for future positions that become available, for which, in the City's opinion, the employee is qualified.

FMLA Leave When Spouses Are Both Employed By The City- When spouses are both employed by the City, they are both entitled to 12 work weeks of FMLA Leave for the birth or placement of a child for adoption or foster care and to care for a parent who has a serious health condition. Spouses may, however, each take up to 12 weeks of FMLA Leave to care for a child or spouse with a serious health condition. Each spouse is also entitled to take the

entire amount of FMLA Leave for which they are entitled in the event of a personal serious illness.

Definitions Associated With The FMLA- According to the FMLA, a family member is defined as an employee's spouse, child, or parent. The FMLA's definitions follow:

Spouse: A spouse is a husband or wife. Domestic partners are not included.

Child: A son or daughter who is biological, adopted, or a foster child, stepchild, legal ward, or a child of a person standing "in loco parentis." A child must be either under the age of 18, or, if 18 years or older, mentally or physically disabled and unable to care for himself or herself. Individuals 18 years or older will be considered incapable of self care if they require daily active assistance or supervision with three or more "activities of daily living" (such as grooming, hygiene, dressing, and eating) or "instrumental activities of daily living" (including cooking, shopping, taking public transportation, and paying bills.)

Parent: Any person who is the parent of the employee or who stands or stood "in loco parentis" to the employee when the employee was a "child." In the case of an employee who requires FMLA Leave to care for someone who acted as the employee's parent, a biological or legal relationship is not necessary. Parents-in-law, however, are not included within the meaning of "parent."

Serious Health Condition: According to the FMLA, a serious health condition means an illness, injury impairment, or physical or mental condition that involves:

1. Inpatient care (i.e., an overnight hospital stay), including any period of incapacity or any subsequent treatment in connection with the inpatient care, or
2. Continuing treatment by a health care provider.

Continuing Treatment: Continuing treatment is defined as:

1. A period of incapacity of more than three consecutive calendar days involving one of the following:
 - Treatment two or more times by, or under the orders of, a health care provider, or
 - Treatment by a health care provider on at least one occasion that results in a supervised regimen of continuing treatment (excluding those limited to over-the-counter medications).
2. A period of incapacity due to pregnancy, including severe morning sickness, or time needed for prenatal visits.
3. Any period of incapacity and related periodic treatment due to a chronic health condition, such as asthma, diabetes, or epilepsy.
4. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective, if the employee is under the supervision of a health care provider (but not necessarily receiving active treatment), as when the employee has Alzheimer's, a severe stroke, or is in the terminal stages of a disease.

5. Any period of absence to receive multiple treatments by, or under the orders of, a health care provider either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days if left untreated, such as dialysis for kidney disease or chemotherapy for cancer.

Incapacity: Incapacity is defined under the FMLA to mean the inability to work, attend school, or perform other regular activities due to the serious health condition, treatment therefore, or recovery there from.

Health Care Provider: The FMLA defines health care provider to include doctors of medicine or osteopathy; podiatrists; dentists; optometrists; chiropractors (limited to treatment consisting of manual manipulation of the spine); nurse practitioners; nurse midwives; clinical psychologists; clinical social workers; Christian Scientist practitioners (listed with the First Church of Christ, Scientist, in Boston); and, any other health care provider from whom the employer or its health plan will accept certification substantiating a claim for benefits. With the exception of Christian Science practitioners, the health care provider must be authorized to practice by the state. In the case of a work-related illness or injury, the City designates the health care provider to whom employees must go for treatment.

Intermittent And Reduced Work Schedule Leave- Leave on an intermittent basis refers to FMLA Leave taken in separate blocks of time periodically for the same serious health condition. For example, an employee may take intermittent leave for medical appointments that cannot be scheduled during non-work time, or may take several days at a time over many months, as required for treatment such as chemotherapy.

When intermittent FMLA Leave is needed to care for an immediate family member or for the employee's own serious illness and is for planned medical treatment, the employee must try to schedule treatment in order to prevent disruptions of the City's operations.

Leave on a reduced work schedule basis refers to FMLA Leave taken by reducing an employee's usual number of hours per work week or work day for a period of time, such as switching from full-time to part-time work for several weeks.

More than one FMLA Leave may be taken when each is taken on an intermittent or reduced work schedule basis. For example, an employee may take FMLA Leave for his or her own serious health condition and to care for his or her child with a serious health condition and to care for a parent with a serious health condition, all at the same time. All time taken, however, counts toward the total 12 or 26 weeks of FMLA Leave allowed during a calendar year.

Employees cannot be required to take more time off than is medically necessary. For example, an employee who needs two hours leave per day cannot be required to take four hours. Employees may not, however, take time off in increments of less than one hour.

Although an employee may be required to receive the City's permission to take FMLA Leave on an intermittent or reduced work schedule basis in some situations, permission is not needed when such a leave is medically necessary.

An employee taking FMLA Leave on an intermittent or reduced workweek basis may be temporarily transferred to an available alternate position with equivalent pay and benefits, if the employee is qualified for the position and if the position better accommodates the recurring periods of leave. Employees who require FMLA Leave on an intermittent or reduced work week basis must submit a Request for Leave on an Intermittent or Reduced Work Schedule Basis Form to their Department Heads as far in advance of the need as practicable.

Employees must also comply with all other requirements related to FMLA Leave. Additionally, proof of the inability to schedule appointments for medical treatment outside of work time may be required.

Medically Necessary- According to the FMLA Act, intermittent or reduced work schedule leave is medically necessary, if an employee has a serious health condition that requires a treatment regimen which is best accommodated by this type of leave. If the need for intermittent or reduced work schedule leave is foreseeable based on planned medical treatment, the employee must make a reasonable effort to schedule the treatment to prevent disruptions of the City's operations.

Birth, Adoption, Or Foster Care Of Children- FMLA Leave for birth or placement for adoption or foster care must conclude within 12 months of the birth or placement.

Conditions Not Covered Under The FMLA- Conditions not covered under the FMLA include:

1. A regimen of continuing treatment including only over-the-counter medications, bed rest, drinking plenty of fluids, or any similar activities that can be initiated without a visit to a health care provider, unless something more serious is involved. Unless complications arise which require inpatient care or continuing treatment, the common cold, flu, earaches, upset stomach, minor ulcers, headaches (other than migraines), routine dental problems, and periodontal disease.
2. Food poisoning, unless it requires inpatient care or continuing treatment.
3. Allergies, unless they require inpatient care or continuing treatment.
4. Mental illness resulting from stress, unless it requires inpatient care or continuing treatment.
5. Cosmetic treatments (such as most treatments for acne or plastic surgery), unless inpatient hospital care is required or complications develop which require inpatient care or continuing treatment.
6. Incapacitation due to drug or alcohol abuse, unless the absence is for inpatient care or continuing treatment. Furthermore, according to the FMLA, an employee may not avoid disciplinary action for violations of a drug and alcohol policy simply by invoking the FMLA.

In some cases, multiple minor ailments, when combined, may be considered a serious health condition.

Request For FMLA Leave- All requests for FMLA Leave must be made by employees to their Department Heads in writing via completion of the Leave Request and Information Form from Human Resources.

Eligible employees who want to take FMLA Leave ordinarily must submit the Leave Request and Information Form at least 30 calendar days in advance of the need for leave, if the need for leave is foreseeable. If the employee's need is not foreseeable, the employee should submit the Leave Request and Information Form as far in advance as is practicable. The City may delay FMLA Leave to employees who do not submit the Leave Request and Information Form in advance when there is a known foreseeable need for FMLA Leave.

Medical Certifications- The health care provider must provide initial and ongoing medical certification when the FMLA Leave is for an employee's own or a family member's serious health condition. When an FMLA Leave is for the birth of a child or to care for a child upon the child's placement with the employee for adoption or foster care, medical certification is not required.

The City may delay or deny approval of FMLA Leave for lack of proper medical certifications. Human Resources will provide employees with a Medical Certification Form to present to the health care provider. Generally, an employee has 15 days to provide medical certification from the health care provider after receiving notice of the requirement to do so from the City.

Medical certification must include: the date when the condition began, its expected duration, and a brief statement of treatment.

The City may, at its sole discretion, also require periodic medical re-certifications of the serious health condition of an employee, child, parent, or spouse and the employee's plan for returning to work.

The City also may require a second or third opinion, at the City's expense. When the FMLA Leave is a result of the employee's own serious health condition, a Fitness For Duty Report Form from the health care provider is required to return to work. In the event the healthcare provider charges the employee for a fit for duty form to be filled out, the City will reimburse the employee.

Notice by the City to Employees Regarding FMLA Leave-The City may not count an employee's absences as FMLA Leave, unless the City provides written notice to the employee. The City maintains the right, however, to start procedures to classify an illness as a serious health condition, if the period of incapacity is more than three consecutive calendar days, or for shorter absences related to chronic or recurring ongoing medical conditions, or for a work-related illness or injury, if applicable, even if an employee has not requested FMLA Leave.

The City also reserves the right to designate any qualifying leave as FMLA Leave regardless of whether the employee has specifically requested FMLA Leave.

Compensation and Benefits Under The FMLA Leave Policy - Leave taken under the FMLA Policy is unpaid. It is, however, the policy of the City to require employees to substitute other applicable accrued paid time for all or part of the unpaid FMLA leave.

An employee returning from FMLA Leave is entitled to any unconditional pay increases that occurred during the FMLA Leave.

Service Time and Pay- Eligible employees are not paid service pay while on unpaid leave, but employees are credited for service time while the employee is on leave. In other words service time will continue to accrue for an eligible employee showing no break in service while the employee is on leave. The employee's regular base salary and service pay (pro-rated over the remainder of the year) will commence upon his or her return to work.

Benefits/Insurance Coverage- Although an eligible employee's contributions made to PERF shall be interrupted during an unpaid FMLA Leave, no break shall be reflected in the employee's service credit. An eligible employee will continue to accrue PTO during the 12-week or 26 week period of FMLA Leave (whether paid or unpaid) as allowed (continuously and/or intermittently and/or on a reduced work schedule). An employee shall not receive Holiday pay or time off for Holidays during FMLA Leave. If a full-time employee is on an intermittent or reduced work schedule FMLA Leave, the employee will receive Holiday pay or time off for Holidays.

An employee is not entitled to Bereavement Time Off during FMLA Leave that is continuous. When FMLA Leave is taken on an intermittent or reduced work schedule basis, an employee is eligible for Bereavement Time Off.

Group health and dental insurance coverage will continue on the same basis as coverage would have been provided had the employee been continuously employed during the leave period as long as the employee pays his or her regular portion of the premium on a timely basis. Employees may make arrangements with Payroll to pay their portion of this insurance coverage. The employee's health and dental insurance coverage may be terminated, if the employee's premium payment is more than 30 days late.

Additionally, failure of the employee to return to work at the end of FMLA Leave may give the City the right to collect the employer-paid portion of premium contributions made while the employee was on FMLA Leave, unless the reason for not returning is a certified new or continuing serious health condition or other circumstance beyond the employee's control.

Group term life insurance and accidental death and dismemberment, and disability insurance coverage will remain in force at the City's expense on the same basis as if the employee were not on leave.

Working While on FMLA Leave- An employee who is self employed or accepts other employment or works for any other current employer during FMLA Leave must report such work immediately to Human Resources.

An employee who is self employed or accepts other employment or works for any other current employer, performing work of a like or similar character or exertion as that which the employee performed for the City, during FMLA Leave for a personal serious health condition shall be considered to have terminated employment with the City as of the date such employment began and may be required to reimburse the City for the employer-paid portion of group health insurance premium contributions made while the employee was on leave.

Job Restoration After FMLA Leave- Every effort will be made by the City to hold an employee's position open until he or she returns to work from an approved FMLA leave. However, based upon the necessity of continuing operations during an employee's absence, the City may choose to fill any non-elected position. If the position is filled while an employee is on FMLA Leave, upon return to work, the employee will be placed in an equivalent position, with equivalent pay, benefits, and other terms and conditions of employment. In addition, the position into which the employee is placed, will have substantially similar duties. If an employee's position is eliminated during an FMLA Leave, through layoff or restructuring, the employee will not be entitled to return to his or her former or an equivalent position.

When the FMLA Leave is a result of the employee's own serious health condition, a Fitness for Duty Report Form from the health care provider is required prior to returning to work. In the event that the healthcare provider charges the employee for this service, the City will reimburse the employee.

Under the FMLA, the City cannot require an employee to work during FMLA Leave, until or unless the employee is fully restored to perform the essential functions of his or her job. The City, as stated above, however, makes every effort to accommodate restrictions placed on an employee by the health care provider. Such accommodations may take the form of FMLA Leave on an intermittent or reduced work schedule basis.

Employees who take FMLA Leave for their own serious health condition and do not return to work immediately following release from the health care provider, shall be considered to have voluntarily terminated employment as of the date of the release. A terminated employee may elect to continue his or her group health insurance and dental coverage, if any, through COBRA. A terminated employee may be considered for future positions that become available, for which, in the City's opinion, the employee is qualified.

Denial of Job Restoration- The City may deny job restoration at the end of FMLA Leave only in the following situations:

1. If the City can show that an employee would not otherwise have been employed at the time the employee requests restoration, such as when an employee's position is eliminated in a workforce reduction;
2. If the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition (although the City must comply with the ADA); or,
3. If the employee is a highly compensated "key" employee whose restoration is denied to prevent "substantial and grievous economic injury" to the City's operations. Although a key employee may not qualify for restoration, the employee is still entitled to take FMLA

Leave and to receive all benefits of the leave. In order to deny restoration to a key employee, however, the City must, at the time leave is requested, give the employee a detailed written notice explaining the key employee exception.

Impact on Promotions, etc. An employee who returns from FMLA Leave is equally considered along with employees who have not taken FMLA Leave for purposes of promotions, job openings, training, and all other aspects of employment.

FMLA Leave and the Americans With Disabilities Act (ADA)-The ADA may require the City to allow an employee to take additional leave beyond the FMLA's 12 or 26 weeks of leave, if the extension would constitute a reasonable accommodation. Such extensions, however, may not have an indefinite duration.

FMLA Leave and Personnel Files- All medical information obtained in connection with FMLA Leave is kept in a confidential medical file separate from an employee's general personnel file.

FMLA Leave and the Pregnancy Discrimination Act (PDA)- The PDA requires that women affected by pregnancy, childbirth, or related medical conditions be treated the same as employees who are on FMLA Leave for other temporary medical disabilities. Availability of leave extensions, accrual during leave of PTO, service time and pay, and any other accrued benefits and privileges, insurance coverage, and restoration after leave must be handled in the same manner as all other leave requests.

In certain limited circumstances, a pregnant employee who is experiencing substantial complications may be considered disabled under the ADA. In those cases, a pregnancy may not only qualify as FMLA Leave, but it may also require special accommodation under the ADA. For more information, contact Human Resources.

HOLIDAYS

A Holiday is a day observed by the City and is the equivalent of one fifth of the number of hours in an employee's regularly scheduled workweek. For example, if an employee works a compressed work week of 40 hours in four work days, a Holiday is eight hours, not ten hours. If a regular full-time employee, working a compressed workweek of 40 hours in four workdays is scheduled off on a Holiday, that employee must use two hours of paid time off (PTO) to be paid for his or her regularly scheduled ten-hour day or the employee must work two hours on the Holiday.

The following holidays are observed by the City of Valparaiso:

New Year's Day	Labor Day	Memorial Day
Thanksgiving	Independence Day	Christmas Day

Eligibility- All regular full-time employees on the active payroll are eligible for holiday pay. Part-time employees and temporary employees are not eligible for Holiday pay.

An employee must work his or her last "scheduled" day before and next "scheduled" day after a Holiday in order to be eligible for Holiday pay for a Holiday not worked. If an employee is legitimately ill on the last "scheduled" day before or next "scheduled" day after a Holiday, the

employee may be paid for the Holiday, subject to his or her Department Head's approval. Medical certification demonstrating that the employee was under the care of a physician may be required. An employee who is scheduled to work on a Holiday and reports off for any reason is not entitled to Holiday pay.

When a Holiday falls on a Saturday, the Holiday will be observed, on the preceding Friday, by employees who are scheduled to work Monday through Friday. When a Holiday falls on a Sunday, the City will consider the Monday immediately following as the day of observance for employees scheduled to work Monday through Friday, unless otherwise ordered by the Mayor. When a Holiday falls on a Saturday or Sunday and that is a scheduled work day for an employee, that day will be treated as the holiday.

The Mayor may decide to close City Hall on additional days. When that happens, City Hall Department Heads can allow their regular full-time employees to work on that day, or they can approve PTO for that day. The City Hall receptionist will be required to take PTO. Other City Hall employees may utilize PTO or take the day as unpaid. Holidays observed by the City are counted in computing eligibility for overtime payment. Additional days the Mayor decides to close City Hall are not, however, counted in computing eligibility for overtime payment.

When requesting Paid Time Off, regular full-time employees should not include a Holiday as a part of the request. An employee who is on disability leave is not entitled to holiday pay, unless the leave is taken on an intermittent basis.

Pay For Holidays Observed By The City – Holidays will be paid as follows:

Regular full-time employees will receive time off with pay for the Holidays not worked. If a regular full-time employee is required to work on a Holiday, the employee will receive one of the following:

Straight time Holiday pay of one fifth of the employee's workweek and straight time for the hours worked on the Holiday. If working a Holiday creates an overtime situation, the employee will receive one and one half hours of pay for each overtime hour worked, or straight time for the hours worked on the Holiday and an additional day of PTO. The Department Head has the flexibility to allow the employee to use their additional PTO day within a reasonable time frame and not be required to use it the week that the closure occurred.

Part-time and temporary employees will be paid straight or overtime for working on a Holiday, as determined by the number of hours worked during the workweek in which a Holiday falls.

MILITARY LEAVE

The City of Valparaiso will comply with all relevant requirements of the most current amendments to the Uniformed Services Employment and Reemployment Rights Act (USERRA) regarding City employees who are members of a "uniformed service" or who

perform or have an obligation to perform service in a “uniformed service.” See also Military Leave provisions under the FMLA.

1. A covered employee shall be allowed to opt to receive compensation at his or her current rate of pay for all unused leave days available on his or her last day of active employment with the City before reporting for active duty.
2. Following the paid leave, a covered employee shall receive a regular scheduled paycheck from the City in an amount equal to the difference between his or her current gross City wage and his or her gross military wage (including all entitlements) for active duty. It is the employee’s responsibility to inform the Human Resources and the Clerk Treasurer’s office if the gross military wage is less than the employee’s gross City wage. In no event shall the total of gross military pay for active duty and gross City wages (including any amount paid under 1 above) exceed in any calendar year the total gross wages that would have been earned by the covered employee in his or her City position had he or she not been called to active duty. Reconciliation of the amounts owed to or by the City shall occur as needed following the employee’s return to active City employment.
3. A covered employee shall receive that annual increase he or she would have received had he or she not been called to active duty.
4. Leave days will not accrue during the time an employee is on active duty.
5. Time on the job and seniority will accrue during such time that the covered employee is on active duty.

Eligibility- The terms of employment policies embodied within this section apply to all regular full-time employees of the City of Valparaiso and sworn officers called to military tour of duty in the Armed Forces of the United States of America, the commissioned corps of the Public Health Service, military duty in the “uniformed services” as defined in the Uniformed Services Employment and Reemployment Rights Acts of 1994 (USERRA) 38 U.S. Code 4301, or the Indiana National Guard for service related to the deployment of troops upon official Order of the President of the United States or the Governor of the State of Indiana, hereinafter referred to as “active duty”. To clarify, this would not be the entitlement of those listed in a “reserve” status.

Each covered employee shall be considered as remaining in the employ of the City of Valparaiso, Indiana, in an inactive status while on active duty related to an ordered deployment of troops. Each covered employee shall continue in such inactive status until such time as he or she is released from active duty in good standing, or the date of receiving written confirmation of said covered employee being deceased and where applicable, the date on which he or she resumes active employment with the City of Valparaiso.

Notice of Military Leave- An employee who is absent from employment for a period of service in the uniformed services must give advance written or verbal notice to his or her Department Head in order to be entitled to some benefits provided by the USERRA. The City requests that employees submit a Leave Request and Information Form to their Department Head as far in advance of a Military Leave as possible. No notice is required if it would be unreasonable or impossible for the employee to provide notice or if the giving of notice is precluded by military necessity.

Insurance Benefits During Military Leave

Group Health and Dental Insurance- The covered employee shall have the choice of terminating such coverage upon the City receiving written confirmation that the subject employee is on active duty and is formally covered for medical insurance purposes as an employee of the United States Government, or continuing such coverage subject to continued payment of his or her share of the premium. The covered employee shall be responsible for seeing that proper documentation is sent to the Human Resources Department in a reasonable period of time upon going on active duty.

Dependents of covered employees with the City's group insurance coverage at the time the covered employee reports to active duty, may remain covered while the covered employee is activated to active duty, subject to the provisions set forth above.

Group Term Life Insurance and Accidental Death and Dismemberment Coverage- Any life insurance provided to the covered employee by the City will continue under the rules of the policy while the covered employee is on active duty.

Disability Insurance- Disability insurance will continue to be paid by the City for an employee who serves a period of less than 31 days. If service lasts 31 days or more, the City will discontinue coverage until the employee returns to work following military service.

Pension Benefits During Military Leave- To the extent allowed by law, the City shall during each covered employee's term of active duty, continue to pay all pension benefits due the employee by virtue of his or her employment.

Paid Time Off Benefits During Military Leave- Paid Time Off will not continue to accrue during a Military Leave. An employee who will be taking a Military Leave shall be allowed to be paid for all accrued PTO at the time the Military Leave begins.

Notice of Intention to Return to Work- The USERRA requires that any veteran who receives a certificate showing satisfactory completion in the uniformed services must be restored to his or her previous employment.

Upon completion of a Military Leave, the returning veteran must notify the City that he or she intends to return to employment. The length of time that the veteran has to contact the City regarding his or her employment depends on the length of the period of service, as defined under the USERRA.

Reemployment- A covered employee must return to active employment with the City of Valparaiso within thirty (30) days after such time as he or she is released from active duty in good standing or from hospitalization continuing after discharge. Upon return to employment, the employee, if still qualified to perform the duties of the position he or she held immediately prior to being called to active duty, shall be restored to such position or to a position of the like seniority, status and pay. If any covered employee is not qualified to perform the duties of the

position he or she held immediately prior to being called to active duty, by reason of disability sustained during such service, but is qualified to perform the duties of any other person in the employ of the City, he or she shall be offered employment, and if such covered employee so requests, shall be employed in such other position the duties of which the covered employee is qualified to perform as will provide him or her like seniority, status and pay, or the nearest approximation thereof consistent with the circumstances in his or her case.

The “Escalator Principle”- In many cases, the position the veteran would have held had his or her employment not been interrupted by the period of military service will be the same as the position he or she held when the period of service began. When there would have been a change, however, the “escalator principle” requires that the veteran receive any change in position or benefits to which he or she would have been entitled had he or she remained continuously employed. For example, the returning employee will be granted seniority for the period of his or her Military Leave. Similarly, the veteran will receive all other “perquisites of seniority,” such as increases in Paid Time Off and service pay accrual rates.

Exceptions to Reemployment- The USERRA specifies certain limited circumstances under which the City is relieved of its obligation to reemploy veterans returning from military service. The City will comply with all employment requirements.

Discrimination- The City will not discriminate or retaliate against any employee who is or applies to be a member of a uniformed service, or who performs or has an obligation to perform service in a uniformed service. Employees will not be discharged for taking Military Leave. The City may, however, discipline up to and including discharge an employee for reasons unrelated to the Military Leave, such as poor performance or violation of the City’s policies.

PAID TIME OFF

Paid Time Off (PTO) allows regular full-time employees to be paid for taking time off work. PTO may be used for many reasons such as vacations, a personal or family member’s illness, personal business, facility closings, etc., up to the total amount of time accrued.

Scheduled PTO- is PTO which is requested in advance and approved by the Department Head. Scheduled PTO is generally used for vacation, personal business, or scheduled medical treatment.

Unscheduled PTO- is PTO which is not requested or approved in advance. Each department has its own requirements regarding Scheduled and Unscheduled PTO. Such requirements are designed to meet the unique needs of each department. Requirements vary from department to department and may be found in the Appendix of this handbook.

Unscheduled Excused Time Off- (whether paid or unpaid) is time off taken for any of the following reasons. Such time off does not count against an employee in any way, including if an employee runs out of PTO. Unscheduled excused time off may be in the form of an unscheduled absence or tardy.

1. A reported work-related illness or injury

2. An employee's non work-related personal illness or injury (whether or not it qualifies as FMLA Leave), but for which the employee has received written medical certification and return-to-duty certification from the physician.
3. A leave by an employee who is the caregiver for the employee's spouse or child who is ill or injured (whether or not it qualifies as FMLA leave), when the physician who has seen the spouse or child for treatment provides written medical certification.
4. A disability leave, including the elimination period
5. Military Leave
6. Personal Leave
7. A City-determined, or personal emergency
8. Work time missed as a result of a positive drug or alcohol test when the test is conducted by the City.
9. A special attendance accommodation that may be required by Federal or State law to enable the employee to perform the essential functions of his or her job.

Eligibility- Regular full-time employees are eligible to take PTO after completing their initial Probationary Period. Under certain circumstances, a Department Head may allow an employee who is serving a Probationary Period to take accrued PTO prior to completion of the Probationary Period. That employee should make arrangements with the hiring Department Head prior to starting the new position to use accrued PTO during the Probationary Period.

Part-time employees, temporary employees, and employees on any leave of absence do not accrue PTO.

Accruing Paid Time Off- Paid Time Off accrual is determined by hiring date and length of employment. Employees will begin to accrue Paid Time Off on the first day of the month following their date of employment. Accruals are shown below:

For employees hired before 1/1/98:

Employment Anniversary	<u>35 Hour Work Week Hours</u> And Days Accrued Per Pay And Per Month	<u>35 Hour Work Week Hours</u> And Days Accrued Per Year	<u>40 Hour Work Week Hours</u> And Days Accrued Per Pay And Per Month	<u>40 Hour Work Week Hours</u> And Days Accrued Per Year
Beginning When A Person Is Hired As A Full-Time Employee	6.7084 hrs/pay .95834 day/pay 13.4168 hrs/mo 1.91668 days/mo	161 hrs/year 23 days/year	7.6667 hrs/pay .93834 day/pay 15.3334 hrs/mo 1.91668 days/mo	184 hrs/year 23 days/year
On The 4th Anniversary Which Is The Beginning Of The 5th Year Of Employment	8.167 hrs/pay 1.1667 days/pay 16.334 hrs/mo 2.3335 days/mo	196 hrs/year 28 days/year	9.334 hrs/pay 1.1667 days/pay 18.668 hrs/mo 2.3335 days/mo	224 hrs/year 28 days/year
On The 9th Anniversary Which Is The Beginning Of The 10th Year Of Employment	9.625 hrs/pay 1.375 days/pay 19.25 hrs/mo 2.75 days/mo	231 hrs/year 33 days/year	11 hrs/pay 1.375 days/pay 22 hrs/mo 2.75 days/mo	264 hrs/year 33 days/year

For employees hired after 1/1/98

REGULAR FULL TIME EMPLOYEES				
Employment Anniversary	<u>35 Hour Work Week</u> Hours And Days Accrued Per Pay And Per Month	<u>35 Hour Work Week</u> Hours And Days Accrued Per Year	<u>40 Hour Work Week</u> Hours And Days Accrued Per Pay And Per Month	<u>40 Hour Work Week</u> Hours And Days Accrued Per Year
Beginning When A Person Is Hired	3.5 hrs/pay .5 day/pay 7 hrs/mo 1 day/mo	84 hrs/year 12 days/year	4 hrs/pay .5 day/pay 8 hrs/mo 1 day/mo	96 hrs/year 12 days/year
Completion of 1st Anniversary	5.25 hrs/pay .75 day/pay 10.5 hrs/mo 1.5 days/mo	126 hrs/year 18 days/year	6 hrs/pay .75 day/pay 12 hrs/mo 1.5 days/mo	144 hrs/year 18 days/year
Completion of 4th Anniversary	7 hrs/pay 1 day/pay 14 hrs/mo 2 days/mo	168 hrs/year 24 days/year	8 hrs/pay 1 day/pay 16 hrs/mo 2 days/mo	192 hrs/year 24 days/year
Completion of 9th Anniversary	8.75 hrs/pay 1.25 days/pay 17.5 hrs/mo 2.5 days/mo	210 hrs/year 30 days/year	10 hrs/pay 1.25 days/pay 20 hrs/mo 2.5 days/mo	240 hrs/year 30 days/year

In certain circumstances, the Mayor has the authority to accelerate an employee's PTO rate of accrual.

Rules Governing PTO- As with any benefit, certain guidelines exist that are designed to provide a fair and equitable application of PTO:

- PTO may be taken in hourly increments.
- A supervisor may approve or reject a request for Scheduled PTO based on such considerations as organizational/departmental needs and time already approved for other staff. Please see Appendix A in this handbook for more details.
- To be considered scheduled, PTO must be requested by the end of an employee's shift on the work day preceding the day requested as PTO. If an employee wants off on his or her first scheduled work day of a work week then the request must be made by the end of his or her work shift on the last scheduled work day of the preceding work week in order for the time to be considered scheduled, if approved.
- A request for Scheduled PTO which has been denied may be resubmitted by the employee for another time. However, an employee whose request for scheduled PTO has been denied and who then does not report for work at the time and/or on the day(s) denied (whether or not he or she reports off) may be terminated for being Absent Without Notice, if the failure to report to work is not "excused," in accordance with policy.
- In order for an employee to be paid for time off, both the time record and the Request for Time Off and Report of Tardiness and Occurrences of Absence Form must reflect the amount of time to be paid.
- Employees may not take Paid Time Off in advance of its accrual.
- Approval of requests for PTO is contingent upon an employee having that PTO available at the time it is to be taken.
- PTO may be used to cover tardy incidents at the discretion of the department head.
- Requests for PTO will be approved on a "first-come, first-served" basis, even if an employee with more seniority later requests the same time off. However, if two employees request the same days off at the same time and the department can only accommodate one employee before reaching the quota established by the department regarding the number of employees who are allowed to take scheduled PTO at the same time, then approval will be based on seniority.
- Paid Time Off should not be used to satisfy all or part of the minimum required termination notice.
- Employees may not work during PTO in order to receive double compensation.
- PTO is not counted in computing eligibility for overtime payment.
- When requesting Paid Time Off, regular full-time employees should not include a Holiday as a part of the request.
- Bereavement Time Off is not counted as PTO.
- If an employee is required by his or her supervisor to work during PTO, the employee will be allowed to reschedule the PTO.
- An employee who takes unscheduled time off when he or she does not have PTO available to cover all the time off taken, may be subject to termination, if the reason for the absence is not excused.
- An employee who is absent from work for three consecutive work days when the time off is not excused, and when the employee fails to give proper notice, will be considered to have voluntarily resigned as of the employee's last day worked.

- If an employee already has 23 work days of Supplemental Paid Time Off (SPTO) banked, a Department Head may, after June 30th of the current calendar year, direct the employee to take PTO, if **all** of the following conditions apply and the Department Head has reason to believe that the employee will have so much accrued PTO that he or she will not be able to carry over all of it into the next calendar year:
 1. The employee has used less than one third of the PTO he or she will accrue during the current calendar year;
 2. The Department Head has reviewed the department's collective and individual PTO status for the remainder of the calendar year;
 3. The Department Head has a general idea of the workload and manpower necessary to meet departmental needs during peak times of demand for the remainder of the calendar year.

A Department Head may not take action if the employee has made requests for Scheduled PTO which has been denied.

Carryover Of Unused, Accrued PTO From Year- To- Year- An employee may carry over a maximum of 30 working days to the next calendar year, that is 210 hours for an employee who is regularly scheduled to work 35 hours per week and 240 hours for an employee who is regularly scheduled to work 40 hours per week.

Any excess over 30 working days will be credited to an employee's Supplemental Paid Time Off (SPTO) "bank."

Paying Out Unused Accrued PTO Upon Termination Of Employment- The maximum liability the City will assume when an employee terminates or becomes otherwise ineligible to accrue PTO is 30 working days, or 210 hours for an employee who is regularly scheduled to work 35 hours per week, and 240 hours for an employee who is regularly scheduled to work 40 hours per week.

Donating PTO- In coordination with the City's FMLA policy, a PTO Donation Program has been established to assist employees faced with a serious medical illness or injury. This program allows employees to donate PTO hours voluntarily to another qualified employee who has exhausted all other paid time due to a serious health condition.

The donating employee must be a regular full-time employee, have sufficient PTO to cover donated time, and be a member of the same department or paid from the same budgeted line item as the receiving employee. The receiving employee must be a regular full-time employee and eligible for leave under the City's FMLA policy.

The period in which an employee may receive donated time is the period of FMLA qualified leave which would otherwise be unpaid. Employees may not be receiving disability insurance benefits or workers compensation benefits prior to, or while, receiving donated time. Employees may donate a maximum of 5 days annually. The amount of PTO/SPTO permitted to be donated is based on years of service; one day per year of service may be donated for a maximum of 5 days per year. This includes PTO and SPTO or any combination thereof.

A request to donate PTO/SPTO form must be completed by the donating employee and verified by his/her Department Head before it is sent to payroll. Payroll will credit the receiving employee's record with the authorized hours. The hours shall be credited as sick leave. Payroll will retain the donation request form for an audit trail.

If there are more hours donated than are needed by the receiving employee, then donations will be administered as first donated –first used.

SUPPLEMENTAL PAID TIME OFF

Supplemental Paid Time Off (SPTO) is PTO “banked” by an employee in hourly increments to use for a personal non work-related illness or injury which lasts more than three consecutive working days. SPTO may not be used for absences due to a work-related injury or illness. A maximum of 23 working days (that is 161 hours for an employee who is regularly scheduled to work 35 hours per week and 184 hours for an employee who is regularly scheduled to work 40 hours per week) may be “banked” as SPTO by an employee.

Eligibility- Only employees eligible to accrue PTO are eligible to bank SPTO. Therefore, only regular full-time employees may “bank” PTO as SPTO since only regular full-time employees are eligible to accrue PTO.

Banking SPTO- There are two ways an employee may “bank” SPTO:

1. At the end of the calendar year, any excess unused Paid Time Off over 30 working days (that is 210 hours for an employee who is regularly scheduled to work 35 hours per week and 240 hours for an employee who is regularly scheduled to work 40 hours per week) will be “banked” as SPTO. The excess PTO “banked” as SPTO may not cause the maximum number of SPTO days to exceed 23 days.
2. At any time during the calendar year, an employee may move accrued PTO to his or her SPTO “bank.” At no time, however, may the SPTO “bank” exceed 23 days. Once PTO is “banked” as SPTO it may not be moved back to PTO.

Using SPTO- An employee may use SPTO for all or any part of a non work-related personal injury or illness, (whether or not the illness or injury qualifies under the ADA or the FMLA or as part of a disability elimination period), which lasts more than three consecutive working days when the illness/injury is certified in writing by a physician who has seen the employee for treatment or the absence is due to an approved FMLA leave.

For example, an employee who is absent from work for four consecutive working days for a non work-related injury, for which the health care provider has provided medical certification, may choose to have anywhere from none to all work days missed paid for from his or her SPTO “bank” rather than from his or her accrued PTO.

SPTO may be used in a personal emergency, pending department head approval.

Paying Out SPTO Upon Termination of Employment- SPTO will not be paid out at termination or upon retirement.

Donating SPTO- In coordination with the City's existing FMLA policy, a SPTO Donation Program has been established to assist employees faced with a serious medical illness or injury. This program allows employees to donate "banked" SPTO hours voluntarily to another qualified employee who has exhausted all other paid time due to a serious health condition.

The donating employee must be a regular full-time employee, have sufficient SPTO to cover donated time, and be a member of the same department or paid from the same budgeted line item as the receiving employee. The receiving employee must be a regular full-time employee and eligible for leave under the City's FMLA policy.

The period in which an employee may receive donated time is the period of FMLA qualified leave which would otherwise be unpaid. Employees may not be receiving disability insurance benefits or workers compensation benefits prior to, or while, receiving donated time.

Employees may donate a maximum of 5 days annually. The amount of PTO/SPTO permitted to be donated is based on years of service; one day per year of service may be donated for a maximum of 5 days per year. This includes PTO and SPTO or any combination thereof.

A request to donate PTO/SPTO form must be completed by the donating employee and verified by his/her Department Head before it is sent to payroll.

Payroll will credit the receiving employee's record with the authorized hours. The hours shall be credited as sick leave. Payroll will retain the donation request form for an audit trail. If there are more hours donated than are needed by the receiving employee, then donations will be administered as first donated- first used.

PERSONAL LEAVE OF ABSENCE

A **Personal Leave** is an unpaid leave that does not fall into any other category of leaves granted by the City, and must be taken on a continuous basis.

Regular full-time employees, not serving a Probationary Period, who have been employed on a full-time basis for at least one year are eligible to be considered for a Personal Leave.

A Personal Leave will be approved based on the following criteria:

- The reason for the leave
- The anticipated start and end dates of the leave
- The employee's history of work performance, attendance, and punctuality
- Staffing requirements
- Current and anticipated work load
- Availability of cross-trained employees
- State and federal leave laws

The granting and duration of each Personal Leave and the compensation received by the employee, if any, during the Personal Leave will be determined by the Department Head in conjunction with applicable federal and state laws.

Requesting a Personal Leave- An employee may request a Personal Leave by completing a Leave Request and Information Form and submitting it to his or her Department Head as far in advance of the start date as possible, but not less than 30 calendar days in advance, unless such notice is not possible. If exact starting and ending dates of the leave are not known, the employee must provide an explanation and, to the best of the employee's ability, estimate the amount of time off required.

Reporting the Status of Personal Leave- Employees on a Personal Leave are required to check in periodically as specified in writing by the Department Head to indicate how the leave is progressing and any anticipated status changes.

Pay & Benefits- Personal Leave is unpaid. However, an employee returning from Personal Leave will receive any unconditional pay increases that occurred during the leave. During a Personal Leave, PTO will stop accruing at the end of the last pay period the employee worked before beginning the Personal Leave and will begin accruing again on the first day the employee returns to work. Service time is recorded without a break in service during the leave.

Group health and dental insurance coverage group term life insurance, AD&D and disability insurance will continue on the same basis as coverage would have been provided had the employee been continuously employed, if the period of a Personal Leave is less than 31 days. Employees should make arrangements with Payroll to pay their portion of this insurance coverage. If the leave lasts 31 days or more, the employee will be required to pay the COBRA rate for continued group health insurance coverage (See COBRA Rights for details). Coverage for AD&D and disability will be discontinued until the employee returns to work following the Personal Leave.

Although an employee's contributions made to the Public Employees Retirement Fund (PERF) will be interrupted during a Personal Leave, no break shall be reflected in the employee's service credit. An employee is not entitled to Holiday pay or Bereavement Time Off during a Personal Leave.

Working While On A Personal Leave- Employees who accept employment during a Personal Leave, and where such employment was not a part of leave approved by the Department Head will be considered to have terminated employment with the City as of the date the Personal Leave became effective. Such employees may be required to reimburse the City for any employer-paid portion of group health insurance premium contributions made while the employee was on Personal Leave.

Job Restoration After A Personal Leave- During a Personal Leave, every effort will be made by the City to hold an employee's position open until he or she returns to work. However, based upon the necessity of continuing operations during an employee's absence, the City may choose to fill any non-elected position. If the position is filled while an employee is on Personal Leave, upon return to work, the employee will be placed in an equivalent position, with equivalent pay and benefits, for which the employee is qualified. If an employee's position is eliminated during a Personal Leave, through, for example, layoff or restructuring, the employee will not be entitled to return to his or her former or an equivalent position.

Employees who do not return to work immediately following the end of a Personal Leave, as it was approved shall be considered to have voluntarily terminated employment as of the date of the end of the leave. A terminated employee may elect to continue his or her group health insurance and dental coverage, if any, through COBRA and may be considered for future positions that become available, for which, in the City's opinion, the employee is qualified.

An employee who returns from Personal Leave is **equally** considered along with employees who have not taken Personal Leave for purposes of promotions, job openings, training, and all other aspects of employment.

TIME OFF FOR JURY AND COURT DUTY

All employees are entitled to unlimited time off to serve as jurors or as witnesses in judicial proceedings when duly summoned or subpoenaed to appear. An employee who has been called to serve on a jury or is subpoenaed to appear as a witness should provide his/her Department Head with as much advance notice as possible.

After receiving your check for jury duty, you must then turn the check over to the clerk-treasurers office.

If an employee is on-call as a juror, or his/her services as a juror are not required to be in court for the day, the employee is expected to come to work. If an employee is subpoenaed to serve as a witness in a court proceeding related to his or her employment, the same arrangements described above shall apply.

Time off for court appearances as a party to any civil litigation shall not be considered jury duty or witness service and you will not be considered eligible for jury service pay. You must arrange for time off without pay or use PTO for any such appearances.

TIME OFF TO VOTE IN AN ELECTION

All employees are encouraged to exercise their right to vote. An employee may take unpaid time off to vote in an election, if approval is requested in writing in advance. Time taken by an employee may not exceed two consecutive hours of the employee's shift during hours when the polls are open. Regular full-time non-exempt employees may use Scheduled PTO to vote in an election, if a request is made in advance.

TIME OFF FOR A PERSONAL EMERGENCY

The City of Valparaiso recognizes that in certain situations, an employee may be late or absent from work due to a condition or event over which an employee has no control over.

The reasons for a tardy or absence will be reviewed by a Department Head at an employee's request. The Department Head will, based on the information presented and verification of the condition, determine whether or not an event qualifies as excused, and may be asked to provide verification such as copies of towing bills, estimates or receipts of repairs, and/or police reports.

If a Department Head determines that an event or condition qualifies as a personal emergency, an employee may use PTO or SPTO in order to be paid for time off. If an employee does not have accrued PTO, time off will be unpaid. Depending upon the day of the work week on which a personal disaster occurs, a Department Head may allow an employee to “make up” some or all time off because of the personal disaster. **All** “make up” time, however, must be made up during the same workweek in which the personal disaster occurred **and** cannot create an overtime situation. A decision to allow an employee to “make up” time off because of a personal disaster will be based on the needs of the department and an employee’s job responsibilities.

TIME OFF FOR TRAINING

The City of Valparaiso believes that training is necessary to provide employees with the tools needed to maintain adequate job performance. If an employee is required to attend a workshop, seminar, conference or other training session, the employee will be paid his/her regular rate of pay. All necessary and approved expenses associated with such training will be paid for in advance or reimbursed to the employee by the City.

WORKER COMPENSATION/ DISABILITY LEAVE

Workers’ Compensation Insurance provides coverage for work-related injuries and illnesses as required under the Workers’ Compensation laws of the State of Indiana. Workers’ Compensation Insurance covers all authorized expenses related to the treatment of a work-related illness or injury and provides “lost time benefits” when an employee must be absent from work on a Workers’ Compensation Disability Leave. All employees are covered under the City’s Workers’ Compensation Insurance Plan.

The granting and duration of each absence resulting from a work-related injury or illness and each Workers’ Compensation Disability Leave and the compensation received by the employee, if any, during an absence or leave will be determined by the City in conjunction with applicable federal and state laws.

The insurance benefits described in this manual are expressly subject to the terms, conditions, and eligibility requirements set forth in the formal plan documents governing the City’s compensation and benefit plans.

Reporting a Work-Related Injury or Illness- Any illness or injury related to an employee’s work assignment must be reported to the Department Head so that a Medical Treatment Authorization Form can be completed and sent with the employee prior to evaluation and treatment, if possible. Employees must use authorized providers approved by the City to evaluate and treat work related illnesses or injuries that occur while an employee is working in or near the City of Valparaiso. If an employee goes to any other health care provider, other than those approved, for treatment for a work-related injury or illness, such treatment may not be covered by the Workers’ Compensation Insurance carrier or the City’s group health insurance plan. Work-related illnesses or injuries that occur when an employee is away from the City while conducting City business or participating in a training program, should be treated by a provider in that area and submitted to the City’s Workers’ Compensation Insurance carrier.

Work-related illnesses or injuries should never be submitted under the City's group health insurance. Failure to promptly report a work-related injury or illness may result in ineligibility for benefits.

If a work-related injury or illness requires that periodic medical treatment be provided, appointments for such treatment will as much as possible be made within the employees regularly scheduled work time.

Duration of Workers' Compensation Disability- An employee may be terminated if he/she is not able to return to work before the end of 12 months from date of the work-related injury or the onset of the work-related illness.

An eligible terminated employee may elect to continue group health and dental insurance through COBRA and may be considered for future positions that become available, for which, in the City's opinion, the employee is qualified.

Compensation and Benefits Resulting from a Work-Related Injury/Illness- Lost time benefits due to a work-related injury or illness begin on the eighth calendar day following an employee's absence because of a work-related injury or illness. If an employee wishes to be paid for work missed during the first seven calendar days, he or she must use accrued PTO. If the absence from work extends longer than 21 calendar days, the initial seven-day waiting period will be retroactively paid by the Workers' Compensation Insurance Carrier.

The amount of the compensation an employee receives from the City's Workers' Compensation Insurance Carrier is fixed by state law and is determined by an employee's average wages over the preceding 52 weeks of employment.

The City will not issue paychecks to an employee in exchange for an employee's Workers' Compensation Disability checks.

An employee may not supplement Workers' Compensation paychecks with accrued PTO, since Workers' Compensation paychecks are not taxed. An employee returning from an absence resulting from a Workers' Compensation Disability Leave is entitled to any unconditional pay increases that occurred during his or her absence. An eligible employee will continue to accrue PTO for the first 12 workweeks of a Workers' Compensation Disability Leave.

If an employee is absent from work because of a work-related injury or illness on an intermittent basis or reduced work schedule basis and the employee is not eligible for lost time benefits, PTO will continue to accrue as usual, as long as the employee has not exhausted all accrued PTO. If the employee exhausts all paid benefits and remains absent for a work-related injury or illness on an intermittent basis or reduced work schedule basis, he or she will cease accruing PTO. PTO will resume accruing when the employee is released by the health care provider as fully fit to perform the essential function of the job on a regular basis without the need for intermittent absences or a reduced work schedule.

Service Time And Pay- Employees are paid service pay while receiving lost time benefits, showing no break in service while the employee is on a Workers' Compensation Disability Leave. The employee will be paid their regular salary and service pay (pro-rated over the remainder of the year) while on leave.

Insurance Coverage- Group health and dental insurance coverage will continue on the same basis as coverage would have been provided had the employee been continuously employed during the period of a Workers' Compensation Disability Leave as long as the employee pays his or her regular portion of the premium on a timely basis. Employees may make arrangements with Payroll to pay their portion of this insurance coverage. Please see the Health Plan summary document for details.

Working While on Workers' Compensation Disability Leave- An employee who is self employed or accepts other employment or works for any other current employer during a Workers' Compensation Disability Leave must report such work immediately to Human Resources. An employee who is self employed or accepts other employment or works for any other current employer, performing work of a like or similar character or exertion as that which the employee performed for the City, during the employee's Workers' Compensation Disability Leave of absence shall be considered to have terminated his or her employment with the City as of the date such employment began. An employee who is terminated may be required to reimburse the City for the employer-paid portion of the group health insurance premium contributions made while the employee was on Workers' Compensation Disability Leave.

Prior to returning to work from a Workers' Compensation Disability Leave an employee must submit a Fitness For Duty Report Form from the health care provider to his or her Department Head.

The City does not have "light duty" positions, but if the health care provider indicates that an employee may perform his or her job with restrictions, the City will make every effort to allow the employee to perform meaningful and necessary work the City needs done. Arrangements for "light duty" work must be made in writing and approved by the Department Head in advance of an employee's return.

If an employee who is on a Workers' Compensation Disability Leave that is also FMLA Leave, refuses to return to work (before the end of the FMLA Leave period of 12 weeks) until he or she is fully restored to perform all the essential duties of his or job, even though the City is willing and able to accommodate restrictions placed upon the employee by the health care provider, then the employee's lost time benefits from the City's Workers' Compensation Carrier will cease. The FMLA Leave will continue, however, until available FMLA Leave is exhausted. If the employee has available PTO, the employee may use that time to be paid for work time missed.

An employee who is on Workers' Compensation Disability Leave and does not return to work immediately following release from the health care provider may be considered to have voluntarily terminated employment as of the date of the release. Employment may also be terminated, if an employee remains unable to be released to return to work within 12 months from the date of the work-related injury or the date of the onset of the illness. A terminated

employee may elect to continue his or her group health insurance coverage, if any, through COBRA. A terminated employee may be considered for future positions which become available, for which, in the City's opinion, he or she is qualified.

RESTRICTED DUTY POLICY

The purpose of this policy is to establish guideline for temporary limited term restricted duty assignments and to outline the process and administration of the City's restricted duty program.

It is the policy of the City of Valparaiso to allow employees, when possible, the opportunity to work in a limited term restricted duty assignment, where the employee is unable to perform full and regular duty due to an injury, illness or pregnancy. The availability of limited term restricted duty assignments is exclusively determined by the City and is not intended to constitute a long-term permanent assignment.

The City is committed to providing work, when possible, for employees who have been restricted by a physician because of an injury, illness or pregnancy. Restricted duty is temporary and all assignments must be within the employee's documented medical restrictions. Every effort will be made to place employees in positions within their own departments, but if necessary, employees will be placed wherever an appropriate assignment is available. Restricted duty may be at a different location, with different hours and different duties than performed in the employee's pre-injury/illness position.

There is no guarantee of restricted duty work. The City of Valparaiso may not be able to place all employees with work restrictions on restricted duty assignments. The amount and type of restricted duty work may vary from time to time based on the changing needs of the organization, budget, work restrictions, availability of work and skill level of the employee. Provisions of restricted duty work are at the discretion of the City of Valparaiso as it determines what is in its best interest at the time. Nothing in this policy shall alter, amend or add to the benefits provided to employees through a collective bargaining agreement or other contractual agreement.

Definitions

Restricted Duty- A temporary duty assignment, less arduous than the employee's regular job assignments.

Work-Related Injury/Illness- Any injury/illness that occurs in the course of and arises out of employment.

Non Work-Related Injury/Illness- Any injury/illness that does not occur in the course of or arise out of employment.

Limited Term Assignment- A non-permanent assignment of short duration, in which the nature and conditions of such assignment do not permit attainment of permanent status for that assignment.

Procedures

Employee- Employees who are not on worker's compensation and are requesting limited term restricted duty shall submit to their immediate supervisor a completed "Request for Limited Term Restricted Duty" form and an "Employee Work Restrictions" form completed by the treating physician. The supervisor will sign the acknowledgement and forward to the Human Resources Specialist.

Human Resources shall:

1. Review the request
2. Determine if there is a restricted duty work assignment that meets the employee's skills and medical restrictions. When necessary, the employee shall use accrued sick leave or may be placed on medical leave of absence until a request is approved.
3. Contact the employee's supervisor or department designee about the availability of restricted duty assignment that meets the employee's medical restrictions within the employee's department. If no work is available within the employee's department, Human Resources will search the restricted duty project list for other suitable assignment outside the employee's department.
4. Contact the employee's department head or designee about the availability of a suitable assignment outside the employee's department and obtain approval from the department head designee of assignments of other city employees to their department.
5. Notify the employee of approval or denial of the request.
6. If approved, notify the department administration and restricted duty assignment supervisor that an employee is being assigned.

Eligibility

Work-related injury/illness- An employee who has suffered a work-related injury/illness may be eligible for limited term restricted duty subject to availability of work, skill level and documented medical restrictions.

An employee with a work-related injury/illness who is offered and refuses a limited term restricted duty assignment may forfeit wage benefits under the Worker's Compensation Act.

While on limited term restricted duty for a work related injury or illness, employees will continue to receive their regular rate of pay. If an employee is only eligible for part-time work in a restricted duty capacity, the remaining time lost will be paid according to applicable contractual agreements, policy and/or the Worker's Compensation Act.

Non work-related injury/illness and pregnancy- An employee who has suffered a non-work related injury/illness or is pregnant may be eligible for limited term restricted duty subject to availability of work, skill level, and documented medical restrictions.

The maximum time that an employee with a non-work related injury/illness shall be allowed to work on limited term restricted duty is three (3) months (cumulative) in a twelve (12) month period measured from the date that the limited term restricted duty assignment is approved.

The maximum time that an employee who is pregnant shall be allowed to work on limited term restricted duty is three (3) months for each pregnancy measured from the date that the limited term restricted duty assignment is approved.

An employee who has concluded his/her maximum allowable time on restricted duty assignment and who is not able to return to full duty, will be placed on medical leave of absence in accordance with contract provisions and/or City policy, and in accordance with the Family Medical Leave Act (FMLA).

Responsibilities

Employee's Responsibilities- All employees are expected to follow their physician's recommendations, medical restrictions and limitation, at all time, both on and off the job. Any employee, whether on or off duty, who disregard his/her restrictions or engages in conduct inconsistent with those restrictions may be subject to discipline, up to and including discharge.

Under no circumstances shall an employee perform work that is outside of the physician's work restrictions.

Employees are expected to cooperate fully with the City and return to work on either full duty or restricted duty as quickly as possible. Additionally, employees with a work-related injury or illness are expected to cooperate fully with the City's third-party administrator.

Employees will be required to comply with all other rules and regulations while working on restricted duty assignment.

Employees are responsible for furnishing a written updated "Employee Work Restrictions Form" of their medical condition to Human Resources after each physician's visit or at thirty (30) day intervals from their last physician's visit.

Employees will be expected to submit completed "Employee Work Restrictions" form or an equivalent physician's certification form prior to return to full duty. Employee may be subject to a fit for duty evaluation prior to returning to unrestricted duty.

Employees are expected to work diligently and efficiently to the best of their ability or assignment may be terminated.

Supervisor's Responsibilities- Supervisors shall be responsible for monitoring that employees do not perform work outside of the treating physician's restrictions. This includes monitoring the authorized number of hours the employee is released to work on restricted duty.

Supervisors are required to maintain strict confidentiality regarding the employee's injury, illness, pregnancy and/or limitations.

Supervisors of the department/division that has the restricted duty assignment shall be responsible for the supervision of the employee assigned to perform the assignment.

Supervisors are responsible for contacting Human Resources regarding any problems with performance and/or limitations involving the employee on restricted duty.

Department Heads are responsible for submitting the appropriate paperwork to the Human Resources regarding request for restricted duty assignments.

Human Resources Responsibilities- The Human Resources shall be responsible for managing the restricted duty program including coordination and priority of restricted duty projects and coordination of department contact list.

The Human Resources shall monitor the length of time an employee is working on restricted duty assignment to ensure compliance with the maximum allowable time for non-work-related and pregnancy restricted duty assignment.

The Human Resources shall ensure that the restricted duty assignments within the employee's work restrictions.

The Human Resources Specialist shall be responsible for securing approval from the department director or designee before placing an employee on assignment within their department and before placing one of their employees on an assignment in another department.

Department Responsibilities- Each department designee shall be responsible for timely response to Human Resources in updating the restricted duty project list and shall keep Human Resources informed on the status of restricted duty projects.

Each department coordinator shall be responsible for coordinating an employee's assignment to restricted duty within their respective departments. This shall include working with the

supervisor of the restricted duty assignment and forwarding a copy of the Department Notification of Restricted Duty Assignment form to the supervisor.

Department Head or Designee Responsibilities- Department heads shall be responsible for approving all restricted duty requests for their employees. Department heads shall be responsible for approving assignments of other city employees to their department.

Priority of Assignment

Requests for limited term restricted duty assignments will be prioritized based on the following:

1. Work-related injury/illness
2. Pregnancy
3. Non work-related injury/illness

Employees already working a limited term restricted duty assignment may be displaced from an assignment to accommodate a subsequent work-related request for limited term restricted duty assignment. The Human Resources Department shall be notified of the assignment of limited term restricted duty.

An employee working restricted duty assignment will stay on restricted duty, provide there is restricted duty work available until one of the following:

1. The restricted duty assignment is completed.
2. The employee is released to full duty by the treating physician.
3. The physician determines that the employee is permanently disabled from performing their job.
4. The employee has reached the maximum time allowed for restricted duty assignment.

Return to Work

Prior to return to work, the employee may be required to undergo a fit for duty examination with a provider chosen by the City or may be required to sign an authorization allowing the City physician to speak with the employee's treating physician. This decision will be at the sole discretion of the employee's department head and Human Resource.

The employee must have his/her physician complete the "Employee Work Restriction" form or equivalent form indicating that the employee is able to return to work without restrictions. This form must be submitted to the employee's supervisor prior to returning to work. The supervisor will forward a copy to Human Resources.

EMERGENCY CLOSINGS DECLARED BY THE BOARD OF WORKS and SAFETY

Under certain circumstances, it may be necessary for the Board of Works and Safety to close one or more City facilities due to natural hazards or catastrophes. If a facility is closed, employees will be notified via telephone, if possible. In the case of severe weather, employees should listen to local radio stations for information regarding closings and when the City will be

open for business. Employees should also contact their Department Head to find out if their department is open.

When a facility is closed, the employee is excused from work and will be paid for time off. This time will be treated at a Paid Holiday. If employees work during the closure, they will be compensated for their time. This time will need to be used within two months.

Regular full-time employees will receive time off with pay for the Emergency Closure not worked. If a regular full-time employee is required to work during an Emergency Closure, the employee will receive one of the following:

Straight time pay of one fifth of the employee's workweek and straight time for the hours worked. If working an Emergency Closure creates an overtime situation, the employee will receive one and one half hours of pay for each overtime hour worked, or straight time for the hours worked on the Emergency Closure and an additional day of PTO. The Department Head has the flexibility to allow the employee to use their additional PTO day within a reasonable time frame and not be required to use it the week that the closure occurred.

BENEFITS

DEFERRED COMPENSATION PROGRAM AND PENSION PLAN

The benefits described in this handbook are expressly subject to the terms, conditions, and eligibility requirements set forth in the formal plan documents governing the City's compensation and benefit plans.

No deductions will be made until an employee formally enrolls in a plan and gives the City authorization to make deductions.

Deferred Compensation Program- Any employee may elect at any time to defer a portion of his or her income from current taxation through the Nationwide Services Corporation's annuity program. The maximum percent of income an employee may elect to defer is fixed by law. For more information regarding the tax sheltered annuity program, contact Human Resources.

Pension Plan- Employees who work at least 1,000 hours in a calendar year participate in the City's pension plan through the Public Employees Retirement Fund (PERF).

Employees in positions covered by PERF are required to make an employee contribution to PERF of 3% of their gross earnings. The City, however, makes that contribution to PERF on behalf of those covered employees. Additionally, the City makes its required contribution to PERF.

Complete information regarding PERF can be found in the PERF handbook or obtained from Human Resources. Please note that PERF is a state funded and operated program.

INSURANCE BENEFITS

The City provides a variety of benefits including a group health benefit plan, a Section 125 Plan, COBRA, AFLAC supplemental health insurance, group term life insurance, and accidental death and dismemberment (AD&D) coverage. These insurance benefits are expressly subject to the terms, conditions, and eligibility requirements set forth in the formal plan documents governing the City's compensation and benefit plans. The City does not guarantee the continuation of current insurance benefits or any insurance benefits to employees on a permanent basis. No deductions will be made until an employee formally enrolls in a plan and gives the City authorization to make deductions.

For more information refer to the City of Valparaiso Employee Benefit Plan, the group term life and accidental death and dismemberment insurance policy, contact the City's insurance agent noted in the City of Valparaiso Employee Benefit Plan or contact Human Resources.

Employee Contributions- Employees contribute to the cost of the group health and dental insurance. Employees contribute a different amount each pay depending upon which of the following categories of coverage they choose:

- Individual Employee; or
- Employee Plus One Dependent; or
- Family

The 125 Plan- The City participates in a 125 Plan, which allows employee contributions for group health and dental insurance to be made with pre-tax dollars through a payroll deduction, thereby reducing the out-of-pocket dollars they contribute to the group health and dental insurance.

Group Health And Dental Coverage Upon And Following Termination Of Employment- Insurance coverage ends based on the terms of the health care plan . Employees (including their spouses and dependents) whose employment is terminated, but who are not retirees, or who are not discharged for gross misconduct, and who want to continue health and dental insurance coverage, may choose to continue coverage through COBRA. Those individuals will make their COBRA payments as directed by the health care provider. The last day of work is not to include unused PTO as worked hours.

Retired employees, who have completed at least 20 years of service, may choose to continue the group health and dental insurance for themselves and their spouses and dependents may continue to be eligible for coverage under the plan. If the retiree receives a pension check, he/she may have their contributions to the plan made in the form of a deduction from their checks.

COBRA

Employees, their spouses, or dependents who are enrolled in the City's group health and dental insurance at the time of the employee's termination from employment (other than for gross misconduct or as the result of retirement) or because of another qualifying event may, unless otherwise provided by law, elect to continue participating in the group health and dental insurance plan through the Consolidated Omnibus Budget Reconciliation Act (COBRA).

In addition to termination of employment (except for gross misconduct), qualifying events include:

- Death
- Divorce
- Separation (marriage)

When there is a qualifying event, the City's Health Care Provider notifies employees, their spouses, and dependents regarding all aspects concerning continuation of group health and dental insurance coverage through COBRA.

COBRA payments are paid as directed by health care provider.

For more information, contact the City's insurance agent noted in the City of Valparaiso Employee Benefit Plan.

AMERICAN FAMILY LIFE ASSURANCE COMPANY (AFLAC)

Regular full-time employees may choose to purchase individual supplemental health insurance from AFLAC. Premium payments for AFLAC insurance may be deducted from an employee's paycheck. For more information contact Human Resources.

GROUP TERM LIFE INSURANCE AND AD&D COVERAGE

All regular full-time employees are eligible to be covered by the City's group term life insurance in the amount of \$50,000. All regular full-time employees are also eligible for accidental death and dismemberment (AD&D) coverage.

Life insurance and AD&D coverage begins on the first day of the month following a 30-day waiting period after being hired. If an employee is covered under the City's health insurance, there is no cost to the employee for the group term life insurance or AD&D coverage. A regular full-time employee not covered under the City's health insurance may choose to pay one dollar per year for life insurance and AD&D coverage.

Group term life insurance and accidental death and dismemberment coverage terminate on the last day of employment. For more information, please refer to the group term life and AD&D insurance policy or contact the City's insurance agent noted in the City of Valparaiso Employee Benefit Plan.

DISABILITY INSURANCE

Disability insurance benefits provide a portion of an eligible employee's income when the employee is unable to work for more than 30 calendar days (from first date of an absence) because of a qualifying non work-related injury or illness. Disability benefits may be received during an FMLA Leave (Please see FMLA Leave for further information).

For more information, refer to Your Disability Plan booklet or contact Human Resources. Some disabilities may not be covered under the disability insurance plan.

Working While On Disability Leave- An employee who is self employed or accepts other employment or works for any other current employer during a Disability Leave, including the elimination period, must report such work immediately to Human Resources. An employee who is self employed or accepts other employment or works for any other current employer, performing work of a like or similar character or exertion as that which the employee performed for the City, during a Disability Leave, including the elimination period, shall be considered to have terminated employment with the City as of the date such employment began. Such an employee may be required to reimburse the City for the employer-paid portion of group health insurance premium contributions made while the employee was on leave. Additionally, the Disability Insurance Carrier may take action to recover any payments made to the employee while the employee was on leave.

Job Restoration After Disability Leave- During Disability Leave, every effort will be made by the City to hold an employee's position open until he or she returns to work. For further information, please see Your Disability Plan booklet or contact Human Resources

EMPLOYEE ASSISTANCE PROGRAM

Sometimes an issue arises with an employee, their spouse, child or family member and professional counseling and assistance is needed. Such assistance is not usually covered by regular medical insurance; instead it is covered by an employee assistance program (EAP). The City offers EAP services to all full time and regular part-time employees.

Should an employee feel that he/she or other family member needs assistance; the employee should contact the EAP directly. Treatment, counseling or assistance is provided with the utmost confidentiality.

In some situations, an employee may develop a dependency that interferes with or negatively impacts his/her ability to perform their job duties. An employee may also need counseling due to certain behaviors that place the employee or others at risk in the workplace. In these situations, the employee may be required, after being referred by Human Resources to complete a mandatory evaluation or treatment program. Failure to attend such mandatory evaluation/treatment may result in disciplinary action including termination. All treatment will be kept confidential between the employee and Human Resources. For more information regarding the EAP please contact your Human Resources Department.

EMPLOYEE HEALTH

The City of Valparaiso promotes employee health through several ongoing programs:

First Aid - There are first aid kits available in every City building and/or department. First aid materials are available to every employee to use for minor injuries.

Cardiopulmonary Resuscitation (CPR) Training-The City encourages every employee to participate in CPR training. CPR training is scheduled periodically.

Blood Borne Pathogen Control Plan And Training and Hepatitis B Vaccinations- Certain employees in the workplace face a significant risk to blood borne pathogens. An exposure plan has been established to safeguard against employee contact with human blood or other bodily fluid which may contain blood borne pathogens, such as hepatitis B virus and HIV. A copy of the plan is available for use by all City employees and is located in the library of the Project Management Office. Employees working in high-risk jobs are provided blood borne pathogen training, and are also offered a series of hepatitis B vaccinations for their protection at no cost to the employees.

Health Testing- Some employees may be required to undergo periodic health testing. For example, an employee who must possess a CDL for his or her job is required to undergo periodic health exams to maintain the CDL license. The cost of required health testing is paid by the City.

Blood Screen And The Prevention Program- The City provides a comprehensive blood screen to employees. The screen is free to employees and their spouses. For all other employees and for dependents of employees on the City's health insurance there is a nominal charge to cover the actual cost of the screen.

Smoking- Employees shall follow the guidelines set forth in the Smoking Ordinance 49-2006.

TUITION REIMBURSEMENT

The City of Valparaiso ("City") encourages employees to advance their knowledge and skills to help them perform their current jobs more effectively, and to contribute to realizing their career

goals. As a result, it is the intent of this policy to reimburse eligible employees for certain covered expenses incurred in conjunction with taking approved, for-credit-courses Master's level courses at Purdue North Central Valparaiso on their own time.

- A. Eligible Employees:
Full-time, regular employees who are actively at work at the time they apply to participate in the tuition payment or reimbursement program and qualify to enter the Purdue North Central Master's of Business Valparaiso program with their department head's and City Administrator's approval.
- B. Eligible Institutions and Courses:
For-credit-courses offered by Purdue North Central Master's Business Valparaiso program, subject to the approval of the employee's department manager and the City Administrator. Approval will normally be granted if:
The employee's performance is at least meeting expectations at the time he/she applies, and
Enrollment in the proposed courses and for the proposed number of credit hours will not, in the judgment of the department manager, interfere with the performance of the employee's job, and
The for-credit-course(s) in the PNC MBA program is part of a degree program in a discipline for which the City would typically recruit new leadership employees of if they are related to the employee's current job, or a job the employee is expected to hold in the reasonable future.
Approval of master's-level programs (courses and degrees) in the disciplines described above will normally be reserved for exempt salaried employees who hold bachelor's degrees.
- C. Reimbursable Expenses:
The cost of tuition.
- D. Non-reimbursable Expenses:
The cost of supplies and materials, meals, lodging and travel.
Student service/activity fees, parking fees, late fees, student membership fees,
University assessments (e.g., strategic plan fee; repair/maintenance fee).
Remedial or make-up courses required for admission to a college or university.
Costs in conjunction with seminars/workshops/training courses, continuing education courses, certificate programs, CPA or Bar review courses and professional licensing exam courses (e.g., engineering, real estate) are not reimbursable under this program.
- E. Reimbursement Limits:
For the graduate courses in the PNC MBA Valparaiso program, the reimbursement limit is \$2,500 per employee per calendar year.
- F. Circumstances Affecting Tuition Benefits:

Employees who receive, or are eligible to receive, education assistance from any other source (e.g., veteran's benefits; Career Development Program; scholarships) are required to exhaust those sources before applying the City tuition benefits, and to disclose to the City the amount received or eligible to receive so that the City's tuition payment can be reduced by the amount of that assistance.

- G. The City has no obligation to provide reimbursement if an employee:
 - Fails to submit, within three (3) months of completing the course(s), acceptable evidence from the approved educational institution of payment of reimbursable expenses, or evidence of satisfactory completion of an approved course(s) with a grade of "C" (or equivalent) or better; or
 - Resigns, is terminated by the City for any reason, or dies before completing a course.

- H. Repayment Agreement:
 - Approval to participate in the tuition payment program and eligibility to receive tuition reimbursement or payments is conditions upon the employee's agreement in writing to repay the City an amount equal to all tuition reimbursement payments received by him/her during the two calendar years preceding the effective date of his/her voluntary resignation from the City, or his/her termination for good or just cause.

- I. Miscellaneous Provisions:
 - 1. The City reserves the right to discontinue or amend in whole or in part the tuition Payment or reimbursement program at its sole discretion at any time.

 - 2. The falsification or withholding of relevant information by an employee in conjunction with application to or participation in the tuition payment or reimbursement program is a serious matter that may result in the denial of reimbursement and/or disciplinary action up to and including termination.

Procedure

- A. Application for Approval
 - Eligible employees who wish to participate in the tuition payment or reimbursement program must submit an application to their department head for approval before registering for the course(s). The application for approval is to be submitted using the attached "Form #1". Those employees already enrolled that qualify and wish to participate in this program going forward must submit an application prior to the beginning of the next semester.

Employees must provide all requested information, and the form must be signed and dated. Employees must also read and sign the Repayment Agreement on page 2 of the application form.

Incomplete application forms will not be approved. Approved application forms will be forwarded by the department head to the City Administrator for review. Disapproved applications will be returned to employees, with the reason indicated.

B. Request for Reimbursement (At City's Discretion)

Within three (3) months of completing the course(s), employees must submit to their department head a request for reimbursement, along with acceptable evidence of the payment of reimbursable expenses from PNC Valparaiso, and evidence of satisfactory completion of the approved course(s). The request for reimbursement is to be submitted using the attached "Form #2".

Incomplete reimbursement forms will not be approved. Approved reimbursement forms will be processed for payment in the next paycheck. Disapproved reimbursement forms will be returned to employees, with the reason indicated.

Interpretation

Questions regarding interpretation of this policy and procedure should be directed to the City Administrator.

GRIEVANCE PROCEDURE

DISPUTE RESOLUTION AND THE GRIEVANCE PROCEDURE

Whenever possible, employees are expected to resolve problems informally and directly with co-workers and supervisors against whom they have a complaint. When such informal dispute resolution is not possible or has been tried and does not work, employees are encouraged to take advantage of the grievance procedure the City has put in place to formally address employee complaints.

The City will attempt to resolve promptly all disputes that are appropriate for handling under this policy.

In order for an employee to file a grievance, the following conditions must be met:

1. A grievance must always be filed against management within the employee's chain of command; and
2. The grievable behavior, or action, or lack of action must be against the employee himself or herself and cannot be based on a former or subsequent behavior, or action, or lack of action, by a supervisor or Department Head against another employee; and
3. Notice must be given no later than ten business days following the date of the behavior, or action, or lack of action from which the grievance arose; and
4. There is a specific remedy requested by the employee filing the grievance.

Grievance Procedure- The grievance procedure is a three-step process. The grievance may, however, be resolved at any step or ended at any step by the employee filing the grievance. The grievance procedure proceeds until the employee filing the grievance is satisfied with a response to a step, or until the employee fails to file a timely notice to proceed to the next step, or until the employee exhausts all steps of the procedure. A decision becomes binding on all parties when an employee receives a response and does not file timely notice to proceed to the next step or when a decision is made in the final step and the grievance procedure is, therefore, completed.

The Grievance Form-The Grievance Form may be used by an employee to provide notice of his or her intent to initiate the grievance procedure. An employee may obtain a Grievance Form from his or her Department Head or from Human Resources.

STEP ONE-

The manager to whom the step one grievance notice should be directed and who is referred to as the "step one supervisor" is the supervisor whose behavior, or action, or lack of action is at issue. If the behavior, or action, or lack of action at issue is that of the Department Head, then step one of the grievance procedure should be directed to the Department Head, even if the immediate supervisor of the employee filing the grievance is not the Department Head.

How to Initiate Step One Of The Grievance Procedure- To initiate step one of the grievance procedure, an employee must do both of the following:

1. Complete the Grievance Form, or put the grievance in writing, including:
 - The name and home address of the employee filing the grievance;
 - A brief statement of the facts and allegations that constitute the grievance with reference to any related policy or policies;
 - Copies of documents to be considered;
 - The name or names of any key witnesses;
 - A description of the efforts the employee made to resolve the problem informally, including dates of meetings, if any, or the reason(s) why no attempts were made to resolve the problem informally; and,
 - The remedy requested; and
2. Give notice to the step one supervisor, no later than the tenth business day after the grievance initially arose, of the employee's intent to initiate step one of the grievance proceeding by hand delivering or mailing, via U.S. certified or registered mail, return receipt requested.

Responsibilities Of The Step One Supervisor After Receipt Of The Step One Grievance-

Within five business days after receipt of the notice, the step one supervisor will meet face-to-face with the employee filing the grievance and any key witnesses named by the employee filing the grievance, together or separately, as deemed appropriate, to discuss the grievance. The employee filing the grievance and any key witnesses will be released from work with pay to participate in face-to-face meetings.

Within five business days after any and all required face-to-face meetings (which is within ten business days after receipt of the notice), the step one supervisor will provide a written response to the employee filing the grievance.

In the event there are no required face-to-face meetings, then within five business days after receipt of the notice, the step one supervisor will provide a written response to the employee filing the grievance.

What Happens in the Event of the Temporary Unavailability of the Step One Supervisor, employee Filing the Grievance or Key Witness?-

In case of a temporary unavailability of the step one supervisor, employee filing the grievance or a key witness (for example, on account of vacation or illness), that prevents the process from moving forward, the process is temporarily suspended until the step one supervisor from receiving notice of step one of a grievance, the date that the step one supervisor receives the notice is suspended. In such an event, the date that will be used as the date that the start of the third full business day after the end of the temporary unavailability of the grievant, key witness or supervisor.

What Happens If The Step One Supervisor's Response Is Accepted By The Employee- If the employee filing the grievance accepts the response of the step one supervisor, the grievance procedure ends and no further action related to the grievance procedure is necessary on the part of the employee filing the grievance.

STEP TWO-

When to Proceed To Step Two Of The Grievance Procedure-Step two of the grievance procedure should be taken under the following circumstances:

- When the employee filing the grievance does not accept the response of the step one supervisor; or
- When the step one supervisor fails to conduct a required face-to-face meeting with the employee filing the grievance within the designated period of time; or
- When the step one supervisor fails to provide a written response to the employee filing the grievance within the designated period of time.

If the step one supervisor is a Department Head **and** if any of the circumstances listed immediately above applies, then the employee filing the grievance should by-pass step two and proceed directly to step three.

How To Proceed To Step Two Of The Grievance Procedure-To proceed to step two of the grievance procedure, an employee must give notice to the step two supervisor of the employee's intent to proceed to step two of the grievance procedure, no later than the end of the tenth business day after the step one response is provided, or, in the event that a step one response was not provided, no later than the end of the tenth business day after the response should have been provided. Notice to the step two supervisor may be made by hand delivering or mailing, via U.S. certified or registered mail, return receipt requested. A step two supervisor is always a Department Head.

Responsibilities Of The Step Two Supervisor After Receipt Of The Step Two Grievance-The step two supervisor will investigate the complaint. He or she will meet face-to-face with the employee filing the grievance, the step one supervisor, and any key witnesses named by the employee filing the grievance or named by the step one supervisor in the step one response or during the step one investigation. The step two supervisor may choose to hold meetings with the various individuals separately or together, as deemed appropriate. Additionally, the step two supervisor may question other employees or managers, if deemed appropriate. The employee filing the grievance and any key witnesses will be released from work with pay to participate in face-to-face meetings.

Within 15 business days after receiving notice that the employee filing the grievance is proceeding to step two, the step two supervisor must conduct any and all required face-to-face meetings and provide a written response to the employee filing the grievance, with a copy going to the step one supervisor.

The same rules described in Step One apply to Step Two in the event of a temporary absence/unavailability of a supervisor, grievant or witness.

What Happens If The Step Two Supervisor's Response Is Accepted By The Employee- If the employee filing the grievance accepts the response of the step two supervisors, the grievance procedure ends and no further action related to the grievance procedure is necessary on the part of the employee filing the grievance.

STEP THREE (BOARD OF WORKS and SAFETY)-

Step three of the grievance procedure should be taken under the following circumstances:

- When the employee filing the grievance does not accept the response of the step two supervisor; or
- When the step two supervisor fails to conduct an investigation of the complaint, as required in step two of the grievance procedure, within the designated period of time; or
- When the step two supervisors fails to provide a written response to the employee filing the grievance within the designated period of time.

How To Proceed To Step Three Of The Grievance Procedure- To proceed to step three of the grievance procedure, an employee must give notice to each member of the Board of Works and Safety (or in the event of a Parks and Recreation Department employee, the "Park Board" should be substituted wherever "Board of Works and Safety" is noted) of the employee's intent to proceed to step three of the grievance procedure, no later than the end of the tenth business day after the step two response is provided, or, in the event that a step two response was not provided, no later than the end of the tenth business day after the response should have been provided. Notice to each member of the Board of Works and Safety may be made by hand delivering or mailing, via U.S. certified or registered mail, return receipt requested, addressed to the principal office address of each member of the Board of Works and Safety (The names and addresses of the members of the Board of Works and Safety are available from an employee's Department Head, or Human Resources, or the Mayor's Administrative Assistant), a copy of the Grievance Form or the grievance written for step one **and** a copy of the step one response, or a note indicating that there was no step one response, **and** a copy of the step two response, or a note indicating that there was no step two response. Because a grievance notice is considered effective on the date the notice is actually received, employees are strongly encouraged to hand deliver the grievance notice. This will ensure that the deadline for giving notice is met, since failure to meet the deadline will result in the employee irrevocably waiving his or her right to proceed with the grievance procedure.

Responsibilities Of The Board Of Works and Safety After Receipt Of The Step Three Grievance- The role of the Board of Works and Safety is to provide an independent and impartial review of the grievance and make a final decision.

The Board of Works and Safety will schedule a hearing on the grievance to be held within 21 business days after receipt of the step three notices by each member of the Board of Works and Safety. The employee filing the grievance and any key witnesses will be released from work with pay to participate in the hearing.

The employee filing the grievance may bring one family member, friend, attorney, or co-worker to the hearing for support, if he or she so desires. The individual brought by the grievant is not allowed to participate in the hearing. If the employee filing the grievance chooses to bring a co-worker to the hearing for support, the co-worker will be released from work with pay to attend the hearing. The co-worker brought by the employee filing the grievance may not, however, be an employee who is also a witness.

What Happens In The Event Of The Temporary Unavailability Of A Member Or Members Of The Board Of Works and Safety- In case of the temporary unavailability, for any reason, (such as, for example on account of vacation or illness) of a member of the Board of Works and Safety, that prevents any member of the Board of Works and Safety from receiving notice of step three of a grievance, the date all the members of the Board of Works and Safety receive the notice of step three of the grievance procedure is suspended. In such an event, the date that will be used as the date that the notice is received by all the members of the Board of Works and Safety, will be the start of the third full business day after the end of the temporary unavailability of any or all members of the Board of Works and Safety. The period of time within which the Board of Works and Safety must hold a hearing begins being counted from the start of the third full business day after the end of the temporary unavailability.

What Happens In The Event Of The Temporary Unavailability Of The Employee Filing The Grievance, The Step One Supervisor, Or A Key Witness- In the event that the employee filing the grievance, the step one supervisor, or a key witness requested by either the employee filing the grievance or the step one supervisor, is temporarily unavailable on the day of the hearing, the employee filing the grievance or the step one supervisor may request a postponement of the hearing. In such an event, the hearing will be scheduled to be held within 21 business days after the date of the postponement. The employee filing the grievance and the step one supervisor are each allowed one postponement because of the temporary unavailability of himself or herself, or a key witness.

Witnesses And Documents To Be Presented At The Hearing- Prior to the grievance hearing, the Board of Works and Safety will, in writing, ask the employee filing the grievance and the step one supervisor to specify, in writing, witnesses they want to be heard and documents they want to submit at the hearing. The Board of Works and Safety will generally comply with all reasonable requests. However, the Board of Works may refuse to call any witness, hear any testimony, or consider any document that, in the opinion of the Board of Works and Safety will not substantially assist them in making a determination.

The Board of Works and Safety will determine who, if anyone, in addition to the employee filing the grievance, the step one supervisor, and all named key witnesses, should be asked to present information relevant to the grievance. The Board of Works and Safety will require these persons to participate in the hearing.

The Grievance Hearing

1. At the onset of the hearing, the following individuals are permitted to be present in the hearing room:
 - The Board of Works and Safety.

- The City Attorney or his or her designee.
- A person designated by the Board of Works and Safety to take minutes of the hearing.
- The employee filing the grievance.
- The individual brought by the employee filing the grievance for support.
- The step one supervisor.

All other are allowed to wait outside the hearing room, until they are called into the hearing.

2. Legal rules of evidence do not apply to the hearing proceedings.
3. The Board of Works and Safety will ask the employee filing the grievance to present his or her grievance. After the employee filing the grievance has completed his or her presentation and submitted all relevant documents, the Board of Works and Safety may ask the grieving employee questions related to his or her presentation and/or the documents submitted. After the Board of Works and Safety has finished asking questions, the step one supervisor will be directed to ask the employee filing the grievance any questions related to the employee's presentation and/or the documents he or she submitted.
4. After all the witnesses required to be present by the Board of Works and Safety have completed their presentations and the question/answer periods, the employee filing the grievance will be asked whether or not he or she chooses to make a final statement to the Board of Works and Safety.
5. After the employee filing the grievance has made a final statement, if he or she chose to do so to the Board of Works and Safety, the step one supervisor will be asked whether or not he or she chooses to make a final statement to the Board of Works and Safety. After the step one supervisor has made a final statement, if he or she chose to do so to the Board of Works and Safety, the Board of Works and Safety will adjourn the hearing.

Board of Works and Safety Grievance Hearing Response-The Board of Works and Safety will, within ten business days after the hearing, issue a written response to the employee filing the grievance and the step one supervisor with copies to the step two supervisors and to Human Resources.

The response of the Board of Works and Safety with respect to "Step Three, Board of Works and Safety" of the grievance procedure constitutes the final determination of the City. Conversely, the response of the Park Board with respect to "Step Three" of the grievance procedure for Parks and Recreation Employees constitutes the final determination of the City in regard to those grievances.

Filing Documents and Other Materials Associated with a Grievance- All documentation and other materials related to any grievance are retained in the home department of the employee filing a grievance.

Consequences of an Employee's Failure to Follow the Grievance Procedure-Failure of an employee to initiate step one of the grievance procedure within the stated time will be deemed an irrevocable waiver of the right to file a grievance, at any later time, with respect to the specific incident that gave rise to that grievance.

Failure of an employee to proceed to step two of the grievance procedure within the stated time will be deemed an acceptance of the step one response and an irrevocable waiver of the right to proceed to step two at any later time.

Failure of an employee to proceed to step three of the grievance procedure within the stated time will be deemed an acceptance of the step two decision and an irrevocable waiver of the right to proceed to step three at any later time.

Attachment

ORDINANCE NO. 37-2005
ETHICS ORDINANCE FOR THE CITY OF VALPARAISO

WHEREAS, the City of Valparaiso has been blessed with honest and ethical government and the current administration wishes to maintain that heritage; and,

WHEREAS, the City has determined it is necessary to develop a code to govern the conduct of Public Officials so that their conduct will be legally correct, honest, and fair to all concerned and untainted by any consideration of private gain; and,

WHEREAS, the City believes it is important to foster public confidence in the government of our City by discouraging conduct which creates the appearance of impropriety and striving to maintain the highest level of ethics in local government.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Valparaiso as follows:

Chapter 4 of the Municipal Code of the City of Valparaiso is hereby amended and is entitled "Ethics Commission" and shall read as follows:

4.01 TITLE

Title of this ordinance shall be the Ethics Ordinance and it shall be included in the Municipal Code of the City of Valparaiso as Chapter 4.

4.02 DEFINITIONS

For purposes of this ordinance, the words and phrases defined in this section shall have the following meanings:

(a) Appointed Person shall mean a Person holding one of the following public positions:

- (1) Executive branch employee, appointed by the Mayor and confirmed by the Common Council;
- (2) Any other Person appointed by the Mayor, except Persons employed solely in maintenance, clerical, secretarial or similar positions;
- (3) Any Person appointed by the City Common Council, except Persons employed solely in maintenance, clerical, secretarial, or similar positions.

An individual or Person serving on or for an advisory body shall not be considered an Appointed Person under this ordinance.

(b) City means the City of Valparaiso, Indiana.

(c) Compensation means any payment received or to be received whether the compensation is in the form of a fee, salary, retainer, forbearance, forgiveness, or other form of valuable recompense.

(d) Employee means any individual, other than a Public Official, receiving Compensation for services performed for the City except individuals who perform services as independent contractors.

(e) Ethics means the standards of conduct that indicate how one should behave and act. The standards are derived from the community's values, norms, and principles. This ordinance provides guidance for ethical conduct, but it is not intended to set forth all ethical or unethical behavior or actions.

(f) Ethics Commission means the City of Valparaiso Ethics Commission advisory body.

(g) Ethics Officer means the individual appointed as Ethics Officer with the duties and responsibilities as set forth in Section 4.08 of this ordinance.

(h) Fair Market Value means the price that would be paid by a willing buyer to a willing seller in a good faith transaction in which neither party is compelled to enter.

(i) Family Member shall include a spouse, parent, child, stepchild, adopted child, sibling, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(j) Gift means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for his or her benefit or by any other means, for which equal or greater consideration is not given. Among other things, a Gift may be real property; the use of property; tangible or intangible personal property; the use of tangible or intangible personal property; a preferential rate or terms on a debt, loan, goods, or services (which rate is below the customary rate and is not either a government rate available to all other similar situated government Employees or Public Officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin); forgiveness of indebtedness; lodging or parking, food or beverage; membership dues; tickets to events, performance or facilities; services provided by persons pursuant to a professional license or certificate; other personal services for which a fee is normally charged by the person providing the services; any other similar service or thing having an attributable value not already provided for in this section.

Gift does not include:

- (1) Salary, benefits, services, fees, commissions, gifts or expenses associated primarily with the donee's employment or business or provided to

the donee by the City, to the extent that such gift is not inconsistent with applicable Indiana statutes;

(2) An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service;

(3) An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization

(4) The use of a public facility or public property, made available by a governmental agency, for a public purpose;

(5) An Honorarium;

(6) An expense related to an Honorarium event paid to a Person or a Person's spouse or guest;

(7) Transportation provided to a Public Official or Employee by an agency in relation to officially approved governmental business.

(8) Gifts solicited or accepted from a relative.

(k) Honorarium means a payment of money or anything of value, directly or indirectly, to a Public Official or Employee, or to any other Person on his or her behalf, as consideration for a speech, address, oration or other oral presentation; or a writing other than a book, which has been or is intended to be published.

Honorarium does not include:

(1) The payment for services related to employment held outside the Public Official's public position, which resulted in the Person becoming a Public Official;

(2) Any ordinary payment or salary received in consideration for services related to the Public Official's or Employee's public duties;

(3) The payment or provision of actual and reasonable transportation, lodging, and food and beverage expenses related to the Honorarium event, including any event or meeting registration fee, for a Public Official or Employee and spouse or guest.

(l) Person includes individuals or firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, limited liability companies, and all other groups or combinations.

(m) Public Official means any elected official or department head. An individual or Person serving on or for an advisory body shall not be considered a Public Official under this ordinance.

4.03 APPOINTMENTS AND EMPLOYMENT

1. No Family Member of a Public Official may be employed by the City if the Public Official has the responsibility for hiring, firing, promotion, or other disciplinary actions with regard to such Employee.

2. Family Members of Public Officials who are attending secondary or post-secondary school on a full-time basis may be employed for summer vacation or other vacation employment with the City so long as such employment is not under the direct supervision of the Public Official and further provided that such potential Employees shall be considered, based upon his or her qualifications, along with any other applicants for a position or opening.

3. No Public Official shall appoint a Person to any position when the Public Official is a principal or officer of an organization where said Person is also an employee, shareholder, officer, or director of the same organization. This prohibition shall not apply to any not-for-profit organizations or similar entities where neither the Public Official nor the Person being considered for Appointment receives any remuneration from the not-for-profit organization.

4.04 USE OF PUBLIC PROPERTY

1. No Public Official or Employee shall use the funds or property of the City for a purpose which is, or would reasonably appear to be, for the private benefit of such Public Official unless the property is available to the general public on equal terms and the use is in accordance with municipal policies or ordinances.

2. No Public Official or Employee shall allow the use of equipment, supplies, or labor of the City to perform services on any non-public property unless an emergency exists or specific authorization is given by the appropriate department head and approved by the Board of Public Works and Safety.

4.05 CONFLICTS OF INTEREST

1. It shall be a conflict of interest and violation of this ordinance for a Public Official or Employee to participate in the procurement of any contract, or purchase by the City if such contract or purchase benefits financially the Public Official or Employee, his or her Family Member, or other entity in which he or she has a financial interest.

2. It shall be a conflict of interest and violation of this ordinance for a Public Official:

A. To participate in any vote or participate in any discussion in his or her public capacity on any matter if the matter has an economic benefit to the Public Official, his or her Family Member, or anything in which he or she has a financial interest. In addition to recusal, a Public Official shall disclose any potential relationship to the Office of the Clerk-Treasurer within five (5) days of obtaining such knowledge unless the relationship has been previously disclosed. The Clerk-Treasurer shall retain on file all such disclosures. In the event that the Public Official desires to abstain from voting on a particular matter, the Public Official shall announce his or her intention to abstain before the vote is taken and shall also provide a reason for the abstention. In the event that the abstention from voting would result in a lack of quorum for the board or commission to act, then the affected Public Official may vote after full disclosure.

B. To pressure, coerce, force, or require any other Public Official to engage in any conduct that would result in economic benefit to either Public Official.

C. To assist any Person in any transaction with the City when such assistance is or would reasonably appear to be improperly enhanced by the position of the Public Official of the City. Public Officials may provide such assistance if it is provided in the course of their official duties.

D. To disclose or use any information obtained as a Public Official for his or her private gain, for the gain of another Public Official or for any other Person unless and until such information is available to the public.

E. To solicit or receive a Gift or loan when it has been or would reasonably appear to have been solicited, received or given with the intent to give or obtain special consideration or influence as to any action by such Public Official in his or her official capacity.

F. To receive a Gift or Honorarium in excess of Two Hundred Dollars(\$200.00) in any calendar year from any individual or other entity doing business with the City of Valparaiso; however, the Public Official may receive such Gift or Honorarium and donate the Gift or Honorarium to a not-for-profit agency or to the City of Valparaiso for public purpose.

4.06 STATEMENT FOR DISCLOSURE OF ECONOMIC INTEREST

1. All elected officials of the City and all candidates for elective office in the City shall meet all requirements regarding disclosure of economic interests including but not limited to filing of disclosure forms in the same format as required by State Election Laws. Copies of all forms shall be filed with the Clerk-Treasurer of the City.

2. In addition to the above requirement, all Public Officials shall be required to file an annual statement disclosing the name of any outside business or occupation outside his or her duties with the City together with the business address and phone number; any financial interest in a business entity along with an explanation and extent of his or her

relationship to said entity; any financial interest of a Family Member or business associate which would affect his or her relationship with the City; the amount of Gifts or Honoraria exceeding Two Hundred Dollars (\$200.00) received by the Public Official or his or her Family Member from an outside contractor. For purposes of this provision, outside contractor shall mean any Person who has a contract, purchase or other commercial venture pending with the City or has engaged in any contract, purchase or other commercial venture with the City within the past thirty-six (36) months. Elected officials are understood to have all departments and divisions of the City within their segment of responsibility. In the event that the Public Official has no outside business or occupation or financial interest, that would require the filing a statement of disclosure to this section, then no filing will be required.

4.07 ETHICS COMMISSION

1. The Ethics Commission has jurisdictions over current or former Public Officials, current or former Employees, and current or former Appointed Persons. The Ethics Commission shall consist of five (5) residents of the City of Valparaiso. Appointments to the Ethics Commission shall be made as follows:

A. The President of Valparaiso University shall appoint one (1) member for an initial term of one (1) year.

B. The President of Porter hospital shall appoint one (1) initial member for a term of two (2) years.

C. The Board of Directors of the Greater Valparaiso Chamber of Commerce shall appoint an initial member for a term of one (1) year.

D. The Chief Executive Officer of the largest for-profit employer in the City of Valparaiso shall appoint one (1) initial member for a period of two (2) years.

E. The four (4) appointees shall designate a fifth (5th) member who shall serve an initial term of one (1) year. The fifth member shall not be an employee from Valparaiso University, Porter hospital, the Greater Valparaiso Chamber of Commerce, or the largest for-profit employer in the City of Valparaiso.

F. Thereafter all appointing bodies shall make Appointments for a period of two (2) years with the understanding that no individual shall serve for a period of more than three (3) consecutive two (2) year terms.

G. No Person appointed to the Ethics Commission shall be a Public Official.

2. The Mayor shall appoint an attorney to serve as legal counsel for the Ethics Commission. Legal counsel for the Ethics Commission shall advise and counsel the Ethics Commission as necessary, but he or she is not a member of the Ethics Commission.

3.

A. Every Public Official, Appointed Person, or Employee when in doubt about the applicability and interpretation of any City ethics law to himself or herself in a particular context, may submit in writing the facts of the situation to the Ethics Commission with a request for an advisory opinion to establish the standard of public duty. Any Public Official or Employee who has the power to hire or terminate Employees may likewise seek an advisory opinion from the Ethics Commission as to the application of the provisions of the ethics laws to any such Employee or applicant for employment. An advisory opinion shall be rendered by the Ethics Commission, and each such opinion shall be numbered, dated and published.

B. Such opinion, until amended or revoked, shall be binding on the conduct of the Public Official or Employee who sought the opinion or with reference to whom the opinion was sought, unless material facts were omitted or misstated in the request for the advisory opinion.

C. The Ethics Commission shall assist in the preparation of materials and programs designed to assist Persons in complying with the ethics laws and this ordinance. The Ethics Commission shall work with the City Ethics Officer in establishing, presenting, and expanding the City's ethics education program.

4. A complaint to allege a violation of this ordinance shall be in writing and notarized.

A. Complaints concerning Employees of the City or Public Officials that are department heads shall be submitted to the City Ethics Officer. The City Ethics Officer shall handle such complaints in accordance with Section 4.08(3) of this ordinance.

B. Complaints concerning Public Officials who are not City Employees shall be submitted to the Chairperson of the Ethics Commission. The Chairperson shall provide an unredacted copy of the complaint to all members of the Ethics Commission, the attorney for the Ethics Commission, and the Person who is the subject of the complaint.

5. Upon receipt of a complaint, the Ethics Commission may:

A. Reject, without further proceedings, a complaint that the Ethics Commission considers frivolous or inconsequential;

B. Reject, without further proceedings, a complaint that the Ethics Commission is satisfied has been dealt with appropriately by a federal, state, or local agency; or

C. Upon a majority vote, determine that the complaint does not allege facts sufficient to constitute a violation of this ordinance and dismiss the complaint.

6. If the complaint is not disposed of under Section 4.07(5) of this ordinance, the Ethics Commission may undertake any additional investigation deemed appropriate to determine if probable cause exists to support the allegations in the complaint. If the Ethics Commission finds by a majority vote that probable cause exists to support an alleged

violation of this ordinance, it shall convene a public hearing on the matter within sixty (60) days after making the determination. The Person who is the subject of the complaint shall be notified

within fifteen (15) days of the Ethics Commission's determination of probable cause. The subject of the complaint or Person filing the complaint may request a continuation of the hearing date and, if approved by the Ethics Commission, a date will be scheduled no later than thirty (30) days after the original hearing date. Except as provided in this Section, the Ethics Commission's evidence relating to a complaint and investigation is confidential.

7. A complaint that is filed with or proceeding that is held by the Ethics Commission before there has been a finding of probable cause is confidential unless the subject of the complaint or investigation elects to have information disclosed, or the Ethics Commission elects to respond to public statements

by the person who filed the complaint. The Ethics Commission may acknowledge:

A. The existence of an investigation before the finding of probable cause; or

B. That the Ethics Commission did not find probable cause to support an alleged violation.

A complaint filed with the Ethics Commission is open for public inspection after the Ethics Commission finds that probable cause exists. The Ethics Commission may compel the attendance and testimony of witnesses and the production of relevant records and documents by a subpoena enforceable by the Porter County Circuit or Superior Court.

8. If a hearing is to be held, the subject of the complaint may examine and make copies of all evidence in the Ethics Commission's possession relating to the complaint. At the hearing, the charged party shall have the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross-examine opposing witnesses. The Person filing the complaint shall also have the right to be represented by counsel, the right to call and examine witnesses, the right to introduce exhibits, and the right to cross-examine opposing witnesses. The only evidence to be considered must be given under oath or affirmation.

9. After the hearing, the Ethics Commission shall provide a report, in writing, of its findings of fact. A finding, by a majority vote, of a violation of this ordinance, or any other statute or rule establishing standards of official conduct of Public Officials, Appointed Persons, or Employees, shall be

signed by a majority of the Ethics Commission's members and shall be made public. The report shall be presented to :

A. The subject of the complaint;

B. The City's Mayor; and

C. The City's Common Council.

10. The Ethics Commission may also forward its report to any of the following:

- A. The prosecuting attorney and law enforcement agency of each county in which the violation occurred;
- B. The state board of accounts;
- C. The attorney general; or
- D. Any other appropriate person.

4.08 ETHICS OFFICER

1. The position of the City Ethics Officer is hereby established. The City Ethics Officer is to be appointed by the City's Mayor. The City Ethics Officer is not a voting member of the Ethics Commission.

2. The mission of the City Ethics Officer is to encourage each of the department heads and Employees of the City to act ethically in all actions. The Ethics Officer shall be the first contact to the City employees. This mission requires that the Ethics Officer not only encourage compliance with various laws, but more importantly, encourage each Employee and department head to adhere to the highest standards of ethical behavior. In pursuing that broad mission, the duties of the Ethics Officer include, but are not limited to the following:

- A. Develop policies, programs and strategies to deal with all ethics-related matters;
- B. Develop training and implementation of educational programs;
- C. Attend Ethics Commission meetings;
- D. Encourage compliance with the spirit and letter of this ordinance and the State of Indiana's ethics laws;
- E. Review periodically this ordinance and other applicable laws and regulations and recommend to the Ethics Commission appropriate changes to this ordinance;
- F. The Ethics Officer shall be the liaison between the Ethics Commission and the department heads and Employees of the City;
- G. The City Ethics Officer may seek formal opinions from the Ethics Commission on interpretation of his or her duties or of this ordinance; and
- H. Accomplish other duties as requested by the Mayor.

3. Upon receiving a complaint that an Employee or a Public Official that is a department head has not complied with this ordinance, or has failed to disclose an actual or apparent conflict of interest, the Ethics Officer shall:

A. Notify the Employee that a complaint has been filed against him or her and shall allow the Employee to respond, in writing, to the complaint;

B. Meet individually with all parties and make recommendations to the Mayor and department head, if applicable;

C. The complaint will be forwarded to the Ethics Commission under the following circumstances:

(1) If the complaint alleges a severe violation of this ordinance; or

(2) If no resolution or agreement is reached between the parties with the assistance of the Ethics Officer. Complaints referred to the Ethics Commission concerning Employees shall proceed according to the procedure for Public Officials as set forth in Section 4.07 of this ordinance.

4.09 GENERAL PROVISIONS

1. The following is a list of current state statutes that affect the conduct and business by Public Officials and government Employees. In the event that any such statutes are amended by the General Assembly or additional statutes are adopted by the General Assembly, such amendments or additional statutes shall be considered to be a part of this Ordinance.

I.C. 35-44-1-1 Bribery

I.C. 35-44-1-2 Official Misconduct

I.C. 35-44-1-3 Conflicts of Interest

I.C. 35-44-1-7 Profiteering from Public Services

I.C. 35-44-2-4 Ghost Employment

I.C. 36-4-8-3 Approval of Order for Issue of Warrants

I.C. 36-4-8-13 Obligations in Excess of Appropriation

I.C. 36-7-4-207 Membership of City Plan Commission

I.C. 36-7-4-216 Qualifications – Plan Commission

I.C. 36-7-4-223 Zoning Matters – Conflict of Interest

I.C. 36-7-4-905 Restrictions on Holding Office – BZA

I.C. 36-7-4-909 Conflict of Interest – BZA

I.C. 36-7-12-14 Removal of Commissioner – EDC

I.C. 36-7-12-16 Conflict of Interest – EDC

I.C. 36-7-14-9 Redevelopment Commissioners – Removal

I.C. 36-7-14-10 Conflict of Interest – Redevelopment Commission

I.C. 36-7-18-9 Removal of Commissioner

I.C. 36-7-18-11 Conflict of Interest – Commissioner of a Housing Authority

I.C. 5-16-11-6 Conflict of Interest Disclosure

I.C. 5-16-11-5.5 Consultant conflicts

Copies of the above statutes shall be available in each department and will be available to individuals upon request.

2. All Public Officials shall receive a copy of this ordinance from the Office of the Clerk-Treasurer within thirty (30) days after its adoption. Any candidate for public office or any individual being considered for appointment as a Public Official shall be provided with a copy of this ordinance prior to their appointment and such individuals shall confirm, in writing, that their appointment will be subject to the terms and conditions of this ordinance and they shall be bound by this ordinance if appointed or elected.

3. Any questions as to the provisions or references made herein should be addressed to the Ethics Commission in writing. The Ethics Commission shall respond in writing to any request for an interpretation of a rule, regulation, or this ordinance.

4. In the event that the terms of this ordinance are in conflict with any state law or ruling of a state agency, such law, rule, regulations and/or ruling of the state agency shall supersede the terms of this ordinance.

5. This ordinance shall not prohibit a Public Official or Employee from being reimbursed for expenses, receiving money as a campaign contribution, participating in collective bargaining, or being paid for a service as a Public Official or Employee except that may be provided by applicable state law or state rules and regulations, or any ruling of a state agency of the State of Indiana.

6. A Public Official or Employee may appear before any public body on his or her own behalf as to any matter in which he or she has a personal economic interest if full disclosure is made and such activity is not otherwise prohibited by law.

PASSED by the Common Council of the City of Valparaiso, Indiana by a 7-0 vote of 7 members present and voting this 11th day of September, 2006.

Jon Costas, Mayor

ATTEST:

Sharon E. Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 11th day of September, 2006, at 7:50 o'clock p.m.

Sharon E. Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 11th day of September, 2006 at 7:50 o'clock p.m.

Jon Costas, Mayor

*Note signed copy available in the Human Resource Department

APPENDIX A

DEPARTMENTAL RULES GOVERNING PAID TIME OFF(PTO)

Some departments in the City have departmental rules governing PTO. Departmental rules do not replace the rules listed in Section 10.04. They are additional rules employees must comply with. Failure to comply with departmental rules may result in disciplinary action and/or denials of requests.

Departmental PTO rules are designed to meet the unique needs of a department so that customer service is able to be maintained during employee absences and work demands met without, to the extent possible, incurring exorbitant overtime costs.

Employees should direct any questions regarding their department's PTO rules to the Department Head.

The sections that follow provide the departmental rules for PTO of each department in alphabetical order.

City Hall and Fire Department (Civilian Employees) Rules Governing PTO-

NOTE: City Hall includes the following departments: the Clerk-Treasurer's office; Engineering; Human Resources; the Mayor's office; ITS (Information Technology Services); and, Planning. The rules apply to each department separately, not collectively. Additionally, the following rules apply to civilian employees in the Fire Department.

- Requests for scheduled PTO may not be submitted to an employee's Department Head any earlier than six months prior to the start of the time off being requested. The exception to this is if an employee is planning a special vacation or other event that requires making arrangements far in advance. In such cases, requests for scheduled PTO may be made at the time the employee is making the necessary arrangements.
- No more than two employees from the same department may be off on scheduled PTO at the same time, unless staffing needs allow, and a Department Head gives approval.
- The number of employees allowed off at the same time may be reduced to one employee, if there is an employee who is off work on a Leave of Absence or for any reason other than scheduled PTO.
- Additionally, if there is a deadline that a department must meet or a project that must be completed, requests for scheduled PTO may not be approved for any employee, until the deadline is met and/or the project completed.
- Approval of requests for scheduled PTO are always contingent upon the staffing needs of the department.
- Employees may not take scheduled PTO in increments of more than three consecutive work weeks (15 work days) at a time.
-

Under special circumstances, such as a “once-in-a-lifetime” trip, approval may be given by a Department Head to extend that time beyond the three consecutive work week limit. Such extensions will not, however, be given on an annual basis to an employee.

Also, approval is contingent upon an employee having the amount of PTO requested available at the time the PTO is taken.

Park Department Rules Governing PTO-

- Requests for scheduled PTO may not be submitted any earlier than six months prior to the start of the time off being requested. The exception to this is if an employee is planning a special vacation or other event that requires making arrangements far in advance. In such cases, requests for scheduled PTO may be made at the time the employee is making the necessary arrangements.
- Approval of requests for scheduled PTO are contingent upon the staffing needs of the department.
- Employees may not take scheduled PTO in increments of more than three consecutive work weeks (15 work days) at a time.

Under special circumstances, such as a “once-in-a-lifetime” trip, approval may be given to extend that time beyond the three consecutive work week limit. Such extensions will not, however, be given on an annual basis to an employee.

Also, approval is contingent upon an employee having the amount of PTO requested available at the time the PTO is taken.

Project Management and Utilities Rules Governing PTO-

- Requests for scheduled PTO may not be submitted to an employee’s Department Head any earlier than six months prior to the start of the time off being requested. The exception to this is if an employee is planning a special vacation or other event that requires making arrangements far in advance. In such cases, requests for scheduled PTO may be made at the time the employee is making the necessary arrangements.
- Approval of requests for scheduled PTO are contingent upon the staffing needs of each department.
- Employees may not take scheduled PTO in increments of more than three consecutive work weeks (15 work days) at a time.

Under special circumstances, such as a “once-in-a-lifetime” trip, approval may be given by a Department Head to extend that time beyond the three consecutive work week limit. Such extensions will not, however, be given on an annual basis to an employee.

Also, approval is contingent upon an employee having the amount of PTO requested available at the time the PTO is taken.

Public Works Department Rules Governing PTO-

- Requests for scheduled PTO may not be submitted any earlier than three months prior to the start of the time off being requested. The exception to this is if an employee is planning a special vacation or other event that requires making arrangements far in advance. In such cases, requests for scheduled PTO may be made at the time the employee is making the necessary arrangements.
- Approval of requests for scheduled PTO are contingent upon the staffing needs of the department.
- Employees may not take scheduled PTO in increments of more than three consecutive work weeks (15 work days) at a time.

Under special circumstances, such as a “once-in-a-lifetime” trip, approval may be given to extend that time beyond the three consecutive work week limit. Such extensions will not, however, be given on an annual basis to an employee.

Also, approval is contingent upon an employee having the amount of PTO requested available at the time the PTO is taken.