

SECTION 1

GENERAL PROVISIONS

1.01 GENERAL POLICY

It is the policy of the Board of County Commissioners of Porter County to:

1. Attract and recruit the best qualified candidates for employment from the competitive market on the basis of their character, cultural fit, ability, knowledge, skills, and demonstrated performance;
2. Create a positive and productive employment environment by providing opportunity for development, involvement, and advancement within the system;
3. Retain the best qualified employees through a competitive, fair, and challenging work environment;
4. Provide reasonable compensation, benefits, assurances, and safeguards to its employees;
5. Ensure that all job opportunities are equally available to all applicants and employees regardless of race, color, religion, sex, marital status, age, sexual orientation, national origin, political affiliation, or disability, except when the disability is job related and cannot be reasonably accommodated.

1.02 PURPOSE

1. The purpose of this Handbook is to foster a positive employment environment of mutual benefit and protection to both the employee and to the County while encouraging employee and public confidence in the organization, consistent with the policies of the Board of County Commissioners.
2. The personnel system will provide a means of equitable recruitment, selection, development, and retention and ensure that:
 - a. Classification and Pay Plans shall be adopted which shall conform to the principles of like pay for like work.
 - b. Employment in the service of Porter County shall be made attractive as a career.
 - c. Each employee shall be encouraged to render his/her best service to the County.
 - d. High morale will be maintained by fair administration of polices and by consideration of the rights and interests of the employees consistent with the best interest of the citizens of the County.

e. The relationship between County management and its employees shall be open and direct.

1.03 ADMINISTRATION AND AMENDMENT

1. These policies and procedures shall be implemented consistent with applicable State and Federal Law governing the employment relationship.
2. The Human Resources Director, Department Heads, and all supervisory personnel will be responsible for the proper and effective administration of this Handbook within their respective departments.
3. Pursuant to codes established by the State of Indiana, the Porter County Board of Commissioners is authorized to establish personnel policies for County employees.
4. Changing or amending policies to the Handbook must be approved by the Board of County Commissioners.

1.04 APPLICABILITY OF POLICIES

These personnel policies apply to all employees of Porter County Government, with the exception of:

1. Elected Officials.
2. This personnel policy applies to the Porter County Sheriff's Office to the extent that it does not conflict with the Porter County Sheriff's Office Policy.
3. Court personnel including: Juvenile Probation; Adult Probation; Juvenile Detention Officers and Public Defenders.
4. Adult and Juvenile Probation Officers and staff.
5. Certain policies may be superseded by provisions contained in individual service contracts.
6. This personnel policy applies to Porter County Central Communications (911) to the extent that it does not conflict with the Porter County Central Communications Policy Manual.

1.05 DEFINITIONS

The following definitions apply throughout the text of the Personnel Policy Handbook. Any questions about the interpretation of these definitions should be directed to the Human Resources Department.

- a. "Anniversary Date" refers to the date an employee becomes a full-time employee.

- b. “At Will” refers to the nature of the employment relationship, which means that the employee may resign at any time and the County may discharge the employee at any time with or without cause.
- c. “Continuous County Employment” refers to a term of employment with the County which has been uninterrupted and during which the employee has not ceased employment with the County for any period of time.
- d. “County” or “Porter County” refers to all divisions of Porter County government. The term includes the offices of the Auditor, Board of Commissioners, Clerk of the Circuit Court, Coroner, County Assessor, Porter County Council, Prosecutor, Recorder, Sheriff, Surveyor, Treasurer, and all other County offices, boards and departments.
- e. “Date of Termination” refers to the last date the employee actually worked for the County. Vacation or benefit leave may not be used towards determination of an employee’s date of termination.
- f. “Dependent” refers to the employee’s spouse, child or step-child.
- g. “Elected Officials” refers to those individuals elected to the following offices: Auditor, Board of Commissioners, and Clerk of the Porter Circuit Court, Coroner, and County Assessor, Members of the Porter County Council, Recorder, Sheriff, Surveyor, and Treasurer.
- h. “Employee” refers to a person employed by the County including appointed department heads and supervisors. The term does not include elected officials.
- i. “Exempt” employees are excluded from specific overtime provisions of Federal and State law. Exempt employees are not entitled to overtime compensation or compensatory time off.
- j. “Full-Time Employees” are those not assigned to part-time or temporary statuses, who work a minimum of seventy (70) hours during a two (2) week pay period. Full-time employees work throughout the year and not on a seasonal basis. Full-time employees are eligible for the County’s benefit package, subject to the terms, conditions, and limitations of each benefit program.
- k. “Non-Exempt” employees are entitled to overtime compensation/compensatory time off under specific provisions of Federal and State laws.

- l. “Part-Time Employees” are those not assigned to full-time or temporary statuses, who regularly work less than twenty-nine (29) hours per work week. Part-time employees work throughout the year and not on a seasonal basis. Part-time employees may occasionally work additional hours based on staffing and business needs of the County. Part-time employees retain that status until expressly notified of a change. Part-time employees receive all legally-mandated benefits (such as worker’s compensation and social security benefits), but they are not eligible for the County’s other benefit programs.
- m. “Temporary Employees” are hired as interim replacements to temporarily supplement the workforce, assist in the completion of a specific project, or work on an hourly basis averaging usually less than twenty-nine (29) hours of work per week depending upon staffing and business needs of the County. Employment assignments in this category are of a limited duration depending upon staffing and business needs of the County. Temporary employees retain that status until notified of a change. Temporary employees receive all legally-mandated benefits (such as worker’s compensation and social security), but are not eligible for the County’s other benefit programs.
- n. “Terminal” refers to a disease predicted to lead to death, especially slowly; incurable.

SECTION 2

STANDARDS OF CONDUCT

2.01 POLICY OF THE COUNTY

1. Porter County is committed to the establishment and maintenance of a Human Resources system of personnel management that is fair and consistent in the implementation of policies and provides superior service to the community by employing and retaining individuals of the highest caliber who display pride and dignity in the performance of their duties.
2. It is the policy of the County to expect from its employees compliance with all Policies, Procedures, State Statutes, and Federal Regulations in the performance of their duties, as well as compliance with all safety rules and standards. An employee who violates any of these policies and procedures may be subject to disciplinary action.

2.02 EQUAL EMPLOYMENT OPPORTUNITY (EEO)

1. The County is committed to ensuring that all applicants, employees, and volunteers are afforded equal opportunities in the workplace.
2. All applicants and employees shall be afforded equal employment opportunities regardless of race, color, age, gender (including pregnancy status), religious creed, national origin, sexual orientation, disability status, marital status, genetic information or any other status protected by the law except where such factor is a bona fide occupational qualification or is required or is otherwise a permissible consideration by State or Federal law.
3. The County is committed to a policy of fairness and equity for all employees and will give every employee the opportunity to achieve maximum potential as an employee and human being.
4. Applicants and employees who meet all necessary employment standards and are otherwise qualified, shall be provided reasonable accommodation(s) and access for known disabilities, providing that the accommodation will not create an undue hardship on the employer and/or prevent the proper performance of the essential duties and responsibilities of the job. Physical standards will be fair, reasonable, and adapted to the requirements of the job. Such standards will be based on complete, factual information regarding working conditions, hazards, and essential physical or mental requirements of each job. Physical standards will not be used to arbitrarily eliminate disabled persons from consideration.
5. The Board of Commissioners shall designate the Human Resources Director to serve as the Equal Opportunity Employment Officer to administer, coordinate, and supervise all equal employment concepts, projects, and the Affirmative Action Plan.

2.03 AMERICAN WITH DISABILITY ACT COMPLIANCE

It is the policy of the Board of County Commissioners to comply at all times with the provisions of the Americans with Disabilities Act of 1990 (ADA) and ADA Amendments Act of 2008 (ADAAA). The County will act positively to provide reasonable accommodations to a qualified individual so that the person might be able to perform the essential functions of a position in the agency. The essential functions of a job, including any written position description will be used in determining an individual's qualification for protection under the ADA.

2.04 CODE OF ETHICS

1. All employees should govern themselves positively so ethical situations do not reflect negatively upon themselves or the County.
2. Conflicts of Interest: No County employee shall engage in any act which is a conflict of interest, or creates an appearance of a conflict of interest, within the performance of their official duties. Conflicts of interests are any direct or indirect monetary or material benefits accruing to a County employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with the County. No employee may use, or corruptly attempt to use, his or her official position or any property or resource within his or her trust, or perform his or her official duties to obtain a special privilege, benefit or exemption for him or herself or others. County employees may not receive County-provided services that are not available to the public, unless authorized by the Board of County Commissioners through approved personnel policies or other directives.
3. An employee shall be deemed to have a conflict of interest if the employee:
 - a. Has any financial interest in any sale to the County of any goods or services when such financial interest was received with prior knowledge that the County intended to purchase the property, goods, or services or has any non-business relationship with any vendor or contractor which could reasonably be construed by a prudent person that the employee's independence, impartiality, and fairness has been compromised.
 - b. Solicits, accepts, or seeks a gift, gratuity, or favor from any person, firm, or corporation involved in contract or transaction which is or may be the subject of official action by the County.
 - c. Directly or indirectly gives or receives, or agrees to receive compensation, gift, reward, commission, or gratuity from any source except the County or those groups approved by the Board of Commissioners, or designee for any matter directly connected with or related to his or her official services as an employee of the County.

d. Engages in, accepts employment from, or provides services for private interests for any compensation or consideration having monetary value when such employment or service is incompatible with the proper discharge of official duties.

e. Participates in his or her capacity as a County employee in issuing of a purchase order or contract in which he or she has a private pecuniary interest, directly or indirectly.

f. Discloses or uses without authorization confidential information concerning property or affairs of the County to advance a private interest with respect to any contract or transaction which is or may be the subject of official action of the County.

5. No employee of the County shall request, use, or permit the use of County-owned vehicles, clothing, equipment, materials, or other property for unauthorized personal convenience, for profit, for private use, or as part of secondary employment. Use of County property is for the conduct of official business only.

6. Authorized personal uses may include taking an assigned County vehicle to lunch on workdays as needed.

7. Employees shall not alter, falsify, destroy, mutilate, backdate, or fail to make required entries on any records within their control, nor shall they allow other persons to do so.

8. No County employee may use County time or property in a manner to promote any political issue or candidate, or to solicit funds for any political purpose, or to influence the outcome of any election. No County employee shall hold any publicly elected office when the holding of such office would be incompatible or would substantially interfere with the discharge of official duties.

2.05 POLICY AGAINST FRAUDULENT OR DISHONEST ACTS

1. It is the policy of Porter County that all County employees shall adhere to the County code of Ethics in Section 2.04 and this policy against fraudulent and other dishonest acts.

2. The term fraud can be defined as, but is not limited to, any dishonest or fraudulent act(s) to include: intentional material misstatement of the financial statements, forgery or alteration of any document, misappropriation of funds, supplies, etc., improper handling or reporting of money or financial transactions, profiting by self or others as a result of inside knowledge, destruction or intentional disappearance of records, furniture, fixtures or equipment, accepting or seeking anything of material value from vendors or persons providing services or materials to the County for personal benefit, and/or any similar or related irregularity.

3. Opportunities for fraud may occur because of the following reasons: poor internal controls, management override of internal controls, collusion between employees and third parties, poor or non-existing ethical standards, lack of control over supervisors by managers, and type of organization.
4. Department Heads at all levels of county management are expected to set the appropriate tone by displaying the proper attitude toward complying with laws, rules, regulations, and policies.
5. Department Heads are responsible for adhering to the internal control of the policy as approved by the Commissioners.
6. Department Heads should be cognizant of the risks and exposures inherent in their areas of responsibility, and be alert for the symptoms of fraudulent or other dishonest acts.
7. All employees are encouraged to be alert for possible fraud and are required to promptly report any suspected fraud.
8. Reporting – Any employee who has knowledge or a reasonable suspicion that a fraudulent or other dishonest act has occurred should report it through the chain of command. If the employee has reason to believe that the employee’s department head is involved, the employee shall report the suspected fraud to the Human Resources Director. Department Heads that become aware of suspected fraudulent and dishonest activity are to respond in a consistent and appropriate manner and shall report the suspected activity to the Human Resources Director. Employees are required to cooperate fully in any subsequent investigation.
9. The County makes every attempt to protect employees from retaliatory action due to reports of suspected fraud in accordance with the Whistle-blower Act. The Act protects an employee from retaliatory action by an organization against an employee who reports an appropriate contractor that creates a substantial and specific danger to the public’s health, safety, or welfare. Additionally, the act protects employees reporting improper use of a government office, gross waste of funds, or any other abuse or neglect of duty on the part of an agency, public officer, or employee.

2.06 POLITICAL ACTIVITY

1. County employees shall not use their official authority or influence for the purpose of interfering with an election or a nomination of office, for influencing another person’s vote, or affecting the result thereof.
2. No employee, official, or other person shall solicit orally, by letter or in any other manner, any assessments, petitions, contributions, or services for any political party or individual candidate from any employee during their hours of duty, service, or work with the County.

3. Nothing herein contained shall be construed to restrict the right of the employee to hold membership in and support a political party, to vote as they choose, to express opinion on all political subjects and candidates, to maintain political neutrality, to attend political meetings after working hours, or to campaign actively during off-duty hours in all areas of political activity.

2.07 EMPLOYMENT OF RELATIVES

The intent of this provision is to restrict the employment of relatives within the County Departments/offices and prohibit preferential treatment or favoritism such relationships may cause. For the purpose of this policy, “relative” is a spouse, child, parent or step parent, aunt or uncle, niece or nephew, brother or sister, step brother or step sister, or daughter in-law or son - law. An adopted child is treated as a natural child of the individual. The terms “brother” and “sister” shall include a brother or sister by half-blood (a common parent). The County will exercise sound business judgment in the placement of related employees in accordance with the following guidelines:

1. No relative of a County employee may be appointed, employed, retained, promoted or transferred within the same department/program where a relative of the individual has direct supervision, jurisdiction, or control over the position, unless such employment has been determined in the best interest of the County and approved by the Board of Commissioners or his/her designee. (Exceptions will be narrowly interpreted and shall only be applied when circumstances obviously benefit the County. An example of such a circumstance would be the employment of a relative possessing a specialized and needed skill after recruitment has been unsuccessful in locating a non-relative with the required skill.)

2. If, while employed by the County, individuals become related by marriage or adoption the following policy shall apply:

a. If neither individual has direct in-line supervision, control, or jurisdiction over the other nor do not work in the same work unit, both employees may retain their positions.

b. Should marriage or adoption occur between the supervisor and a subordinate employee, one of the employees must transfer to end the supervisory relationship, if possible, or if not possible, be terminated from the position.

c. If the employees cannot decide who is to be transferred or terminated within thirty (30) days the County will make the decision.

2.08 OUTSIDE EMPLOYMENT AND ACTIVITIES

1. Employees of the County shall not engage in any outside employment, enterprise, or other activities, whether paid or unpaid, which would interfere, be inconsistent, incompatible, or in legal, ethical, or technical conflict with their duties as County employees or with the functions and responsibilities of the Department or office for which they work.
2. Any County employee who engages in non-County employment or activity shall not be able to receive Workers' Compensation or a disability plan when illness, injury, or disability results from such outside employment or other activities.
3. Permission to engage in outside employment or other activities may be denied or withdrawn at any time when it is determined by the approving authority such activity interferes with the employee's production, efficiency, causes a discredit to, or is in conflict with the interests of the County.

2.09 RELEASE OF INFORMATION (PUBLIC RECORDS)

1. Public records as "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance in connection with the transaction of official business by any agency." Additionally, "every person who has custody of a public record shall permit the record to be inspected and examined by any person desiring to do so, at any reasonable time, under reasonable conditions."
2. As County employees, we are all responsible for the proper handling of public records. This section on public records is not intended to answer all questions that may arise regarding public records requests. It is only a partial guide concerning public records. Questions or concerns about public records should be directed to your Department Head or the County Attorney. Routine and usual public records requests may be processed normally within each department. Department Heads must be informed of public records requests that are significant or those that are not routine or usual and the Department Head shall inform the County Attorney of these types of requests.
3. Unless release of information is a normal part of their duties, an employee will refer all inquiries to the Department Head or County Attorney. It is not the intent of the County to be secretive or to withhold information, but to ensure that all information released is true and accurate.
4. Public records are open for inspection by any person at any reasonable time. The request for a public record has to be a written request but the requesting person does not have to provide a reason for the request. Employees responding to a public records request may not impose

conditions on the inspection that would restrict access to the record. If part of the record is “exempt”, that portion should be covered or excised, but the remainder of the record shall be available for inspection. There will be a fee charged for any copies.

5. Responses to a public records request must be in a reasonable time frame. If it takes longer than the agreed date, the Department Head or County Attorney should notify the requesting individual or agency of what you have and when the other information can be produced. If it is a lengthy request, you may suggest the person write down what they are requesting so that mistakes will not occur. If they refuse, write down what they are requesting in order to make a proper response. In any case, public records requests must be responded to and the request does not have to be in written form. Employees responding to a public records request must retain all correspondence or notes related to the public records request.

6. Employees have no right of personal privacy in any material created, stored in, received, or sent over the Department’s E-mail system.

7. Failure to provide proper control over public records, including responding to public records requests, can lead to an investigation.

2.10 SOLICITATION AND DISTRIBUTION

1. Employee contributions to recognized charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted.

2.11 OFFICE DÉCOR

Because Porter County Government serves the public, it is important for employees to exercise good judgement in the selection of items which will be seen by visitors.

The installation of any item which requires brackets, braces or holes in walls, floors or furniture must be approved by the office of the Commissioners and performed by the Facilities Department to ensure that county property is not damaged.

2.12 USE OF COUNTY PROPERTY

1. General Use:

a. Employees are expected to exercise reasonable care in safekeeping, use and preservation of County equipment, tools, vehicles, materials, uniforms, etc. Employees shall return in good condition County property upon the request of their supervisor.

b. All employees shall promptly report in writing to their supervisors the loss, damage, or unserviceable condition of any County property to their Department Head.

c. Negligence in the use and care of County property including abuse, misuse, willful or negligent loss or destruction, can result in disciplinary action and/or restitution. Serious cases may result in civil or criminal action in courts.

d. Personal use of County equipment, materials, tools, supplies, etc., is not permitted. Where any County equipment, materials, tools, supplies, etc., are to be used for any non-County purpose (e.g. a civic or charity event), the Commissioners, must approve of it in writing in advance.

2. Smoking:

In keeping with the County's intent to provide a safe and healthful work environment, smoking is only allowed in designated areas. This policy applies equally to all employees, elected officials and visitors.

3. Telecommunications:

a. County telephones, cell phones, and related equipment are to be used only for the performance of County business.

b. The printed record of a telephone call, generated and distributed from a communications provider, is public record and as such, is subject to the standards applied to public records.

c. Employees who lose their assigned cell phone and it is determined to be lost due to an act of negligence, may be required to reimburse the County for the replacement cost of the cell phone. An employee may be obligated to reimburse the County for any personal cell phone use.

d. Unauthorized use of camera/photo cell phones or other electronic devices to create or transmit images of County employees, work areas, or County documents is prohibited.

4. Internet Use:

a. County employees may be approved for access to the Internet at the office based upon the position of responsibilities when such use promotes the effectiveness of office operations for the benefit of County personnel and the public.

b. Internet use see Section 10.

5. County Vehicle:

a. When driving a county vehicle, employees may not read or respond to emails, text messages or adjust any type of navigational device and/or access the internet.

b. Employees are required to use safety belts while operating or riding in any County motor vehicle. Drivers are required to enforce the use of seatbelts in all county vehicles for passengers in the front seat.

c. There shall be no smoking of any kind in a county vehicle.

2.13 DRESS AND APPEARANCE

1. County employees are expected to maintain high personal, moral, and ethical standards. One of the most noticeable expressions of these personal standards is dress and appearance.

2. Work attire that is appropriate for employees in one department may not be appropriate in another. Work clothes and uniforms which are provided for many department employees generally set the standard for their function. Issued work clothes or uniforms must be properly worn by the assigned employee. Determination of an employee's specific dress and appearance is a Department Head's responsibility and will be treated as such.

3. Where County uniforms are required, they shall be worn only while on duty conducting County business. County uniforms shall not be altered in any way or embellished with non-authorized pins, emblems, insignias, etc.

4. An employee may not wear a County uniform while engaging or participating in any activity that may reflect poorly on the County.

5. The County will purchase shoes for the employees who work in facilities, highway, and the jail (jailers). These shoes will be slip-resistant. The Department Head and/or Elected Official or their designee will be responsible for the budgeting and ordering of said shoe for their departments.

2.14 DRIVING RECORDS

1. Any employee who is required as a condition of employment to possess and maintain a valid Indiana driver's license will immediately, upon his or her knowledge, inform their supervisor should his or her license become denied, expired, restricted, suspended, or revoked.

2. Any employee who receives a traffic citation while driving a County vehicle or personal vehicle will inform their supervisor no later than the next working day following the circumstances regarding the citation.

3. Periodic checks of employee driving records may be conducted by the County in order to ensure adherence to this policy.

2.15 SUBSTANCE ABUSE PROGRAM

The County acknowledges the importance of establishing and maintaining a drug free workplace, complying with all regulations related to drug use, including the Federal Drug Free Workplace Act of 1988 and the Omnibus Transportation Employee Testing Act of 1991.

1. Definitions:

a. **Drug/Substance Abuse:** Includes the use of illicit or misuse of controlled substances, alcohol, or other psychoactive drugs.

b. **Safety Sensitive Positions:** A position in which having illicit drugs in one's system or a blood-alcohol level equal to or in excess of .02 percent constitutes an immediate and direct threat to public health and safety; where such position requires the employee: use of a commercial driver's license; to carry a firearm; to perform life-threatening procedures; work with confidential information or documents pertaining to criminal investigations; or work with controlled substances; and/or a position in which momentary lapse in attention could result in injury or death to another person.

c. **Controlled Substances:** A drug, alcohol, narcotic, or mind-altering substance which includes, but is not limited to alcohol, amphetamines, barbiturates, benzodiazepines, hallucinogens, methadone, methaqualone, opiates, morphine, cocaine, cannabinoids, phencyclidine, propoxyphene, narcotics, steroids, synthetic narcotics, designer drugs, or any metabolite of the previously mentioned substances.

2. Procedure:

a. The manufacture, use, possession, or distribution of illicit or non-prescribed controlled substances on the job or on County property is strictly prohibited. Employees are required to report to work in a fit condition for duty. Having illicit drugs in one's system or a blood-alcohol level equal to or in excess of .02 percent is strictly prohibited. Prescribed controlled substances are not to be taken within 8 hours of the work shift or during work hours.

b. Employees that manufacture, possess, use or distribute drugs on the job or on County property shall be subject to administrative action up to and including termination of employment. Any confiscated drugs or contraband will be turned over to local law enforcement officials.

c. An employee's failure to report any medication that may cause drowsiness or impair his or her ability to safely perform his or her job duties will be considered a violation of this policy and the employee shall be subject to administrative action, up to and including termination of employment.

d. Any employee who refuses to submit to test for drugs or alcohol pursuant to this policy shall be presumed, in the absence of clear and convincing evidence to the contrary, as having illicit drugs in his or her system or a blood-alcohol level equal to or in excess of .02 percent.

3. Employee Testing:

a. Pre-employment: Any applicant made a conditional offer of employment with the County may be required to take a pre-offer drug urinalysis test. Those applicants whose confirmed test results indicate a presence of an illegal substance or the presence of a controlled substance that has not been prescribed by their physician will be notified by Human Resources that the conditional job offer has been withdrawn.

b. Commercial Driver's License positions (CDL): Any applicant conditionally offered a position requiring a CDL will be required to take a drug urinalysis test. A negative test result must be received from the Medical Review Officer (MRO) before the applicant can perform any functions of their job description as mandated in the Omnibus Transportation Employee Act of 1991. Those applicants whose confirmed test results indicate the presence of a controlled substance that is an illegal substance, or one that has not been prescribed by a physician, will be notified by Human Resources that the job offer has been withdrawn.

c. Current employees being promoted or reclassified to a position requiring a CDL will be required to take a drug and/or alcohol test in accordance with paragraph b above. Those employees whose confirmed test results indicate the presence of a controlled substance that is an illegal substance, or one that has not been prescribed by a physician, shall be subject to disciplinary action, up to and including termination of employment.

d. Any employee causing or contributing to the cause of motor vehicle accident or property/equipment damage may be tested for alcohol and drugs following the accident. If the cause of an accident is uncertain, a drug urinalysis and breath alcohol test may be done. Workplace accidents may require testing for alcohol and/or drugs.

4. Reasonable Suspicion:

a. Observable documented phenomena while at work, such as observation of drug or alcohol use or of physical symptoms or manifestations of being under the influence of a drug or alcohol.

b. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.

c. A report of drug or alcohol use provided by a reliable and credible source.

d. Information that an employee has caused or contributed to a motor vehicle or workplace accident while on duty.

e. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs or alcohol while working or while on County premises, or while operating County vehicles, machinery, or equipment.

f. Reports that an employee has been arrested for use (including driving under the influence), possession, selling, solicitation, or transferring illicit drugs while on or off duty.

g. Reasonable suspicion is based on a belief that an employee is using or has used drug and/or alcohol in violation of this policy. The belief is drawn from specific objectives and facts. Approval for such testing may be authorized by the Department Head, or Human Resources Director or his or her designee.

5. Follow-up Testing:

a. If an employee seeks voluntary employee assistance for a drug or alcohol-related problem, he or she will be required to submit to a drug and/or alcohol screening with the County's contract providers or the employee's preferred substance abuse professional.

b. Controlled substance screening will be conducted on an unannounced basis for a total of at least six (6) tests in the following (12) twelve months. Follow up testing will continue for two (2) years or longer as recommended by their Substance Abuse Professional. Any subsequent positive drug or alcohol screens will be considered a violation of this policy.

6. Alcohol Testing Results: In compliance with the Federal requirements concerning the treatment of CDL employees who test positive for alcohol, the following will be adhered to for all employees:

a. An employee with a confirmed breath alcohol level of 0.001 to 0.019 while at work will receive a written reprimand and counseling on the use of alcohol within four (4) hours of the work day. The employee will be offered referral to a Substance Abuse Counselor if the employee feels they have an alcohol or drug addiction.

b. An employee with a confirmed breath alcohol level of 0.02 to 0.039 while at work will be considered impaired and will be immediately removed from their position for at least twenty-four (24 hours), without pay, and shall be recommended for termination of employment to the Human Resources Director.

c. Employees with a confirmed breath alcohol level above 0.04 while at work will be considered impaired and will immediately be removed from their position and

suspended without pay pending termination of their employment by the Human Resources Director.

The legal use of CBD oils is permitted, but employees assume all risks associated with such use, and shall be subject to disciplinary action, up to and including termination for testing positive or refusal to submit to drug testing.

2.16 PROHIBITION OF HARASSMENT

1. The County is committed to maintaining a work environment free of harassment whether such harassment is based on gender, sexual preference, race, sexual orientation, national origin, disability, religion, age, or marital status. The County will not tolerate the harassment of its employees, supervisors, co-workers, vendors, customers or anyone else. All personnel are responsible for maintaining a workplace that is free of harassment and intimidation. The County is committed to promptly and thoroughly reviewing all complaints of harassment. If after a thorough investigation it is determined that harassment has occurred, immediate and appropriate disciplinary action will be taken, up to and including termination of employment.
2. Harassment is defined as the unwanted and/or verbal or nonverbal conduct which threatens, intimidates, pesters, annoys, or insults another person, where such conduct has the purpose or effect of creating an offensive, intimidating, degrading, or hostile work environment, or interferes with or adversely affects a person's work performance.
3. Sexual Harassment is defined as unwanted and unwelcome sexual advances, requests for sexual favors, and any other verbal or physical conduct of a sexual nature when:
 - a. Submission to the conduct is an explicit or implicit term or condition of employment or continued employment; or
 - b. Submission to or rejection of the conduct is used as a basis for employment decisions affecting an employee, such as promotion, demotion, or evaluation; or
 - c. The conduct has the purpose or effect of interfering with an employee's work performance or creating intimidating, hostile, or offensive work environment. No supervisor shall threaten or insinuate, either explicitly or implicitly, directly or indirectly, that an employee's refusal to submit to sexual advances will have an adverse effect on the employee's employment, performance evaluation, wages, advancement, assigned duties, shifts, or any other conditions of employment or career development.
4. Prevention of Harassment in the Workplace (Employees' Responsibility):

a. All personnel are responsible for maintaining a workplace that is free of harassment and intimidation. If any employee experiences or witnesses harassment in the workplace, they have an affirmative obligation to report such conduct to his/her supervisor, Department Head and/or Elected Official.

b. An employee who reports conduct prohibited under this policy will not be disciplined, suspended, retaliated against, or terminated from employment based upon their reporting of harassment incident. However, an employee who intentionally files a false or fabricated report of harassment or an employee who intentionally testifies falsely in a harassment investigation shall be subject to administrative action against them, up to and including, termination of employment.

c. All employees have a responsibility to cooperate fully with an investigation into allegations of harassment. Failure to cooperate fully in an investigation may result in administrative action against that employee, up to and including termination of employment.

d. All complaints of harassment are taken seriously. Investigations will be conducted in an expeditious and timely manner. Failure to cooperate fully in an investigation may result in administrative action against that employee, up to and including, termination of employment.

5. Supervisors' Responsibility:

a. In addition to the aforementioned responsibilities of all employees, supervisors are also responsible for immediately reporting complaints, observations or concerns of harassment to their Department Head, Elected Official, and/or Human Resources Director. Failure to report harassment may be grounds for discipline, up to and including termination.

b. In any case in which a supervisor is witness to a situation of harassment, the supervisor shall instruct the offender to immediately stop the harassing behavior.

c. When receiving a complaint of harassment, supervisors should instruct the complaining employee that anything they say may be reported to the investigating officials.

Do not assume that the County is aware of a harassment problem. You must report conduct which you reasonably believe violates this policy in order for the County to investigate and take remedial action. You will not be penalized in any way for bringing forward legitimate complaints under this policy to the proper persons designated to handle these complaints.

2.17 WORKPLACE VIOLENCE

1. The County recognizes that workplace violence can and does affect all aspects of our work and preventing acts of workplace violence is the responsibility of all employees.
2. It is the policy of the County to provide a safe and productive environment for all employees. Therefore, the County neither condones nor tolerates any act of violence in the County. Each act of violence will be dealt with promptly and appropriately.
3. Definition: Workplace violence is defined as any verbal or physical action that is communicated or perceived as a threat, harassment, abuse, intimidation or personal contact that produces fear, causes bodily harm or damage to County property or the property of employees. Workplace violence may involve family, friends, strangers, coworkers, contractors, or customers.
4. Any employee who commits, or threatens to commit, any violent act against any person while on County property or while on duty, may face administrative action against them, up to and including termination of employment.
5. Any employee who commits or threatens to commit any violent act against another person off duty may face administrative action against them, up to and including termination of employment, if that threat or violent act could or does adversely affect the County or its reputation within the community.
6. Any employee who is threatened with or subjected to any violent act shall immediately notify their supervisor or the Human Resources Director.
7. Any employee who becomes aware that another employee has been threatened with or subjected to any violent act shall immediately notify their Supervisor or the Human Resources Director.
8. Prohibited Items:
 - a. Employees are prohibited from bringing firearms or other weapons into any County building or vehicle (except sworn law enforcement officers and weapons assigned to employees as a requirement of their job description). County property includes, but is not limited to, employee desks, offices, lockers, toolboxes, etc. The County reserves the right to search or inspect any item the employee may have on County property, including personal belongings, for the prevention of workplace violence. Any illegal items discovered may be taken into custody and turned over to the appropriate law enforcement agency.
 - b. Employees are permitted to keep a personal firearm or weapon in their personal vehicle provided the firearm is unloaded and the firearm or weapon is kept in a rack or case and

the vehicle remains locked on County property. Any such possession of a firearm must be in accordance with applicable Federal, State, and County laws and ordinances.

9. Reporting Acts of Violence:

a. Human Resources will investigate any reports or complaints of workplace violence. Based on the facts established from the investigation, a determination will be made as to further action that may be taken, including notifying local law enforcement authorities of actual threats or acts of violence.

b. An employee who reports conduct prohibited under this policy will not be disciplined, suspended, retaliated against, or terminated from employment based upon their reporting of a workplace violence incident. However, an employee who intentionally files a false or fabricated report of workplace violence or an employee who intentionally testifies falsely in a workplace violence investigation shall be subject to disciplinary action against them, up to and including termination of employment.

2.18 EMPLOYEE REFERENCES

1. The County shall only respond to official employment reference requests (those requests from other employers or law enforcement agencies).

2. To ensure consistency and legality of responses, all requests for employment references shall only be provided by the Department Head in which employee worked or the Director of Human Resources.

2.19 PREVIOUSLY TERMINATED EMPLOYEES

Employees who are terminated from County employment for disciplinary reasons (performance or behavior) or who have resigned in lieu of termination shall not be eligible for future employment with the County, unless prior approval by the Commissioners.

2.20 REINSTATEMENT OF BENEFITS

1. Employees who leave full time positions with the County and return in one (1) year or less to another full time position may request from their Department Head their benefits be restored such as longevity, vacation and paid time off. These benefits will be restored as if there was no interruption in service

2. Department Heads who approve a restoration of benefits must include this authorization on the Status Change Form submitted to the Auditor's Office prior to the employee's hiring or on a separate Status Change form. The benefits will not be restored without a timely filed Status Change form.

2.21 PETS IN THE WORKPLACE

1. It is the policy of the Board of County Commissioners that employee's shall not have animals in the buildings unless they are a service animal. Under the ADA, a service animal is defined as an animal that has been individually trained to do work or perform tasks for an individual with a disability. The task(s) performed by the animal must be directly related to the person's disability.

2. There are 7 types of service animals defined in the Indiana Code of Law including:

- a. Hearing animal
- b. Guide animal
- c. Assistance animal
- d. Seizure alert animal
- e. Mobility animal
- f. Psychiatric service animal
- g. Autism service animal

Exceptions to this policy include the Porter County Animal Shelter, venues that rent space to third parties that are sponsoring animal related events, animals that are part of a theatrical production, or animals that are part of a law enforcement K-9 unit.

SECTION 3

EMPLOYMENT PROCESS

3.01 RECRUITMENT, SELECTION AND HIRING

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

The residency of the applicant/prospective employee shall be a criterion when making a hiring decision.

When a job vacancy occurs, the department may fill the position by promotion or transfer within the department without posting. The County encourages internal promotion transfer whenever possible.

Unless a position will be filled by promotion or transfer from within the department, elected officials/department heads shall post the vacancy.

A notice of job vacancy should contain the following:

- a. The title of the available position;
- b. A brief summary of the duties and responsibilities;
- c. Minimum education and experience requirements;
- d. The deadline, if any, and the place for submission of the application;
- e. A statement that the County is an "Equal Opportunity Employer."
- f. The Elected Official/Department Head will submit the job description to the Human Resources Director for review.
- g. The Human Resources Director will review it and if there are no changes submit it to the switchboard.
- h. The switchboard will fax it to all of the county buildings and post it publicly on the bulletin boards in the county buildings.

It is at the discretion and expense of the elected official/department head to advertise where they choose.

3.02 EMPLOYMENT APPLICATIONS

Porter County makes available employment applications upon request. Elected officials/department heads should have all candidates for jobs submit a résumé and/or complete a County Application for Employment (“Application”), as well as any other forms required for statistical purposes or deemed necessary to process the Application. Résumés and Applications shall be maintained by the Human Resources Department for six (6) months.

Only questions specifically related to occupational standards are included in the Application. Applications must be fully completed and must account for periods of employment and unemployment. Porter County relies on the accuracy of information on the Application, on the submitted résumés as well as other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the County’s exclusion of the individual from further consideration for employment, or, if the person has been hired, termination of employment.

Submission of a résumé or placement of an Application with the County does not mean that all applicants will be granted an interview by the elected official/department head; however, equal consideration will be given to all applicants based on the qualifications listed for the job. Résumés and Applications shall only be taken for open positions, with the exception of recruitment lists maintained by the Porter County Sheriff.

3.03 APPLICANT TESTING

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

3.04 PRE-EMPLOYMENT INTERVIEWS

Employment interviews will be conducted by elected officials or their designee. The Human Resources Director shall be notified of interviews and he or she will decide if they need to be present.

3.05 EMPLOYMENT REFERENCE CHECKS

To ensure that individuals who are employed by the County are well qualified and have a strong potential to be productive and successful, employment references shall be checked. Department Heads or their designee will be responsible to conduct reference checks. In addition, criminal record checks may be conducted.

3.06 CONDITIONAL OFFER OF EMPLOYMENT

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

3.07 AUTHORIZED ALIEN STATUS AND CITIZENSHIP

Verification of Employment Eligibility: All applicants must cooperate with the County by being in compliance with the Immigration Reform and Control Act of 1986, as amended. Applicants who refuse to supply the documentation necessary to prove they are American citizens or aliens authorized to work in this country will not be considered for employment. The Human Resources Department shall ensure that the I-9 Form is properly completed and retained as required by law. The Auditor cannot process payroll claims for any employee unless the appropriate forms are completed. Newly hired employees must complete and sign Section 1 of Form I-9 no later than the first day of employment.

3.08 PERSONNEL FILES

The process of selecting and hiring for each position of employment shall be documented with the information pertaining to the hired employee retained in that employee's personnel records. Information in personnel records shall be kept on file for each employee for a period of not less than seven (7) years. Information in personnel records may be relevant to and used in making decisions regarding a person's status as a County employee.

Porter County shall maintain two separate sets of personnel records for each employee: the employee's personnel file and medical file.

a. Personnel File. The employee's Personnel File shall contain the employee's title, salary information, New Hire Payroll Information Form, Application for Employment and/or résumé, retirement enrollment forms, Information Changes Form and beneficiary forms, and Employee Acknowledgment Form, Information Changes Form for salary increases, and disciplinary records, including absences, tardiness, and other related data. The Personnel File shall be maintained by the Human Resources Department.

b. Medical File. The employee's confidential Medical File shall contain all medical information, including disability information, insurance enrollment forms, and other medically related information, and shall be maintained by the elected official/department head under whom

the employee works or by the Human Resources Director. The Medical File shall be kept separately from the Personnel File.

The employee's medical files, and portions of the employee's personnel files, shall be deemed confidential personnel records and exempt from public access to the extent allowed under the Indiana Access to Public Records Law. The information contained in an employee's personnel records shall be available to the employee and the elected official/department head under which the employee works, the County Attorney, and employee designated as custodians of such records by elected official/department head, by this personnel policy, or by Indiana law. Employees must make a written request to Human Resources to view their personnel file.

3.09 PERSONAL INFORMATION CHANGES

Personal mailing addresses, telephone numbers, number and names of dependents (including dates of birth), changes in marital status, individuals to be contacted in the event of an emergency, educational accomplishment, and other such personal information should be accurate and current. Any unreported changes in personal status may impact eligibility under the County's benefit plans. It is the employee's responsibility to convey accurate and up to date personal information in written form to the Department Head and Auditor's office.

SECTION 4

BENEFITS

4.01 VACATION

1. The County provides full time employees with paid vacation time:

a. Time is accrued to employees based upon length of continuous employment.

b. All vacation requests must have the approval of the Department Head or Elected Official before they can be taken.

c. All vacation hours must be used in full day increments.

d. New employees are eligible to take a paid vacation after six (6) months of employment. All full-time employees are entitled to a vacation after one (1) year of uninterrupted full-time service.

e. The employee is paid for any unused vacation time upon termination with the county's next payroll, if the termination is after one year and is caused by resignation with sufficient notice, retirement with sufficient notice, or release by the County.

All employees' that have a 35 hour work week will follow this chart:

After completing six (6) months of service	35 vacation hours
After completing one (1) year of service	70 vacation hours
After completing five (5) years of service	105 vacation hours
After completing ten (10) years of service	140 vacation hours
After completing twenty (20) years of service	175 vacation hours

All employees' that have a 40 hour work week will follow this chart:

After completing six (6) months of service	40 vacation hours
After completing one (1) year of service	80 vacation hours
After completing five (5) years of service	120 vacation hours
After completing ten (10) years of service	160 vacation hours
After completing twenty (20) years of service	200 vacation hours

2. Vacation requests will be granted on a first-come, first served basis and are subject to operational need. Department Heads may institute a fair scheduling procedure regarding time off.

3. All vacation leaves must be requested in advance utilizing a form designated by the County. Vacation taken without notice will be considered “absence without leave” resulting in disciplinary action up to and including termination.
4. Vacation time should be taken before commencement of the next period (by the next anniversary date). There will not be any carry over of vacation hours unless approved by the Commissioners.
5. No employee will be granted vacation time in advance of vacation hours being earned.
6. No employee will be compensated for Vacation Leave in lieu of taking his or her Vacation Leave.
7. The Commissioners have the right to negotiate vacation time when hiring supervisory positions.
8. In the event a holiday falls while an employee is on vacation, the employee will not be charged a vacation day for that holiday.

4.02 PAID TIME OFF

1. Paid Time Off (PTO) is a system that allows regular full-time employees to be paid for sick time and personal time
 - a. Eligibility-Regular full-time employees are eligible to take PTO after 90 days of employment. Department heads do not have the authority to authorize earlier PTO.
 - b. Regular full-time employees on any leave of absence including: Family/Medical Leave, workers’ compensation leave, extended disability leave or on layoffs do not accrue PTO.
 - c. Regular 35 hour full-time employees will have 70 hours of PTO a year. Regular 40 hour full-time employees will have 80 hours of PTO a year.
 - d. Paid Time Off is to be requested in writing to the Department Head or Elected Official. If the employees request has been denied and who then does not show up for work on the denied day he or she may be terminated for being absent without notice.
 - e. The minimum use allowed for PTO for non-exempt employees is 1.0 hours (or 60 minutes).

- f. PTO may not be used to make up for time lost due to tardiness, or to satisfy all or part of the minimum required termination notice. Employees may not work during PTO in order to receive double compensation.
- g. PTO cannot be taken prior to being earned.
- h. Upon termination of employment with Porter County Government, PTO will not be paid out.

2. Banked PTO

- a. At the end of the employee's 12 months, an employee may bank their remaining PTO hours. These banked PTO hours will be credited to the employee's Banked PTO Account. The maximum hours a regular 35 hour full-time employee can have in their Banked PTO Account are 210 hours. (30 days) The maximum hours a regular 40 hour full-time employee can have in their Banked PTO Account are 240 hours.
- b. The Banked PTO Account can be utilized only after an employee has used all current year PTO hours and can only be used in the event of illness for an employee or an immediate family member with medical verification which is expected to last three or more consecutive working days.
- c. Employees that have banked sick days according to the prior policy will keep those days but those days will be converted to hours. Those hours will be put in their Banked PTO Account and used according to policy.
- d. Employees that have reached the maximum allotted banked sick time according to prior policy will not be able to carry over any PTO hours for the Banked PTO Account.

4.03 SICK LEAVE

The County recognizes employees occasionally become ill and provides PTO for doctor appointments, injuries, illnesses etc. Employees who are sick and unable to report to work shall contact the Responsible Elected Official, Department Head or Supervisor as soon as possible no later than 30 minutes prior to the scheduled starting time. An employee must continue notification each succeeding day of absence except in cases of prolonged illness or absence where the employee has been granted a set period of leave. Upon return to work, employees must complete a Leave Request Form. An employee will be required to bring in a doctor's note if he or she has called off three (3) consecutive days.

Employees with prior knowledge of the need for sick leave time, e.g., a scheduled surgery or doctor's appointment, must complete a Leave Request Form prior to commencement of such leave

and receive approval from the Responsible Elected Official, Department Head or Supervisor. The employee must document the specific nature of the illness on the Request for Leave form. If extended sick leave is necessary, employees are required to submit a certificate from a physician indicated the need for and the length of leave for medical reasons.

Failure of an employee to make proper notification may result in denial of sick leave and/or appropriate disciplinary action.

4.04 HOLIDAYS

All full-time employees on the active payroll, who have worked a minimum 30 days for the County, are eligible for time off with pay on the legal holidays observed by the County.

Employees must work his/her last scheduled day before and the next scheduled day after a holiday in order to receive pay for a holiday not worked. This policy does not apply to pre-approved use of vacation and compensatory time. If an employee is legitimately ill on the last scheduled day before or the next scheduled day after a holiday, the employee may be paid for the holiday, subject to his/her Responsible Elected Official or Department Head's approval. A physician's certificate of illness may be requested.

Employees who are required to work on a holiday will be paid or receive compensatory time at the rate of one and one-half hours for time worked.

Regular part-time and temporary employees and individuals under service contracts are not eligible for holiday pay for a holiday not worked.

Time actually worked on a holiday is not pyramided; that is, it is not considered time in active pay status for overtime calculations because separate compensation is already paid.

The holidays observed by the County shall be set by the Commissioners each December for the following year.

When requesting vacation time, regular full-time employees should not include a holiday as part of the request.

Any employee on a leave of absence or medical absence, who is scheduled to work on a holiday and reports off for any reason, is not entitled to holiday pay.

Employees who wish to observe religious holiday may use accrued vacation, PTO or compensatory time subject to staffing needs to receive payment.

4.05 GROUP INSURANCE and BENEFITS

The following employees are eligible to participate in the Porter County Government Employee Benefit Plan:

1. Regular full-time employees;
2. Individuals under service contracts, including the public defenders, and others as designated by the Board of Commissioners; and
3. Elected Officials.

The Plan includes group term life insurance and comprehensive major medical, prescription, short term disability, and dental coverage. Eligible employees may also elect coverage for vision care. Cost of the healthcare benefits and short term disability benefits are shared by the county and the employee. The employee cost for healthcare benefits is based on the level of coverage the employee elects.

4.06 MEDICAL BENEFITS AND LIFE INSURANCE

The County has established a partially self-funded health (medical and dental) benefits plan for regular full-time employees and their families who choose to participate. Appointed and elected officials and their families may also be entitled to participate in the medical benefits program. A portion of the cost of this plan is paid by the County. The County also furnishes a \$20,000.00 term life insurance policy at no charge to each full-time employee. The terms and conditions specified in such plans govern coverage's. Information about how to enroll, change or continue coverage may be obtained from the Human Resources Department.

A summary follows:

- a. Initial enrollment period – New employees: Eligible new employees may enroll in the health benefits plan without any restrictions within thirty (30) days of being hired. Insurance coverage will begin on the first day of the month following thirty (30) days of full-time employment with the County. Employees who do not elect to participate in the plan will be asked to sign a waiver of this benefit.
- b. Newly eligible persons: Spouse: A new spouse may be enrolled without restrictions if the application for coverage is received within thirty (30) days of marriage.
- c. Newborn and adopted children: Newborn or adopted children may be enrolled without restrictions if the application for coverage is received within thirty (30) days of birth or placement.

Supplemental insurance programs: Supplemental medical, disability and life insurance (including policies on family members) programs are available. The costs of such supplemental policies are paid entirely by the participating employee through payroll deductions.

4.07 COBRA

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the County's health plan when a "qualifying event" would normally result in the loss of eligibility. Common qualifying events include resignation, termination of employment, death of an employee, a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements. Under COBRA, the employee or beneficiary pays the full cost of coverage at the County's group rates, plus an administration fee. The County, through a third-party administrator, provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the County's health insurance plan. The notice contains important information about the employee's rights and obligations. Elected officials or department heads must notify the Human Resources Department and the Porter County Auditor immediately after an employee is terminated.

Specific details regarding eligibility and coverage are available from the Human Resources Department.

4.08 RETIREE INSURANCE

Eligible Employees-All full-time employees, including Porter County elected officials who are in active service on or subsequent to the effective date of this plan; who are regularly scheduled to work at least thirty (30) hours per week.

If an employee qualifies as an employee and a dependent, such person may be covered as an employee or dependent but not both.

Eligible Retirees-Retirees will be eligible to be covered under this plan if they meet these requirements:

1. The employee who has reached age fifty-five (55) on or before the employee's retirement date but who will not be eligible for Medicare;
2. The employee has completed twenty (20) years of active service with the employer with ten (10) years having been completed immediately prior to the employee's retirement date; and
3. The employee has participated in the employer's retirement plan for at least fifteen (15) years and the employee is a member of the retirement plan on or before the employee's retirement date.

The retired employee must make a written request for coverage to the Human Resources Director. The Human Resources Director will check to see if employee qualifies for the Retiree Insurance and then submit a letter to the Auditor's Office letting them know the employee has been verified. The employee must make a written request for coverage to the Human Resources Director within ninety (90) days after the employee's retirement. The employer may require that the retired

employee pay for all or a portion of the cost of the coverage. The retired employee's coverage shall terminate upon the earlier of:

1. The date the retired employee becomes eligible for Medicare;
2. The date the employer ceases to maintain the plan; or
3. The retired employee ceases to make contributions for the cost of coverage if contributions are necessary.

A retired employee who is eligible for coverage under this plan may elect the same coverage for a dependent spouse at the time of the employee's retirement. The employer may require that the dependent spouse pay for all or a portion of the cost of coverage. If the dependent spouse pays the entire cost of the coverage, then eligibility for coverage shall not be affected by the death of the retired employee. The surviving dependent spouse's coverage shall terminate upon the earliest of the following:

1. When the surviving dependent spouse becomes eligible for Medicare;
2. When the employer ceases to maintain the plan;
3. Two (2) years following the retired employee's death; or
4. The date the surviving spouse remarries.

4.09 PUBLIC EMPLOYEES RETIREMENT FUND

All employees in Public Employees Retirement Fund (PERF) covered positions are required to contribute to PERF as a condition of employment. Beginning the first day of employment, a three percent (3%) contribution must be deducted from all employees' gross earnings.

Information about PERF, as well as forms and other documents, is available on the Indiana Public Retirement System (INPRS) website. Once enrolled in PERF, new employees will receive information by mail to set up an account with secure login. Other information, such as phone numbers and mailing address are available on the website as well.

4.10 DEFERRED COMPENSATION PROGRAM

Any employee at any time may elect to enroll in the Hoosier S.T.A.R.T Deferred Compensation Program, commonly called a 457 deferred compensation program. Deferred compensation programs allow employees to save and invest pre-tax dollars to supplement retirement/pension benefits. Brochures for this program are available in the Human Resources office.

4.11 SOCIAL SECURITY

Porter County Government participates in the Federal Social Security program which can provide retirement, disability or death benefits. Each pay period a deduction is made from the employees' gross earnings under the heading, FICA. The County contributes a matching dollar-for-dollar amount. The amounts contributed from an employee's earnings are fixed by federal law. An

explanation of the types of benefits available can be obtained from a nearby Social Security Office or online.

4.12 UNEMPLOYMENT COMPENSATION

Porter County Government provides unemployment compensation coverage for all qualified employees. Benefits are administered in accordance with the laws of the State of Indiana.

SECTION 5

LEAVES OF ABSENCE

5.01 LEAVES OF ABSENCE

Leaves of absence must be requested in writing and must specify the starting and ending dates of the leave, if known.

Employees who accept other employment during a leave of absence shall be considered to have terminated their employment with the County as of the date their leave became effective.

Leaves of absence are classified as follows, and are available to any Regular Full-Time Employee who has successfully completed the introductory period and meets any other requirements for the specific leave requested.

5.02 FAMILY/MEDICAL LEAVE

Statement of Policy

Eligible employees may request time off for family and/or medical leave of absence with job protection and no loss of accumulated service provided the employee meets the conditions outlined in this policy and returns to work in accordance with the Family and Medical Leave Act of 1993. Any employees who wish to request FMLA leave must contact Human Resources.

An Employee's Obligation to Provide Notice of the Need for Leave

Employees must provide notice of their need for FMLA leave. In general, an employer may require that employees comply with the employer's usual and customary policies for requesting leave, unless unusual circumstances prevent the employee from doing so. The employer can take action under its internal rules and procedures if the employee fails to follow its usual and customary rules for requesting leave. Employers may not, however, discriminate against employees taking FMLA leave. An employer may also choose to waive the employee's notice requirement or its own internal rules about leave requests.

Content of an Employee's Notice

An employee's notice of a need for FMLA leave may be oral or written. The first time the employee requests leave for a qualifying reason, he or she is not required to specifically mention the FMLA. However, the employee is required to provide enough information for the employer to know that the leave may be covered by the FMLA. For foreseeable leave, the employee must also indicate when and how much leave is needed.

Once approved for a particular FMLA leave reason, if additional leave is needed for the same reason, the employee may be required to reference that reason or the FMLA. In all cases, the employer may ask additional questions to determine if the leave is FMLA-qualifying.

Timing of an Employee's Notice-Leave that is Foreseeable

Generally, an employee must give at least 30 days advance notice of the need to take FMLA leave when he or she knows about the need for the leave in advance and it is possible and practical to do so. For example, if an employee is scheduled for surgery in two months, the need for leave is foreseeable and the employee must provide at least 30 days advance notice. If an employee does not provide at least 30 days advance notice, and it was possible and practical to do so, the employer may delay the FMLA leave until 30 days after the date that the employee provides the notice.

If 30 days advance notice is not possible because the foreseeable situation has changed or the employee does not know exactly when leave will be required, the employee must provide notice of the need for leave as soon as possible and practical.

In the case of FMLA leave for a qualifying exigency of a military family member, the employee must give notice of the need for such leave as soon as possible and practical, regardless of how far in advance the leave is needed.

For planned medical treatment, the employee must consult with his or her employer and try to schedule the treatment at a time that minimizes the disruption to company operations. The employee should consult with the employer prior to scheduling the treatment in order to arrange a schedule that best suits the needs of both the employee and employer. Of course, any schedule of treatment is subject to the approval of the treating health care provider.

Timing of an Employee's Notice-Leave that is Unforeseeable

When the need for leave is unexpected, the employee must provide notice as soon as possible and practical. It should usually be reasonable for the employee to provide notice of leave that is unforeseeable within the time required by the employer's usual and customary notice requirements. Whether the employee's notice of unforeseeable leave is timely will depend upon the facts of the particular case.

For example, if the employee's child has a severe asthma attack and the employee takes the child to the emergency room, the employee is not required to leave the child to report the absence while the child is receiving emergency treatment. However, if the child's asthma attack required only the use of an inhaler at home followed by a period of rest, the employee would be expected to call the employer promptly after ensuring the child has used the inhaler.

Definitions

As used in this policy, the following terms and phrases shall be defined as follows:

1. “Family and/or medical leave of absence”: An approved absence available to eligible employees for up to twelve (12) weeks of unpaid leave per year under particular circumstances. Such leave may be taken only for the following qualifying events:
 - a. Upon the birth of an employee’s child and in order to care for the child.
 - b. Upon the placement of a child with an employee for adoption or foster care.
 - c. When an employee is needed to care for a family member who has a serious health condition.
 - d. When an employee is unable to perform the functions of his position because of the employee’s own serious health condition.
 - e. Qualifying service member leave.
2. Service Member Leave: The spouse, parent or child of a member of the U.S. military service is entitled to twelve (12) weeks of FMLA leave due to qualifying exigencies of the service member being on “covered active duty” or receiving a “call to covered active duty” In addition, a spouse, child, parent or next of kin (nearest blood relative) of a service member is entitled to up to twenty-six (26) weeks of leave within a “single twelve (12)-month period” to care for a service member with a “serious injury or illness” sustained or aggravated while in the line of duty on active duty. The “single twelve (12)-month period” for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established for other types of FMLA leave.
3. “Per year”: A rolling twelve (12) month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the employer will compute the amount of leave the employee has taken under this policy, and subtract it from the twelve (12) weeks of available leave. The balance remaining is the amount the employee is entitled to take at the time of the request. For example, if an employee used four (4) weeks of FMLA leave beginning February 4, 2015, four weeks beginning June 1, 2015, and four weeks beginning December 1, 2015, the employee would not be entitled to any additional leave until February 4, 2016.
4. “Serious health condition”: Any illness, injury, impairment, or physical or mental condition that involves:
 - a. Inpatient care.

- b. Any period of incapacity of more than three consecutive calendar days that also involves:
 - c. Two or more treatments by a health care provider, the first of which must occur within seven (7) days of the first day of incapacity and both visits must be completed within thirty (30) days; or
 - d. Treatment by a health care provider on one occasion that result in a regimen of continuing treatment under the supervision of a health care provider.
 - e. Any period of incapacity due to pregnancy or for prenatal care.
 - f. A chronic serious health condition which requires at least two “periodic” visits for treatment to a health care provider per year and continues over an extended period of time. The condition may be periodic rather than continuing.
 - g. Any period of incapacity which is permanent or long term and for which treatment may not be effective (i.e. terminal stages of a disease, Alzheimer’s disease, etc.).
 - h. Absence for restorative surgery after an accident/injury or for a condition that would likely result in an absence of more than three days absent medical intervention. (i.e. chemotherapy, dialysis for kidney disease, etc.).
5. “Licensed health care provider”: A doctor of medicine, a doctor of osteopathy, podiatrists, dentists, optometrists, psychiatrists, clinical psychologists, and others as specified by law.
6. “Family member”: Spouse, child, parent or a person who stands “*in loco parentis*” to the employee.
7. “Covered Service Member”: Means either:
- a. A current member of the Armed Forces, including a National Guard or Reserve Member, who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness; or
 - b. A covered veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. Covered veteran means an individual who was a

member of the Armed Forces (including a National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

8. “Outpatient Status”: The status of a member of the Armed Forces assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members of the Armed Forces receiving outpatient medical care.
9. “Next Of Kin”: The term “next of kin” used with respect to a service member means the nearest blood relative of that individual.
10. A “serious injury or illness”, for purposes for the 26 week military caregiver leave means either:
 - a. In the case of a current member of the Armed Forces, including a member of the National Guard or Reserves, means an injury or illness that was incurred by the covered service member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating; and,
 - b. In the case of a covered veteran, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:
 - c. A continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or
 - d. A physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

- e. A physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or
- f. An injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

11. “Covered Active Duty” or “call to covered active duty”:

- a. In the case of a member of a Regular Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country. (Active duty orders of a member of the Regular components of the Armed Forces generally specify if the member is deployed to a foreign country.”
- b. In the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation pursuant to specific sections of the U.S. Code, as outlined in 29 CFR § 825.126.

12. “Deployment to a foreign country” means deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the U.S., including international waters.

13. “Qualifying Exigency”: (For purposes of the twelve (12)-week qualifying exigency leave) includes any of the following:

- a. Up to seven days of leave to deal with issues arising from a covered military member’s short notice deployment, which is a deployment of seven (7) or fewer days?
- b. Military events and related activities, such as official ceremonies, programs, or events sponsored by the military, or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the active duty or call to active duty status of a covered military member.

- c. Qualifying childcare and school activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis; enrolling or transferring a child to a new school; and attending certain school and daycare meetings if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member.
- d. Making or updating financial and legal arrangements to address a covered military member's absence, such as preparing powers of attorney, transferring bank account signature authority, or preparing a will or living trust.
- e. Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or a child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member.
- f. Rest and recuperation leave of up to fifteen (15) days to spend time with a military member who is on short-term, temporary, rest and recuperation leave during the period of deployment. This leave may be used for a period of 15 calendar days from the date the military member commences each instance of Rest and Recuperation leave.
- g. Attending certain post-deployment activities within ninety (90) days of the termination of the covered military member's duty, such as arrival ceremonies, reintegration briefings, and any other official ceremony or program sponsored by the military, as well as addressing issues arising from the death of a covered military member.
- h. Qualifying parental care for military member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the military member when the member was under 18 years of age, when the parent requires active assistance or supervision to provide daily self-care in three or more of the activities of daily living, as described in 29 C.F.R. § 825.126, and the need arises out of the military member's covered active duty or call to covered active duty status.
- i. Any qualifying exigency which arose out of the covered military member's covered active duty or call to covered active duty status.

Leave Entitlement

To be eligible for leave under this policy, an employee must meet all of the following conditions:

1. Worked for the agency for at least twelve (12) non-consecutive months, or fifty-two (52) weeks.
2. Actually worked at least one thousand two hundred-fifty (1,250) hours during the twelve (12) month period immediately prior to the date when the FMLA leave is scheduled to begin.
3. Work at a location where the Employer employs fifty (50) or more employees within a seventy-five (75) mile radius.
 - a. The entitlement to FMLA leave for the birth or placement for adoption or foster care expires at the end of the twelve (12) month period following such birth or placement.
 - b. Spouses who are both employed by the agency are jointly entitled to a combined leave total of twelve (12) weeks (rather than twelve (12) weeks each) for the birth of a child, upon the placement of a child with the employees for adoption or foster care, and for the care of certain family members with serious health conditions.

Use of Leave

The provisions of this policy shall apply to all family and medical leaves of absence as follows:

1. Generally: An employee is only entitled to take off a total of twelve (12) weeks of leave per year under the FMLA. As such, employees will be required to utilize their accumulated unused paid leave (sick, vacation, etc.) in conjunction with their accumulated unused unpaid Family Medical Leave. Employees will be required to use the type of accumulated paid leave that best fits the reason for taking leave and must comply with all procedures for requesting that type of leave as stated in the relevant policy. Any time off that may legally be counted against an employee's twelve (12) week FMLA entitlement will be counted against such time.
2. Birth of An Employee's Child: An employee who takes leave for the birth of his or her child must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period. However, if the employee requests leave for the employee's own serious health condition as a result of the pregnancy or post-partum recovery period, the employee will be required to exhaust all of her sick leave prior to using unpaid leave for the remainder of the twelve (12) week period.
3. Placement of a Child for Adoption or Foster Care: An employee who takes leave for the placement of a child for adoption or foster care must first use all available accrued paid vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.

4. **Employee's Serious Health Condition or Family Member's Serious Health Condition:** An employee who takes leave because of his or her own serious health condition or the serious health condition of his or her family member must use all available accrued paid sick and vacation leave prior to using unpaid leave for the remainder of the twelve (12) week period.

FMLA and Disability/Workers' Compensation

An employee who is eligible for FMLA leave because of his or her own serious health condition may also be eligible for workers' compensation if the condition is the result of workplace accident or injury. Regardless of whether the employee is using worker's compensation benefits, the Employer may designate the absence as FMLA leave, and count it against the employee's twelve (12) week FMLA entitlement if the injury or illness constitutes a serious health condition under the FMLA. In addition, as these may be compensated absences, if the employee participates in the worker's compensation program, the employee is not eligible to use paid leave of any type (except as supplemental benefits, if applicable and requested by the employee), nor can the employer require him to do so, while the employee is receiving compensation from such a program.

Procedures for Requesting FMLA Leave

Requests for FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave or as soon as practicable prior to the commencement of the leave. If the employee fails to provide a thirty (30) day notice for foreseeable leave with no reasonable excuse for the delay, the leave may be denied until at least thirty (30) days from the date the employer receives notice. The employee must follow the regular reporting procedures for each absence.

FMLA requests must be submitted on a standard leave form prescribed by the Employer. The Employer will determine whether the leave qualifies as FMLA leave, designate any leave that counts against the employee's twelve (12) week entitlement, and notify the employee that the leave has been so designated.

When an employee needs foreseeable FMLA leave, the employee shall make a reasonable effort to schedule the treatment so as not to unreasonably interfere with the Employer's operations.

Certification of Need for FMLA Leave for Serious Health Condition

An employee requesting FMLA leave due to his family member's serious health condition must provide a doctor's certification of the serious health condition, which must designate that the employee's presence is reasonably necessary. Such certification shall be submitted at the time FMLA leave is requested, or if the need for leave is not foreseeable, as soon as practicable. An

employee requesting FMLA leave due to the birth or placement of a child must submit appropriate documentation at the time FMLA leave is requested.

The Employer, at its discretion, may require the employee to sign a release of information so that a representative other than the employee's immediate supervisor can contact the medical provider. If the medical certification is incomplete or insufficient, the employee will be notified of the deficiency and will have seven (7) calendar days to cure the deficiency.

The Employer may require a second medical opinion prior to granting FMLA leave. Such opinion shall be rendered by a health care provider designated or approved by the Employer. If a second medical opinion is requested, the cost of obtaining such opinion shall be paid for by the Employer. If the first and second opinions differ, the Employer, at its own expense, may require the binding opinion of a third health care provider approved jointly by the Employer and the employee. Failure or refusal of the employee to submit to or cooperate in obtaining either the second or third opinions, if requested, shall result in the denial of the FMLA leave request.

Employees who request and are granted FMLA leave due to serious health conditions may be required to provide the Employer periodic written reports assessing the continued qualification for FMLA leave. Further, the Employer may request additional reports if the circumstances described in the previous certification have changed significantly (duration or frequency of absences, the severity of the condition, complications, etc.), or if the employer receives information that casts doubt on the employee's stated reason for the absence. The employee must provide the requested additional reports to the Employer within fifteen (15) days.

Certification for Leave Taken Because of a Qualifying Exigency

The Employer may request that an employee provide a copy of the military member's active duty orders to support the request for qualifying exigency leave. Such certification for qualifying exigency leave must be supported by a certification containing the following information: statement or description of appropriate facts regarding the qualifying exigency for which leave is needed; approximate date on which the qualifying exigency commenced or will commence; beginning and end dates for leave to be taken for a single continuous period of time; an estimate of the frequency and duration of the qualifying exigency if leave is needed on a reduced scheduled basis or intermittently; appropriate contact information for the third party if the qualifying exigency requires meeting with a third party and a description of the meeting; and, if the qualifying exigency involves Rest and Recuperation leave, a copy of the military member's Rest and Recuperation orders, or other documentation issued by the military which indicates the military member has been granted Rest and Recuperation leave, and the dates of the military member's Rest and Recuperation leave.

Intermittent/Reduced Schedule Leave

When medically necessary, an employee may take FMLA leave on an intermittent or reduced work schedule basis for a serious health condition. An employee may not take leave on an intermittent or reduced schedule basis for either the birth of the employee's child or upon the placement of a child for adoption or foster care with the employee unless specifically authorized in writing by the Department Head or designee. Requests for intermittent or reduced schedule FMLA leave must be submitted in writing at least thirty (30) days prior to taking leave, or, as soon as practicable.

To be entitled to intermittent leave, the employee must, at the time such leave is requested, submit additional certification as prescribed by the Employer establishing the medical necessity for such leave. This shall be in addition to the documentation certifying the condition as FMLA qualifying. The additional certification shall include the dates and the duration of treatment, if any, the expected duration of the intermittent or reduced schedule leave, and a statement from the health care provider describing the facts supporting the medical necessity for taking FMLA leave on an intermittent or reduced schedule basis. In addition, an employee requesting foreseeable intermittent or reduced schedule FMLA leave may be required to meet with the Executive Assistant or designee to discuss the intermittent or reduced schedule leave.

An employee who requests and is granted FMLA leave on an intermittent or reduced schedule basis may be temporarily transferred to an available alternative position with equivalent class, pay, and benefits if the alternative position would better accommodate the intermittent or reduced schedule. An employee who requests intermittent or reduced schedule leave due to foreseeable medical treatment shall make a reasonable effort to schedule the treatment so as not to unduly disrupt the Employer's operations.

Employee Benefits

Except as provided below, while an employee is on FMLA leave, the Employer will continue to pay its portion of premiums for any life, medical, and dental insurance benefits under the same terms and conditions as if the employee had continued to work throughout the leave. The employee continues to be responsible for the payment of any contribution amounts he would have been required to pay had he not taken the leave, regardless of whether the employee is using paid or unpaid FMLA leave. Employee contributions are subject to any change in rates that occurs while the employee is on leave.

The Employer will not continue to pay the Employer portion of premiums for any life, medical, and dental insurance benefits if, while the employee is on FMLA leave, the employee fails to pay the employee's portion of such premiums or if the employee's payment for his portion of the premium is late by more than thirty (30) days. If the employee chooses not to continue health care coverage during FMLA leave, the employee will be entitled to reinstatement into the benefit plan upon return to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition or circumstances beyond the employee's control, the Employer may seek reimbursement from the employee for any amounts paid by the Employer for insurance benefits the employee received through the Employer during any period of unpaid FMLA leave. Leave balances accrued by an employee prior to taking FMLA leave and not used by the employee as outlined in the section entitled "Use of Leave" will be retained by the employee.

FMLA leave, whether paid or unpaid, will not constitute a break in service. Upon the completion of unpaid FMLA leave and return to service, the employee will return to the same level of service credit as the employee held immediately prior to the commencement of FMLA leave. In addition, FMLA leave will be treated as continuous service for the purpose of calculating benefits which are based on length of service. However, specific leaves times (i.e. sick, vacation, and personal leave and holidays) will not accrue during any period of unpaid FMLA leave.

Reinstatement

An employee on FMLA leave must give the Employer at least a two business-day notice of his intent to return to work, regardless of the employee's anticipated date of return. Employees who take leave under this policy will be reinstated to the same or a similar position upon return from leave except that if the position that the employee occupied prior to taking FMLA leave is not available, the employee will be placed in a position which entails substantially equivalent levels of skill, effort, responsibility, and authority and which carries equivalent status, pay, benefits, and other terms and conditions of employment as the position the employee occupied prior to taking FMLA leave. The determination as to whether a position is an "equivalent position" will be made by the Employer.

An employee will not be laid off as a result of exercising her right to FMLA leave. However, the Employer will not reinstate an employee who has taken FMLA leave if, as a result of a layoff within the agency, the employee would not otherwise be employed at the time reinstatement is requested. An employee on FMLA leave has no greater or lesser right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during her FMLA leave.

Prior to reinstatement, employees who take FMLA leave based on their own serious health condition shall provide certification from the employee's health care provider that the employee is able to perform the essential functions of his position, with or without reasonable accommodation.

Records

All records relative to FMLA leave will be maintained by the Employer as required by law. Any medical records accompanying FMLA leave requests will be kept separate from an employee's

regular personnel file. To the extent permitted by law, medical records related to FMLA leave shall be kept confidential. Records and documents created for purposes of FMLA containing family medical history or genetic information as defined by the Genetic Information Nondiscrimination Act of 2008 (GINA) shall be maintained in accordance with the confidentiality requirements of Title II of GINA, which permit such information to be disclosed consistent with the requirements of FMLA.

5.03 MILITARY LEAVE

Porter County is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the County's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership.

Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under this policy. If any employee believes that he or she has been subjected to discrimination in violation of this policy, the employee should immediately contact the employee's Supervisor or the Human Resources Director.

Military leave is governed by the Uniformed Services Employment and Reemployment Rights Act (USERRA).

Under the Federal USERRA statute, some employees that are called up to active duty will be entitled to an unpaid leave of absence with the right to return to their employment upon completion of service.

Under the Indiana Military Family Leave Act, employees that have worked 1,500 hours during the prior 12-month period and that have worked at least 12 months for the company, may be eligible for an unpaid leave of absence if a family member (spouse, parent, grandparent, or sibling) of the employee is called to active military duty, is on active military duty, or has just returned from active military duty.

Reserve Training

Reserve training leave of absence will be granted annually to all employees who are members of the National Guard, the Coast Guard, or any reserve component of the National Guard, the Coast Guard or any reserve component of the Armed Forces of the United States. Leave up to fifteen (15) calendar days to permit attendance at annual training will be granted with full pay pursuant to law. Employees must submit documentation to their Responsible Elected Official or, where appropriate, Department Head sufficient to verify the training and pay.

Employees enrolled in group insurance may continue their coverage for the period of the leave, with the employee paying his/her portion of the premiums for such coverage.

Upon return from reserve training leave that is in accordance with policy, an employee will be placed into the same position he/she left.

There will be no interruption in cumulative service, and vacation time and sick-leave time will continue to accrue during the leave.

Tours of Military Duty

Military leave of absence will be granted to regular employees who are inducted through Selective Service, who voluntarily enlist, or who are called to active duty through membership in the National Guard, the Coast Guard or a reserve component of the Armed Forces of the United States. The duration of the leave for training and service may extend for a period of four (4) years after date of induction, enlistment, call to active duty or such later date as the individual is able to obtain release from active duty.

Consistent with the Universal Military Training and Service Act, employees who leave their regular employment for the Armed Forces are entitled to reinstatement, if: They have a certificate showing satisfactory completion of their military service;
They apply for re-employment within ninety (90) days of discharge; and
They are still qualified to perform the functions of their prior position.

Veterans hospitalized for a year or less after discharge will be reinstated if requested with ninety (90) days of release from the hospital.

All group insurance benefits and PERF will cease during a tour of military duty.

Upon return from a tour of military duty, an employee will be placed into the same or a substantially equivalent position. There will be no interruption in cumulative service, but vacation time and sick-leave time will not accrue during a tour of military duty.

5.04 JURY/COURT DUTY

A Regular Full-Time employee who is subpoenaed for jury duty will receive the difference between his/her regular wages and the amount paid him/her by the court. The same arrangement applies if an employee is subpoenaed to serve as a witness in a court proceeding related to his/her employment.

If an employee is involved in an action against the County that arises from his/her employment with the County, whether as a plaintiff or witness, time away from work will not be paid. An employee who is a plaintiff, defendant or party in a court proceeding not related to his/her employment is not eligible for coverage under this policy.

If an employee is on call as a juror and not required to be in court for the day, the employee is expected to come to work. If services as a juror are not required for the entire day, the employee is expected to return to work after release from jury duty.

The obligation of the County is limited to providing jury duty pay for no more than an employee's regularly schedule work hours.

5.05 BEREAVEMENT LEAVE

The County allows three (3) work days off, with pay, when a death occurs in the immediate family of a Regular Full-Time employee. Immediate family is defined as parents, grandparents, grandchildren, brothers, sisters, children and spouse (including same sex spouse). In addition, immediate family shall include parents of a spouse, or siblings of a spouse. Every effort will be made to allow an employee time off to attend the funeral of anyone other than immediate family, but pay is granted only when death is in the immediate family as defined above.

An employee is entitled to an additional two (2) consecutive working days for a total of five (5) days of paid funeral leave upon the death of: (a) an employee's spouse; (b) an employee's child; (c) an employee's step-child if this step-child resided with the employee at the time of death; or (d) an employee's parent if the employee's parent resided with the employee at the time of death.

Any bereavement leave taken must be utilized in conjunction with the date of death or the funeral and it must be taken on consecutive working days.

SECTION 6

LOSS CONTROL POLICY

6.01 LOSS CONTROL POLICY

The Porter County Board of Commissioners takes great pride in establishing an organization of dedicated individuals working together to provide the finest services possible to Porter County residents in an efficient and safe manner.

It is our belief that injuries and property damage resulting from accidents are preventable through the proper management of our human and physical resources. To this end, all levels

of management are charged with the responsibility of providing adequate resources and enthusiastic leadership to eliminate accidents which cause injury and property damage.

All employees are encouraged to follow safe work methods and practices and to have a concern for the safety of their fellow workers and for the residents of Porter County.

To this end, the Porter County Board of Commissioners will establish a Loss Control Program that will help eliminate accidents and injuries to both county employees and county residents in our county.

Loss control is a manageable function that contributes to efficient operations through reduction of accidental loss. Loss reduction (safety) is achieved by setting goals, planning, organizing, directing and controlling. To assist in this effort, the Porter County Board of Commissioners will establish a Safety Committee whose function will be to create and maintain interest in safety and health and thereby help reduce accidents. The Safety Committee will be expected to assist in the implementation, revision, and maintenance of our Loss Control Program.

Implementation of loss control activities will include, but not be limited to:

- A. Accident investigation;
- B. Safety education;
- C. Promotional programming; and
- D. Self-inspection.

The Porter County Board of Commissioners, through passage of this policy, intends to make Porter County a safer environment in which to live and work.

Safety Committee

A Safety Committee is hereby established whose function will be to assist in the implementation, revision and maintenance of a loss control program and to assist in early accident investigation in Porter County.

The Safety Committee established shall consist of the following individuals:

- A. A Porter County Commissioner or designee;
- B. A Porter County Council person or designee;
- C. County Attorney;

- D. Human Resources Director;
- E. Porter County Highway Superintendent;
- F. Representative from Porter County Insurance Carrier;
- G. Emergency Management Director; and
- H. A Representative from the Sheriff's Department

The Safety Committee shall meet quarterly and more frequently as deemed necessary by the Porter County Board of Commissioners.

The Safety Committee shall meet and recommend additional policy and procedure to the Porter County Board of Commissioners to assist in the implementation and the maintenance of a loss control program and early accident investigation in Porter County.

6.02 FITNESS FOR DUTY

Employees are expected to be sufficiently fit to perform the essential functions of their positions in a safe, effective and efficient manner. When no reasonable cause exists, periodic physical, laboratory, hearing or vision tests are not required. Should reasonable cause exist to question an employee's fitness for duty the Department Head is to immediately and temporarily remove the employee from active duty and/or temporarily prohibit an employee from returning to duty, until such fitness can be evaluated by a licensed medical professional.

Licensed medical professionals (herein "medical") will be selected and at the County's expense.

Only those employees who complete a medical evaluation and are adjudged fit for duty with or without accommodation will be eligible to remain in their positions.

Medical recommendations will be considered when deciding whether an employee will be allowed to return to their duties.

6.03 WORKPLACE INJURIES/WORKERS' COMPENSATION

Porter County Government intends to provide and maintain safe and healthful working conditions according to reasonable and standard practices and to comply with legal requirements governing health, safety and Worker's Compensation.

It is each employee's responsibility to help maintain a safe working environment, to observe safety rules and regulations, and to report any potentially unsafe conditions to the immediate supervisor.

Any illness or injury related to an employee's work assignment, no matter how minor, must submit a completed Employee Accident/Injury Report to the Responsible Elected Official within twenty-four (24) hours, to the Department Head or Supervisor, who would then forward it to the Human Resources Department. The Human Resources Department will be responsible for all reporting and follow-up from that point. Failure to report injuries promptly may affect the employee's right to Worker's Compensation Coverage.

If emergency treatment or hospitalization is required, the employee should inform the hospital and/or physician that the illness or injury is work related. Work-related illnesses or injuries should never be submitted under the County group health insurance.

If a work-related illness or injury does not result in a Worker's Compensation disability but does require periodic medical treatment, appointments for such treatment should be made outside of the employee's regularly scheduled work time, whenever possible. When it is not possible, the employee must use available accrued sick-leave time, accrued vacation time, or compensatory time off, preferably scheduled in advance.

Worker's Compensation Medical and Disability Benefits

Porter County Government provides comprehensive worker's compensation coverage at no cost to employees in accordance with Indiana's Worker's Compensation Act. This protection covers any work-related injury or illness that requires medical treatment. Worker's compensation coverage does not extend to benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social or athletic activity sponsored by Porter County Government.

Worker's compensation insurance generally provides limited benefits to eligible workers in the form of medical treatment, compensation for lost wages, and compensation for the loss or use of parts of the body. If an employee dies in a workplace accident, the employee's dependents may become eligible to collect death benefits. Benefits are generally available to employees after a short waiting period.

Lost time benefits due to a work-related injury or illness begin on the eighth (8th) calendar day of disability. If an employee wishes to be paid for work missed during the first seven (7) days, he/she may utilize paid sick leave, vacation or compensatory time.

If a disability extends longer than twenty-one (21) calendar days, the initial seven-day waiting period is retroactively paid. The amount of the benefit is fixed by state law and will be determined by an employee's average wages over the past 52 weeks of employment.

The County will not issue paychecks to an employee on a Worker's Compensation disability in exchange for an employee's Worker's Compensation disability benefit checks.

While receiving Worker's Compensation benefits, vacation time or sick-leave time will not continue to accrue, but there will be no interruption in cumulative service.

An employee's participation in the group health insurance program remains unchanged during a Worker's Compensation disability leave for a period of six (6) months from the date of injury or illness.

Prior to returning to work from a work-related illness or injury an employee must submit a written doctor's release to his/her Responsible Elected Official or, where appropriate, Department Head. The doctor's release must indicate that an employee is able to resume normal work operations. When possible and appropriate, the County will cooperate with a doctor's written orders for restrictions placed on an employee in order to return to "light duty" until the employee is released in writing by the doctor to resume normal work obligations. Arrangements for "light duty" must be made in writing and approved in advance of an employee's return by his/her Responsible Elected Official or, where appropriate, Department Head.

If an employee is able to return to work within six (6) months of the onset of the disability, the County will place that employee into the same or a substantially equivalent position. If an employee remains unable to be released to return to work after six months, the employee's employment may be terminated. A terminated employee will be paid for accrued vacation time and compensatory time. At that time, a terminated employee may elect to continue his/her group health coverage, if any, through COBRA.

Worker's Compensation leaves may run concurrently with FMLA.

SECTION 7

TIME KEEPING

7.01 TIME KEEPING POLICY

The purpose of this policy is to outline timekeeping policies for Porter County Government employees.

Accurately reporting time is the responsibility of every employee.

Porter County Government must keep records of time worked in order to remain compliant with the Indiana State Board of Accounts rules and regulations and to calculate employees pay and benefits.

Time Worked

Time worked includes time an employee is required to be performing duties for the organization. Time worked is used to determine overtime pay or compensatory time, if applicable. The following provisions are included as time worked:

- **Work away from premises.** Employees are allowed to perform work away from premises if approved in advance by Department Head.
- **Break time.** Rest periods of 15 minutes or less are counted as time worked.

Time Not Worked

Per the Fair Labor Standards Act (FLSA), Porter County Government does not count the following provisions as time worked:

- **Paid leave.** Approved paid absences, including sick leave, personal leave, vacation leave, holiday leave, Family and Medical Leave Act (FMLA) leave, military leave, jury and witness duty, funeral/bereavement leave, and voting time off are not counted as time worked.
- **Lunch or dinner periods.** Uninterrupted time off for lunch or dinner is not counted as time worked. All employees who work six (6) or more consecutive hours in a day are entitled to an unpaid lunch period. This does not apply to Public Safety Personnel.

Enforcement

Employees on premise, and using clock, must punch in and out for lunch period.

Employees must cooperate with pay period timekeeping deadlines as distributed by Auditors office. If timekeeping deadlines are missed, employees risk not being paid as expected.

Altering, falsifying, tampering with time records or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

At this time employees may not clock in/out on mobile device.

Procedures for Reporting Time/Employee Classification

Porter County Government utilizes Right Stuff software in order to support timekeeping of employees at multiple position classifications across various departmental operations.

Timekeeping requirements and methods are as follows:

A. Department Heads - Exempt Employees

- Stormwater/Plan Commission Director
- County Engineer
- HR Director
- Memorial Opera House Director
- County Museum Director

- Animal Shelter Director
- IT Director
- Executive Director of Public Safety, EMA Director, E911 Director
- Expo Center Director
- Facilities Director
- Weights and Measures Director
- Soil and Water Director
- Highway Superintendent
- Parks Superintendent
- Deputy Prosecutors
- Health Administrator
- Any employees later determined to qualify as and are designated as “exempt” by the Porter County Commissioners.

These employees are FLSA-exempt and are not required to clock in/out, however, they will be required to track actual time on the Daily Form in Right Stuff with complete accuracy of hours worked for the day (for example, Monday = 7, Tuesday= 8, Wednesday= 6.5, Thursday= 7, Friday= 7). These employees are expected to work an average of 35 hours per week, not including lunch breaks.

Exempt employees are not eligible for compensatory time.

B. Chief Deputies/Assistant Directors- Exempt Employees

- Chief Deputies and Assistant Directors (Auditor, Sheriff, Recorder, Clerk, Health Department, Assessor, Treasurer, Asst. Stormwater/Plan, Asst. Highway, Asst. Animal Shelter, Asst. 911 Director, Building Commissioner, Senior Highway Engineer, Storm Water Engineer).

Any employees later deemed by the Commissioners.

C. Full Time Nurse

- Nursing Supervisor
- Public Health Nurses

Employees must record time when they begin and end their work, as well as the beginning and ending time of each meal period. They must also record any departure for personal reasons.

It is the employee’s responsibility to submit his or her time record to certify the accuracy of all time recorded.

Exempt employees are to submit leave time such as vacation, personal and sick days on Right Stuff forms and are not eligible for compensatory time.

D. All Remaining Employees not covered above Non-Exempt Employees

This applies to full-time and part-time employees who are not exempt from FLSA.

Employees must record time when they begin and end their work, as well as the beginning and ending time of each meal period. They must also record any departure for personal reasons.

It is the employee's responsibility to submit his or her time record to certify the accuracy of all time recorded.

The Supervisor for their department will review and approve time before submitting for payroll processing. In the event of an error in reporting time, employees must report it immediately to Supervisor.

Non-exempt employees who work more than a seven-hour day are to submit a "Comp Time Earned Form" and in keeping with our Compensatory Time policy, all "comp" time must be approved in advance by Department Head.

Non-exempt employees are to submit leave time such as vacation, personal and sick days on Right Stuff forms

E. Exempt Employees not required to Clock In/Out

- Elected Officials
- Medical Officer-Health Department
- Deputy Coroners
- Voter Registration Appointees (Political Appointments)
- Public Defenders All Judicial Branch employees such as Adult Probation, JDC, Juvenile Probation, etc.

F. Employees Exempt from Clocking In/Out for Lunch Period

The following field-oriented Departments and/or approved employees are exempt from clocking in/out for lunch. These employees will automatically be deducted one hour for lunch from each day's reported hours. The Commissioners shall amend the list below as similar situations occur.

- Highway Department-(Field)
- Health Department (Field)
- Assessor's Office (Field)
- Plan/Stormwater (Field)
- IT Department
- Surveyor's Department (Field)

7.02 HOURS OF WORK

The County establishes the hours of work for all employees. Porter County Government is open to the public from 8:30 a.m. to 4:30 p.m. Monday through Friday.

There are some departments that are an exception to the above Monday through Friday from 8:30 to 4:30 schedule. These departments are as follows:

1. Sheriff Officers
2. Porter County Jail
3. Facilities
4. 911
5. Highway
6. Memorial Opera House
7. Porter County Museum
8. Porter County Animal Shelter
9. Porter County Expo Center
10. IT Department
11. Development and Stormwater

An Elected Official, with the consent of the Commissioners, may establish a flexible beginning and ending time for their office's work day. All employees are expected to be at their desks or work stations at the start of their scheduled shifts, ready to perform their work. Employees will not be permitted to clock in prior to their shift.

Staff may be required to work days, evenings, nights and/or weekends due to operational needs. Additionally, the County may alter schedules, days off and shifts based upon operational needs. Unless prohibited due to operational needs, the County will meet in advance with employees and give at least two weeks advance notice for significant shift and schedule changes.

7.03 OVERTIME/COMPENSATORY TIME

Employees who are not exempt from the overtime provisions of the Fair Labor Standards Act (“FLSA”) are prohibited from signing in or beginning work before their scheduled starting time, or signing out/stopping work past their scheduled quitting time except with supervisory approval or in emergency situations. Additionally, non-exempt employees who receive an unpaid lunch period are prohibited from working during their lunch period except with supervisory approval or in emergency situations. Non-exempt employees who work outside their regularly scheduled hours in contravention of this rule shall be compensated for all hours actually worked, but may be disciplined accordingly.

Employees not exempt from the overtime provisions of the FLSA shall be compensated for overtime for all hours actually worked in excess of forty in any one work week, regardless of the employee’s regularly scheduled work day.

Paid time off, vacation leave, compensatory time, holidays and other paid and unpaid leaves shall not be considered hours worked for purposes of overtime compensation. Overtime shall be

compensated at a rate of one and one-half times the employee's regular rate of pay for actual overtime worked.

The County may mandate overtime as a condition of continued employment. Supervisors shall attempt to distribute overtime as equally as practicable among qualified employees within those classifications in which overtime is required. An employee who refuses to work a mandatory overtime assignment may be considered insubordinate and disciplined accordingly. Additionally, the County may authorize or require employees to work a flexible schedule in a work week. For overtime eligible employees, a flexible schedule must occur within a single work week.

A partial overtime exemption, or differing work schedule, may apply to certain employees, such as safety forces.

Non-exempt employees regularly scheduled to work thirty-five (35) to thirty-seven and a half (37.5) hours per week who work more than their regularly scheduled hours, but not more than forty (40) hours in a week, will receive payment or compensatory time for such hours at the rate of one hour of compensatory time for each hour worked. Hours actually worked over forty (40) will be compensated at the rate of time and one-half (1 ½).

In order to receive credit (including payment) for compensatory time, the Responsible Elected Official or Department Head must approve the work to be performed in advance. Payment and/or credit for compensatory time will be denied if the time accrued was not done for a legitimate work related function.

A Responsible Elected Official, Department Head or Supervisor may approve or deny a request for compensatory time based on such considerations as department or operational need and time already approved for other staff.

It is the responsibility of the Elected Official, Department Head or Supervisor, to strictly monitor compensatory time. Compensatory time accrued during one pay period should be taken during that pay period whenever feasible. However, compensatory time accrued during one pay period must be taken before the end of four (4) pay periods (two (2) months). No employee shall accrue more than thirty-five (35) hours of compensatory time. The Auditor shall provide a report of any employee with more than thirty-five (35) hours accrued compensatory time to the Commissioners, Department Heads and Elected Officials.

7.04 OVERTIME WHEN PLOWING SNOW

The Facilities Department is responsible for removal of snow at the County buildings. This includes walkway, parking lots, doorways etc.

The employee's that are plowing snow in the County vehicles are authorized to receive overtime pay should they work over 40 hours or more per week. Overtime will be paid at a rate of time and half. Overage of hours for overtime pay is only utilized for plowing snow. Any hours accumulated for tasks outside of plowing will fall under the comp time policy. Employees must

enter their time in Right Stuff and document in the notes section their hours worked for plowing snow per event/shift.

Employees clearing walkways are not approved for overtime pay but will earn comp time for excess hours per the County policy on Comp Time.

7.05 USE OF COMPENSATORY TIME

The Responsible Elected Official, Department Head or Supervisor may decide when an employee must take compensatory time off. If compensatory time off is requested by an employee, the request must be made at least one (1) full day in advance and approved by the appropriate Responsible Elected Official, Department Head or Supervisor.

A request for compensatory time off which has been denied may be re-submitted by the employee. However, an employee whose request for compensatory time off has been denied and who does not report for work on the days denied, regardless of whether the employee reports off or not, may be subject to disciplinary action, including termination for being absent without notice.

SECTION 8

PAYROLL and EXPENSES

8.01 PAYROLL

Payment for hours worked during a pay period is made bi-weekly on the Friday following completion of the pay period. Direct deposit is required for all employees. Any checking or savings account information supplied for payroll purposes will remain confidential.

Federal, state and municipal laws require automatic deductions of appropriate taxes and other deductions from employees' wages, including PERF, Social Security, Medicare, etc.

Employees can access their bi-weekly payroll records through the Porter County website. Employees must review the information on these records to ensure accurate payment, deductions and balances and should immediately report any inaccuracies to the payroll officer.

Employees must notify the Responsible Elected Official, Department Head or the payroll officer of any change in address, bank account, marital status or any other information that may affect payroll.

8.02 ACTIONS WHICH IMPACT PAYROLL

Any new employee hiring, promotion, demotion, transfers, terminations, resignations, leaves, change in pay, or any other employment action that impact payroll or benefit eligibility must be documented on a Porter County Employee Status Change form issued by the Auditor's Office. Department heads are to submit the Status Change forms as soon as the change is determined and no later than noon on the Thursday before the start of a new pay period.

Additional considerations are as follows:

- New hires and rehires: Status changes must be submitted to the Auditor's Office prior to the employee's start date and no later than noon on the Thursday before the employees' pay period.
- The status changes for terminations, resignations, and retirements should be submitted within one business day to the Auditor's Office.
- New employee forms must be submitted to the HR Office and verified by the HR Office before the relevant documents are transferred to the Auditor's Office.
- Individuals returning to PCG after a one year absence, whether full-time or part-time status, must complete new employee forms.
- The start date for new employees is to coincide with the start of a new pay period, except when emergencies arise.
- All PCG employees and department heads are to abide by the Commissioners Time Keeping policy.

8.03 PAYDAYS

County employees are paid bi-weekly, every other Friday. A schedule of pay dates is available in the Auditor's Office.

8.04 GARNISHMENTS

Employees are encouraged to take care of their financial obligations directly. Porter County Government must honor garnishments and other legal assignments upon employee wages as they represent a court order to withhold and pay to the court a specified amount of an employee's earnings. If an employee's wages are assigned or garnished, payroll deductions will be made unless a written release of the court is obtained by the employee.

8.05 EMERGENCY CLOSURE/SNOW DAYS

The Board of Commissioners make the final determination regarding when and if the Porter County Government will be closed due to inclement weather or for any other stated purpose or declared emergency.

These facilities include:

1. Porter County Administration Building
2. Porter County Courthouse
3. North County Government Complex
4. Porter County Animal Shelter
5. Porter County Expo Center
6. Memorial Opera House
7. Porter County Museum
8. 157 Franklin

When facilities are officially closed for temporary emergency conditions before the beginning of the workday, the time off from scheduled work will be paid to full-time employees (excepting public safety employees) affected by the facility closing.

If a full-time employee reports to work, and the facility is later closed due to a periodic or temporary emergency after the employee's arrival, the employee shall be paid for a full work day without being required to use vacation, paid time off, compensatory time, or by making up this time within the pay period; however, if a full-time employee does not report to work on a day in which the facility is later closed, time missed will be charged against the leave the employee intended to use that day or will be time without pay.

This policy does not apply to public safety employees engaged in work during any emergency as declared by the Porter County Commissioners.

8.06 TRAVEL AND EXPENSE REIMBURSEMENT

All travel must be approved in advance by the responsible Elected Official or Department head. Legitimate expenses incurred by individuals who are required to conduct County business will be reimbursed subject to approval and appropriate documentation being submitted to the Auditor's Office, and subject to appropriation by the Council.

Mileage is paid at a rate equivalent to the current State reimbursement for mileage. A mileage claim form must be completed for all reimbursable miles and must include odometer reading. Mileage will not be paid if the meeting, conference, seminar or the like is within Porter County unless the employee first reported to their regular work site, then travelled to the meeting, conference, or the like. Employees will receive round-trip mileage

reimbursement in this instance only if the employee returns to work during regular work hours.

Reimbursement for other expenses, including meals, lodging, public transportation, tolls and parking fees and registration fees require prior approval from the Department Head and/or Elected Official. No reimbursements for overnight stays will be approved for a destination that is within fifty (50) miles of the employee's place of work. Overnight accommodations for a one day meeting, conference, seminar or the like shall not be approved unless the distance exceeds 100 miles one way from the employee's place of work to the location of such program. A letter documenting the nature of the expense and receipts must accompany all reimbursement claims. In all cases, the Commissioners have final authority for establishing per diem and approving expenses.

1. Allowable travel expenses include:
 - A. Hotel/motel accommodations;
 - B. Bus, taxi and airport limousine transportation, including gratuity;
 - C. Air, rail or bus tickets-lowest possible fare;
 - D. Use of privately owned vehicle up to an amount equal to public air transportation at the lowest possible fare;
 - E. Necessary parking and storage fees;
 - F. A maximum fifty dollars (\$50.00) per day for meals and gratuities (this \$50.00 fee may not be claimed in advance of your attendance or accrual of the fee);
 - G. If the employee's attendance does not necessitate overnight travel, meals shall be reimbursed an amount not to exceed \$25.00.
 - H. Other necessary expenses with prior approval of agency head;
 - I. Gratuities of up to twenty percent (20%).

2. The following expenses are not allowed:
 - A. Personal entertainment, including movie rentals;
 - B. Fines for parking, speeding, etc.;
 - C. Alcoholic beverages;
 - D. Travel related to personal entertainment.

Requesting Reimbursement

Requests for travel expenses must be filed immediately upon return and must include the following items:

1. A completed and signed County Claim Form identifying the person to receive payment;
2. A completed Expense Report Form with accompanying credit card receipts and cash receipts certifying purchases and expenses;

3. If airline tickets are purchased through the Internet, it is required that a copy of the receipt or confirmation accompany a copy of the ticket in order to be reimbursed.
4. Claims for reimbursement of travel expenses must be submitted to the Auditor in the manner set forth above, upon completion of the trip.
5. Such claim for reimbursement becomes delinquent if not submitted within thirty (30) days, and may result in denial of the claim.

Expenses for those individuals who have service contracts will be solely their responsibility, and will not be reimbursed by the County unless authorized by the Commissioners.

8.07 COUNTY CREDIT CARDS

County employees may be issued Porter County credit cards for travel related expenses associated with attending conferences, workshops, and business meetings or other work related expenses incurred on behalf of the County. When issued a credit card the employee will sign a letter acknowledging that he/she is responsible for all charges that are put on the credit card and that they are responsible for turning in the proper paperwork in a timely matter so that interest does not accrue.

County credit cards are for business use only and may not be used for personal purchases. Other examples of specifically prohibited uses include the purchase of alcohol and/or movies and entertainment. County issued credit cards are the property of Porter County and employees are required to return credit cards to the Auditor upon termination.

If a card is lost or stolen, the employee should report the missing card immediately to the Auditor. Violations of this policy are subject to disciplinary action up to and including termination.

8.08 COUNTY-OWNED VEHICLES

The County provides vehicles to designated employees who are on call for emergency purposes. Employees are prohibited from using these vehicles for personal use. These vehicles shall be equipped with GPS Fleet Tracking.

The Facilities Director keeps a list of the cars with the approved eligible employees.

Employees are exempt from paying taxes on commuting fee taxes for the following types of vehicles:

- Clearly marked police and fire vehicles;
- Unmarked vehicles used by law enforcement officers if the use is officially authorized;

- Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds;
- Delivery trucks with seating for the driver only, or the driver plus a folding jump seat;
- A passenger bus with a capacity of at least 20 passengers used for its specific purpose;
- Trucks (not van or pickup) designed to carry tools, equipment, etc. Such vehicles must have permanent interior shelves, racks, etc. and the employer must require the employee to commute for emergency call-outs to restore or maintain power services (i.e., gas, water, and sewer).

County employees authorized to take home any other county vehicle not listed above will be subject to the IRS taxable fringe benefit rules.

A County-owned vehicle is not to be used for:

- Personal business or other personal travel other than, when applicable, travel from home before work and the return trip and for travel related job responsibilities.
- A County-owned vehicle may not be used for political campaign purposes including transportation of signs.

A County-owned vehicle is for use by the employee only and not by others.

An employee on vacation or an extended leave of absence is required to make arrangements with their respective Department Head to have the vehicle securely stored in the Porter County Garage.

8.09 CELL PHONES

Some employees may have a need for using cell phones for county business. Depending on the needs of the Department, cell phones may be provided or employees may receive a stipend for use of their personal phones as provided below.

1. There must be a legitimate business need for an employee to have a County-issued cell phone or to receive a stipend for use of a personal smart phone for County business.
2. When it becomes necessary for an employee to use a cell phone for county business, the employee will complete and sign an approved acquisition form that will be kept on file by the Department Head. The employee must also complete and sign an acknowledgement stating that he/she understands and will comply with the formal policy.
3. The County recognizes that the need for cell phones differs from office to office. Based on operational need, the County will issue up to a \$50-per-month allowance to certain employees for use of his/her personal cell phone. This is mainly for employees who are on call 24/7. Employees will be required to submit detailed billing records, with the county stipend only covering the portion of the bill that applies to the employees' use of the cell

phone with related taxes, surcharges, and insurance costs that are pro-rated to the employee only.

4. The County Commissioners will determine which employees will receive the stipend of up to \$70 per month. Employees will be required to submit detailed billing records, with the county stipend only covering the portion of the bill that applies to the employees' use of the cell phone with related taxes, surcharges, and insurance costs that are pro-rated to the employee only.

Management has the right to review the need for cell or smart phones periodically and may ask for documentation for verification purposes. However, supervisors are required to review the need for use of cellular phones in their respective departments on an annual basis.

SECTION 9

PROBATIONARY PERIODS

9.01 NEW-HIRE PROBATION

1. All new-hire employees shall be placed into an initial ninety (90) day probationary period. This shall include temporary or part-time employees moving to a full time position. Public Safety Personnel policies may differ.
2. Employees who are in a training status beyond the ninety (90) day probationary period shall have their probationary period extended until completion of the training or they otherwise become qualified for the position.
3. No transfers outside the employee's department will occur during the initial training status or during the initial three (3) months of the probationary period unless the transfer is approved by the current employee's Director or the transfer is for the good of the County.

9.02 PROBATIONARY PERIOD FOR PROMOTIONAL AND FULL TIME APPOINTMENTS

1. An employee who is promoted, a regular part-time employee who gains regular full time status, or a regular employee who is competitively appointed to a lateral position shall serve a probationary period of ninety (90) calendar days.
2. Any employee who is serving in a new-hire probationary status and is promoted shall serve the remainder of the original probationary period or ninety (90) calendar days, whichever is greater.
3. Employees placed into a reclassified position shall be placed into a ninety (90) calendar day probationary period.

9.03 EXTENSION OF PROBATIONARY PERIOD

1. The Department Head for good reason may extend an employee's probationary period for a period not to exceed three (3) additional months.
2. If the Department Head is considering extending an employee's probationary period he or she shall consult with the Human Resources Director.

9.04 DISMISSAL DURING THE PROBATIONARY PERIOD

1. At any time during the probationary period, an employee may be terminated when deemed to be in the best interest of the County.
2. The Department Head shall consult with the Human Resources Director when considering removal of an employee during the probationary period.
3. Employees terminated during the initial probationary period have no right to appeal.

SECTION 10

TECHNOLOGY POLICY

10.01 TECHNOLOGY POLICY

Porter County provides technology devices, networks, and other electronic information system components to meet missions, goals, and initiatives and must manage them responsibly to maintain the confidentiality, integrity, and availability of its technology assets. This policy requires the users of technology assets to comply with county policies and protect the county against damaging legal issues.

Definitions

1. Technology Hardware – Any personal computer/laptop/netbook/virtual device/networking device/IP phone, county issued mobile devices and any associated peripherals including but not limited to; disk drives, USB drives, external hard drives, display devices, human input devices (keyboards/mice/touch pads), scanners, printers, bar code readers, POS (point-of-sale) equipment, printers, etc.
2. Technology Software – Any licensed program product supplied by a vendor for use on technology hardware. This definition also includes any program(s)/template(s)/

spreadsheet(s)/form(s) created by Porter County Government employees for use on technology hardware.

3. Supervisor – Any elected official, department head, or employee of an elected official or department head designated in writing that is authorized to make technology requests.

General Provisions

All technology hardware/software purchases MUST be approved by the IT Department PRIOR to purchase. Departments may be required to provide proof by identifying the fund/account number where item will be paid from to ensure that adequate funding has been appropriated into the correct account before order is placed.

Any software program(s)/template(s)/spreadsheet(s)/form(s) developed by Porter County Government employees as a course of their employment with Porter County for use in county offices become the exclusive property of Porter County Government and cannot be licensed, sold or copied for personal use by any employee.

No software purchased or in-house developed, is to be copied for external use by an employee on any technology hardware not owned by Porter County. Exceptions are the mutual sharing of in-house developed non-copyrighted spreadsheets/templates/forms and the like with other government entities.

Licensed software that is not licensed specifically to Porter County Government shall not be stored or executed on Porter County technology hardware. All software licenses will be stored in the IT Department. If unlicensed/illegal/pirated software is discovered by IT personnel; it will be removed immediately along with any associated data and reported to the appropriate supervisor for possible disciplinary action.

Software intended to measure, test, or exploit computer or network security shall not be installed or executed by any person except IT personnel.

No employee shall use their own personal computer hardware/software to connect to Porter County's network for Porter County Government business without authorization of their supervisor and the IT Director.

The IT Department will provide technical support as needed for technology hardware/software acquired thru the IT Department. If software is provided by a third party vendor; the IT Department will perform due diligence to work with the vendor to find a solution; but ultimately is not responsible for third-party software.

If a department chooses to contract with an outside company for network services, hardware, or software technical support; that department relieves the county IT Department from any responsibilities whatsoever regarding that specific network connectivity, hardware or software.

The IT Department is responsible for procurement of any IT supported hardware/software maintenance contracts as needed.

The IT Department is NOT responsible for cell phones either county or personally owned. This includes delivery of emails monitored by such cell phones.

The IT Department is responsible for ensuring the timely delivery and receipt of the county email system only and NOT responsible for ensuring the timely delivery or receipt of third party email as it has no authority over these outside products/vendors. If an issue arises, the IT Department will make every effort to work with these outside companies; but ultimately has no authority over their business.

In order to prevent any violation of warranties or maintenance contracts, ABSOLUTELY no equipment is to be moved, altered, unplugged, or rewired by anyone other than IT personnel. Departments must notify IT as soon as the change is known as to any desired changes and IT will respond accordingly.

The IT Department is responsible for providing virus protection software to all county technology hardware users. The software may change vendors from time to time depending on cost and benefit to Porter County. If any user suspects they have contracted a computer virus they should contact the IT help desk immediately at X-53547 or by emailing helpdesk@porterco.org.

Accounts for various technology services including but not limited to network access, email, internet, user applications, etc will be assigned by IT personnel. A user ID and default password will be assigned and given to the appropriate user. It is the user's responsibility to change the password from the default to something appropriate and UNDER NO CIRCUMSTANCES should a user divulge their password for any technology service to ANYONE including their supervisor and IT personnel. NO IT personnel should ever ask for passwords. If a user is ever asked to divulge their password, it should be reported immediately to their supervisor and the IT Director so a security incident can be filed. Special exceptions allowing a specific department to maintain security to third-party software applications may be put in place on a case by case basis.

NO modem or software that allows remote access from outside Porter County's network is to be installed on any technology hardware without the consent of the IT Department. If a modem is required; it shall not be left in an auto-answer state. Use of third-party software applications such as Log-Me-In or Go-To-Meeting are allowed as long as the connection is to a reputable vendor.

Use of removable media/portable media storage devices; including but not limited to, USB flash drives, USB external hard drives, digital cameras, smart phones, memory cards/sticks; is allowed, but all data stored on these devices becomes the sole responsibility of the user utilizing the device. Information stored on the device that may be confidential should be encrypted or password protected to protect against loss or theft. Also any data contained on such media storage devices will not be backed up by IT staff, unless the data is copied to a network drive. Users are required to run an antivirus scan on any external device before copying or accessing data contained.

Use of devices that store music files on technology hardware are not deemed in the best interest of Porter County and therefore is not to be connected to county hardware. Any and all music files not related to county business found on local or network storage will be removed after notifying the user. Also, any software used with these types of devices (for example iTunes) may be required to be removed if deemed to interfere with the proper functioning of the technology hardware/software.

Provision of Internet Access-Acceptable Use

As a condition of providing Internet access to its employees, Porter County places certain restrictions on workplace use of the Internet. Porter County encourages employee use of the Internet:

1. To support the mission of County Government, this is, to serve the public;
2. To communicate with fellow employees and clients regarding matters within an employee's assigned duties;
3. To acquire information related to, or designed to facilitate the performance of regular assigned duties;
4. To facilitate performance of any task or project in a manner approved by an employee's supervisor; and
5. Employees must comply with all software licenses, copyrights, and all other laws governing intellectual property protection, privacy, sexual harassment, data security, and online activity.

Use of the Internet access provided by Porter County **expressly prohibits** the following:

1. Game playing;
2. Distribution or download of destructive programs (i.e. hacking, viruses and/or self-replicating code);
3. Hateful, harassing, or other anti-social behavior;
4. Internet Radio, Online Videos, or other types of streaming media unless approved by the County IT Department;
5. Making publicly accessible obscene files;
6. Solicitation-unless approved in writing by the County Commissioners;
7. Intentionally attempting to bypass or damage Porter County IT security systems;
8. Dissemination of printed or copyrighted materials that are in violation of copyright laws;
9. Sending, receiving, printing or otherwise dissemination proprietary data, trade secrets or confidential information of Porter County;
10. Sharing or granting access to Porter County's resources (i.e. network, equipment, services, email, and/or data) with anyone regardless of intent, job position or circumstances;
11. Offensive or harassing statements or language including disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs;
12. Operating a business, usurping business opportunities, personal use, soliciting money for personal gain or charitable donations, or searching for jobs outside Porter County;

13. Sending chain letters, gambling or engaging in any other activity in violation of the law;
14. Accessing Porter County's resources in a manner that may hinder any mission and/or operation of County government; and
15. Any promotion of self-campaigning; public or private.

Provision of Email-Acceptable Use

An electronic mail system has been installed by Porter County to facilitate business communications. Although employees may have individual passwords to access this system; it belongs to Porter County and the contents of email communications are accessible at all times by Porter County management for any legitimate business purpose. These systems may be subject to periodic unannounced inspections, and users should have no expectation of privacy. Email messages are considered public record by the State of Indiana and will be archived and maintained as required by law. The contents of email, may be disclosed within the limits of the law without a user's permission. Therefore, users should not assume that messages are confidential. Backup copies of email will be maintained as outlined by law and referenced for business and legal reasons.

Porter County provides the electronic mail system to assist users in the performance of their jobs and it should be used for official Porter County business only. Personal use of Porter County email is not allowed. Accidents may happen and the employee should politely advise the sender in a reply email that the email account is for business only and to refrain from sending anything of a personal nature in the future. The Porter County electronic mail system is strictly forbidden from being used for personal gain and must not be used for the solicitation of funds, goods, or services for any purpose including the solicitation of charitable donations. Porter County reserves the right to access and disclose as necessary, and messages sent over its email system without regard to content.

Due to the sensitivity of email, and separation of job duties; in order for a supervisor to access another user's email, they must first seek approval from the IT Director. The supervisor must submit in writing the grounds for email procurement, the requested time frame of requested emails, and as many identifiable characteristics of the requested emails. Depending on the circumstances, the IT Director may seek the opinion of the County Attorney on whether to grant or deny the request. If request is denied, the supervisor may seek approval from the County Commissioners.

Storing and Saving Work Related Data

In order to provide users with a reliable and secure means of storing and saving work related data, the Porter County IT Department has implemented network shared folders. By saving work related data in network shared folders, the Porter County IT Department can help ensure the confidentiality, integrity, and availability of the data. **Any data stored or saved to local drives (on your work computer) or an external media device is NOT protected by the Porter County IT Department; INCLUDING your DESKTOP.** No assurance for reclaiming lost work related data stored to local drives can be offered by the Porter County IT Department. Any work related data stored or saved to a local drive or desktop is done so at the end-user's own risk.

The Porter County IT Department performs backups on all network data nightly and stores data for a minimum of 60 days at an off-site facility. If a user discovers a lost or corrupted file that is less than 60 days old, the Porter County IT Department will assist in recovering it from a backup.

When an employee leaves employment; the Porter County Auditor's Office Payroll division notifies the IT Department. At that time, all access for that employee is suspended and all information related to any of that employee's accounts – network data, emails, etc will be saved for 60 days. If the employee's supervisor wishes this information be duplicated into another employee's account or a replacement employee; this request must be made in writing to the IT Department within 60 days. After 60 days, all information regarding the former employee is destroyed or archived as dictated by law.

10.02 SOCIAL MEDIA POLICY

Social Media Limitations

The County supports the free exchange of information and camaraderie among employees on the internet. However, when internet blogging, chat room discussions, email, text messages or other forms of electronic communication extend to employees revealing confidential information about the County or its employees, or engaging in posting inappropriate material about the County or its employees, the employee who posts such information or assists in posting such material may be subject to disciplinary action.

Employees are reminded to be careful of the information they disclose on the internet, including social media sites. The following uses of social media are strictly prohibited, whether on or off duty:

1. Comments or displays about coworkers, supervisors or the County that are vulgar, obscene, threatening, intimidating, harassing, or a violation of the County's workplace policies against discrimination, harassment or hostility on account of age, race, religion, sex, ethnicity, sexual orientation, nationality, disability, military status or other protected class, status, or characteristic.
2. No one can use the County's logo unless approved by the Commissioners.
3. Unprofessional communication that which the County could demonstrate has a substantial risk of negatively affecting the County's reputation, mission or operations, such as slander, defamation or other legal cause of action.

4. Disclosure of confidential and/or proprietary information acquired in the course of employment. Confidential information includes not only information that would not be available pursuant to a public records request, but also includes any information which does not relate to an issue of public concern.
5. Comments or displays which impact employees' abilities to perform their job duties or the County's ability to maintain an efficient workplace.

Social media sites may be inspected by the County for cause to determine potential policy violations. If an employee believes that an online communication violates a County policy, the employee should immediately report the communication to his supervisor. The County may investigate the matter, determine whether such communication violates policy, and take appropriate action. This policy does not apply to communications protected by the U.S. or Indiana Constitutions.

Compliance with Indiana Access to Public Records Act

In some cases, uses of a personal social media account by a government employee or elected officials to conduct government business may subject that employee's or elected official's personal social media accounts to records requests under the Indiana Access To Public Records Act, Freedom of Information Act and other federal and state record retention laws. To **reduce the risk** of employee or elected official personal accounts being subject the Indiana Access to Public Records Act to records requests, it is recommended that County employees and elected officials adhere to the following guidelines.

1. Refrain from using your personal account to reply to public comments or questions that are made on the posts of an official Porter County government or departmental page.
2. Refrain from replying to questions or requests for service that pertain to Porter County government or department. Politely respond to the question or request for service by stating that you do not address questions or requests for service from your personal account and refer the person by providing an email address or phone number of the applicable department. For example:

“I am sorry, but I do not respond to questions or requests regarding Porter County government departments on my personal account. Please contact the office at (insert email or phone number).”
3. Refrain from using your personal account to comment on posts made on an official Porter County government or departmental page. If you do choose to comment on a post of an official Porter County government page or departmental page, you should identify

yourself as an employee of Porter County government (or the applicable department) and state “I am not authorized to speak on behalf of Porter County government (or the applicable department) and any opinions I express are my own.”

4. If an employee or elected official chooses to share a post or content from an official Porter County government or departmental page on their own personal social media account, the employee or elected official should refrain from adding any personal comment when sharing the post.

DISCLAIMER: It is important to note these recommendations are NOT a guarantee that your personal social media account will be shielded from compliance with the Indiana Access to Public Records Act or records requests. They are only suggestions that MAY reduce your risk.

10.03 ID BADGE POLICY

All employees will be issued one (1) photo identification badge at no cost to the employee. For certain authorized staff, the photo identification badge is used as a security key card to gain access to the premises.

ID badges/keys may not be loaned to anyone, including other employees. If an ID is lost, damaged or misplaced, the employee must notify his/her Supervisor immediately. Replacement cards will be at the employee’s expense of \$10.00.

If the employee leaves County employment, the ID badge must be turned in to the Supervisor.

SECTION 11

EMPLOYEE DISCIPLINE

11.01 DISCIPLINARY ACTIONS

The County expects all employees to conduct themselves in such a manner as to promote safety, service and welfare of the employees and residents of Porter County, and has the right to investigate all alleged disciplinary violations. Employees are required to cooperate fully during investigations.

Department Heads, and/or Elected Officials shall organize and direct the work of their employees to achieve these objectives. Whenever work habits, attitude, production, infraction of regulations or personal conduct of an employee falls below a desirable standard, Supervisors should point out the deficiencies at the time they are observed.

Forms of misconduct that constitute grounds for disciplinary action include, but are not limited to: incompetency, inefficiency, dishonesty, drunkenness, insubordination, discourteous treatment of the public, neglect of duty, policy or work rule violations, conviction of a crime, failure of good behavior including a violation of ethics of public employment, failure to maintain licensing requirements, and any other acts of misfeasance, malfeasance, or nonfeasance.

11.02 STANDARDS OF CONDUCT AND REPORTING

The property and image of the County is to be respected at all times; as such, an employee's off duty conduct that could reasonably negatively impact the County may form the basis for discipline. Any comments or questions concerning the standard of conduct expected should be directed toward the employee's immediate supervisor.

Employees have an obligation to immediately inform the County of any on-duty or off-duty arrests or convictions. An arrest or conviction may, or may not, result in discipline depending on the nature of the incident, the job performed, and other relevant considerations.

Staff is responsible for reporting any incident or conduct they believe is inappropriate and/or in violation of County Policies and Procedures. This duty includes incidents actually observed, reported by residents, reported by staff, or suspected due to other facts.

11.03 FORMS OF DISCIPLINE

Whether or not disciplinary measures are invoked are at the discretion of Department Head and/or Elected Official. Below are some of the disciplinary measures management has the option to choose from when it believes discipline is necessary.

Please note that Elected Official/Department Head may choose any or none of the steps at its discretion and is not required to follow any step-by-step procedure. The Human Resources Director shall be notified prior to a written reprimand. The Human Resources Director will make the decision if he/she needs to be at the disciplinary meeting of the written reprimand.

Disciplinary actions shall be made in a constructive, business-like manner. Elected Officials and Department Heads shall endeavor to do so with reason and with an attitude of not only admonishing or warning the employee, but also to lead, guide, direct and instruct the employee in how to correct and avoid repeating the mistake, infraction, deficiency or whatever the problem may be.

Whenever any disciplinary measures are taken, a copy of the Employee Discipline Form shall be signed by both the Supervisor and the employee. The Employee Discipline Form shall be given to the Human Resources Director for placement in the employee's personnel file.

Verbal Warning

A verbal warning is a form of discipline and notice that you should discontinue some action or take action immediately. More than one verbal warning may lead to a written reprimand, negative evaluation, or even termination.

Written Reprimand

A reprimand is a form of discipline that is more serious than a verbal warning. Reprimands are issued at the discretion of management. No counseling or warning is required prior to issuing a reprimand.

Suspension

At the Department Head and/or Elected Official's discretion, employees may be suspended without pay for a period of time as a consequence for an action taken or not taken. An employee under suspension will not be permitted to use paid accrued leave during the period of suspension.

11.04 PROGRESSIVE DISCIPLINE

The Elected Official/Department Head may discipline an employee in a manner it determines is best and terminate the employment relationship at any time with or without warning or notice even if an employee is or has in the past been progressively disciplined for the same offense.

Even so, it is the desire of Porter County Government to discipline employees in a constructive and progressive manner. If circumstances permit, the Elected Official/Department Head has the discretion to follow a progressive discipline process before terminating an employee. An example of a progressive discipline process is listed below.

First Offense	Verbal Warning
Second Offense	Written Reprimand
Third Offense	Unpaid Suspension or Termination

11.05 REPORTING UNFAIR DISCIPLINE

If an employee believes that he or she is being disciplined unfairly or in a discriminatory manner (or that your discipline constitutes abuse, including abuse of power), it should be reported immediately to the Human Resources Department. You do not have to confront the person who has disciplined you to report unfair discipline.

Good faith reports of abuse of discipline will be managed with the attention they deserve, including investigation of the charges. False reports of abuse can lead to more discipline, including termination.

Please note that you are not required to confront the person or persons that have given you reason to report. However, if you experience what you believe is unfair discipline, you must make a

reasonable effort to make the wrong known as soon as you experience it or discover it, or soon after. Discussing or reporting acts of unfair discipline to any person not listed above does not constitute a report.

11.06 AT-WILL EMPLOYMENT

Please note--you are an at-will employee. Nothing in this manual or this particular policy shall constitute a contract requiring certain actions be taken before termination, including any step-by-step or progressive discipline procedure. The County has the right to terminate your employment at any time and for any lawful reason with or without rendering counseling, warnings, reprimands or other forms of discipline. Likewise, you may terminate your employment with the County at any time and for any reason.

11.07 QUESTIONS ABOUT THIS POLICY

Questions, suggestions or concerns about this policy should be directed to the Responsible Elected Official, Department Head or Supervisor. If an employee is uncomfortable discussing this policy with the Responsible Elected Official, Department Head or Supervisor may contact the Human Resources Department.

SECTION 12

REDUCTIONS IN STAFF/LEAVING COUNTY EMPLOYMENT

12.01 PERMANENT 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 the employee is qualified for that position.

If there are no positions for which the employee is qualified, or if the employee chooses to resign rather than accept a position where there is a salary reduction, his/her employment will terminate. Employees whose positions are permanently eliminated will receive pay for all accrued vacation time and compensatory time on the next regular paycheck. Claims for expense reimbursement will be paid on the next scheduled date. Such employees will be offered the opportunity to continue group health insurance as provided by law.

If possible, employees will be notified by their Responsible Elected Official or, where appropriate, Department Head at least fourteen (14) calendar days prior to the effective date of a permanent reduction in staff.

12.02 EMPLOYEE VACANT POSITION PROGRAM

The Porter County Board of Commissioners implemented a program that allows employees to assume the duties of a vacant position for additional compensation.

When a vacancy or reduction in staff occurs due to a transfer, retirement, voluntary or involuntary termination (as defined in this manual) or death of an employee, a department or office may, but need not, redistribute the duties of that position under the following conditions:

- A. This is an employee-initiated program. Employees within a department who wish to participate in the program should submit a written request to the Responsible Elected Official or, where appropriate, the Department Head.
- B. At least two (2) current employees must participate in the assumption of duties resulting from the vacancy.
- C. The Responsible Elected Official or, where appropriate, Department Head, must make a determination that the employees seeking to participate and have the required knowledge, experience, and skills necessary to successfully perform the additional job duties. The decision regarding the capability or qualifications to perform the additional duties is discretionary with the Responsible Elected Official and/or Department Head.
- D. Participating employees cannot be probationary employees and must have at least one (1) year of work experience in the department.
- E. When a vacancy occurs and two or more employees voluntarily assume the duties of that position, those employees shall be cross-trained to perform the full duties of the vacant position if need be.
- F. The employees assuming the additional duties are entitled to fair compensation with the explicit understanding that the vacancy will result in a savings to the County General Fund. This is to say the additional compensation to be received by the participating employees cannot exceed eighty percent (80%) of the existing salary for the vacancy, which 80% shall be calculated utilizing the vacant position's minimum factored salary. The remainder of the salary must be returned to the General Fund. Thus, 80% of the salary will be divided among the participating employees and twenty percent (20%) of the salary will be returned to the General Fund.
- G. This is a voluntary program. Therefore, before the reduction in staff can be approved, the Responsible Elected Official, the participating employees, and the

Porter County Council must all agree to the amount of fair compensation to be received by each employee for the assumption of the duties.

- H. The participating employees understand that the assumption of the additional duties cannot result in overtime or compensatory time.
- I. If the Responsible Elected Official or where appropriate, Department Head, determines that the two (2) or more employees volunteering to participate in the program are qualified to perform the duties, the following documentation should be compiled and submitted to the Porter County Council for approval:
 - 1. A statement from the Responsible Elected Official or, where appropriate, Department Head, supporting the action;
 - 2. A brief work history of each employee who has been approved for participation including (a) years in the department; and (b) current job title and job description and duties;
 - 3. A statement from the Responsible Elected Official or where appropriate, Department Head, attesting to the fact that the participating employees are qualified and capable of performing the additional duties; and
 - 4. Signature of the participating employees indicating that they are voluntarily participating and acknowledge an understanding of the guidelines.
- J. Should any participating employee indicate that they are unable to successfully continue to assume the duties of the vacancy, the monies allocated for the assumption of the duties will be deducted from his/her salary. Should a participating employee resign from County employment, a qualified employee will be retained to assume the duties for the departing employee.
- K. If the program fails as it applies to a particular department or office, the additional monies allocated to the employees participating in the program will be returned to the General Fund and their salaries reduced to the appropriate salary received prior to the vacancy and assumption of duties.
- L. Should the program fail, the Responsible Elected Official or, where appropriate, Department Head will need to petition the County Council for re-instatement of the original position at the minimum salary range.

12.03 REDUCTION IN FORCE

The County will attempt to provide appropriate employment for all employees. However, if a reduction in force is necessary to protect the County's financial or operational status, it reserves the right to reduce its workforce either permanently or temporarily. It also reserves the right to reduce its workforce when substantial changes in statute or technology necessitate such action.

Prior to the invocation of a permanent reduction in workforce, the Porter County Council will provide the necessary financial information to establish that the permanent reduction in force is a legitimate fiscal and business necessity. This information will be provided to the Porter County Board of Commissioners along with a recommendation by the Porter County Council to move forward with a reduction in force. When evidence exists of a legitimate business or fiscal necessity to invoke the reduction in force policy, the Porter County Board of Commissioners will recommend the implementation of the policy countywide.

Selection Criteria

The below identified selection criteria will be utilized in determining the appropriate personnel for reduction in force. Any of the following criteria may be considered:

- A. Elimination of job functions;
- B. Length of service with the County;
- C. Performance;
- D. Seniority;
- E. Skills, including cross training ability; and/or
- F. A combination of the above.

The salary of a given employee is not an appropriate criterion to be utilized for a reduction in force criteria.

Notice

The County will give two (2) weeks' notice to an employee prior to a permanent reduction in force. The employee will be entitled to payment of any accrued vacation time, any approved accrued compensatory time that falls within the policy requirements, and any other particular benefits deemed appropriate by the County at that time.

Anti-Discrimination Clause

The County will not invoke the reduction in force policy so as to disparately impact any protected class.

COBRA Continuation Coverage

When a permanent reduction in force takes place, affected employees will be entitled to elect COBRA continuation coverage under the County's group medical insurance plan.

Implementation of Reduction in Force Policy

Once the Porter County Council has established a legitimate business or fiscal necessity to move forward with the reduction in force, the Porter County Board of Commissioners will provide written notification of implementation of the policy to the Elected Official and when appropriate, Department Head.

Each Elected Official and Department Head will then be required to review the criteria set forth in this policy and recommend the appropriate employee or employees for permanent reduction in force.

A standing committee consisting of the President of the County Council, the President of the Porter County Board of Commissioners, the Human Resources Director and the Porter County Attorney will be formed in order to review every recommended employee for reduction in force to assure that it has been done consistent with policy and in compliance with state and federal laws.

Once the standing review committee has established compliance with the procedures, the permanent reduction in force can be implemented by the appropriate Elected Official or Department Head.

12.04 TERMINATING EMPLOYMENT

Employment may be terminated voluntarily when an employee decides to retire or resign or involuntarily through a reduction in staff, termination or death.

12.05 RETIREMENT

Employees who decide to retire are *asked* to provide the Responsible Elected Official, Department Head or Supervisor with at least a thirty (30) day notice prior to the retirement date. The Auditor's Office should also be notified.

12.06 RESIGNATION

Employees who decide to resign are *asked* to provide the Responsible Elected Official, Department Head or Supervisor with ample notice. For non-exempt positions a notice of at least two weeks (2 weeks) would be appreciated. For exempt positions, a thirty-day (30 day) notice would be appreciated.

If the Responsible Elected Official, Department Head or Supervisor determines that resigning employee should not be retained during the notice period, the employee will be paid for the minimum requested notice period as though he/she had worked the entire period.

12.07 DEATH

In the event of the death of an employee, the Responsible Elected Official, Department Head or Supervisor should notify the Human Resources Office immediately. The Human Resources Director will coordinate with the Auditor's Office regarding various legal and contractual requirements that must be met to secure the final wages and accrued vacation and compensatory time that would be due to the employee's estate.

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.

12.08 EXIT INTERVIEWS

An employee will be required to schedule a time with the Responsible Elected Official, Department Head or Supervisor before his/her last day to complete the following:

1. Verify the return of all county issued property such as tools, keys, software, official identifications, equipment, supplies and other county-issued property.
2. Discuss the disposition of wages, vacation pay, or compensatory time owed to the employee and any debts the employee may owe to the County.

An employee will be encouraged to schedule a time with the Human Resources Department before his/her last day to complete the following details:

1. Exit Interview; and
2. To explain the status of his/her benefits after termination

EMPLOYEE ACKNOWLEDGMENT FORM

The Porter County Personnel Policy Handbook describes important information about employment with the County, and I understand that I should consult the Porter County Commissioners or their designee regarding any question not answered in the Personnel Policy Handbook.

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

I understand the descriptive materials contained in the Personnel Policy Handbook are only summaries. Any discrepancies between these summaries and the terms of the actual plans will be governed by the terms of the underlying, more detailed policies and procedures. Any questions regarding summaries, their underlying policies and procedures and any discrepancies between them should be directed through my elected official/department head to the Porter County Commissioners or their designee.

I acknowledge that my employment with Porter County is AT-WILL and that the Personnel Policy Handbook is not, nor does it extend, a contract of employment.

I have had an opportunity to review the Personnel Policy Handbook, and I understand that it is my responsibility to read and comply with the policies contained in the Personnel Policy Handbook and any subsequent revisions.

Employee's signature: _____ Date: _____

Employee's name (printed): _____

Department: _____

Witness Signature: _____ Date: _____

Witness's name (printed): _____

