

**JEFFERSON COUNTY**  
**EMPLOYEE POLICY HANDBOOK**

Amended:  
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## **SECTION ONE - INTRODUCTION**

### **INTRODUCTORY STATEMENT**

It is the intent of Jefferson County Government to provide office holders and employees of the county a comprehensive employee policy handbook. The standardized policies and procedures that are contained in this handbook were developed to increase understanding, reduce the individual decision-making on matters of county policy, and to establish a consistent manner of enforcement and fair and equitable treatment of all Jefferson County Government employees.

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

The contents of this handbook apply to all employees of Jefferson County with the exception of Elected Officials. The Board of Commissioners fully expects this employee handbook to be actively and consistently administered by all Elected Officials and Department Heads.

It is the responsibility of each supervisor to administer these policies in a consistent and impartial manner. "Supervisor" shall be the elected or appointed office holder, or someone appointed by them over an area of responsibility within a department.

It is the responsibility of each county employee to read and be aware of the policies and procedures of Jefferson County outlined in this handbook. Each employee is requested and expected to abide and adhere to these rules and policies of Jefferson County Government.

This Employee Policy Handbook supersedes all prior policies and manuals except as otherwise indicated. We hope that this handbook will answer many questions about employment with your county government.

Finally, changes in circumstances and requirements may arise. The Board of Commissioners reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time, as it deems appropriate, in its sole and absolute discretion. The only exception to any changes is our employment-at-will policy permitting you or Jefferson County to end our relationship for any reason at any time. Employees will be notified of such changes to the handbook as they occur.



**EMPLOYEE ACKNOWLEDGEMENT FORM**

I acknowledge that I have received, read, and understand the policies outlined in the Jefferson County Employee Policy Handbook. I agree to conform to the rules and regulations of Jefferson County as described in the handbook which is intended as a guide to human resource policies and procedures. I understand that the County has the right to change the handbook without notice. It is understood that future changes in policies and procedures will supersede or eliminate those found in this book, and that employees will be notified of such changes through normal communication channels.

I also understand and agree that the information contained in these materials does not constitute an employment contract between Jefferson County and me, and that either I or Jefferson County may terminate our employment relationship at any time, with or without cause. I understand that no Elected Official or Department Head of Jefferson County, other than the Board of Commissioners, has any authority to enter into any agreement for employment for any specified period of time, or to make any agreement contrary to the foregoing.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Name (please print)

\_\_\_\_\_  
County Representative

## **SECTION TWO - EMPLOYMENT**

### **EQUAL EMPLOYMENT OPPORTUNITY**

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at Jefferson County will be based on merit, qualifications, and abilities. Jefferson County does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, genetic disposition, or any other characteristic protected by law. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, access to benefits and training.

Any employee with questions or concerns about any type of discrimination in the workplace is encouraged to bring these issues to the attention of their Department Head or Elected Official. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

### **PERSONS WITH DISABILITIES**

It is the policy of Jefferson County to employ, advance and otherwise treat qualified individuals without regard to their disability in all employment practices. Jefferson County will attempt to accommodate disabled employees and job applicants to enable them to perform the essential functions of their jobs in a safe and efficient manner.

Jefferson County will afford reasonable accommodation to qualified applicants and employees with a known disability, provided that the accommodation does not cause undue hardship to Jefferson County, or, irrespective of the accommodation, that such individuals do not pose a direct threat to the health and safety of themselves or others. Applicants may inform the Auditor's Payroll Clerk and employees may inform their Department Head or Elected Official of the disability and may suggest, on a confidential basis, how Jefferson County may reasonably accommodate them.

### **NATURE OF EMPLOYMENT**

Employment with Jefferson County is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, Jefferson County may terminate the employment relationship at will at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law.

The policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the County and any of its employees. The provisions of the handbook have been developed at the discretion of the Board of Commissioners and, except for its policy of employment-at-will, may be amended or canceled at any time, at the Board of Commissioners' sole discretion.

These provisions supersede all existing policies and practices and may not be amended or added to by any department or office of county government without the express written approval of the Board of Commissioners.

### **NEPOTISM**

Employees who are relatives of an Elected Official or Department Head may not be employed by the County in a position that results in one (1) relative being in the direct line of supervision of the other relative (IC 36-1-20.2).

Direct line of supervision means an Elected Official or Department Head who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. The term does not include the responsibilities of the executive, legislative body, or fiscal body of the County, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the County.

Definition of employed is an individual who is employed by the County on a full-time, part time, temporary, intermittent, or hourly basis. The term does not include an individual who holds only an elected office. The term includes an employee who is a party to an employment contract with the County.

Nepotism policy follows Indiana Code Section 4-15-7-1: Nepotism

This policy does not apply to employees in their current position as of June 30, 2012 unless the employee has a break in employment

If, as a result of marriage, birth, adoption, the creation of other family relationships, election results, or hiring decisions, two or more relatives (who are current employees of any office or department in the County) are inadvertently placed into one of the two categories described in the paragraph above, then such relatives shall determine which of such relatives will seek to transfer to another job or otherwise take action to comply with this policy.

The County shall have no obligation to either: (1) create a new position or job opening for any current employee; or (2) transfer any current employee to a new or existing position or job opening if the individual does not meet all selection standards or fulfill all qualifications deemed to be required for the position by the County.

If the relatives are unable to determine which individuals will seek to transfer into another position or otherwise take action to comply with this policy, then the Board of Commissioners of Jefferson County, Indiana (the "Board of Commissioners") will make a determination to ensure the County's compliance with this policy.

A determination of the Board of Commissioners may include a decision to transfer, reassign, terminate or otherwise take action regarding one of the employees to ensure compliance with this policy. A decision of the Board of Commissioners may be based upon a variety of factors and criteria, including, but not limited to: (i) staffing and other needs; (ii) the jobs being

performed by the employees and the necessity of each such job relative to the continued operation of the County government, and (iii) each employee's skills, job knowledge, prior work history, job performance and abilities.

In the event that an individual is an existing employee of the County to whom the provisions of this policy apply on the date such individual's relative begins serving a term of an elected office of the County, the individual may not remain employed by the County and maintain the individual's position or rank if such circumstances result in the elected officer being in the direct line of supervision of such existing employee. In such event, the employee who is not an elected official will be required to take action to comply with this policy.

Notwithstanding the provisions of Indiana Code 36-1-20.2-13 to the contrary, the County Sheriff's spouse may not be employed as jail matron for the County under Indiana Code 36-8-10-5, and the spouse may not otherwise be in the County Sheriff's direct line of supervision.

Notwithstanding the provisions of Indiana Code 36-1-20.2-14 to the contrary, an individual: (1) who served as coroner; (2) who is currently ineligible to serve as coroner under Article 6, Section 2(b) of the Constitution of the State of Indiana; (3) who, as coroner, received certification under IC 36-2-14-22.3; and (4) whose successor in the office of coroner is a relative of the individual; may not be hired in the position of deputy coroner of the County if that results in such individual being in the County Coroner's direct line of supervision.

Each elected officer of the County shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this policy or Indiana Code 36-1-20.2. Each officer shall submit the certification to the Board of Commissioners not later than December 31 of each year.

This policy is intended to implement the minimum requirements necessary to comply with Indiana Code 36-1-20.2, as the same may be amended from time to time, If and to the extent this policy is not in compliance with Indiana Code 36-1-20.2, this policy shall be deemed to include such terms not otherwise included herein, and to exclude such terms not otherwise excluded here from, as are necessary to cause this policy to implement the minimum requirements set forth in Indiana Code 36-1-20.2.

To the extent this policy is inconsistent with any provision of Indiana law, including, without limitation, Indiana Code 36-1-20.2., such other provisions of Indiana law shall control. If any portion of this policy is held or deemed to be, or is, invalid, illegal, inoperable or unenforceable, the validity, legality, operability and enforceability of the remaining portions of this policy shall not be affected, and this policy shall be construed as if it did not contain such invalid, illegal, inoperable or unenforceable portion.

The County reserves the right to review the specific facts of any case where this policy is implicated and make exceptions on a case-by-case basis consistent with the provisions of Indiana law, including, without limitation, the provisions of Indiana Code 36-1-20.2. Furthermore, the County reserves the right to modify or amend the provisions of this policy from time to time consistent with the provisions of the provisions of Indiana law, including, without limitation, the

provisions of Indiana Code 36-1-20.2.

If an employee is absent from workplace while on paid or unpaid leave, including vacation, sick or family medical leave, or worker's compensation or employment with the County is terminated followed by immediate reemployment by the County, without loss of payroll time then they are not considered to have a break in employment.

### **IMMIGRATION LAW COMPLIANCE**

Jefferson County is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form, I-9, and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the County within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Auditor's office. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

### **OUTSIDE EMPLOYMENT**

Employees may hold outside paying jobs as long as they meet the performance standards of their job with the County. Employees must report any outside employment, regardless of the duration, to their Elected Official or Department Head.

All employees will be judged by the same performance standards and will be subject to the County's scheduling demands, regardless of any existing outside work requirements.

If a Department Head or Elected Official determines that an employee's outside work interferes with performance or the ability to meet the requirements of the County as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with the County. Outside employment must not be done on County time.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside the County for materials produced or services rendered while performing their jobs.

An employee shall be given two (2) weeks to resign from an outside job that is determined by the Elected Official or Department Head to interfere with the employee's duties for the County. Failure to resign from the outside job within this period could subject the employee to termination of employment.

## **EMPLOYMENT CATEGORIES**

It is the intent of the County to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and the Department Head or Elected Official.

Each employee is designated as either hourly non-exempt or salary exempt from federal and state wage and hour laws. Non-exempt employees are entitled to compensatory time in lieu of overtime pay under the specific provisions of federal and state laws. This designation also requires the employee to sign time sheet/card at the conclusion of the workweek and submit it to their Elected Official or Department Head for review and signature.

Time cards and sheets are official records and are to be recorded accurately at all times. Falsification of a time record is a breach of County policy and is considered grounds for disciplinary action, including the possibility of discharge.

Exempt employees are excluded from specific provisions of federal and state wage and hours laws. Elected Officials, Department Heads, and some Appointed Officials constitute the exempt employees at Jefferson County. All other employees including some appointed officials are non-exempt. Job Descriptions for each County Position should indicate if that position is exempt or non-exempt. Each employee should receive a copy of their job description.

Some vendors provide services as contractors. These associate's pay and benefits are governed by the signed contract with the county. This handbook is not intended to be applicable in those situations.

In addition to the above categories, each employee will belong to one other employment category:

**REGULAR FULL TIME: employees who are not in a temporary or seasonal status and who are hired to work a regular schedule of at least 35 hours per week also anyone working at least 28 hours. These employees are eligible for the County's benefit package, subject to the terms, conditions, and limitations of each benefit program.**

Part time employees who become full time employees will become eligible for health care benefits and all other benefit plans based on the date the employee is designated as a full time employee.

**REGULAR PART-TIME employees are those who are not assigned to a temporary status and who are regularly scheduled to work no more than twenty eight (28) hours per week and have a specific work schedule. While these employees are not eligible for the County's benefit package, they are eligible for Workers Compensation and other legally mandated benefits.**

**INTRODUCTORY** employees are those whose performance is being evaluated to determine whether further employment in a specific position or with the County is appropriate. Employees who satisfactorily complete the introductory period will be notified of their new employment classification.

**TEMPORARY or SEASONAL** employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration.

Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until notified of a change to another status.

While temporary and seasonal employees receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are not eligible for Jefferson County's other benefit programs.

### **ACCESS TO HR FILES**

Jefferson County maintains a personnel file in the Auditor's office on each employee. All confidential information regarding the employee will be kept in these files.

HR files are the property of Jefferson County, and access to the information they contain is restricted. Generally, only individual employees, the Auditor, the Auditor's Payroll Clerk, members of the County Council, and the Board of Commissioners have a legitimate reason to review information in a file.

Department Heads and Elected Officials shall keep personnel files of the employees under their direct supervision and employees who have posted for a position in their department or office

With reasonable advance notice, employees may review their own personnel files in Jefferson County's offices in the presence of the Department Head.

Each Elected Official and Department Head must submit a report to the Auditor's office of sick and vacation days used by each of their employees. This report must be submitted on a form approved by the State Board of Accounts.

### **EMPLOYMENT REFERENCE AND BACKGROUND CHECKS**

To ensure that individuals who join Jefferson County are well qualified and have a strong potential to be productive and successful, it is the policy of Jefferson County to conduct background checks and verify the employment references of those applicants who may be extended an offer of employment.

Jefferson County will respond to all reference check inquiries from other employers. Responses to such inquiries will be limited to inclusive dates of employment, positions held, and whether or not the employee's last Department Head or Elected Official would re-hire the

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

Each County Office may have additional requirements for their particular office.

### **PERSONNEL DATA CHANGES**

It is the responsibility of each employee to notify promptly the Auditor's Payroll Clerk of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, and other such status reports should be accurate and current at all times. If any personnel data has changed, notify the Auditor's Payroll Clerk.

### **INTRODUCTORY PERIOD**

The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. Department Heads and Elected Officials use this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the County may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice.

All new and rehired employees work on an introductory basis for the first ninety (90) calendar days after their date of hire. Any significant absence will automatically extend an introductory period by the length of the absence.

If the Department Head or Elected Official determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a period of time, but not more than ninety (90) days, as specified by the Department Head or Elected Official,

Upon satisfactory completion of the initial introductory period, employees enter the Regular Full Time or Regular Part Time employment classification.

During the initial introductory period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security. They may also be eligible for other County-provided benefits, subject to the terms and conditions of each benefits program.

Benefits eligibility and employment status is not changed during the secondary introductory period that result from a promotion or transfer within the County

### **RESIDENCY REQUIREMENTS**

The County is committed to hiring residents of Jefferson County whenever possible. Therefore, when applicants are similarly qualified and in keeping with the County's EEO policy, Jefferson County residents shall be given preference over non-residents at the time of employment. The County may also require employees within various departments to maintain their principal residence within the County pursuant to state law.

## **EMPLOYMENT APPLICATIONS**

Jefferson County relies upon the accuracy of information contained in the employment application and or resume, as well as the accuracy of 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 exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

## **OPEN POSITIONS**

Whenever vacancies occur or new positions are created, the County shall ensure that this information is distributed and made known to current employees and may be made known to the general public. The County encourages internal promotions and transfers whenever desirable.

Requests for approval of a new position that is not in the salary ordinance must be approved by the County Council. The request should include the method for filling the position e.g. Full time or part time, exempt or non-exempt.

## **VOLUNTEERS**

Jefferson County is fortunate to have the active support of volunteer staff. Volunteers perform many functions, depending on their role and position. Volunteers do not take the place of paid employees, but rather supplement their services. Volunteers contribute many hours of service. It is often their efforts that add to the accomplishment of an office or department.

Employees of the county may also volunteer for the county in their own or another position or department.

Employees who need the assistance of a volunteer, or who have suggestions regarding volunteer services, should direct their requests/comments to their Elected Official, Appointed Official, or Department Head.

## **POSITION DESCRIPTIONS**

For each County position a job description stating the essential job functions, position qualifications, educational requirements, physical requirements, exemption status, and full time, part time, temporary or seasonal status will be established. This will be the responsibility of each Elected Official and Department Head. A copy of the position description will be sent to the Auditor's office.

## **PERFORMANCE EVALUATIONS**

Department Heads, Elected Officials and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis.

Additional formal performance evaluations may be conducted on an annual basis to provide Department Heads, Elected Officials and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

## **EMPLOYEE COMPENSATION AND PAY INCREASES**

Wages are determined on an annual basis in accordance with the County's year. The fiscal year for Jefferson County is from January 1 to December 31.

Wage is determined by salary ordinance (Form 144) as set forth by the County Council at the Annual Budget Hearings.

## **SECTION THREE – PAY AND HOURS OF WORK**

### **TIMEKEEPING**

Accurate recording of time worked is the responsibility of every employee. Federal and state laws require Jefferson County to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

All non-exempt employees must accurately record the time they begin and end work each day. They also must record the hours of any departure or absence from work for personal reasons (General Payroll Form No 99A Rev. 1985). All hours over the employee's normal work schedule in a week must always be approved before it is performed.

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.

It is the employee's responsibility to approve his or her time sheet to certify the accuracy of all time recorded. The Elected Official, Department Head, Appointed Official, or a person appointed by them will review and then sign the time record before submitting it to the Auditor's office for payroll processing.

In addition, if corrections or modifications are made to the time record, both the employee and Elected Official, Department Head, Appointed Official, or appointed person must verify the accuracy of the changes by initialing the time record.

Each office may utilize employees' time differently within the framework of the workweek. For this reason, the Elected Official, Department Head, or Appointed Official will have the discretion to permit individual employees to arrive or depart earlier or later, or to work through part of a lunch period and otherwise adjust their employees' schedules to meet demands of the office while adhering to the work week.

In every case, however, it is a legal necessity and a requirement of continued employment that the employee's timesheet accurately reflect the beginning and ending time of each period of work and each day worked.

## **PAYROLL**

All pay days are bi-weekly on Friday except when offices are closed on a given holiday. In these circumstances, checks will be issued the working day immediately prior to the holiday. New hire's pay will be held back one week.

Your Department Head, Appointed Official, or Elected Official will be able to advise you about the paycheck distribution in your department. For your protection, your paycheck will not be given to another person without your signature of authorization each payday.

Payroll information must be submitted to the payroll department as per the posted schedule. A copy of this schedule is posted or may be obtained from the payroll department.

## **DIRECT DEPOSIT**

Direct Deposit is a safe and convenient check handling system which automatically deposits your payroll check into your personal checking or savings account. The County offers a direct deposit program with most financial institutions. Contact payroll in the Auditor's office for a list of approved institutions.

To set up direct deposit:

1. Obtain a Direct Deposit Authorization Form,
2. Complete your portion of the form,
3. Attach a voided check or take the authorization form to your financial institution and obtain from them the necessary authorization information, and finally,
4. Return the completed Direct Deposit Authorization form to payroll.

Direct deposits should go into effect on the second (2<sup>nd</sup>) pay date following the date that the Auditor's Office receives the authorization form. On payday employees will receive a check stub or electronic copy detailing all payroll information and indicating the check was directly deposited.

## **ADMINISTRATIVE PAY CORRECTIONS**

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

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Elected Official, Appointed Official, Department Head or Auditor's Payroll Clerk so that corrections can be made.

## **PAY DEDUCTIONS**

The law requires that Jefferson County make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes.

The County also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." County matches the amount of

Social Security taxes paid by each employee.

Other taxes, such as property taxes, may be deducted from employee compensation. Under Indiana Code 6-1.1-22-14, the County's payroll list must be given to the County Treasurer bi-annually. The County Treasurer then certifies any delinquent property taxes owed by a County employee. The code further instructs the Auditor's Office to make periodic deductions from money due the employee and direct payment to the Treasurer's Office.

Jefferson County offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs that have been authorized by the Commissioners.

If you have questions concerning why deductions were made from your paycheck or how they were calculated, the Auditor's Payroll Clerk can assist in having your questions answered.

### **WORK SCHEDULES**

The standard work week begins at 12:01 am Sunday and ends at 12:00 midnight on the following Saturday.

Generally, the working hours of County offices shall be from 8:00 am until 4:00 pm, Monday through Friday. Certain offices may need to observe earlier opening hours and later closing hours in order to better serve the public. Elected Officials, Appointed Officials and Department Heads shall have the ability to modify the weekly work schedule to meet the needs of the department, including the need to work additional hours on a particular work day.

County offices and departments shall observe the hours of work designated by the Elected Official, Appointed Official or Department Head. Work hours for every department should be established and understood by all affected employees. Office Hours should be posted and all offices must be open during lunch when more than one staff is assigned to that office.

### **REST AND MEAL PERIODS**

All non-exempt employees working four hours or more will be provided a paid rest period of ten (10) minutes in length. To the extent possible, rest periods will be scheduled in the middle of each four hour work period. In addition all non-exempt employees working six (6) hours or more will be provided with an unpaid meal period. The unpaid meal period duration will be determined by the employee's Elected Official, Appointed Official, or Department Head. To the extent possible, such meal periods will be scheduled in the middle of the employee's scheduled shift. However, business necessity may dictate that such meal periods be scheduled at other times to accommodate the County's operating requirements. Employees are completely relieved of all working duties and responsibilities during their meal period and may leave the premises.

Employees are expected to promptly return to their workstations following the allowed time for their rest periods and meal period. Any employee who fails to timely return to his or her workstation will be subject to appropriate discipline.

## **OVERTIME**

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. Overtime is defined as over 40 hours/week for all County Employees who are not Merit Officers or Corrections Officers, or 86 hours in a 14 day period for Merit Officers and Corrections Officers. Time worked up to the 40 hours and 86 hours set forth above will be paid or granted compensatory time off at regular pay. Time worked over 40 hours per week or 86 hours in a 14 day period as set forth above will be paid or granted compensatory off at time and one half.

All hours over the employee's normal work schedule must have prior approval of the Department Head or Elected Official. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work. When possible, advance notification of these mandatory assignments will be provided.

Elected Officials and Department Heads shall have the ability to modify the weekly work schedule to meet the needs of the department, including the need to work additional hours on a particular work day.

All overtime will be based upon actual hours worked. Time off for Jury Duty, Witness Duty, scheduled Holidays, vacation time, compensatory time off or other leave time will not be considered as hours worked.

Failure to work scheduled overtime or overtime worked without prior authorization from the Department Head, Appointed Official, or Elected Official may result in disciplinary action, up to and including termination of employment

## **COMPENSATORY TIME OFF**

Compensatory time off (comp time) is available to full time non-exempt employees for work above their normal scheduled hours. One hour of comp time is earned for each hour worked above the normal scheduled hours until the total hours worked reaches 40 hours in the week. Time worked above 40 hours in the week shall earn comp time at the rate of "time and a half".

Employees can accumulate comp time in their personal "Compensatory Time Off Bank" and draw compensatory time from this "bank", but only as approved by the Elected Official, Appointed Official or Department Head. Once employees have added comp time to their "bank", it can only be drawn and used as comp time. Employees cannot "cash it in" for pay.

The balance of comp time in the employee's "bank" cannot exceed 240 hours for non-emergency personnel those employees that are considered emergency personnel cannot exceed 480 hours. Elected Officials, Appointed Officials, and Department Heads may require employees to take time off and use comp time.

Unused comp time will be paid monetarily at the time of retirement, termination of employment or at the discretion of Department Head, Elected or Appointed Official as their budget allows.

### **INCLEMENT WEATHER**

Jefferson County is committed to the safety of our employees as well as clients and visitors to our facilities during inclement weather. The purpose of this policy is to provide guidelines on weather-related schedule changes as well as employee compensation during episodes of inclement weather. This policy applies to all Jefferson County government employees.

It is the intent of Jefferson County to remain open and adhere to full business operations even in inclement weather conditions. Therefore, it should be assumed that county offices will be open and that operations will continue on a "business as usual" basis. In the event that severe weather-related schedule changes including closure become necessary, the following guidelines will apply.

When Jefferson County Government facilities are officially closed due to an emergency declared by Jefferson County EMA Director the time missed by non-exempt employees will be paid. Employees in essential operations may be asked to work on a day when operations are officially closed. In these circumstances employees who work will receive compensatory time for the hours actually worked.

When operations are not officially closed, but some employees are unable to report for work, employees may use personal days, vacation days, or compensatory time.

## **SECTION FOUR - EMPLOYEE BENEFITS**

### **EMPLOYEE BENEFITS**

Eligible employees of Jefferson County are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. Details of all benefit programs are available at the Auditor's office.

### **PUBLIC EMPLOYEES RETIREMENT FUND (PERF)**

Regular full time employees may participate in PERF only if they work 35 hours a week. In order to participate, an employee must enroll in the plan on their first day of employment. The County contributes a designated percentage to the plan as defined by state code. Information about this benefit can be obtained from the Auditor's office.

### **EMPLOYEE DEFERRED COMPENSATION / 457B PLAN**

This Plan is designed to assist employees in their retirement years. Full time employees are eligible to participate in the State of Indiana 457B plan.

The County offers this plan to allow all employees the opportunity to help save additional dollars towards their retirement. The Auditor's office will provide the specifics of the plan to employees.

**GROUP HEALTH AND LIFE INSURANCE**

All regular full time employees, elected county officials, and appointed County Officials are eligible to enroll in the group health and life insurance plan within the first thirty (30) days of employment.

Details of the health insurance coverage are available from the Auditor's office.

A schedule of premiums is available in the Auditor's office. Premiums may be deducted pre-tax. Limitations may apply for health Insurance coverage if enrolled after 30 days of employment.

**OPTIONAL EMPLOYEE INSURANCE BENEFITS**

There are a number of optional insurance benefits offered including coverage for additional life insurance, cancer, intensive care, and long term care.

Employees interested in enrolling in any of these plans will be required to pay the cost of the premium. Premiums are deducted through the Jefferson County payroll and some of the premiums are eligible to be deducted pre-tax.

Information on these benefits may be obtained from the Auditor's office.

**VACATION BENEFITS**

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Vacation time is earned on an anniversary year basis. Regular Full Time employees are eligible to earn and use vacation time as described below based on a 5 day work week:

Anniversary Years	Days Earned
1 <sup>st</sup>	5
2 <sup>nd</sup> through 7 <sup>th</sup>	10
8 <sup>th</sup> through 15 <sup>th</sup>	15
16 <sup>th</sup> and beyond	20

Annual Vacation must be requested at least 5 working days prior to leave. Requests are subject to Elected Official, Appointed Official, or Department Head approval. Any vacation request received prior to January 31<sup>st</sup> of the current year will be granted by seniority in the event more than one employee is making a request for the same time and the office is unable to carry out its functions by allowing more than one leave at a time. Any vacation request received after January 31<sup>st</sup> of the current year will be granted on a first come first serve basis.

Accrued vacation time may be used any time after the first twelve (12) months of employment. A maximum of five (5) vacation days may be carried over into the next Anniversary year.

Employees may not receive pay in lieu of days off.

Unused vacation time will be paid monetarily at the time of retirement, termination of employment or at the discretion of the County.

### **PERSONAL DAYS**

Full time employees of Jefferson County will be eligible for one (1) day of personal leave after each four (4) months of continuance employment, not to exceed three (3) days within any one (1) year.

Personal leave may be used by employees to attend to personal matters during regular working hours. Each employee must request the use of personal leave at least twenty-four (24) hours prior to the start of his/her work day. If the employee fails to follow this procedure, he/she may be charged with an unauthorized leave day. Personal leave is forfeited if unused at the time of termination or resignation of employment. A maximum of 3 personal days may be rolled over on an annual basis. Personal must be used in ½ day increments.

### **HOLIDAYS**

The Board of Commissioners will establish a holiday schedule each year and post it following the first Commissioner's meeting of the year. All regular full time employees receive the same number of holidays.

All full time employees, Elected Officials, and Appointed County Officials are to receive the same number of holidays. Non Exempt employees who are required to work on a scheduled holiday shall be compensated at the rate of time and one half for all hours actually worked during the 24 hour period of the holiday.

Example: Employee works 5 hours on Christmas day. Employee will receive their regular pay plus receive comp time at time and time and a half for 5 hours. This would equal 7 ½ hours of comp time accrued.

Emergency Personnel that are regularly scheduled to work holidays (ex: dispatch, sheriff's office, jailers) will not receive additional comp time for working the scheduled holiday. Emergency Personnel will receive same amount of Holidays as other Full Time Employees to take at their discretion and as approved by their Department Head, Elected Official, or Appointed Official.

Due to the necessity of maintaining operations of some departments of Jefferson County, schedules are the responsibility of the supervisor, and they will determine those employees required to work.

If a holiday falls within a vacation period, the day will be counted as a holiday and not as a vacation day, providing the employee was not absent on the last regular scheduled day prior to beginning the vacation period, or the first regular scheduled day following the vacation period.

An employee who is on Family/Medical Leave at the time a holiday occurs will not be eligible for holiday pay unless they are in a paid leave status (ex. using sick time).

An employee must work the full day before and the full day after a holiday in order to receive their holiday pay. Compensatory time/days, personal days, vacation days will count as days worked both before and after a holiday.

### **WORKERS COMPENSATION INSURANCE**

Jefferson County provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Employees who sustain work-related injuries or illnesses should inform their supervisor immediately. Any work-related injury must be reported to the Auditor's office within twenty four (24) hours of the occurrence.

Neither Jefferson County nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the County.

Employees may supplement the amount of benefits received from Workers Compensation with sick days or vacation days. The combination of any such disability payments, sick leave benefits and vacation days cannot exceed the employee's normal weekly earnings.

### **SICK LEAVE BENEFITS**

Jefferson County provides paid sick leave benefits to all Regular Full Time employees for periods of temporary absence due to illnesses or injuries.

Regular full time employees will earn sick leave benefits at the rate of (1/2 day per month) for a total of six (6) sick days per calendar year. Sick days may be used in 1 hour increments.

Unused sick leave benefits will be allowed to accumulate until the employee has accrued a total of sixty (60) days of sick leave benefits. If the employee's benefits reach this maximum, further accrual of sick leave benefits will be suspended until the employee has reduced the balance below the limit.

Employees may use sick leave benefits for an absence due to personal illness or injury or for illness or injury to an immediate family member.

Jefferson County defines "immediate family" as the employee's spouse, parent, child, or sibling; the employee's spouse's parent, child, or sibling; the employee's child's spouse; grandparents or

grandchildren. Special consideration will also be given to any other person whose association with the employee was similar to any of the above relationships.

Sick leave benefits may also be used to avoid jeopardizing the health of other employees and absences related to FMLA.

Department Heads and Elected Officials are responsible for recording the use of sick leave benefits used by non-exempt employees in their department.

Before returning to work from a sick leave absence of three (3) calendar days or more, an employee who has been off work due to illness or injury, must provide a physician's verification that he or she may safely return to work.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence. Unused sick leave benefits will NOT be paid to employees upon termination or resignation of employment.

### **HELPING HAND PROGRAM**

Occasionally employees may need time off for emergencies that do not have enough accumulated time. Full Time Employees may donate any of their time to any employee that needs assistance. See Department Head, Elected Official, or Appointed Official for donation form or if you are in need of assistance from this program.

### **FAMILY MEDICAL LEAVE**

Jefferson County will comply with the Family and Medical Leave Act and implement regulations as revised effective February 6, 2013. The County posts the mandatory FMLA Notice of Employee Rights and Responsibilities under the Family and Medical Act on the County's bulletin boards. At the time of hire, new employees will be provided with this notice as part of their employee orientation.

The purpose of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

Employees must file for FMLA as soon as they become aware they will need to be off an extended period of time for any of the qualifying reasons for FMLA.

If employees have any questions, concerns, or disputes with this policy, they should contact the Auditor's Payroll Clerk.

## **A. General Provisions**

Under this policy, the County will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid or a combination of

paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy.

## **B. Eligibility**

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

1. The employee must have worked for the County for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years.

Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, stating the County's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.

2. The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave will not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.

## **C. Type of Leave Covered**

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

1. The birth of a child and in order to care for that child.
2. The placement of a child for adoption or foster care and to care for the newly place child.
3. To care for a spouse, child, or parent with a serious health condition (described below)
4. The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three (3) consecutive days of incapacity with the first visit to the health

care provider within seven (7) days of the onset of the incapacity and a second visit within thirty (30) days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy or under the County's Sick Leave Benefits policy are encouraged to consult with the Auditor's Payroll Clerk.

If an employee takes sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the County may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

5. Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:

- a. Short-notice deployment.
- b. Military events and activities,
- c. Child care and school activities,
- d. Financial and legal arrangements,
- e. Counseling,
- f. Rest and recuperation,
- g. Post-deployment activities and
- h. Additional activities that arise out of active duty deployment provided that the County and employee agree, including agreement on timing and duration of the leave.

Eligible employees are entitled to FMLA leave to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list. Eligible employees may not take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list.

In order to care for a covered service member, an eligible employee must be the spouse, son, daughter, or parent, or next of kin of a covered service member.

- a) A "son or daughter of a covered service member" means the covered service member's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered service member stood in loco parentis, and who is of any age.
- b) A "parent of a covered service member" means a covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents "in law."
- c) Under the FMLA, a "spouse" means a husband or wife as defined under the law in the state where the employee resides.
- d) The "next of kin of a covered service member" is the nearest blood relative, other than the covered service member's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the service member by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered service member has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA.

When no such designation is made, and there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously.

When such designation has been made, the designated individual shall be deemed to be the covered service member's only next of kin. For example, if a covered service member has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered service member's next of kin.

Alternatively, where a covered service member has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered service member's next of kin. The County is permitted to require an employee to provide confirmation of covered family relationship to the covered service member pursuant to § 825.122(j).

"Covered active duty" means:

- (a) "Covered active duty" for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.
- (b) "Covered active duty" for members of the reserve components of the Armed Forces (members of the U.S. National Guard and Reserves) means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation as defined in section

101(a)(13)(B) of title 10, United States Code. (a) in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and

The leave may commence as soon as the individual receives the call-up notice. (Son or daughter for this *type* of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

6. Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran.

An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to take care of leave to care for that service member.

Next of kin is defined as the closest blood relative of the injured or recovering service member.

The term "covered service member" means:

- (a) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- (b) a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The term "serious injury or illness means:

- (a) in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in 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 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 veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, means a qualifying

(as defined by the Secretary of Labor) injury or illness incurred by a covered service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating.

(c) Outpatient status, with respect to a covered service member, means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

#### **D. Amount of Leave**

An eligible employee can take up to 12 weeks for the FMLA circumstances (1) through (5) above under this policy during any 12-month period. The County will measure the 12-month period as a rolling 12-month period measured forward from the date an employee uses any leave under this policy. Each time an employee takes leave, the County will compute the amount of leave the employee has taken under this policy in the preceding months starting with the initial date of leave and subtract it from the 12 weeks of available leave. The balance remaining is the amount the employee is entitled to take at that time.

If a husband and wife both work for the County and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. If a husband and wife both work for the County and each wishes to take leave to care for a covered injured or ill service member, the husband and wife may only take a combined total of 26 weeks of leave.

#### **E. Employee Status and Benefits during Leave**

While an employee is on leave, the County will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

Under current County policy, the employee pays a portion of the health care premium. While on paid leave, the County will continue to make payroll deductions to collect the employee's share of the premium.

While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Auditor's office by the 20th day of each month.

If the employee is unable to pay their portion of benefit costs, the employee will be required to reimburse the County for all payments made on the employee's behalf either through payroll deduction or direct payment.

If the employee fails to return to work, the County will recover from the employee its share of all premiums paid on the employee's behalf during the leave.

Arrangements for repayment can be made with the approval of the Board of Commissioners.

If the employee contributes to any other benefit plans, the County will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the County may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the County may discontinue coverage during the leave. If the County maintains coverage, the County may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

#### **F. Employee Status after Leave**

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the County's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions.

#### **G. Use of Paid and Unpaid Leave**

An employee who is taking FMLA leave because of the employee's own serious health condition or the serious health condition of a family member must use all unused sick days, personal days, and compensatory time prior to being eligible for unpaid leave.

Workers' compensation leave, to the extent that it qualifies, will be designated as FMLA leave and will run concurrently with FMLA.

An employee who is using military FMLA leave for a qualifying exigency member must use all unused sick days, personal days, and compensatory time prior to being eligible for unpaid leave.

An employee using FMLA military caregiver leave must use all unused sick days and compensatory time prior to being eligible for unpaid leave.

#### **H. Intermittent Leave or a Reduced Work Schedule**

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hours schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12month period).

The County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the

intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption or foster care of a child, the County and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour's schedule.

Leave for birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

If the employee is taking leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach agreement with the County before taking intermittent leave or working a reduced hour's schedule. If this is not possible, then the employee must prove that the use of the leave is medically necessary.

#### **I. Certification for the Employee's Serious Health Condition**

The County will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Employee's Serious Health Condition.

The County may directly contact the employee's health care provider for verification or clarification purposes using the designated leave administrator. The County will not use the employee's direct supervisor for this contact. Before the County makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the County will obtain the employee's permission for clarification of individually identifiable health information.

The County has the right to ask for a second opinion if it has reason to doubt the certification. The County will pay for the employee to get a certification from a second doctor, which the County will select. The County may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the County will require the opinion of a third doctor. The County and the employee will mutually select the third doctor, and the County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

#### **J. Certification for the Family Member's Serious Health Condition**

The County will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of

continuation of leave. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition.

The County may directly contact the employee's family member's health care provider for verification or clarification purposes using the designated leave administrator. The County will not use the employee's direct supervisor for this contact. Before the County makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the County will obtain the employee's family member's permission for clarification of individually identifiable health information.

The County has the right to ask for a second opinion if it has reason to doubt the certification. The County will pay for the employee's family member to get a certification from a second doctor, which the County will select. The County may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion.

If it is necessary to resolve a conflict between the original certification and the second opinion, the County will require the opinion of a third doctor. The County and the employee will mutually select the third doctor, and the County will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

#### **K. Certification of Qualifying Exigency for Military Family Leave**

The County will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave.

#### **L. Certification for Serious Injury or Illness of Covered Service member for Military Family Leave**

The County will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member.

#### **M. Recertification**

The County may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the County receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the County may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The County may provide the employee's health care provider with the

employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

**N. Procedure for Requesting FMLA Leave**

All employees requesting FMLA leave must provide verbal or written notice of the need for the leave to the Auditor's Payroll Clerk. Within five business days after the employee has provided this notice, the Auditor's Payroll Clerk will complete and provide the employee with the DOL Notice of Eligibility and Rights.

When the need for the leave is foreseeable, the employee must provide the County with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the County usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

**O. Designation of FMLA Leave**

Within five business days after the employee has submitted the appropriate certification form, the Auditor's Payroll Clerk will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice,

**P. Intent to Return to Work From FMLA Leave**

On a basis that does not discriminate against employees on FMLA leave; the County may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. Employees who do not return to work following the use of all paid and unpaid leave as described above may, subject to approval by the Board of Commissioner be terminated as an active employee.

**MILITARY LEAVE**

Regular full-time and regular part-time employees are eligible for a leave of absence from their respective positions without loss of pay for the time they are performing service in the uniform services for a period not to exceed fifteen calendar days within one calendar year.

Uniformed services means the Armed Forces of the United States, a ready reserve component of the Armed Forces, Indiana National Guard Units, the commissioned core of the public health service, and any other service designated by the President of the United States in time of war or emergency.

An employee on leave under this provision shall suffer no loss of seniority or benefits during the fifteen day leave period.

An employee on military leave for a period in excess of fifteen calendar days in one calendar year shall receive all benefits provided under the Uniform Services and Reemployment Act of 1994 (38 U.S.C. Chapter 43).

Employees absent from their respective positions because of service in the uniformed services are, if honorably discharged, entitled to reinstatement, provided that the period of absence does not exceed five (5) years.

If an absence exceeds five (5) years, reinstatement shall be available only under the exceptions set forth in 38 U.S.G. §4312(c). An employee is entitled to reinstatement only if the employee had, prior to the time of commencing uniformed service, given notice to the County of the anticipated service, and has at the conclusion of the military service reported for work, or made application for reinstatement as follows:

- (1) if uniformed service is for thirty (30) days or less the employee must report for work by the next regularly scheduled workday after allowing eight (8) hours for travel;
- (2) if uniformed service is for more than thirty (30) days but less than 181 days, the employee must submit an application for reinstatement not later than 14 days after completion of uniformed service;
- (3) if uniformed service is for more than 180 days, the employee must submit an application for reinstatement within the ninety (90) day period following completion of uniformed service.

Exceptions to these reinstatement time periods will be made when, because of a disability or hospitalization caused by uniformed service, or because of events beyond the control of the employee, the employee was unable to report or make application within the prescribed period of time.

Reinstatement shall be to the position last held by the employee, unless such position no longer exists, or the requirements of such position has so substantially changed that reasonable training will not qualify the employee for such position. In such circumstances, reinstatement shall be to a position similar in pay and duties.

Reinstatement shall not be available, if during the period of military service, the employee would have been laid off from such position had the employee remained in public employment, and recall has not yet occurred.

An employee reinstated pursuant to these provisions shall be entitled to placement on the salary schedule at the level the employee would have attained had the employee not been absent for uniformed service. Reinstated employees shall be entitled to benefit levels that escalate with length of service as if there had been no absence for uniformed service.

If an employee is absent from work due to military service, benefits will continue as follows:

- An employee on extended military leave may elect to continue group health insurance coverage for the employee and covered dependents under the same terms and conditions for a period not to exceed 31 days from the date the military leave of absence begins. The employee must pay, per pay period, the premium normally paid

by the employee.

- After the initial 31 day period, the employee and covered dependents can continue group health insurance up to 24 months at 102% of the overall (both employer and employee) premium rate. Refer to Benefits Continuation, page 31.

Employees do not accrue vacation or sick leave while on military leave of absence status.

### **BEREAVEMENT LEAVE**

Jefferson County is committed to a sensitive and compassionate approach to employee needs at the time of a death in the family. However, bereavement leave is not an accrued benefit and must be used immediately prior to or following the funeral and in contiguous (business) days (weekends and Holidays excluded). If circumstances require that you are absent you must report this to your supervisor and obtain approval. Jefferson County may require proof of relationship with the deceased.

A full time employee will be granted time off to attend the funeral service or visitation based on the following:

- 5 days of bereavement leave for the death of an immediate family member Jefferson County defines "immediate family" as the employee's spouse, parent, child, or sibling; the employee's spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren. Special consideration will also be given to any other person whose association with the employee was similar to any of the above relationships.
- 3 days of bereavement leave for a death of an aunt, uncle, and spouse's grandparents.

Special consideration will also be given to any other person whose association with the employee was similar to any of the above relationships.

Documentation of the appropriate circumstances may be required of the employee, e.g. death certificate or article. Misuse of the bereavement leave can result in disciplinary action up to and including termination of employment.

Part time employees are not eligible for paid bereavement leave.

If additional time off is needed or the deceased is not a relative as outlined above, you may request leave time for which you are eligible (vacation, personal days, or compensatory) or you may request time off without pay and approval of your supervisor.

### **JURY DUTY**

Jefferson County encourages employees to fulfill their civic responsibilities by serving jury duty when required.

Employees must show the jury duty summons to their Department Head or Elected Official as soon as possible so that the supervisor may make arrangements to accommodate their

absence. Employees are expected to report for work whenever the court schedule permits.

Employees will receive their regular pay for the time period involved in jury duty. Upon receipt of payment from the court for jury duty, employees will sign over the payment to the Auditor's office. Mileage compensation shall be kept by the employee.

Either Jefferson County or the employee may request an excuse from jury duty if, in County's judgment, the employee's absence would create serious operational difficulties.

Regular Full Time, Regular Part Time and Introductory Employees are eligible for paid jury duty leave.

Jefferson County will continue to provide health insurance benefits for the full term of the jury duty absence. Vacation, sick leave, and holiday benefits, will continue to accrue during paid jury duty leave.

### **WITNESS DUTY**

Jefferson County encourages employees to appear in court for witness duty when subpoenaed to do so. Regular Full Time, Regular Part Time and Introductory Employees are eligible for paid witness duty leave.

If employees have been subpoenaed or otherwise requested to testify as witnesses by the County, they will receive paid time off for the entire period of witness duty.

Employees will be granted a maximum of eight hours of paid time off to appear in court as a witness at the request of a party other than the County.

Employees will be paid at their base pay rate and are free to use any remaining paid leave benefits (e.g. vacation leave) to receive compensation for any period of witness duty absence that would otherwise be unpaid.

The subpoena should be shown to the Department Head or Elected Official immediately after it is received so that operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

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

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the County's health plan when a "qualifying event" would normally result in the loss of eligibility.

Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at County's group

rates plus an administration fee. The County provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under County's health insurance plan. The notice contains important Information about the employee's rights and obligations.

### **BUSINESS TRAVEL EXPENSES**

Jefferson County will reimburse employees for expenses incurred while traveling on official county business as follows: Hotel plus Tax, Parking, Meals, Airline costs, Rental transportation, and Toll road charge: 5-10-6-2 Per Ordinance passed 12-10-1999

Meals will be reimburse up to \$26.00 or actual cost per day for meals – MUST have a receipt and the date of the receipt coincide with the meal or meals. Mileage claims must be filled out on claim form no: 101 prescribed by the State Board of Accounts also the reimburse amount will follow state guide lines. Form 101's are available in the Auditor's office. Hotel distance must be beyond 70 miles from home for reimbursement. All Travel expense must be presented to the Auditor's Office within 15 days of return. Employees will be receive their regular pay for time traveling on official county business. Any travel expense must be approved by County Commissioners.

## **SECTION FIVE - STANDARDS OF CONDUCT**

### **ANTI-HARASSMENT**

It is the policy of Jefferson County to provide a productive work environment and to prohibit all verbal or physical conduct by any employee, visitor or vendor that improperly harasses, disrupts or interferes with another's work performance or creates an intimidating, offensive or hostile work environment. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, or any other legally protected characteristic will not be tolerated.

While all forms of improper harassment are prohibited, special attention should be paid to the meaning of and prohibition of sexual harassment. This zero tolerance policy prohibits not only conduct and language that constitute unlawful sexual harassment as defined by the law and the courts, but all inappropriate behavior having sexual content.

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature that has the purpose or effect of creating a hostile, intimidating or offensive work environment is prohibited and will not be tolerated.

Any employee who wants to report an incident of sexual or other unlawful harassment should promptly report the matter to his or her Department Head or Elected Official.

If the Department Head or Elected Official is unavailable or the employee believes it would be inappropriate to contact that person, the employee should immediately contact the Auditor's office, the Board of Commissioners or any other Elected Official or Department Head. Employees can raise concerns and make reports without fear of reprisal.

Any Department Head or Elected Official who becomes aware of possible sexual or other unlawful harassment should promptly advise the Board of Commissioners.

All complaints of violations of this policy will be promptly referred to an Investigation Team appointed by the Board of Commissioners for investigation, findings and recommendation of sanctions, whenever warranted.

All complaints under this policy will be handled as discretely as possible. However, due to the fact that employers are required by law to thoroughly investigate all complaints of harassment, anonymity and secrecy cannot be guaranteed to any party or witness in the course of an investigation. The law requires, and Jefferson County does reserve the right to investigate complaints as appropriate and to inform individuals who have a legitimate right to know.

Employees engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment, and counseling may be required in addition to or in lieu of other disciplinary action. Vendors will be subject to contractual remedies up to and including forfeiture.

### **WORKPLACE VIOLENCE**

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

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

A. "Intimidation" includes, but is not limited to, stalking or engaging in actions intended to frighten, coerce, or induce duress.

B. "Threat" is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the person communicating the threat has presented the ability to carry it out and without regard to whether expression is contingent, conditional, or future.

C. "Physical attack" Is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, throwing objects, firing a weapon, causing an explosion of hazardous materials, or discharge of hazardous substances.

D. "Property damage" is intentional damage to property which includes property owned or leased by the County, employees, visitors, or vendors.

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

Threats, threatening behavior, or acts of violence executed off County-owned or leased property but directed at County employees or members of the public while conducting official County business, is a violation of this policy.

Off-site threats include threats made via the telephone, fax or electronic or conventional mail, or any other communication medium.

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

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

Any employee who receives a protective or restraining order which lists County-owned or leased premises as a protected area is required to provide their Department Head or Elected Official with a copy of such order.

If an emergency exists, contact the police department at 911 and notify your Department Head or Elected Official.

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

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

**CONFIDENTIAL RECORDS:**

All records of Jefferson County and its agencies and departments are public records with the exception of the following:

1. Records declared confidential by state statute.
2. Records required to be kept confidential by Federal Law
3. Records containing trade secrets
4. Records declared confidential under rule of the Supreme Court of Indiana
5. Patient medical records and patient health information, unless written consent is

- given by the patient or the patient's authorized representative.
6. Investigatory records of law enforcement agency or officer of the Courts.
  7. Work product of an attorney representing Jefferson County and its governing bodies, agencies, departments or officers in their official capacity.
  8. Records which are identified by governing bodies, agencies or departments of Jefferson County as confidential under the Indiana Access to Public Records statutes.
  9. Computer programs, computer codes, computer filing systems, and other software owned by Jefferson County, its agencies or departments, or entrusted to any of them by their owners.
  10.
    - A. the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;
    - B. information relating to the status of any formal charges against the employee; and
    - C. information concerning disciplinary actions in which final action has been taken and that resulted in the employee being disciplined or discharge.

However, all personnel file information shall be made available to the affected employee or his representative. The limitations upon disclosure of personnel file information do not apply to disclosure of personnel information generally on all employees or for groups of employees so long as information on a particular employee has not been requested.

No Jefferson County or Jefferson County related information, including without limitation, documents, notes, files, records, oral information, computer files or similar materials, except in the ordinary course of performing duties on behalf of Jefferson County may be removed from the courthouse without permission from the Department Head or Elected Official.

Employees who are unsure about the confidential nature of any particular record or information should ask their Department Head or Elected Official for clarification, which may refer the applicability of any of the foregoing exceptions to the attorney representing Jefferson County. Employees will be subject to appropriate disciplinary action, up to and including dismissal, for knowingly or unknowingly divulging or releasing information or records of a confidential nature.

### **CONFLICTS OF INTEREST**

In order to comply with Indiana law and in order to avoid potential conflicts of interests, misunderstandings and appearances of favoritism, impropriety or bias, the legislative body has adopted the following policy to establish certain minimum requirements regarding contracts between (i) any department, office or elected official of Jefferson County, Indiana (the "County"), and (ii) "relatives" (or businesses wholly or partially owned by relatives) of "elected officials" of the County.

Except as otherwise provided herein, the County may enter into or renew a contract for the procurement of goods and services or a contract for public works with either: (i) an individual who is a relative of an elected official, or (ii) a business entity that is wholly or partially owned by a relative of an elected official; only if the requirements of this policy are satisfied and such contract would not result in a violation of Indiana Code 35-44-1-3 by the elected official.

Notwithstanding any provisions of this policy and Indiana Code 36-1-21, the County may enter into or renew a contract with an individual or business entity described in the paragraph above only if the following conditions are met:

1. The elected official shall file with the Board of Commissioners of Jefferson County, Indiana full disclosure statement, which must:
  - a. Be in writing
  - b. Describe the contract or purchase to be made by the County
  - c. Describe the relationship that the elected official has to the individual or business entity with whom the County seeks to contract or from whom the County seeks to purchase
  - d. Be affirmed under penalty of perjury
  - e. Be submitted to the legislative body of the County and be accepted by the legislative body of the County in a public meeting of the legislative body prior to final action on the contract or purchase; and
  - f. Be filed not later than fifteen (15) days after final action on the contract or purchase, with:
    - i. The State Board of Accounts and
    - ii. The Clerk of the Circuit Court of the County
2. The appropriate agency of the County shall file a certified statement with the Board of Commissioners.
  - a. That the contract amount or purchase price was the lowest amount or price bid or offered; or
  - b. Setting forth the reasons why the vendor or contractor was selected.
3. The County satisfies any other contracting requirements under Indiana Code 5-22 (concerning the purchase of goods or services) or Indiana Code 36-1-12 (concerning public works)
4. The elected official also complies with the disclosure provisions required by Indiana Code 35-44-1-3, if applicable.

Each elected officer of the County shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this policy or Indiana Code 36-1-21. Each officer shall submit the certification to the Board of Commissioners not later than December 31 of each year.

This policy is intended to implement the minimum requirements necessary to comply with Indiana Code 36-1-21, as the same may be amended from time to time. If and to the extent this policy is not in compliance with Indiana Code 36-1-21, this policy shall be deemed to include such terms not otherwise included herein, and to exclude such terms not otherwise excluded

here from, as are necessary to cause this policy to implement the minimum requirements set forth in Indiana Code 36-121.

To the extent this policy is inconsistent with any provision of Indiana law, including, without limitation, Indiana Code 36-1-21., such other provisions of Indiana law shall control. If any portion of this policy is held or deemed to be, or is, invalid, illegal, inoperable or unenforceable, the validity, legality, operability and enforceability of the remaining portions of this policy shall not be affected, and this policy shall be construed as if it did not contain such invalid, illegal, inoperable or unenforceable portion.

The County reserves the right to review the specific facts of any case where this policy is implicated and make exceptions on a case-by-case basis consistent with the provisions of Indiana law, including, without limitation, the provisions of Indiana Code 36-1-21. Furthermore, the County reserves the right to modify or amend the provisions of this policy from time to time consistent with the provisions of the provisions of Indiana law, including, without limitation, the provisions of Indiana Code 36-1-21.

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest, Conflicts of interest are defined by Indiana law (IC 36-1-20,2) which may, under some circumstances, prohibit a transaction or require written disclosure and approval before a contract or transaction is entered. Employees may refer questions about actual or potential conflicts to the Auditor.

A County employee is considered to have resigned their position with the County if the employee assumes the elected executive office of the County or becomes an elected member of the County's legislative or fiscal body after January 1, 2013.

The County may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with:

1. An individual who is a relative of an elected official or;
2. A business entity that is wholly or partially owned by a relative of an elected official only if the elected official files a full disclosure which must:
  - be in writing
  - describes the contract or purchase
  - describes the relationship of the official to the business
  - affirmed under penalty of perjury
  - submitted to the legislative body prior to final action
  - filed (within 15 days of final action) with the State Board of Accounts (SBOA) and the County Clerk.

Each elected official shall, by December 31 of each year, certify in writing subject to the penalties of perjury, on forms provided by the County that the official is in compliance with the provisions of this policy.

## **BUSINESS ETHICS AND CONDUCT**

The successful operation and reputation of the Jefferson County government is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

Our continued success is dependent upon our citizens' trust and we are dedicated to preserving that trust. Employees owe a duty to Jefferson County government, its customers, and citizens to act in a way that will merit the continued trust and confidence of the public.

Jefferson County will comply with all applicable laws and regulations and expects its Department Heads, Elected Officials, Appointed Officials, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your Department Head or Elected Official.

### **STANDARDS OF PERFORMANCE**

Jefferson County expects its employees to perform their duties at a consistently high level of productivity and quality.

At a minimum, Jefferson County requires its employees to perform a job as efficiently and as safely possible while maintaining established quality standards. If there is a question regarding either a safety or quality, the employee is expected to ask their supervisor for clarification.

After an employee finishes one job, they are expected to move on to another job as quickly as is reasonably possible.

If an employee finds that they do not have anything to do during work hours, they are expected to report to a supervisor for another assignment.

Compliance with this policy of business ethics and conduct is the responsibility of every Jefferson County employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including possible termination of employment.

### **WHISTLEBLOWER POLICY**

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

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

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee should submit those concerns in writing to the Board of Commissioners or any member of the Board of Commissioners.

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

Whistleblower protections are provided in two important areas: confidentiality and no retaliatory actions. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense.

Jefferson County will not retaliate against a whistleblower. This includes protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any whistleblower who believes he/she is being retaliated against should submit their concerns in writing to the Compliance Officer immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities will be promptly submitted to the County Commissioners who will be responsible for investigating and coordinating corrective action.

### **USE OF ELECTRONIC EQUIPMENT**

All County electronic equipment is intended to be used for official County business only. Personal use of any item of County electronic equipment is not permitted, except in emergencies or with specific permission of the employee's Department Head or Elected Official. It shall be the responsibility of each Department Head, Elected Official and each person in a supervisory capacity to monitor compliance with this policy and to determine when exceptions shall be permitted.

Employees shall not use County electronic equipment to use the Internet for other than official County business without the authorization of the employee's Department Head or Elected Official. "Use of the Internet" includes logging on, viewing, uploading or downloading material to or from the Internet.

Employees are strictly prohibited from using the County's electronic equipment, e-mail, systems or Internet access for any of the following:

1. Viewing, transmitting, retrieving or storing material which may in any way be considered abusive, obscene or offensive.

2. Transmitting any messages containing derogatory, harassing or inflammatory remarks about an ethnic group or an individual's race, color, religion, national origin, sex, age or disability.
3. Any use of the County's electronic equipment, e-mail system or Internet access that violates County policies against harassment or discrimination.
4. Transmitting any information which the employee knows or has reason to believe may be false, misleading or libelous.
5. Sending or posting any chain letters, jokes, cartoons, or any advertisements not necessary for official business.
6. Using the County's e-mail system or Internet access for personal or political gain, including, but not limited to, the solicitation of, or engagement in, any business, political activity or any other enterprise other than official business of Jefferson County.
7. Transmitting, retrieving or storing any information that may violate applicable copyright laws, specifically including installing or downloading any software without prior approval of the County's Information Technology Administrator. (IT)

**Employees utilizing County electronic equipment must be aware that communications that they believe to be private are not necessarily so any e-mail on a government computer is technically government property and can be accessed it needs to be.**

To ensure compliance with policies or as part of a specific investigation, employee electronic communications may be monitored and/or recorded by the County's IT Administrator upon written specific authorization of a majority of the Board of Commissioners, or by law enforcement personnel upon a court warrant, or upon the request of the Judge of the Circuit or Superior Courts. Department Head's, Appointed Official's, and Elected Officials' communications shall be subject to monitoring only by properly authorized law enforcement personnel.

Employees are cautioned as follows:

- Cellular phones use radio frequencies that can be intercepted by others.
- Computer entries can be retrieved or "undeleted" in some instances; even if the employee believes the entries have been deleted.
- Computer files that an employee believes to be secure could be accessed by others if the employee's password is disclosed to another, or system security is otherwise breached.
- Faxes and e-mail messages intended for a particular recipient may be seen by others without your knowledge.
- Communications may be subject to the Public Records Law even if the only record of communication is in a computer file.

Employees should have no expectation of privacy in the use of County electronic equipment. The use of County electronic equipment by an employee constitutes consent by the employee

to have such use monitored, and is a waiver by the employee of all privacy expectations in such use.

Employees may be authorized to use passwords to access certain electronic media, such as the computer network, voice mail, or Internet. Department Heads and Elected Officials shall be allowed access to employees' passwords. Employees should never give their passwords or codes to other employees or any other person except to the County's IT Administrator, Department Head, or Elected Official or law enforcement personnel upon proper authority.

The County's IT Administrator shall not divulge employees', Department Head's or Elected Officials' codes to anyone except law enforcement or to the head of the employee's particular department,

Computer viruses pose a serious threat to the integrity of the County's computer software and electronic files. Strict precautions must be observed, including:

- Only software obtained from or approved by the County's IT Administrator may be used.
- Each new piece of software shall be tested for virus contamination at installation and periodically thereafter. The County's IT Administrator will assist all departments with virus detection procedures.
- All signs or suspicions of virus contamination shall be immediately reported to the County's IT Administrator to isolate and control any contamination.

No employee-owned or non-County purchased software is to be installed on County-owned equipment, whether intended for legitimate business matters or for personal purposes or amusement. At no time should a new County software program be loaded on the County's network, file server, or on an individual computer without the prior approval of the County's IT Administrator. Any new programs that are loaded and detected without such approval may be deleted without prior notice.

No Social Network sites such as Facebook, MySpace, Twitter, etc. are to be accessed by any County employee on County equipment, including an employee's personal cell phone or PDA during working hours, except Law Enforcement, EMA, Court Systems, Probation, Prosecutor or offices that are required to do so in the performance of County business and/or duties.

Violation of software licensing agreements is a serious matter which places the violator and the County at risk of copyright infringement claims. It is County policy to pay all proper software licensing fees and to prohibit the use of copies of "bootlegged" software. Unauthorized software will be deleted upon discovery by the County IT Administrator and reported to the employee's Department Head or Elected Official and to the Board of Commissioners.

Each software product purchased has a license agreement that:

- a. Gives the buyer the legal permission to use the software package, and
- b. Specifies the conditions under which the program can be used.

Software license agreements generally prohibit users from "sharing" software. Giving copies of software that the County has purchased, or that one has purchased personally, to others would be in violation of most software licenses. Because the County's software has been transferred onto the Network File Server, taking the original disks or copies of the software, home for private use would be in violation of most license agreements.

Employees in violation of this policy shall be subject to appropriate disciplinary action up to and including termination.

### **USE OF PHONE AND MAIL**

Employees should practice discretion in using County telephones when making local personal calls and will be required to reimburse the County for any charges resulting from their personal use of the telephone. The use of County-paid postage equipment for personal correspondence is not permitted.

To ensure effective telephone communications, employees should always use the appropriate greeting and speak in a courteous and professional manner. Please confirm information received from the caller and hang up only after the caller has done so.

Excessive complaints from the public or other departments against an employee will be investigated and may result in disciplinary action up to and including termination of employment.

Employees are requested to discourage all but emergency incoming personal calls. Outgoing personal calls should be made through a cell phone during rest periods or lunch. Employees should check with their supervisor for variance of this policy. Office holders are responsible for their office and staffs use of county phones of personal calls.

A telephone directory of all Courthouse and Annex extensions and other County Offices are provided to each office.

### **VOICE MAIL**

The Technology Department issues security codes for the Voice Mail System. These codes are confidential and must not be shared with others or public. Depending on your position, you may be assigned a mailbox.

New employees must contact their supervisor to obtain security access to the phone systems. Your supervisor can assist you with locating this office and the information needed to obtain security access.

Voicemail is not afforded to all employees. Access can be allowed from outside our facilities only with supervisory authorization.

## **CELLULAR TELEPHONE POLICY**

The purpose of this policy is to establish administrative regulations that standardize the procedures utilized by employees in the acquisition and use of County-owned, rented or leased cellular telephones, and cellular services. The basic guideline of this policy shall be to provide employees with efficient, cost-effective cellular telephone equipment and services.

Administrative policies shall be subject to revision or termination by the Elected Official, Department Head, or Appointed Official.

The regulations and procedures outlined in this policy statement are to apply to all County-owned, rented and leased cellular telephones.

The authority to assign equipment, authorize use of and the administration of this policy is the responsibility of the Elected Official, Appointed Official, or Department Head.

The acquisition of cellular telephones shall be limited to those instances in which there is a demonstrated need for such equipment to perform essential County business, to improve safety, increase productivity, or increase service to the public.

The use of a County owned, rented or leased cellular telephone by an employee will be used for Official County business only or as permitted by the Department's policy.

Before purchasing, renting, leasing equipment, or contracting cellular service, each department will determine:

1. The number of items, at the quantity, needed
2. Assignments of cellular equipment and services will be based on the following criteria:
  - a. The responsibility of the position requires the routine and regular conduct of County business before or after normal hours
  - b. The responsibilities of the position are such that it is to the convenience of the County to assign cellular telephones.
  - c. A demonstrated security risk warrants such assignment to protect County property.
  - d. A demonstrated need for a County cellular telephone to ensure a quick response to an emergency or after-hour call has been verified and approved by the Elected Official, Appointed Official, Department Head and/or Commissioners
  - e. Employee is designated to be "on call" for specific function or purpose.

The Elected Official, Appointed Official, or Department Head shall be responsible for contracting with a cellular service. Any and all contracts shall be subject to approval by that Elected Official, Appointed Official, or Department Head. Such service contracts shall be appropriate for the conducting of County business. The Elected Official, Appointed Official, or Department Head shall contract with a Company or Agency of their choice.

Replacement of any cellular telephones resulting from damage, loss or thefts is the responsibility of the department to which the equipment was assigned.

When an employee transfers to another Jefferson County department, exits Jefferson County employment, or no longer requires use of such equipment, it is the responsibility of the Elected Official, Appointed Official, or Department Head to retrieve cellular phone equipment assigned to that employee.

Departments are required to report any theft or loss of cellular phones to the Elected Official, Appointed Official, or Department Head immediately so that cellular service can be deactivated.

Each Elected Official or Department Head will develop and maintain records sufficient to ensure proper utilization of County cell phone. These records should include cellular telephone assignment, cellular telephone use and other information warranted to ensure accountability of equipment and use.

The following rules and regulations are established as a supplement to all rules and regulations contained in this policy. The rules and regulations contained herein apply to all County employees.

The primary purpose of cellular equipment and service is to conduct County business, as outlined above. Any employee using equipment for personal business beyond the contracted number of minutes will reimburse the County for the cost of using such equipment.

All employees must obey all applicable laws and ordinances while operating County owned equipment.

All employees must have use approved as required by all sections of this policy.

The following practices are prohibited:

- The operation of a cellular telephone for any illegal act.
  - The operation of any equipment, in the conduct of County business, which results in the violation of any applicable federal, state or local law, rules or ordinances.
  - The operation of any equipment in such a manner that could result in property or bodily damage either to the County or the public due to careless or negligent operation on the part of the employee.

The responsibility for monitoring the compliance of this Administrative Policy has been assigned to the Elected Official, Appointed Official, or Department Head. Disciplining for any non-compliance with this policy shall be left to the discretion of the Elected Official, Appointed Official, or Department Head.

Any exceptions or unusual circumstances not provided for in this policy must have specific prior approval from the Elected Official or Department Head. All excess invoices will be questioned by the Auditor/Commissioners.

The Jefferson County Elected Officials, Appointed Official, or Department Head reserves the right to limit use of any such county owned cellular equipment and contracted services upon a determination, after investigation that the use is not in compliance with this Policy.

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

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

County employees who are required to operate a motor vehicle for the County shall have the appropriate valid license as required by state or federal regulations or laws.

Employees who are required to operate vehicles or equipment which require a Commercial Driver's License (CDL) are not permitted to use hand-held mobile telephones including making or receiving telephone calls, use of text message features, use of internet applications or any other option available on a mobile telephone while operating a County vehicle or equipment.

Employees are not restricted from pressing a single button to initiate or terminate a hands free voice communication using a mobile telephone.

Employees are required to wear seat belts while operating or riding in any County owned, leased, or personal vehicle while conducting any county business.

Employees should notify the Department Head, Appointed Official, or Elected Official if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The Department Head, Appointed Official, or Elected Official can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

Employees will also submit to a drug test immediately following an accident. Failure to report such incidents must be explained or supported by facts and may result in disciplinary action up to and including termination.

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

### **PERSONAL USE OF COUNTY VEHICLES**

Employees assigned or using County-owned or County-leased vehicles will be subject to the following regulations.

Vehicle assignments will be reviewed on an annual basis by the Board of Commissioners and the appropriate Department Head or Elected Official as part of the budget process.

Vehicles titled to, or insured by or through, or leased by the County, and privately owned vehicles operated on the County's behalf, will be subject to the regulations of the Board of Commissioners. Employees operating vehicles on the County's behalf are also subject to the regulations of the County.

"Operated on the County's behalf" means operated by County employees in the course of their County employment.

Employees who use privately owned vehicles will usually be reimbursed on a mileage basis at an authorized rate set by the County Council or other form of stipend.

Any employee driving a County owned or leased vehicle or any other vehicle for County business will be subject to having his or her license and driving record checked for accidents, violations, suspension, revocation, assignment points, and any other job related information deemed necessary by the County.

Each driver must have a current, valid Indiana's driver's license that covers the type of vehicles to be operated. A copy of the employee's license must be on file with the employees Elected Official, Appointed Official or Department Head. Loss or suspension of "Driving Privileges" shall be reported to the Department immediately. All traffic laws of the State of Indiana will be adhered to including child restraint.

All applicants applying for a position in which driving is a duty must have a valid Indiana driver's license that covers the type of vehicle to be operated. A copy of the license must be presented to the Department Head, Appointed Official, or Elected Official at the time of hire.

The use of County owned or leased vehicles for personal reasons, other than to and from work, is prohibited. County owned or leased vehicles are to be used for emergency or official County business only. No persons other than Merit Officers, Jailers, inmates or detainees shall be transported in County owned or leased vehicles as a passenger or guest unless authorized by the Board of Commissioners.

Merit Officers and Jailers are prohibited from using or allowing the use of Sheriff's Department property of any kind for other than official duties. Merit Officers and Jailers are responsible for all property, materials, or written information issued to them or in their possession or control. All property must be returned by Merit Officers and/or Jailers on or before the last day of work.

### **SAFETY**

Jefferson County provides information to employees about workplace safety and health issues through regular internal communication channels such as Department Head or Elected Official meetings with employees, bulletin board postings, memos, or other written communications.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor.

Employees who violate safety standards; who cause hazardous or dangerous situations; or who fail to report; or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should notify their Department Head or Elected Official immediately. The Department Head or Elected Official should notify the Auditor's office payroll clerk within twenty four (24) of accident. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures. Accident and Injury reports are reported monthly to the Auditor's office for reporting to OSHA.

Each employee should become personally aware of the quickest and safest route of escape in the event of disaster or emergency

### **WEAPONS**

Under no circumstances are weapons permitted on the premises owned, equipment owned, or vehicles owned by Jefferson County Government. Only Elected Officials, Appointed Officials, or Department Heads or those appointed by the court or law enforcement agency are authorized to carry weapons. Any employees, with the exception of law enforcement, Elected Officials, Appointed Officials and Department Head, shall not carry "dangerous" weapons during work hours.

### **NO SMOKING & E CIGS**

State law (HEA #1149) prohibits smoking in any of the County's places of employment and within eight feet of any public entrance to the County's places of employment. E Cigs or Vaping are included in this policy.

Employees have a responsibility to report violations by a member of the public or other employees to their Elected Official or Department Head. An employee may do so without fear of reprisal or retaliation. Employees who violate this policy are subject to disciplinary action up to and including termination. In addition, any person who smokes in a nonsmoking area commits a Class B infraction and a Class A infraction if they have at least three (3) prior violations.

This policy applies to all Department Heads, Elected Officials, employees, visitors and the general public.

In addition to the potential infraction penalties applicable to violations of Indiana law on smoking, violation of this policy by an employee is subject to disciplinary action up to and including termination. Violations of this policy by others in the presence of employees shall be handled in accordance with the policies and procedures adopted by the Board of Commissioners for all premises under the control of the County.

### **VISITORS IN THE WORKPLACE**

To provide for the safety and security of employees and the facilities of the County, only authorized visitors are allowed in the County's actual working areas. Restricting unauthorized

visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.

The County recognizes that under certain circumstances a child may be in the working area. These instances should be kept to a minimum to prevent any disruption.

If an unauthorized individual is observed on the County's actual working areas, employees should immediately notify their Department Head, Elected Official.

This applies to solicitors since the County has a No Soliciting policy and signs are posted at each entrance.

### **DRUG AND ALCOHOL USE**

Jefferson County has established the following policy in accordance with the Drug Free Workplace Act of 1988. This policy is intended to establish a drug free workplace and will be considered as a condition of employment.

Jefferson County is committed to providing a drug free workplace and expects the cooperation of all employees and a similar commitment from them.

Pursuant to the Drug-Free Workplace Act of 1988, Jefferson County is required to notify employees that the unlawful manufacture, distribution, dispensing, possession, or use of controlled substances (as defined in Schedule I-V of Section 202 of the Controlled Substance Act-21 U.S.C. 812) by any employee is prohibited whether or not the employee is on duty.

Any employee convicted of any federal or state criminal drug statute arising out of conduct occurring in the workplace must notify the employer in writing of the fact within five calendar days of the conviction.

Any employee receiving federal funds, who is notified by an employee of a workplace-related drug conviction must report it to the contracting agency within ten calendar days of learning of such convictions. Any conviction not reported may result in the loss of federal funds.

The employer must within thirty days after receiving notice of conviction from an employee: take appropriate personnel action against such employee up to and including termination or require such employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, local health, law enforcement, or other appropriate agency.

An employee who fails to report a workplace related drug conviction will be terminated from employment and may be held civilly liable for any loss of federal funds resulting from the failure to report the conviction.

Any employee who is referred to a drug rehabilitation program and fails to satisfactorily participate in the program will be terminated from employment.

Where permitted by law, an employee may be required to submit to mandatory drug screening.

It is Jefferson County's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

While on Jefferson County premises and while conducting business-related activities off Jefferson County premises during normal working hours, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program through the County's health insurance benefit coverage.

Leave may be granted if the employee agrees to abstain from use of the problem substance; abides by all County policies, rules and prohibitions relating to conduct in the workplace; and if granting the leave will not cause Jefferson County any undue hardship.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their Department Head or Elected Official without fear of reprisal.

### **DRUG TESTING**

Jefferson County is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks.

To help ensure a safe and healthful working environment, employees may be subject to random drug testing and asked to provide body substance samples (such as urine and/or blood) to determine the illicit or illegal use of drugs and alcohol. Refusal to submit to drug testing may result in disciplinary action, up to and including termination of employment.

Employees will also submit to a drug test as soon as possible following an accident involving a County-Owned or Leased vehicle. Failure to report such incidents must be explained or supported by facts and may result in disciplinary action up to and including termination.

## **ATTENDANCE AND PUNCTUALITY**

Each employee of Jefferson County is expected to be available to work as scheduled, to be at work at the beginning of their assigned shift, and to work until the end of their assigned shift unless prior approval has been received to do otherwise,

If you are unable to report to work as scheduled, or if you will be late, or need to leave early, you must report this information to your supervisor as soon as possible.

To maintain a productive work environment, Jefferson County expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the county. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, including termination of employment.

Elected Officials, Appointed Officials, and Department Heads are responsible for maintaining accurate records of absenteeism and tardiness for their respective employees.

## **PERSONAL APPEARANCE**

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image Jefferson County presents to customers and visitors.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.

Each County employee receiving a uniform or uniform allowance is required to wear their uniform while on duty. If safety equipment is issued, employees are required to utilize this equipment when necessary.

Employees should consult with their Department Head, Appointed Official, or Elected Official if there is a question as to what constitutes appropriate attire and appearance.

## **KEYS**

The Commissioners of Jefferson County and/or Designated personnel issue all keys for County owned buildings. Keys are not to be duplicated by any employee. If duplicates are needed, you must make this request to the Facilities Department. Keys are not to be loaned to other employees. In case of emergency, employees who need access to another department must contact the Department Head for approval and entry. Any violation of this policy may result in disciplinary action up to and including termination.

## **SECURITY INSPECTIONS**

Jefferson County wishes to maintain a work environment that is free of illegal drugs, alcohol,

firearms, explosives, or other improper materials. To this end, Jefferson County prohibits the possession, transfer, sale, or use of such materials on premises owned or leased by Jefferson County or while engaged in County business.

The County requires the cooperation of all employees in administering this policy. Desks, lockers, and other storage devices may be provided for the convenience of employees but remains the sole property of the County. Accordingly, the County can inspect them, as well as any articles found within them, at any time, either with or without prior notice.

### **NO SOLICITATION**

In an effort to assure a productive and harmonious work environment, persons not employed by Jefferson County may not solicit or distribute literature in the workplace at any time for any purpose.

Jefferson County recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time. Working time does not include lunch periods, work breaks, or any other periods in which employees are not on duty.

If employees have a message of interest to the workplace they may submit it to the Board of Commissioners for approval. The Board will post all approved messages.

### **LIFE-THREATENING ILLNESSES IN THE WORKPLACE**

Employees with life-threatening illnesses, such as cancer, heart disease, and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. Jefferson County supports these endeavors as long as employees are able to meet acceptable performance standards.

Medical information on all employees is treated confidentially. Jefferson County will take reasonable precautions to protect such information from inappropriate disclosure. All employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment.

### **GIFTS AND GRATUITIES**

Employees are encouraged to maintain good relations with suppliers and others with whom Jefferson County may have business dealings. However, the practice of accepting gifts or gratuities is not only unnecessary and undesirable, but also contrary to the public interest.

Employees should not accept gifts or gratuities from firms, organizations, agents, or other individuals who may or do conduct business with Jefferson County in furnishing materials, goods and services.

## **SECTION SIX - EMPLOYEE AND PROBLEM RESOLUTION**

## **EMPLOYEE CONDUCT**

In regulating the behavior of its employees, Jefferson County has classified offenses as first, second, third and fourth level offenses based upon the seriousness. These classifications are provided only to illustrate the procedures that will generally be followed in respect to such conduct. This classification system would not be construed to in any way limit Jefferson County's discretion in exercising discipline as it finds appropriate based on severity of the misconduct or the totality of the circumstances. This system or guidelines shall in no way diminish Jefferson County's authority to discipline including discharge as an at-will employer.

## **DISCIPLINARY ACTIONS**

- Verbal Warning (documented in personnel file)
- Written Warning
- Three (3) day suspension without pay or possible termination.

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

Any employee found guilty of a felony will be subject to immediate dismissal. An employee charged with a felony or found participating in felonious activity either during work hours or while off duty may be subject to an unpaid leave of absence from work until a court of law establishes innocence or guilt.

Any employee found guilty of a misdemeanor may be subject to suspension or discharge including not being legally qualified to operate assigned vehicles or equipment.

Misdemeanors that involve County vehicles/property, or in which the associate behavior reflects poorly upon the employee and/or the County, will be treated similarly.

## **PROBLEM RESOLUTION**

Jefferson County is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from the employee's Department Head, Appointed Official or Elected Official.

If a situation occurs when employees believe that a condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to make use of the following steps. The employee may discontinue the procedure at any step.

1. Employee presents written problem to the Department Head or Elected Official within 30 calendar days after the incident occurs.
2. The Department Head or Elected Official should respond to the problem during its initial discussion or orally within 15 calendar days, after consulting with appropriate offices, when necessary. Such discussions should be documented.
3. If, after the oral discussion, the employee feels the issue is still not resolved, the employee may request that the matter be reviewed informally by the County Commissioners. The issue must be presented, in writing, to the County

Commissioners within 15 calendar days of the oral response from the Elected Official, Appointed Official, or Department Head.

4. The County Commissioners will review the issue and respond, in writing, within 30 calendar days. The County Commissioners may make a nonbinding recommendation to resolve the problem.
5. If the problem does not place the County at risk of non-compliance with any Federal or State law, the decision of the Department Head, Appointed Official, or Elected Official shall be final.

While not every problem can be resolved to everyone's total satisfaction, it is believed that discussion of problems will best assure a harmonious work environment.

## **SECTION SEVEN - SEPARATION FROM EMPLOYMENT**

### **EMPLOYMENT TERMINATION**

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

**RESIGNATION** voluntary employment termination initiated by an employee. The employee will be required to complete a Resignation Form, which can be obtained from the Auditor's office. Although advance notice is not required, Jefferson County requests at least two (2) weeks written notice of resignation. If an employee does not provide advance notice as requested above, the employee will be considered ineligible for rehire.

**DISCHARGE** - involuntary employment termination initiated by the County. Employees that have been terminated from Jefferson County employment for cause cannot be rehired to Jefferson County.

**REDUCTION IN FORCE/LAYOFF** - involuntary employment termination initiated on behalf of the County by the Appointed or Elected Official due to lack of work, lack of funds or projected lack of funds, job elimination, or reorganization.

Whenever a reduction is necessary, the County will determine the classification(s) in which the layoff(s) will occur and the number of employees to be laid off in each department.

Employees will be laid off with consideration of length of continuous service and the operational needs of the County. Employees may displace less senior employees in other departments provided they possess the minimum qualifications and licenses required for the position. Length of service is one factor in the layoff/displacement decision.

The operational needs of the County may require the retention of less senior employees over a more senior employee. Attendance and punctuality may also be a factor in determining who shall be retained and who shall be laid off.

A recall list will be established for each classification affected by the layoff listing each laid off employee in order of layoff.

A laid off employee will be eligible for recall for a period of one (1) year following the date of layoff. An employee who is laid off retains reinstatement rights in the agency from which he or she was laid off. Reinstatement rights continue for one (1) years from the date of layoff.

During this one (1) year period, the County will not hire or promote anyone into that classification until all persons on a layoff list for that classification are reinstated or decline the position when it is offered.

The employee will be responsible for keeping a current address on file with the Auditor's Office. Failure to do so may result in the inability to notify the employee of his or her eligibility for reinstatement.

Each recalled employee will be allowed fourteen (14) calendar days from the date of receipt of the certified letter to return to work. The County will consider extenuating circumstances submitted in writing by the laid off employee.

Any employee who declines reinstatement to the same classification from which the layoff occurred will no longer be eligible for recall and will be considered terminated from employment.

Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and payable at termination will be paid.

**RETIREMENT** - Voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the County.

#### **EXIT INTERVIEWS**

Department Heads and Elected Officials will schedule exit interviews, whenever possible, for their employees with the Auditor's office at the time of employment termination.

The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the County, or return of County-owned property. Suggestions, complaints, and questions can also be voiced.

Since employment with Jefferson County is based on mutual consent, both the employee and the County have the right to terminate employment at will, with or without cause, at any time. Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and payable at termination will be paid.

#### **PAYROLL NOTIFICATION**

Department Heads, Appointed Officials, and Elected Officials must notify the Auditor's Payroll Clerk that an employee is terminating employment as soon as notice is given by the employee. This includes part time and seasonal employees. This will facilitate the proper

payment of time worked in compliance with state law.

**RETURN OF PROPERTY**

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees on or before their last day of work must return all Jefferson County property in good working condition to their Elected Official, Appointed Official, or Department Head. All keys must be returned to the Facilities Department.

**SECTION EIGHT – HIGHWAY DEPARTMENT CHAIN-OF-COMMAND**

**HIGHWAY DEPARTMENT CHAIN-OF-COMAND**

The Jefferson County Highway Department operates under the authority of the Jefferson County Board of Commissioners. Chain of command under the Jefferson County Board of Commissioners shall be as follows:

1. Highway Superintendent
2. Senior Supervisor
3. Second Senior Supervisor
4. Third Senior Supervisor
5. Garage Supervisor