

# **I. PERSONNEL POLICIES HANDBOOK**

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

## **1.1 USE AND REVISION OF PERSONNEL POLICIES HANDBOOK**

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

Nothing in this policy is intended to, in any sense, constitute a contract of employment. Rush County is an "At-Will" employer which refers to the nature of the employment relationship which means that the employee may resign at any time and the employer may discharge an employee at any time with or without cause. This personnel policy is not a contract of employment and in no way grants property interests or contractual rights to County employees. This policy does not create an entitlement or an expectation of continued employment.

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

While Rush County believes these policies are accurate, they are only summaries, and any discrepancies between these summaries (such as insurance policies) shall be governed by the actual terms of the underlying, more detailed plan documents.

## **1.2 EXCEPTIONS AND SPECIAL CONDITIONS**

Rush County's employment practices and policies will apply equally to all employees, unless exempted by law, contract, or the terms of a policy. Where federal and state laws or regulations supersede Rush County policies, employees will be instructed to observe the requirements of these state and federal laws.

### **1.3 "RUSH COUNTY" DEFINED**

In this personnel policy, the "County" shall be defined to mean the Rush County Board of County Commissioners, the Rush County Council, the elected officials of Rush County, and/or agency and department heads acting individually or in conjunction with each other within their areas of assigned responsibility or as defined by applicable statute, constitutional provision, ordinance, case law, or resolution.

### **1.4 PERSONNEL ADVISORY COMMITTEE**

The Rush County Personnel Advisory Committee is established and shall meet as deemed necessary to review the application of County personnel policies and perform certain advisory functions such as:

1. Reviewing employee complaints in connection with the problem resolution procedure in the Rush County Personnel Policies Handbook and providing advisory recommendations as warranted;
2. Monitoring personnel policies and procedures and making recommendations for revisions, modifications, additions, and deletions as deemed necessary; and
3. Reviewing all standard operating procedures adopted by any department.

The Rush County Personnel Advisory Committee shall serve yearly and be comprised of six (6) members. The members of the Personnel Advisory Committee shall be one (1) County Commissioner (appointed by the County Commissioners), one (1) member of the County Council (appointed by the County Council), Auditor, Sheriff, Highway Superintendent, and the Human Resources Coordinator. The County Attorney serves as attorney to the Committee. In addition, there will be three (3) advisory members from the employees. These members will be comprised of one (1) employee from the Highway Department, one (1) employee from the Sheriff's Department/Jail, and one (1) employee from the Courthouse. The advisory employee members will be appointed annually. Members shall serve until a replacement has been appointed.

### **1.5 EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of the County of Rush to provide equal opportunity in employment to all employees and applicants for employment and to prohibit discrimination in employment because of race, creed, religion, color, sex, age, national origin, disability, military status, or any other classification protected under applicable law. Only bona fide occupational and objective measures of fitness shall be considered in employment decisions.

This policy applies to all terms, conditions, and privileges of employment, including hiring, probation, training, promotion, transfer, compensation, benefits, assistance, layoff, recall, employee facilities, discharge, and retirement.

## **1.6 MANAGEMENT RIGHTS**

Rush County retains the responsibility and authority to manage and direct on behalf of the public the operations and activities of the County to the full extent authorized by law. Such responsibility and authority shall include but not be limited to:

1. The right to direct the work of its employees;
2. The right to establish policy;
3. The right to maintain the efficiency of public operations;
4. The right to design and implement safety programs for employees;
5. The right to design and implement job training for employees;
6. The right to determine what services shall be rendered to the public;
7. The right to determine job content and job descriptions;
8. The right to determine and implement objectives and goals of the County;
9. The right to establish, allocate, schedule, assign, modify, change, and discontinue County operations, work shifts, and working hours;
10. The right to establish, change, and discontinue work standards;
11. The right to hire, examine, classify, train, transfer, assign, and retain employees; suspend, discharge, or take other disciplinary action against employees in accordance with applicable law and to relieve employees from duties due to disciplinary reasons or other legitimate reasons; and make promotions and demotions;
12. The right to change, modify, and alter the composition of the work force;
13. The right to determine, establish, and implement policies for the selection, training, and promotion of employees in accordance with applicable law;
14. The right to establish, implement, modify, and change procedures and policies for the safety, health, and protection of County property and personnel;
15. The right to adopt, modify, change, enforce, or discontinue any existing rules, regulations, procedures, and policies;
16. The right to establish, select, modify, change, or discontinue equipment, materials, and the layout and arrangement of equipment;
17. The right to determine the size and character of inventories and their disposal;
18. The right to control the use of property, machinery, inventories, and equipment owned, leased, or borrowed by the County;
19. The right to determine the location, establishment, and organization of new departments, divisions, subdivisions, or facilities thereof, and the relocations of departments, subdivisions, locations, and the closing and discontinuance of same; and
20. The above enumeration of management rights is not inclusive of all such rights and all rights granted the County by constitution, statute, charter, ordinance, or in any manner are retained by the County.

## **1.7 PRODUCTIVE WORK ENVIRONMENT**

It is a policy of Rush County to maintain a productive work environment. Verbal or physical conduct by any supervisor or employee which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment will not be tolerated.

## **1.8 AUTHORIZED ALIEN STATUS AND CITIZENSHIP**

All new hires must cooperate with the County in its compliance with the Immigration Reform and Control Act of 1986 and in verifying employment eligibility. New employees shall complete a Form I-9 and show proof of identity and employment eligibility within the first three (3) days of employment. Employees who refuse to or are unable to supply the documentation necessary to prove that they are American citizens or aliens authorized to work in this country will be terminated. Form I-9s are maintained by the Human Resources Coordinator.

## **1.9 E-VERIFY**

The Human Resources Coordinator shall administer the e-verify enrollment of all County new-hires and shall ensure that appropriate forms are properly completed and retained as required by law.

# **II. EMPLOYMENT POLICIES**

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

## **2.1 RECRUITMENT**

Each elected official/department head shall notify the County Commissioners and Auditor as soon as possible when they have either an actual or projected new position. The Commissioners will determine if the position is in accordance with appropriations passed by the County Council.

Whenever vacancies occur or new positions are created, job information shall be publicly posted within County facilities for a minimum of seven (7) calendar days and until the position is filled. Bulletin boards located in each County building and the Rush County website will be used for posting job openings. The County encourages internal promotion and transfer whenever possible.

Newspaper, trade journal, and website advertising may be used in recruiting employees. Advertisements shall describe the position, basic qualifications, and state that the County is "An Equal Opportunity Employer."

Basic qualifications of formal education, background, and experience shall be determined before recruiting begins and shall be based upon job requirements as well as dictates of applicable federal, state, and local laws.

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

## **2.2 EMPLOYMENT APPLICATIONS**

All applicants are required to complete a Rush County Employment Application. Prospective employees may only complete and submit a job application in conjunction with a posted position. This standardized job application form shall be submitted to and maintained by the elected official/department head.

Applications for County employment shall request only information necessary for rational decision making. Only questions specifically related to occupational standards shall be asked.

All applicants must complete the Rush County Employment Application in its entirety. Applicants must account for periods of employment and unemployment.

The County relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment.

Any misrepresentations, falsifications, or material omissions in any form may result in the County's exclusion of the individual from further consideration for employment, or if the person has been hired, termination of employment.

Placement of an employment application with the County does not mean that an applicant will be interviewed. Equal consideration will be given to all applicants based on qualifications listed for the job.

Applications will be retained in active files for ninety (90) days, or for the duration of applicant recruitment lists when used, except for the Sheriff's Department (Sheriff's merit officer applications will be retained for one [1] year). Applications shall be returned to the Human Resources Coordinator prior to hiring or being placed on the County payroll. All newly hired employees shall report to the Human Resources Coordinator to submit documents necessary for compliance with federal, state, and local law and for enrollment in any eligible benefit programs.

## **2.3 APPLICANT TESTING**

Applicant tests including, but not limited to, basic skills written tests, mechanical or physical agility, and psychological tests may be used by the County in the selection process for certain positions. Such tests are to be related to the requirements of the position. Sheriff's Merit Officers shall be subject to a written test prior to being hired by the County. The County Commissioners must approve the use of any tests for prospective employees.

## **2.4 PRE-EMPLOYMENT INTERVIEWS**

Pre-employment interviews are used to gather information and screen applicants for County employment. Interviews shall be conducted by the administrative officer making the employment decision.

## **2.5 CONDITIONAL OFFER OF EMPLOYMENT**

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

### **2.5.1 OFFER OF EMPLOYMENT**

Applicants who receive a Conditional Offer of Employment are not employees of the County unless they receive an official Offer of Employment.

The Offer of Employment will outline:

- Position/Department;
- Employment Status;
- Work Schedule;
- Pay Rate;
- Probationary Period;
- FLSA status;
- Benefits Eligibility; and
- Required Position Certifications.

The Offer of Employment is contingent on satisfactory proof of permission to work in this country, and the receipt of satisfactory references.

The Offer of Employment shall be signed by the applicant and authorized official and submitted to the Auditor's Office and Human Resources Office before the applicant is considered an employee of Rush County. The Offer of Employment will be maintained by the County Auditor and the Human Resources Coordinator.

## **2.6 MEDICAL EXAMINATIONS**

To help ensure that employees are able to perform their duties safely, medical examinations may be required of those positions responsible for public safety and health prior to hiring, or anytime during the course of employment with the County.

After a conditional offer of employment has been extended, applicants may be required to undergo a pre-employment medical examination by a health professional of the County's choice, at the County's expense.

Employees shall be required to submit to fitness for duty medical or psychological evaluations prior to returning from military leave or employee illness or injury leave under the Family and Medical Leave Act (FMLA), or to meet terms and conditions associated with performing job duties. Applicants shall be required to submit to a drug test and Sheriff's Merit Officers to a physical agility test prior to being hired by the County.

Information on an employee's medical condition or history shall be kept in a confidential medical file that is separate from other employee information. Medical information shall be maintained At the Highway Department, Sheriff's Department, or the Human Resources Office, whichever is appropriate, in a locked drawer or cabinet. Access to this information will be limited to the employee, elected official/department head of the employee, designated employees responsible for processing insurance and workers' compensation claims, and others on a need-to-know basis.

## **2.7 EMPLOYMENT CATEGORIES**

It is the intent of the County to clarify the definitions of employment classifications; therefore, employees understand their employment status and benefit eligibility. Each employee is assigned to one of the following employment categories. Any changes to an employee's category shall be in writing.

REGULAR FULL-TIME shall work the hours set forth as follows for their department. Courthouse employees shall work the County's full-time schedule of seventy (70 hours) every two (2) weeks (Exempt and PAT positions are 40 hours per week unless otherwise noted), 5 days per week at 7 hours per day. Highway, Jail (clerical), and Sheriff's employees shall work eighty (80) hours every two (2) weeks. They are eligible for the employer's benefit package subject to the terms, conditions, and limitations of each benefit program. Regular full-time employees include exempt and non-exempt classifications. The County Council sets the full-time compensation rates annually for all positions.

PART-TIME employees are those who are not assigned to a regular full-time position. While they do receive all legally mandated benefits (such as workers' compensation and Social Security benefits), they are ineligible for the County's other benefit programs. The County Council sets the part-time compensation rates annually for all positions

GRANT employees may be regular full-time or part-time. Employment is conditioned on grant funding. In the event that grant funds are not available to fund the position, the employee and the position shall be terminated unless otherwise stipulated by the grant and authorized by the County council. Grant employees may be eligible for County Insurance benefits provided adequate funding of the applicable grant.

SEASONAL TEMPORARY employees may be regular full-time or part-time employees. Employment is conditioned on the officeholder or department head having the available funding for the position. Seasonal temporary employees shall work no more than twelve (12) weeks per calendar year. Seasonal temporary employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration and may be up to or exceed forty (40) hours during a workweek. Employment beyond any initially stated period does not in any way imply a change in employment status. Seasonal temporary employees retain that status until notified of a change. It is the policy of the County that a Seasonal/Temporary employee who works for sixty (60) days in a calendar year shall not be rehired by the County without a minimum of six (6) months separation period between seasonal temporary engagements. While seasonal temporary employees do receive all legally mandated benefits (such as workers' compensation and Social Security benefits), seasonal temporary employees are ineligible for the County's other benefit programs.

### **2.7.1 Highway Department**

REGULAR FULL-TIME are those who are not in a part-time status and are regularly scheduled to work a minimum of forty (40) hours per week, or as designated by the Highway Department Superintendent. They are eligible for the employer's benefit package subject to the terms, conditions, and limitations of each benefit program. Regular full-time employees include exempt and non-exempt classifications. The County Council sets the full-time compensation rates annually for all positions.

PART-TIME employees are those who are not assigned to a regular full-time position. While they do receive all legally mandated benefits (such as workers' compensation and Social Security benefits), they are ineligible for the County's other benefit programs. The County Council sets the part-time compensation rates annually for all positions.

This Section of the Amended Ordinance is effective for any employee hired after October 15, 2018. For any employee who is currently employed by Rush County, Indiana, this Section becomes effective after January 1, 2020.

### **2.8 INTRODUCTORY PERIOD**

The introductory period is intended to give new, rehired, promoted, and/or transferred employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The County uses this period to evaluate employee capabilities, work habits, and overall performance.



All new, rehired, promoted, and/or transferred employees work on an introductory basis for the first ninety (90) calendar days after their “date of hire”, except when the ninety (90) days is in direct conflict with statutory requirements (such as merit officers of the Sheriff’s Department whose introductory period is one [1] year). Any significant absence will automatically extend the introductory period by the length of the absence.

If the County 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 specified period.

During the 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 employer provided benefits, subject to the terms and conditions of each benefit program. Employees should read the information for each specific benefit program for the details on eligibility requirements.

## **2.9 EMPLOYMENT REFERENCE CHECKS AND CRIMINAL BACKGROUND CHECKS**

To ensure that individuals who are employed by the County are well qualified and have a strong potential to be productive and successful, it is the policy of the County to check the employment references of all applicants.

For employment reference checks requested by outside employers of past or current County employees, the County will respond in writing only to those reference check inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held.

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

At the discretion of elected officials/department heads, applicants may be subject to criminal background and credit checks.

## **2.10 PERSONNEL FILES**

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

The County maintains up to five (5) separate personnel records concerning the employee's employment history.

**1. Personnel File:** In each employee's personnel file, records regarding position, pay, and other employee status actions will be retained. Other items that may be contained in the file are written notes of explanation, grievances filed, employee forms for taxes and retirement application.

The file may also contain disciplinary actions, awards received, training records, and performance reviews.

Certain documents in this file shall be deemed confidential and released only to persons on a need-to-know basis. This file shall be maintained by the elected officials/department heads, with copies provided to the Auditor affecting compensation and/or benefits.

**2. Leave Records:** Records of leave accrual and leave taken are kept with payroll information in employee records. These records are updated with payroll information. Changes in leave requested or taken can be corrected on the timesheet or by notice to the payroll department.

This confidential file shall be deemed as exempt under the Indiana Public Records Law. This file shall be maintained by the elected officials/department heads, with copies provided to the Auditor affecting compensation and/or benefits.

**3. Medical File:** The employee's medical file shall contain all medical information, including health insurance enrollment and beneficiary forms, disability information, ADA accommodations, workers' compensation documents, results of alcohol and drug tests, and other medical related information. This file shall be maintained in the Human Resources Coordinator's Office.

This confidential file shall be deemed as exempt under the Indiana Public Records Law. This file shall be maintained by the elected officials/department heads, with copies provided to the Auditor affecting compensation and/or benefits.

**4. CDL File:** The CDL, including CDL alcohol and drug tests file, are maintained by the Highway Department.

**5. I-9 File:** The I-9 file shall contain the I-9 form. This file shall be maintained in the Human Resources Office.

## **2.11 ACCESS TO PERSONNEL FILES**

Access to confidential personnel files shall be limited to the employee, the elected official/department head of the employee, the Human Resources Coordinator, County Attorney, and other persons authorized by the County Attorney on a need-to-know basis. The Human Resources Coordinator shall provide any information pursuant to a subpoena or court order and shall notify the affected employee(s) of the subpoena to permit the employee(s) to seek any appropriate judicial relief.

Personnel files are property of the County and access to the information they contain is restricted. Only officials or representatives of the County who have a legitimate reason to review information in a file are allowed to do so. With an appointment with their supervisor, an employee may review material in his/her file. Upon request, the County will provide the employee copies of any documents contained in his/her personnel file.

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

## **2.12 PERSONAL INFORMATION CHANGES**

It is the responsibility of each employee to promptly notify their elected official/ department head of any changes in personal data. The elected official/department head shall immediately notify the Human Resources Coordinator of such changes. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, driver's license status and proof of insurance (where applicable), and other such status reports should be accurate and current at all times. Any unreported changes in personal status may impact eligibility under the County's benefit plans.

## **2.13 ORIENTATION/EXIT INTERVIEWS**

Once employed by the County, the employee will receive a copy of the Rush County Personnel Policies Handbook and any applicable workplace rules, including the drug-free workplace policy. It is the responsibility of the employee to read and understand the Personnel Handbook. Each employee shall sign the Employee Acknowledgment form; periodic updates will also be acknowledged.

Upon termination of the employment relationship with an employee, an exit interview should be scheduled with the elected official/department head. Upon termination, employees are directed to contact the Auditor regarding compensation and the status of any County benefits.

## **2.14 PERFORMANCE EVALUATION**

Elected officials/department heads are strongly encouraged to discuss job performance and work goals with employees on an informal day-to-day basis. Additional formal performance reviews may be conducted to provide both elected officials/department heads and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage, and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

Formal performance evaluations should be conducted on a semi-annual basis and at the end of the introductory period before entering regular full-time status, especially if the introductory period is extended.

Performance evaluations shall be confidential and shall be made available only to the employee and their elected official/department head.

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

An employee may hold a job with another organization as long as he/she satisfactorily performs his/her job responsibilities with the County. All employees will be judged by the same performance standards and will be subject to the employer's scheduling demands, regardless of any existing outside work requirements.

Sheriff's Department Merit Officers are required to submit requests to work in a part-time job with the Merit Board and the Merit Board shall approve or deny such requests.

Employees who are provided Family and Medical Leave under the County's FMLA policy for their own serious illness or injury shall not be engaged in outside employment while on FMLA.

If the County 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/she wishes to remain employed with the County.

County employees shall not accept financial benefits that would reasonably tend to influence decisions or encourage that employee to disclose confidential County information. Any offers of money, services, benefits, favors, or other possible conflicts should be reported to supervisors and/or the County Commissioners. Employees having financial interest in a company or substantial investments in a corporation that might benefit from their dealings with the County must file a conflict of interest statement with the County Clerk.

Employees are protected from requirements, whether real or implied, to contribute time or money to any person or party. Soliciting political party campaign contributions, promoting fund-raising drives, and even encouraging subordinates and colleagues to contribute to community non-profit organizations are prohibited activities. Violators will be subject to disciplinary procedures.

### **2.15.1 Conflict of Interest Policy**

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the County's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to the Commissioners as soon as possible the existence of any actual or potential conflict of interest; therefore, safeguards can be established to protect all parties. Employees who have a conflict of interest are to file a conflict of interest form with the Clerk and the State of Indiana.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the County does business, but also when an employee or relative receives any type of kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealing involving the County.

## **2.16 REQUESTS FOR INFORMATION**

Occasionally, employees of the County are contacted by outsiders for information about current or former employees, or about the organization's policies, practices, or projects. Communication with the public about County issues is the responsibility of the designated official/department head. Any controversial or unusual request or question from the public must be referred to that official. Employees are advised to consult with their supervisor before releasing information which is confidential or privileged by law.

The County shall not provide any information pursuant to a subpoena or court order sooner than ten (10) calendar days after the date of receipt of subpoena or court order. Within five (5) calendar days of the receipt of the subpoena, the County Attorney shall notify the affected employee(s) of receipt of the subpoena to permit the employee(s) to seek any appropriate judicial relief from that subpoena.

**No information shall be provided to any person concerning the employment of the employee other than job title, department, date of hire, date of separation, and salary.**

## **2.17 LAYOFF AND RECALL**

Circumstances beyond the control of either Rush County or its employees could arise that make a reduction in the workforce necessary. Separations of this kind shall be classified as layoffs and understood that they occur through no fault of the affected employee. If layoffs occur, the following factors may be taken into account:

- A. Performance history;
- B. Length of service with the department;
- C. Length of service in all County departments; and
- D. Any other predetermined schedule accepted by the Board of Commissioners.  
Rush County maintains the right to reduce its workforce. Examples of reasons when a reduction might occur include, but are not limited to:
  - 1. Lack of work;
  - 2. Lack of funds or projected lack of funds;
  - 3. Job abolishment; and/or Reorganization.

Compensation for an employee separated due to a layoff will be made on the next scheduled payday. The final check will include accrued but unused vacation and compensatory leave time, as appropriate.

A recall list shall be established for each position affected by the layoff, listing each laid-off employee in the order of layoff. Employees who are laid off shall be responsible for keeping a current address on file with the County Auditor and the Human Resources Coordinator. Failure to do so may result in the County's inability to notify the laid-off employee of his/her eligibility for reinstatement.

If positions within the department from which the employee was laid off become available, the department will recall employees from the recall list in the order of layoff. In order to be recalled, an employee must meet the minimum hiring qualifications established for the position. A laid-off employee will remain on the recall list for a period of one (1) year from the time of the layoff.

Each recalled employee shall be allowed ten (10) calendar days from the date of receipt of a certified letter explaining the recall to return to work.

Recalled employees needing more than the ten (10) days to report to work must have written approval from their elected official/department head. Any employee accepting or declining reinstatement to the same classification from which the layoff or displacement initially occurred shall be removed from eligibility for further recall.

## **2.18 FULL-TIME TO PART-TIME EMPLOYMENT**

In the event that a full-time employee becomes a part-time employee, without any interruption in employment with the County, he/she shall retain any earned accrued sick leave. Such sick time will be frozen and available for use in the event the employee returns to a full-time position. Such employees may retain up to five (5) accrued vacation days. Such vacation time will be frozen and available for use in the event the employee returns to a full-time position. Upon voluntary termination such employees will be compensated for up to five (5) days of accrued vacation time. Employees who are terminated for disciplinary reasons shall not be entitled to pay for any unused vacation time. Additional sick and vacation time will not be earned when employed in the part-time position.

## **2.19 FULL-TIME TO ELECTED OFFICIAL EMPLOYMENT**

In the event that a full-time employee is elected to a full-time Rush County elective office he/she shall be compensated for any accrued vacation or compensatory time earned as a regular full-time employee. Such employee's sick days will be frozen and available for use in the event the elected official returns to a non-elected full-time position without any interruption in County employment. Also, if such elected official returns to a non-elective full-time position their time in elective office shall count as years of service for the purposes of determining the amount of eligible vacation time to which the employee is entitled or other benefits based on years of service with the County.

## **2.20 NEPOTISM**

Effective July 1, 2012, Indiana Code 36-1-20.2 specifies that relatives may not be employed by the County in positions that result in one relative being in the direct line of supervision of the other relative. An employee who is employed by the County as of June 30, 2012, is not subject to the nepotism provision unless the employee has a break in employment with this County in the future.

This nepotism policy does not apply to the County Sheriff's spouse employed as the Jail Matron or to relatives of the County Coroner who have previously served as the County Coroner.

Direct line of Supervision is defined as an elected officer or employee who is in a position to affect terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation.

Indiana Code defines relative to include a spouse; a parent or stepparent; a child or stepchild; a brother, sister, stepbrother, or stepsister; a niece or nephew; an aunt or uncle; a daughter-in-law or son-in-law; an adopted child; and a brother or sister by half blood.

Each elected office holder of the County shall annually certify in writing that the officer is in compliance with the nepotism policy under Indiana Code 36-1-20.2. Such certification must be submitted to the County Commissioners not later than December 31 of each year.

An elected official or department head that is in violation of this policy may be subject to penalties for perjury. The County's failure to adopt policies under Indiana Code 36-1-20.2 (Nepotism) will result in the Department of Local Government Finance not approving the County's budget or any additional appropriations in the ensuing calendar year until the State Board of Accounts certifies that the County is in compliance.

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

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

A volunteer firefighter may not assume or hold a position on the executive, legislative, or fiscal body of the County if the County receives fire protection services from the department on which the firefighter serves. Fire protection services provided under mutual aid agreements are excluded.

## **2.22 CONTRACTING WITH THE COUNTY**

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

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

If a contract is entered into with a relative, the appropriate agency of the County shall make a certified statement that the contract amount or purchase price was the lowest amount or price offered or make a certified statement of the reasons why the vendor or contractor was selected. Contracts in existence prior to July 1, 2012, are excepted.

An elected official that is in violation of this policy may be subject to penalties for perjury. The County's failure to adopt policies or failure to include a statement in the R-100 Personnel Report under Ind.Code 36-1-21 (Contracting with a Unit) will result in the Department of Local Government Finance not approving the County's budget or any additional appropriations for the ensuing calendar year.

### **III. SALARY ADMINISTRATION**

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

#### **3.1 NORMAL WORKWEEK**

The normal workweek begins on Saturday and ends on the following Friday.

#### **3.2 WORK HOURS**

**Courthouse Offices:** Monday-Friday 8:00 a.m. to 4:00 p.m. Full-time employees are to work seventy (70) hours in a two-week period, but no more than forty (40) hours in one week, subject to the approval of the employee's officeholder or department head. The employee shall have an unpaid break for a meal period each day.

Offices and departments shall remain open to the public during normal business hours.

**Highway Department:** Monday-Friday 7:00 a.m. to 4:00 p.m. with one (1) hour unpaid meal period – unless otherwise instructed by the Highway Superintendent.

**Sheriff's Department:** The Matron shall work flexible hours as assigned by the Sheriff, working an eight (8)-hour shift; Secretary shall work Monday-Friday 8:00 a.m. to 4:00 p.m. These positions shall receive one (1) hour paid meal period.

The Chief Deputy and Captains shall work eighty (80) hours per pay period as assigned by the Sheriff. One (1) hour paid meal periods shall vary due to operational demands.

*Jail employees* shall work eighty (80) hours per pay period as assigned by the Sheriff. One (1) hour paid meal periods shall vary due to operational demands.

*Dispatch employees* shall work eighty (80) hours per pay period as assigned by the Sheriff. One (1) hour paid meal periods shall vary due to operational demands.



*Merit Deputies* shall work eighty (80) hours per pay period as assigned by the Sheriff. One (1) hour paid meal periods shall vary due to operational demands.

### **3.2.1 Take Home Work**

No employees shall complete work, or work on any projects or assignments, while not on scheduled work time, without prior approval of the elected official/department head.

## **3.3 JOB DESCRIPTIONS**

Rush County positions, except those of elected officials, and some part-time positions have been described in job descriptions. Job descriptions are maintained in the Auditor's Office and Human Resources Office. Copies of job descriptions are available in each office or department and provided to each employee.

New job descriptions or any modifications to existing job descriptions shall be submitted to the Auditor's Office for adoption by the County Council and County Commissioners

## **3.4 COMPENSATION**

Rush County compensates employees in accordance with decisions by the County or the State of Indiana as budgets are set. Pay for any given position is subject to the annual budgetary process and, as such, may be subject to increase, reduction, or status quo maintenance for any time period.

The supervising elected official or administrator may make suggestions about salary compensation and other pay system concerns; however, the final decision regarding compensation levels rests with the Rush County Council.

## **3.5 WAGE POLICY**

Employees violating the sick leave, personal leave, and/or vacation policy of the County shall be penalized as follows:

- A. Unauthorized time away from work shall be subtracted from existing leave time in the following order: accrued compensatory time, personal leave days, and vacation days.
- B. If employees paid on an hourly wage have no existing leave time as described above, unauthorized time from work shall be docked from his/her wages.
- C. For employees paid at a salary rate with no existing leave time as described above, the penalty shall be computed by the normal work hours in a year divided into the gross annual salary to determine the hourly rate of pay.
- D. The wages of an elected official cannot be docked, as set by law.

Additional disciplinary actions may be taken for violations of the sick leave, personal leave, and/or vacation policy, up to and including termination of employment with Rush County.

### **3.6 TIMEKEEPING**

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

The Fair Labor Standards Act [FLSA] and Family and Medical Leave Act [FMLA] require that certain records be kept on each covered non-exempt worker. The record must include accurate information about the employee and data about hours worked and wages earned. Employers are required to maintain the following records:

1. Employee's full name, as used for social security purposes, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records;
2. Address, including zip code;
3. Birth date if younger than 19;
4. Gender and occupation;
5. Time of day, and day of week when employee's workweek begins, hours worked each day, and total hours worked each workweek.
6. Basis on which the employee's wages are paid;
7. Regular hourly rate;
8. Total daily or weekly straight-time earnings;
9. Total overtime earnings for the workweek;
10. All additions to or deductions from the employee's wages;
11. Total wages paid each pay period;
12. Date of payment and the pay period covered by the payment.

### **INDIANA TIMEKEEPING REQUIREMENTS**

Indiana Code 5-11-9-4 requires that public sector employees (except elected officials) maintain records showing which hours were worked each day by officers and employees.

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

Every employee is responsible for accurately recording their time worked on County forms or time keeping machines.

Employees should accurately record the time they begin and end their work and the time they begin and end each meal period. Employees should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved by the Elected Official/Department Head before it is performed.

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

**EXCLUDED** employees are specifically excluded from coverage under federal and state wage and hour laws (e.g. Elected Officials and exempt employees); and shall not be paid overtime compensation or awarded compensatory time off. Excluded employees, except for elected officials must maintain time keeping records to satisfy Indiana statutes governing public employers.

### **3.7 WORK TIME RESTRICTED**

Non-exempt employees shall not commence any work activities on behalf of Rush County before seven (7) minutes preceding the start of the work shift, or continue work activities more than seven (7) minutes after completion of the work shift, unless specifically authorized by their department head/elected official.

### **3.8 ROUNDING**

Time is to be recorded to the quarter hour, using the seven (7) minute rule (i.e. leeway of seven [7] minutes before and seven [7] minutes after scheduled start and stop times). All employee work commenced more than seven (7) minutes before the start time work hour will be paid on a quarter hour schedule; all employee work continued more than seven (7) minutes after the end of the last work hour will be paid on a quarter hour schedule.

### **3.9 MULTIPLE POSITIONS**

Non-exempt employees working in more than one Rush County position shall count the combined hours worked in more than one position in determining overtime obligations under the Fair Labor Standards Act (FLSA).

### **3.10 TIMESHEETS**

It is the responsibility of all employees except elected officials to maintain a timesheet approved by the County Commissioners and the State Board of Accounts, to properly record the time that he/she has worked during a payroll period. Any used accrued vacation time, sick leave, compensatory time, personal leave, or any other approved leave must be listed where indicated. At the end of the reporting period, the employee will sign the timesheet, verifying its accuracy.

The supervisor will counter-sign the timesheet, indicating that the hours claimed were actually worked. Failure by an employee to submit a timesheet when required or submitting a falsified timesheet may result in disciplinary action.

For detailed instructions on how and when to complete timesheets, employees should consult with their elected official/department head.

### **3.11 PAYDAYS**

Employees are paid bi-weekly on Friday. Paychecks are issued by the County Auditor as automatic deposits. Payroll is to compensate salaried employees for work performed in the pay period immediately preceding the day that the automatic deposit is issued; Highway Department and part-time employees are paid two (2) weeks in arrears. As of April 16, 2021, all employees, including elected officials, department heads, managers, and supervisors, will be paid two (2) weeks in arrears.

In the event that a regularly scheduled payday falls on a day off (such as a holiday), employees will be paid on the last day of work before the regularly scheduled payday.

### **3.12 PAY CORRECTIONS**

Rush County takes all reasonable steps to ensure that employees receive the correct amount of pay in each automatic deposit, and that employees are paid properly on the scheduled payday. The County prohibits improper deductions from wages.

Any employee who thinks that he/she has had incorrect deductions from his/her pay or was not paid the proper amount should give notice on the day of receipt of such pay or any day thereafter, in writing, to his/her department head with a copy of the notice sent to the Auditor.

The prompt reporting of errors is in everyone's best interest. All reports will be investigated. If it is determined that an improper deduction was made, the error will be corrected on the next payroll date.

### **3.13 PAY DEDUCTIONS/GARNISHMENTS**

No payroll deduction will be made from an employee paycheck unless authorized by the employee or required by law. Employees are required to report changes in family status, address, or other information that could affect amount of deductions withheld. These include Social Security and income taxes, retirement system contributions, court-ordered child support, and any other deductions required by law. Additionally, deductions may be authorized for employee contributions to health, dental, and supplemental insurance and deferred compensation plans as requested by the employee.

### **3.14 OVERTIME COMPENSATION AND COMPENSATORY TIME**

Each County position is designated as either **NON-EXEMPT** or **EXEMPT** from federal and state wage and hour laws (such as the Fair Labor Standards Act [FLSA]); and employees holding such positions are treated accordingly:

Employees holding **NON-EXEMPT** positions are entitled to overtime pay under the specific provisions of federal and state laws.

Employees holding **EXEMPT** positions are excluded from specific provisions of federal and state wage and hour laws and are not entitled to overtime compensation.

### **3.14.1 Overtime**

In the event that an elected official/department head requires a non-exempt employee to work overtime, such employee shall be granted overtime compensation in the form of monetary reimbursement at the rate of one and one-half (1 ½) times the amount of hours worked in excess of forty (40) hours in a workweek; or if overtime funds have not been appropriated, the employee will receive FLSA compensatory time as described below. Overtime monetary reimbursement is based on actual hours worked; except that time off for paid holidays which shall count as hours worked for purposes of calculating overtime compensation. Highway, Jail, and Dispatch employees shall count paid holidays, vacation leave and hours worked for purposes of calculating overtime compensation.

### **3.14.2 Overtime for Sheriff Deputies**

Non-exempt Sheriff Department Deputies are scheduled on a fourteen (14)-day work period under the FLSA 7(k) exemption.

The work period for Sheriff Department Deputies shall be eighty-six (86) hours within fourteen (14) days.

When officers are required to work more than eighty-six (86) hours during the established fourteen (14) day work period, they shall be entitled to overtime compensation at one and one-half (1 ½) times their regular rate of pay for time actually worked in excess of eighty-six (86) hours. Sick Leave hours do not count toward overtime hours.

Sheriff Department Deputies may elect, in lieu of overtime pay, to accept compensatory time off. Compensatory time shall be credited at the rate of one and one-half (1 ½) hours for all time worked over eighty-six (86) hours.

### **3.14.3 Overtime for Jail Officers**

Jail Officers scheduling will be done and based on a fourteen (14)-day schedule. Any hours worked over eighty (80) hours, in the fourteen (14)-day period, will be compensated at the rate of time and one-half (1 ½) times the hours worked.

### **3.14.4 Compensatory Time**

When compensatory time is used in place of monetary reimbursement, compensatory hours shall be awarded at a rate of one and one-half (1 ½) times the amount of approved hours as specified in this policy.

Calculating compensatory time is based on actual hours worked; except that time off for paid holidays which shall count as hours worked for purposes of calculating compensatory time. Highway, Jail, and Dispatch employees shall count paid holidays, vacation leave and hours worked for purposes of calculating compensatory time. Use of compensatory time must be determined in advance of submission of payroll.

If a non-exempt employee who works a thirty-five (35) hour workweek is required to work additional time over thirty-five (35) hours, the employee will receive non-FLSA compensatory time on an hour-for-hour basis up to forty (40) hours in a workweek. Premium FLSA compensatory time shall be awarded for all time worked over forty (40) in a workweek at a rate of one and one-half (1 1/2) times the amount of approved hours as specified in this policy.

At their sole discretion, elected officials/department heads may schedule use of employee compensatory time.

### **3.14.5 Maximum Compensatory Time Accrual**

Employees may accrue up to eighty (80) compensatory hours; monetary compensation is paid for those hours in excess of eighty (80) compensatory hours.

Compensatory hours must be used within sixty (60) days after being earned, unless otherwise approved, in writing, by the elected official/department head.

Accrued compensatory hours are paid upon termination of employment; however, the County retains the right to pay compensatory time at any time.

### **3.14.6 Overtime Approved in Writing**

All overtime compensation shall be approved in writing by the employee's supervisor at the time it is granted. A copy shall be maintained in the department of the employee.

### **3.14.7 Failure to Work Scheduled Overtime or Overtime without Authorization**

Failure to work scheduled overtime or overtime worked without prior authorization may result in disciplinary action, up to and including termination.

This policy applies to all non-exempt employees of the County as determined by the County Council's designation of jobs as "non-exempt" under the FLSA.

## **3.15 EMERGENCY CLOSING**

Periodic emergencies, such as severe weather or power failures, can disrupt County operations, sometimes requiring closing of a work facility. When such emergencies occur during non-working hours, local radio and/or television stations will be asked to broadcast notification of the closing.

When a Rush County work facility is officially closed by the County Commissioners for emergency conditions before the beginning of the workday, the time off from scheduled work will be paid to all full-time employees affected by the facility closing.

If an employee is required to work at a closed facility, the employee shall be additionally compensated for all such hours worked at his/her normal rate of pay. Such work must have prior approval by the County Commissioners. Any employee who reports to work and their work facility is later closed due to an emergency after his/her arrival shall be paid for a full workday without being penalized by use of vacation or personal leave or making up this time within the pay period.

However, if a full-time employee does not report to work on a day in which the facility is later closed, time missed will be charged as personal leave, vacation, or approved sick leave time (if applicable). If a part-time employee cannot report to work, time missed will not be paid.

### **3.16 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 the employee. Although advance notice is not required, Rush County requests at least a two (2) week notice from the employee, in writing, provided to the elected official/department head. The elected official/department head shall determine whether the employee may work out his/her notice.

**Discharge:** Involuntary employment termination initiated by the County. The resignation request shall be in writing and will be subject to appeal to the Board of Commissioners.

**Layoff:** Involuntary employment be paid. Some benefits may be termination initiated by the County for non-disciplinary reasons, which may include but is not limited to lack of work, lack of funds or projected lack of funds, job abolishment; and/or reorganization.

**Retirement:** Voluntary employment termination initiated by the employee meeting established state and/or County retirement criteria, such as age and length of service. Rush County requests more than a four (4) week notice from the employee. Employees will receive their final pay in accordance with applicable state law.

All accrued, vested benefits that are due and payable at termination will continued at the employee's expense if the employee so chooses. The employee should contact the Auditor for information regarding any benefits that may be continued and of the terms, conditions, and limitations of such continuance.

1. Separation under the following conditions is the last day there is an employer/employee relationship, being defined as the last day worked, sick day, personal day, or vacation day:
  - A. Resignation, as defined above;
  - B. Layoff, as defined above; or

- C. Retirement, as defined above
- 2 Health Insurance will stop on the day of separation. (If applicable)
- 3. Vision and dental insurance will stop on the last day of the month of separation. (if applicable)
- 4. For retirement purposes, there is a date of separation, and a date of last pay. Many times the date of last pay could be 2-4 weeks after the date of separation.

Prior to an employee's departure, an exit interview may be scheduled with the elected official/department head.

**3.17 RETURN OF PROPERTY**

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. All property must be returned by employees on or before their last day of work.

The County may take all action deemed appropriate to recover or protect its property.

**IV. EMPLOYEE BENEFITS**

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

In the event that an elected official becomes a regular full-time employee, without any break in employment, time served as an elected official shall count as years of service for paid leave policies.

**4.0.1 NEW HIRE LEAVE POLICY**

For employees hired after January 1, 2022, after ninety (90) days of employment with Rush County, Indiana, fulltime employees shall be entitled to Paid Time Off in the following amounts between their date of hire and one (1) year of service:

Courthouse Employees:	105 hours
Highway Department and Other 8-hour Employees:	120 hours
Sheriff's Department and Other 10-hour Employees:	120 hours



Any employee that has completed one (1) year of service and has paid time off remaining may carry those paid time off hours over to the following year as Sick Leave and may take those hours as Sick Leave under Section 4.4 of this Policy. The maximum buyout upon separation of employment at the end of the first year of employment is up to 60 hours of paid time off.

After one (1) year of full-time employment, employees earn Personal Leave time according to Section 4.2 of this Policy.

After one (1) year of full-time employment, full-time employees accumulate Sick Leave according to Section 4.4 of this Policy.

Termination of employment due to disciplinary action prior to the employee’s first anniversary date, any Paid Time Off shall not be paid out to the employee. Employees who terminate employment prior to their first anniversary date will receive payment for one-half (1/2) of any unused PTO time.

**4.1 VACATION**

The vacation package detailed below applies to all full-time employees; Courthouse, Sheriff, and Highway after January 1, 2020, and all full-time employees offered and accepting employment after October 15, 2018.

The purpose of paid annual vacation leave is to allow and encourage all employees to renew their physical and mental capabilities and to remain fully productive. Full time employees are provided annual vacation leave during each year in order to achieve this purpose. Part-time employees are not eligible for paid vacation leave. Vacation leave is not earned while an employee is on a non-paid leave status for disciplinary suspensions. The schedule is as follows:

**Courthouse Employees**

<b><u>Years of Service</u></b>	<b><u>Vacation Time Off</u></b>
After 1-4 years	70 working hours
After 5-9 years	105 working hours
After 10-14 years	140 working hours
After 15 years	175 working hours

**Highway and Other 8-Hour Employees**

<b><u>Years of Service</u></b>	<b><u>Vacation Time Off</u></b>
After 1-4 years	80 working hours
After 5-9 years	120 working hours
After 10-14 years	160 working hours
After 15 years	200 working hours

**Sheriff's Department and Other 10-Hour Employees**

<u>Years of Service</u>	<u>Vacation Time Off</u>
After 1-4 years	80 working hours
After 5-9 years	120 working hours
After 10-14 years	160 working hours
After 15 years	200 working hours

**12-Hour Employees**

<u>Years of Service</u>	<u>Vacation Time Off</u>
After 1-4 years	80 working hours
After 5-9 years	120 working hours
After 10-14 years	160 working hours
After 15 years	200 working hours

**4.1.1 Terms and Conditions of Vacation Leave (All Employees)**

- A. Vacation is earned according to an employee's anniversary date (date of hire).
  
- B. Vacation time must be used in the year in which it is granted or it will be lost. A year is defined as from the date of hire to the employee's anniversary date, and from anniversary date to anniversary date in succeeding years, not as a calendar year. Vacation time may not be carried over from one year to the next; however, an employee may carry over five (5) days of accrued but unused vacation time from one year to the next, to be classified as sick leave, provided that the employee has not accrued six hundred (600) hours of sick leave. If the employee has accrued 600 hours of sick leave, the employee may be paid out for up to 5 days of accrued but unused vacation time as of their anniversary date for each year in which the employee has accrued but unused vacation time and has 600 hours of sick leave.
  
- C. In order to use vacation time, employees shall request in advance approval from their elected official/department head. Vacations are scheduled in accordance with workload requirements of the individual department or office. For this reason, it is essential that vacation requests be made at least one (1) week in advance of the proposed starting date. Elected officials/department heads have the authority to approve or deny vacation requests. Vacation time may be taken in increments of one (1) hour.
  
- D. Vacation periods selected by the Rush County Sheriff's Department employees shall be subject to the approval of the appropriate shift commander, Chief Deputy, and Sheriff with emphasis being placed on those vacation times requested first. In the event of conflicting vacation requests by employees, seniority will be the deciding factor.
  
- E. Vacation time may not be taken in advance of being earned. Only continuous full-time employment shall be used in determining the amount of eligible earned vacation time for use.

F. An employee is entitled to compensation, at his/her current pay rate, for any unused vacation leave, up to two hundred and forty (240) hours, at the time of voluntary separation or retirement. Employees who are terminated for disciplinary reasons shall not be entitled to pay for any unused vacation time.

G. A full-time elected official's time in elective office shall count for vacation accrual purposes.

4.1.1 (a) Employees of the Rush County Highway Department hired before October 15, 2018, will continue to accrue vacation days according to the following chart:

**Highway Employees:**

<b>YEARS OF SERVICE</b>	<b>VACATION TIME OFF</b>
After 1-4 years	80 working hours
After 5-9 years	120 working hours
After 10-14 years	160 working hours
After 15-19 years	200 working hours
After 20 + years	240 working hours

An employee of the Rush County Highway Department hired prior to January 1, 2021, may retain any accumulated and unused Vacation Time that he or she has not used. Upon separation of employment for any reason other than Discharge/Involuntary Termination as defined in Section 3.15 or other applicable sections of this Policy, the employee may be compensated for up to accumulated but unused Two Hundred Forty (240) hours of Vacation Leave. Any employee of the Rush County Highway Department hired on or after January 1, 2021, shall accrue and accumulate Vacation Leave as outlined in Section 4.1 and 4.1.1, above, of this Policy and not pursuant to this subsection.

4.1.1(b) Employees of the Rush County Sheriff's Department hired before October 15, 2018, will continue to accrue vacation days according to the following chart:

**Sheriff's Department Employees and 12-Hour Employees:**

<b>YEARS OF SERVICE</b>	<b>VACATION TIME OFF</b>
After 1-5 years	96 working hours
After 5-10 years	136 working hours
After 10-15 years	192 working hours
After 15 years and after	240 working hours

## **4.2 PERSONAL LEAVE**

Full time employees are eligible for Personal Leave time. For employees hired before January 1, 2022, earn Personal Leave time according to the following chart. In the following and subsequent calendar years, each full-time employee shall be provided Personal Leave time on January 2nd. Personal Leave time must be used in the calendar year earned and does not carry over.

Use of Personal Leave must be approved by the elected official/department head. Employees must seek approval at least one (1) day in advance of taking Personal Leave

Personal Leave time is payable at the employee's regular rate of pay at the time of the leave and may be taken in increments of one-half (1/2) hour. No compensation for accrued Personal Leave shall be permitted upon separation of employment.

### **Personal Leave**

<b><u>Position</u></b>	<b>Personal Leave</b>
Courthouse & 7-Hour Employees	14 hours
Highway & 8-Hour Employees	16 hours
Sheriff's Department & 10-Hour Employees	20 hours

## **4.3 HOLIDAYS**

Observed holidays shall be adopted and posted annually by the County Commissioners. The Commissioners may grant additional holidays at their discretion.

If a designated holiday falls on Sunday, it will be observed on the following Monday; if it falls on Saturday, it will be observed on the preceding Friday.

In observance of each authorized holiday, both full-time and part-time employees will normally be granted the day off from work.

Only full-time employees shall receive straight-time holiday pay for each authorized holiday. In recognition of the fact that an employee may work on a recognized holiday, he or she will receive holiday pay at the rate of one and one-half (1 1/2) times their regular hourly rate of pay.

Sheriff's Road Officers shall rotate working on recognized holidays throughout the year at the discretion of the Sheriff.

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

In years where there are no national, state, or local elections or if there is no election in Rush County jurisdictions, employees will be required to work their regular schedule on the days that otherwise would have been reserved for the election.

- A. One (1) holiday day is equal to compensation for an employee’s regular shift.

#### **4.4 SICK LEAVE**

Full-time employees accumulate Sick Leave based on the following chart. Sick Leave is accumulated on the first day of each month of employment after ninety (90) days of full-time employment, or after one (1) full year of employment for those employees hired after January 1, 2022. An employee may accumulate a maximum of six hundred (600) hours of Sick Leave.

##### **4.4.1 Exception**

- A. If an employee has accumulated over six hundred (600) hours of Sick Leave as of January 1, 2021, the employee may retain the number of hours of accumulated Sick Leave, but will cease accruing additional hours of Sick Leave until the employee uses his or her Sick Leave and the total accumulated hours falls below six hundred (600) hours. That employee may then begin accruing additional hours of Sick Leave according to the below chart, but that employee may not accrue more than six hundred (600) hours of Sick Leave in the future.

#### **Sick Leave**

<b><u>Position</u></b>	<b><u>Sick Leave</u></b>
Courthouse & 7-Hour Employees	7 hours
Highway & 8-Hour Employees	8 hours
Sheriff’s Department & 10-Hour Employees	10 hours

Sick leave is defined as an absence from duty by any employee due to personal illness, injury, legal quarantine, or an FMLA qualified leave. The elected official/department head may at any time demand from an employee requesting pay for sick leave a medical certification from the attending or designated physician. After three (3) consecutive days off or in the event of possible abuse of the sick leave policy, a doctor's verification of illness may be requested. The elected official or department head shall request a written notice from an attending physician for the employee for proof of illness if there is a pattern of abuse of Sick Leave benefits. Abuse of Sick Leave will result in disciplinary action, up to and including termination.

An employee requesting sick leave shall inform the elected official/department head as soon as possible but no later than one-half one (1/2) hour prior to the commencement of their scheduled work shift. Failure to comply with these notice requirements may result in denial of sick leave for the period of absence.

Sick days are payable at the employee's regular rate of pay at the time of leave and must be taken in minimum of one (1) hour increments.

If an employee becomes an elected official, such employee's sick days will be frozen and available for use in the event the elected official returns to a non-elected full-time position without any interruption in County employment. Employees are not paid for unused sick time upon separation of employment

#### **4.5 FAMILY AND MEDICAL LEAVE ACT (FMLA)**

The County shall comply with all regulations as described in the Family and Medical Leave Act (FMLA) of 1993 including all subsequent revisions. This policy serves as a general description of employee's FMLA rights; therefore, in the event a conflict arises between this policy and applicable law, employees shall be granted all such rights allowed by law. Rush County shall adhere to the "General Notice Requirements" prescribed by the Department of Labor through the following actions:

1. Posting required FMLA information explaining provisions of the Act and procedures for filing complaints of violations of the Act with the Wage and Hour Division of the Department of Labor. This information shall be posted prominently where it can be readily viewed by employees and applicants for employment; and
2. Providing this general notice to each County employee by including the notice in the Personnel Policies Handbook or other written guidance to employees concerning employee benefits and leave rights. The general notice may be distributed electronically as deemed appropriate by Rush County.

##### **4.5.1 Entitlement**

Eligible employees are entitled to twelve (12) weeks of unpaid FMLA leave for the following situations:

1. The birth of a son or daughter, and to care for the newborn child;
2. The placement with the employee of a son or daughter for adoption or foster care;

3. To care for the employee's spouse, son, daughter, or parent with a serious health condition; and
4. The employee's own serious health condition that makes the employee unable to perform the functions of one's position.

#### **4.5.1(A) Serious Health Condition Defined**

For purposes of FMLA, a “serious health condition” is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care (an overnight stay in a hospital, hospice, or residential medical care facility), including any period of incapacity or any subsequent treatment in connection with such inpatient care, or a condition that requires continuing care by a licensed health care provider. This policy is intended to cover illnesses of a serious and long-term nature resulting in recurring or lengthy absences.

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

A chronic or long-term health condition generally results 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. Chronic conditions requiring periodic health care visits for treatment must take place at least twice a year.

### **4.5.2 Eligibility**

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

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

Separate periods of employment with the County shall be counted towards the twelve (12) month requirement provided that the break in service does not exceed seven (7) years, unless the separate periods of employment are due to National Guard or Reserve military service obligations or where a written agreement exists concerning the employer's intention to rehire the employee after a break in service.

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

Intermittent leave or leave on a reduced leave schedule must be medically necessary due to a serious health condition or a serious injury or illness.

An employee shall advise the County, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable. The employee and Rush County shall attempt to work out a schedule for such leave that meets the employee's needs without unduly disrupting the County's operations, subject to the approval of the health care provider.

#### **4.5.3 Employee Notice Requirements 4.5.3(A) Foreseeable FMLA Leave**

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

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

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

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

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

When the need for FMLA leave is foreseeable at least thirty (30) days in advance and an employee fails to give timely advance notice with no reasonable excuse, the employer may delay FMLA coverage until thirty (30) days after the date the employee provides notice.

The need for leave and the approximate date leave would be taken must have been clearly foreseeable to the employee thirty (30) days in advance of the leave.

When the need for FMLA leave is foreseeable fewer than thirty (30) days in advance and an employee fails to give notice as soon as practicable under the particular facts and circumstances, the extent to which an employer may delay FMLA coverage for leave depends on the facts of the particular case.



### **4.5.3(B) Unforeseeable FMLA Leave**

When the approximate timing of the need for leave is not foreseeable, an employee must provide notice to the County as soon as practicable under the facts and circumstances of the particular case. It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by the employer's usual and customary notice requirements applicable to such leave.

Notice may be given by the employee's "spokesperson" (e.g., spouse, adult family member, or other responsible party) if the employee is unable to do so personally.

#### **4.5.3(b) Employee Failure to Provide Notice**

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

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

**All requests for FMLA leave must be submitted, in writing, directly to the elected official/department head. The elected official/ department head shall forward all FMLA requests to the Auditor for a determination of approval or denial of FMLA. Such requests shall be supported by medical certification on FMLA forms provided by the County.**

When an employee seeks leave due to a FMLA-qualifying reason for which the County has previously provided the employee FMLA-protected leave, the employee **must** specifically reference either the qualifying reason for leave or the need for FMLA leave.

Employees should contact the Auditor to secure such forms and procedures used for requesting leave under the County's Family and Medical Leave policy.

### **4.5.4 Employer Notice Requirements**

#### **4.5.4(A) Eligibility and Rights & Responsibilities**

When an employee requests FMLA leave, or when the County acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the County must notify the employee of the employee's eligibility to take FMLA leave within five (5) business days, absent extenuating circumstances.

Employee eligibility is determined, and notice shall be provided, at the commencement of the first instance of leave for each FMLA qualifying reason in the applicable twelve (12)-month period.

The County shall use the Department of Labor form **WH-381 (Notice of Eligibility and Rights & Responsibilities)** to satisfy requirements under this section.

#### **4.5.4(B) Designation Notice**

The employer is responsible in all circumstances for designating leave as FMLA-qualifying, and for giving notice of the designation to the employee.

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

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

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

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

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

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

#### **4.5.5 Certification**

Rush County shall require that an employee's leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position, be supported by a certification issued by the health care provider of the employee or the employee's family member.

Rush County shall give notice of a requirement for certification each time a certification is required. Employees shall be notified through form **WH-381 (Notice of Eligibility and Rights & Responsibilities)**.

Rush County shall provide an employee with the appropriate certification form at the same time the County provides an employee with form **WH-381 (Notice of Eligibility and Rights & Responsibilities)**.

The County shall use Department of Labor forms as follows: **WH-380-E (Employee's Serious Health Condition)** or **WH-380-F (Family Member's Serious Health Condition)**.

The employee must provide the requested and complete certification to the County within fifteen (15) calendar days after the County's request.

#### **4.5.5(A) Complete and Sufficient Certification**

The employee must provide a complete and sufficient certification to the County. The County shall advise an employee whenever the County finds a certification incomplete or insufficient and shall state in writing what additional information is necessary to make the certification complete and sufficient. The employee shall have seven (7) calendar days to fix any such deficiency. If the deficiencies specified by the County are not fixed in the resubmitted certification, the County may deny the taking of FMLA leave, in accordance with Federal law.

#### **4.5.5(B) Clarification and Authentication**

If an employee submits a complete and sufficient certification signed by the health care provider, the County may not request additional information from the health care provider. However, the County may contact the health care provider for purposes of clarification and authentication of the medical certification (whether initial certification or recertification) after the County has given the employee an opportunity to fix any deficiencies (see above). To make such contact, the Auditor or designated official by the County Commissioners will be responsible for obtaining clarification and/or authentication. Under no circumstances, may the employee's direct supervisor contact the employee's health care provider.

The County shall not ask health care providers for additional information beyond that required by the certification form. The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule must be satisfied when individually identifiable health information of an employee is shared with the County by a HIPAA-covered health care provider.

#### **4.5.5(C) Second and Third Medical Opinion**

The County reserves the right to require a second medical opinion from an independent medical provider.

The County shall pay for the second opinion and shall designate a provider who is not an employee of the County. If the two (2) opinions conflict, the County shall pay for a third opinion. The opinion of the third provider is final and binding on both the County and the employee.

The County may deny FMLA leave to an employee who refuses or whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. The County shall provide the employee with a copy of second and/or third medical opinions within five (5) business days.

#### **4.5.5(D) Recertification**

The County may require an employee to report periodically during the leave period on the employee's leave status and the employee's intention to return to work.

The County may seek recertifications for leave taken due to an employee's own serious health condition or the serious health condition of a family member, no more than every thirty (30) days unless the employee requests an extension of leave, circumstances described by the previous certification have changed significantly, or the County receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.

Where the employee's need for leave due to the employee's own serious health condition, or the serious health condition of the employee's covered family member, lasts beyond a single leave year, the County shall require the employee to provide a new medical certification in each subsequent leave year.

The employee must provide the requested recertification to the County within fifteen (15) calendar days after the employer's request.

#### **4.5.5(E) Fitness-for-Duty Certification**

The County may require a fitness-for-duty certification before an employee returns to work from FMLA leave other than intermittent leave. The County shall notify an employee in form **WH-382 (Designation Notice)** whether a fitness-for-duty certification shall be required.

The cost of recertification shall be borne by the employee.

The County may delay restoration to employment until an employee submits a required fitness-for-duty certification.

#### **4.5.6 Calculation of FMLA Leave**

For purposes of calculating employee entitlement for a subsequent FMLA leave, the "twelve (12)-month period" is measured forward from the date when the employee's previous FMLA leave began. For example, under this method an employee is entitled to twelve (12) weeks of leave the first time FMLA leave is taken (e.g. March 7, 2009); the next twelve (12)-month period would begin the first-time leave is taken after completion of that twelve (12)-month period ending on (March 6, 2010).

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

An employee shall use any accrued paid sick, personal, or vacation leave for any part of the twelve (12) week period under the County's FMLA policy; except that employees may elect to retain up to five (5) days of vacation or compensatory leave.

Accruals for benefit calculations, such as vacation, personal leave, or holiday benefits, shall not be affected by taking FMLA leave.

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

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

##### **4.5.6(B) Health Benefits**

Any health plan, including self-insured plans, provided by the County will be continued for the employee on FMLA leave on the same terms that would have been provided if the employee had continued his or her work during the period that he or she was on approved FMLA leave. County employees are responsible for paying their share of the premium costs while on FMLA leave. If an employee chooses not to return to work for reasons other than a continuing serious health condition of the employee or the employee's family member, or a circumstance beyond the employee's control, the County shall require the employee to reimburse the employer the amount it paid for the employee's health insurance premium during the leave period.

#### **4.5.7 Employee Reinstatement**

On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence.

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

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

The County shall consider an employee's failure to report to work at the end of the leave period as an employee resignation, unless the employee provides prior notice that the employee is using sick or vacation time at the end of the leave period.

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

#### **4.5.8 Military Family Leave Entitlements**

Effective January 28, 2008, the National Defense Authorization Act for FY 2008 (NDAA) amended the FMLA to allow eligible employees to take up to twelve (12) weeks of job-protected leave in the applicable twelve (12)-month period for any “qualifying exigency” arising out of the active duty or call to active duty status of a spouse, son, daughter, or parent.

The NDAA also amended the FMLA to allow eligible employees to take up to twenty-six (26) weeks of job-protected leave in a “single twelve (12)-month period” to care for a covered servicemember with a serious injury or illness. These two new types of FMLA leave are known as the Military Family leave entitlements.

This policy supplements the County’s FMLA policy and provides notice of employee rights to such leave. Except as mentioned below, an employee’s rights and obligations to Military Family leave are governed by the County’s existing FMLA policy.

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

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

Employees seeking to use Military Caregiver leave **must** provide thirty (30) days advance notice of the need to take such leave for planned medical treatment for a serious injury or illness of a covered servicemember.

If leave is foreseeable but thirty (30) days advance notice is not practicable, the employee must provide notice as soon as practicable – generally, either the same or next business day.

An employee must provide notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable.

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

#### **4.5.8(B) Entitlement**

Eligible employees are entitled to **twelve (12) weeks** of unpaid Military Family leave for the following situation:

1. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.

Eligible employees are entitled to **twenty-six (26) weeks** of unpaid Military Family leave for the following situation:

2. To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

#### **4.5.8(C) Covered Active Duty Defined**

The term "covered active duty" means, 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 or international waters; and in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country or international waters under a call or order to active duty pursuant to applicable law.

#### **4.5.8(D) Covered Servicemember Defined**

The term "covered servicemember" means 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 condition that existed before the servicemember's active duty but was aggravated by service in the line of duty on active duty; or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness, or condition that existed before the servicemember's active duty but manifested before or after becoming a veteran, 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 five (5) years preceding the date on which the veteran undergoes such medical treatment, recuperation, or therapy.

The employee's first date of leave must occur within the five (5) year period; however, the employee may continue to take such leave throughout the "single twelve (12)-month period" of leave even if the leave extends beyond the five (5) year period.

#### **4.5.8(E) Qualifying Exigency Leave**

Eligible employees may take **up to a total of twelve (12) weeks** of unpaid Military Family leave during the normal twelve (12)-month period established by the County for FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent (the "covered military member") is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation.

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

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

Such leave may commence as soon as the military member receives the call up notice. **This type of leave will be counted toward the employee's twelve (12)-week maximum of FMLA leave in a twelve (12)-month period.**

Qualifying exigencies include the following:

1. **Short-notice deployment:** Issues arising from a covered military member's short notice deployment (i.e., deployment on seven [7] or less days of notice) for a period of seven (7) days from the date of notification;
2. **Military events and related activities:** Events and activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the



active duty or call to active duty status of a covered military member;

3. **Childcare and related activities:** Certain childcare and related activities arising from the active duty or call to active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the active duty or call to active duty of the covered military member;
4. **Financial and legal arrangements:** Making or updating financial and legal arrangements to address a covered military member's absence;
5. **Counseling:** Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the active duty or call to active duty status of the covered military member;
6. **Rest and recuperation:** Taking up to fifteen (15) days of leave to spend time with a covered military member who is on short-term temporary, rest, and recuperation leave during deployment;
7. **Post-deployment activities:** Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the covered military member's active duty status, and addressing issues arising from the death of a covered military member; and
8. **Additional activities:** Any other event that the employee and County agree is a qualifying exigency.

#### **4.5.8(E)(1)      Certification**

The first time an employee requests leave because of a qualifying exigency arising out of the active duty or call to active duty status of a covered military member, the County shall require the employee to provide a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active

duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service. This information need only be provided to the County once.

A copy of new active duty orders or other documentation issued by the military shall be provided to the County if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different covered military member.

The County shall use the Department of Labor form **WH-384 (Qualifying Exigency)** to satisfy requirements under this section.

The employee must provide the requested and complete certification to the County within fifteen (15) calendar days after the County's request.

#### **4.5.8(E)(2) Verification**

If an employee submits a complete and sufficient certification to support his or her request for leave because of a qualifying exigency, the County shall not request additional information from the employee.

However, if the qualifying exigency involves meeting with a third party, the County shall contact the individual or entity with whom the employee is meeting for purposes of verifying a meeting or appointment schedule and the nature of the meeting between the employee and the specified individual or entity.

The employee's permission is not required in order to verify meetings or appointments with third parties, but no additional information may be requested by the County. The County also shall contact the appropriate unit of the Department of Defense to request verification that a covered military member is on active duty or call to active duty status; no additional information may be requested, and the employee's permission is not required.

#### **4.5.8(F) Military Caregiver Leave**

Eligible employees who are a spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness may take **up to a total of twenty-six (26) weeks** of unpaid Military Family leave during a "single twelve (12)-month period" to care for the servicemember.

Eligible employees are entitled to Military Caregiver 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.

This is the only type of FMLA leave that may extend an employee's leave entitlement beyond twelve (12) weeks to a **combined total** of twenty-six (26) weeks of leave for any FMLA-qualifying reason during the "single twelve (12)-month period." However, only twelve (12) of the twenty-six (26) weeks total may be for a FMLA-qualifying reason other than to care for a covered servicemember.

The "single twelve (12)-month period" for leave to care for a covered servicemember with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12)-months later, regardless of the twelve (12)-month period established by the employer for other types of FMLA leave.

A husband and wife who are eligible for FMLA leave and are employed by the County shall be limited to a **combined total** of twenty-six (26) weeks of leave during the "single twelve (12)-month period" if the leave is taken for birth of the employee's son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee's parent with a serious health condition, or to care for a covered servicemember with a serious injury or illness.

#### **4.5.8(F)(1) Next of Kin Defined**

The "next of kin of a covered servicemember" is the nearest blood relative, other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in

writing another blood relative as his or her nearest blood relative for purposes of Military Caregiver leave under the FMLA.

#### **4.5.8(F)(2) Designating Leave**

In the case of leave that qualifies as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition during the “single twelve (12)-month period,” the County shall designate such leave as leave to care for a covered servicemember in the first instance.

Leave that qualifies as both leave to care for a covered servicemember and leave taken to care for a family member with a serious health condition during the “single twelve (12)-month period” will not be designated and counted as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition. This section also applies to leave taken for other FMLA-qualifying reasons.

#### **4.5.8(F)(3) Certification**

When leave is taken to care for a covered servicemember with a serious injury or illness, the County shall require an employee to obtain a certification completed by an authorized health care provider of the covered servicemember.

The County, if appropriate, shall seek authentication and/or clarification of the certification as stated above in the County’s FMLA policy. However, second and third opinions and recertifications, as outlined above in the County’s FMLA policy, are not permitted for leave to care for a covered servicemember.

The County shall require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember.

The County shall use the Department of Labor form **WH-385 (Serious Injury or Illness of Covered Servicemember)** to satisfy requirements under this section.

The employee must provide the requested and complete certification to the County within fifteen (15) calendar days after the County’s request.

#### **4.5.8(F)(4) ITOs and ITAs Certification**

The County, in place of the Department of Labor form WH-385, shall accept “invitational travel orders” (“ITOs”) or “invitational travel authorizations” (“ITAs”) issued to any family member to join an injured or ill servicemember at his or her bedside as sufficient certification under this policy. An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA.

During that time period, an eligible employee may take leave to care for the covered servicemember in a continuous block of time or on an intermittent basis.

An eligible employee who provides an ITO or ITA to support his or her request for leave shall not be required to provide any additional or separate certification that leave taken on an intermittent basis during the period of time specified in the ITO or ITA is medically necessary. An ITO or ITA is sufficient certification for an employee entitled to take FMLA leave to care for a covered servicemember regardless of whether the employee is named in the order or authorization.

If an employee will need leave to care for a covered servicemember beyond the expiration date specified in an ITO or ITA, the County shall request that the employee have an authorized health care provider complete the Department of Labor form **WH-385 (Serious Injury or Illness of Covered Servicemember)**, as requisite certification for the remainder of the employee’s necessary leave period.

The County, if appropriate, shall seek authentication and/or clarification of the ITO or ITA as stated above in the County’s FMLA policy. However, second and third opinions and recertifications, as outlined above in the County’s FMLA policy, are not permitted during the period of time in which leave is supported by an ITO or ITA.

The County shall require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember.

In all instances in which certification is requested, it is the employee’s responsibility to provide the County with complete and sufficient certification and failure to do so may result in the denial of FMLA leave.

## **4.6 AMERICANS WITH DISABILITIES (ADA)**

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

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

The County will reasonably accommodate persons with a disability. Such reasonable accommodations may include: making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules, modifying equipment, or other similar accommodations.

Accommodations may not create an undue hardship for the County or other employees. An individual who cannot be reasonably accommodated for a job, without undue hardship, will not be selected for that position. All employees are required to comply with safety standards. Applicants who pose a direct threat, which cannot be eliminated by reasonable accommodations, to the health or safety of other individuals in the workplace, will not be hired. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave.

Disabled individuals cannot pose a direct threat to the safety of themselves or others. Generally, a "direct threat" means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

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

Members of the public, including individuals with disabilities and groups representing individuals with disabilities, are encouraged to submit suggestions to the County ADA Coordinator (as appointed by the Rush County Commissioners) on how Rush County might better meet the needs of individuals with disabilities pursuant to this policy.

Any individual who believes he/she has received treatment inconsistent with the policies set forth above or any other requirement of the Americans with Disabilities Act (ADA), can file a complaint within ninety (90) days of the date of the alleged discriminatory act or practice with the County ADA Coordinator (as appointed by the Rush County Commissioners).

## **4.7 MILITARY LEAVE**

Rush County is committed to protecting the job-related rights of employees absent on military leave. In accordance with federal and state law, including the Uniformed Services Employment and Re-employment Rights Act (USERRA) of 1994, the County will not discriminate against any employee on the basis of that person's membership in or obligation to perform service for any of the uniformed services of the United States.

### **4.7.1 Annual Training**

A military leave of absence will be granted to all Rush County employees to attend scheduled drills or training, or to respond to a call to active duty with the U.S. armed services.

Employees with appropriate military orders will be granted paid leave for annual training for the Reserve or National Guard for a period of up to fifteen (15) days per year; and are entitled to civilian (Rush County) and military pay up to fifteen (15) days per year. Such military leave will not be charged against an employee's accrued benefit time off, and seniority will continue to accrue in the same manner as for employees not on military leave.

Subject to the terms, conditions, and limitations of the applicable plans for which the employee is otherwise eligible, the employer will continue to provide health insurance benefits for the full term of the annual training period.

Employees on two (2)-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time.

### **4.7.2 Active Duty/Enlistment**

The Uniformed Services Employment and Re-employment Rights Act (USERRA) of 1994 grants special considerations and rights to employees that are either called to active military status or enlist in the armed forces. Active duty military leave will be paid for employees who are involuntarily called to active duty.

USERRA requires employers to grant such employees reinstatement of the position held at the time of departure for military service, or in some cases to a position of equivalent or equal stature and pay provided the employee is discharged from service honorably. The cumulative length of service that causes an absence from a position may not exceed five (5) years, except where provided by law.

USERRA also requires that returning eligible employees be granted seniority and benefits at the same level as if the employee had not left employment for service. Benefit time will continue to accrue while an employee is on military leave.

Additionally, service members may (but are not required to) use accrued vacation or personal leave while performing military duty.

The County shall continue health plan coverage for employees who are called to active military duty for the period of active duty service. Employees are responsible for their portion of insurance premiums according to the terms and conditions of the policy. The County shall continue health plan coverage for employees who enlist in the armed forces until the active duty insurance is valid.

Upon returning from a military leave of absence, an employee will be reinstated to a Rush County position provided the employee is discharged from military status under honorable conditions, and makes a request for reinstatement within thirty (30) days after release from active duty, or one (1) year after release from hospitalization due to military accident.

The employee must also be qualified to perform the essential functions of the position for which he/she is being reinstated and shall be required to provide medical release forms from the military.

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

#### **4.7.3 Indiana Military Family Leave**

Eligible employees that are a parent, spouse, grandparent, or sibling of a person who is ordered to active duty for a period exceeding eighty-nine (89) days may be allowed Indiana Military Family leave under qualifying circumstances. In order for an employee to be eligible for Indiana Military Family leave, the employee must have worked for Rush County for the previous twelve (12) months and worked a minimum of fifteen hundred (1,500) hours during that period.

Eligible employees may take leave during either the thirty (30) days before active duty orders are in effect or during the period in which the person ordered to active duty has their orders terminated. Indiana Military Family leave may not exceed a total of ten (10) working days annually.

Employees must notify their elected official/department head thirty (30) days in advance of the days they intend to take Indiana Military Family leave, unless the person ordered to active duty receives deployment orders less than thirty (30) days in advance.

Rush County may require verification of the military orders in order to approve Indiana Military Family leave.



Indiana Military Family leave is unpaid, and employees are responsible for paying their own benefits while on such leave. An employee may choose to substitute any earned paid vacation leave, personal leave, or compensatory time available to the employee for any part of the ten (10) day period of Indiana Military Family leave.

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

#### **4.8 BEREAVEMENT LEAVE**

If an employee wishes to take time off due to the death of an immediate family member, the employee should notify his/her elected official/department head immediately.

A maximum of three (3) working days with pay will be allowed for a death in the immediate family. For purposes of this policy, “immediate family” is defined as: husband, wife, father, mother, children, brother, sister, grandparent, grandchild, or the spouse of any of the aforementioned persons, or a person residing in the same household as the employee. In the case of married employees, these members of the spouse’s family are also included.

Bereavement leave must commence within seven (7) calendar days of the death of the immediate family, or must be taken concurrent with the bereavement or memorial services for the immediate family; any exceptions shall be approved by the elected official/department head.

#### **4.9 JURY DUTY AND COURT APPEARANCES**

Rush County encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees must provide a copy of the jury duty summons to their supervisor as soon as possible for the supervisor to make arrangements to accommodate the employee's absence.

If an employee is called for jury duty or subpoenaed to testify in a court of law during any portion of the employee's regular scheduled working day, the employee shall receive his/her regular salary or wage in full for such time in court. All compensation received, except mileage reimbursement, for court service shall be turned over to the County Auditor in full.

The employee will be expected to report for work following jury duty, if a reasonable amount of time (two [2] hours or more) remains during his/her scheduled workday.

If an employee is called for court jury duty or subpoenaed to testify in a court of law outside of his/her regularly scheduled working hours, all compensation received for such court service shall be retained by the employee.

The County will not reimburse employees when appearing in court for criminal or civil cases when the case is being heard in connection with the employee's personal matters, such as traffic court, divorce proceedings, custody, appearing as directed with juvenile, etc. Such absences will be charged against vacation, personal leave, or compensatory time as applicable.

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

The employer will continue to provide all regular benefits for the full term of jury duty and court appearances allowed under this policy.

#### **4.9.1 Sheriff's Department**

Police Officers are required to testify in judicial hearings or trials concerning criminal violations. Any Officer of the Department who performs such duty during regularly scheduled off-duty periods shall be compensated for same in the form of accumulated time off.

### **4.10 WORKERS' COMPENSATION**

Rush 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. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period. While on workers' compensation disability, employee benefits shall accrue. Employee income received while on leave under this policy shall not exceed wages the employee would have normally received pre-major illness in-line-of-duty leave.

Any employee who sustains a work-related injury or illness shall inform his/her elected official/department head **immediately** and the elected official/department head shall inform the County Auditor and the Human Resources Coordinator. In the event the elected official/department head is not available, the employee shall contact the Auditor's Office and the Human Resources Coordinator.

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

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

**Employees should contact their elected official/department head to obtain information and forms regarding filing workers' compensation claims.** Medical certifications are required. Once completed, all such forms are to be filed directly with the Auditor, Highway Superintendent, or Sheriff, NOT with the insurance carrier.

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

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

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

Certain injuries are excluded from workers' compensation coverage, including but not limited to employee intoxication, self-inflicted injuries, failing to use safety appliances, committing a violation of work rules, failing to obey a reasonable written or printed safety rule, and knowingly failing to perform a statutory duty.

Neither the County or the insurance carrier will be liable for the payment of workers' compensation benefits or major illness/injury in-line-of-duty leave pay for off-duty injuries or illnesses that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored or not-sponsored by the County.

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

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

During workers' compensation leave, employees may be required to submit periodic medical certifications on their serious health condition.

Before returning to work, the employee shall provide medical certification from a health care provider verifying that he/she may safely return to work.

For eligible employees, workers' compensation leave is considered FMLA leave beginning with the first day of leave. All FMLA leave time used counts against the employee's twelve (12) week FMLA entitlement.

#### **4.11 EMPLOYEE INSURANCE**

The County maintains a comprehensive insurance program, which includes health. Life and dental benefits are offered, but optional and paid for solely by the employee. These benefits are for the protection of all eligible employees. Complete details of these insurance benefits are provided in County insurance plan documents. Any questions pertaining to these benefits should be directed to the County Auditor's Office.

Optional insurance coverage is also available to full-time employees, along with Workers' Compensation insurance for all employees.

Upon an employee's separation from employment with Rush County, the employee should refer to Section 3.15 regarding the employee's continued eligibility for health, dental, and vision insurance.

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

Rush County is compliant with applicable requirements and standards of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and has established guidelines regarding the privacy of individually identifiable health information accordingly.

Rush County has designated the County Auditor as the County's "privacy official" who is responsible for developing and implementing privacy policies and procedures. The County Auditor is the contact person who is responsible for receiving complaints regarding compliance.

All County HIPAA inquiries shall be directed to the County Auditor.

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

The Consolidated Omnibus Reconciliation Act of 1985 (COBRA), permits employees leaving their employer to have the option of continuing some of their benefits (health and dental insurance) at their own expense.

A person employed by Rush County, enrolled in the employee health plan, can choose to continue the insurance coverage if his/her position is lost due to reduction in hours or termination of employment. The spouse of an employee can choose to continue the coverage at his/her expense in the case of the death of the employee, termination of the employee, divorce, or legal separation from spouse, or if the spouse qualifies for coverage under Medicare. Similar circumstances would permit the child of a separated employee to continue coverage.

Coverage may be continued for eighteen (18) months, and in some circumstances, up to three (3) years. The County Auditor will be able to provide more information on the COBRA options for affected employees and dependents.

#### **4.14 INDIANA PUBLIC RETIREMENT SYSTEM (INPRS)**

All full-time County employees, with the exception of Sheriff Department merit officers, are enrolled in the Indiana Public Retirement System (INPRS), a retirement program established and maintained by the State of Indiana.

INPRS pays benefits to cover workers or their dependents upon retirement, death and, in certain cases, serious illness or injury. The County contributes a percentage of employees' gross wages for deposit in an annuity savings account.

The contributions and accumulated interest credits are refundable when an employee terminates employment prior to being eligible for benefits. INPRS Employer Financed Pension requires ten (10)

years of service to become vested and is paid by the County based on an employee's length of employment, average salary, and age at retirement.

Questions concerning the program should be directed to the Human Resources Coordinator and/or the Indiana Public Retirement System at One North Capital, Suite 001, Indianapolis, IN 46204.52

## **V. WORKING CONDITIONS**

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

### **5.1 SOCIAL MEDIA POLICY**

Social media can take many different forms, including internet forums, blogs and micro-blogs, online profiles, wikis, podcasts, pictures and video, instant messaging, music-sharing, and voice over IP to name just a few. Examples of social media applications are LinkedIn, Twitter, Facebook, MySpace, YouTube, Wikipedia, Yelp, Flickr, Second Life, Yahoo groups, WordPress, ZoomInfo---the list is endless.

#### **5.1.A General Guidelines**

Ultimately employees are solely responsible for what they post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees, or otherwise adversely affects the public, and people who work on behalf of Rush County, or Rush County's legitimate business interest may result in disciplinary action up to and including termination.

Discussion debate and sharing one's opinion occur in many forms and forums including online conversations. Social media is defined as media designed to be disseminated through social interaction, created using highly accessible and scalable publishing techniques.

Given the growing popularity of online media, Rush County has developed a series of guidelines to assist its employees when engaging in such forums and discussions. The guidelines are intended to assist employees both when participating personally as well as when acting on behalf of Rush County.

#### **5.1.B Know and Follow County Policies and Work Rules**

There are several Rush County personnel policies that employees need to consider when posting on social media sites. Please carefully read these policies contained in other sections of this handbook: the County Equal Employment Opportunity Policy, Productive Work

Environment Policy, Request For Information Policy, Use of Computers and E-Mail Policy, Internet Policy, Use of Cellular/Mobile Phone and Pagers Policy, Sexual Harassment Policy, Business Ethics and Conflict of Interest Policy, Solicitation and Distribution Policy, Political Activity Policy, Workplace Violence Policy, and the Confidentiality Policy.

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

### **5.1.C Be Respectful**

Always be fair and courteous to fellow employees, County vendors, and the public on behalf of Rush County. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or the public rather than posting comments or complaints to a social media outlet.

However, if you do post comments, complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, and threatening or intimidating, or that disparage co-workers, County vendors, or the public, or that might constitute harassment or bullying. Examples of such conduct include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other status protected by law or County policy.

### **5.1.D Be Honest and Accurate**

Make sure you are honest and accurate when posting information and news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about Rush County, fellow co-workers, County vendors, or the public.

### **5.1.E Restrictions**

- a. Do not post confidential or propriety information about the County, co-workers, County vendors, or the public. Never violate federal law such as HIPAA (Health Insurance Portability and Accountability Act). Employees who share confidential information are subject to disciplinary action, up to, and including termination.
- b. Do not use the County of Rush logos or any other images or iconography on personal social media sites. Do not use the County's name to promote a product, cause, or political party or candidate.

- c. Do not discuss your job responsibilities for the County on the Internet. Do not state or imply that you speak for the County, for a County office or department, or for County officials. Be aware of your association with the County when using social networks, and do not identify yourself as a County employee.
- d. If you publish to a blog or some other form of social media, make it clear that whatever you say is your view or opinion by stating: “these are my personal views and opinions and not necessarily the views and opinions of my employer.”
- e. Photographs posted on social media sites easily can be appropriated by others. Do not post pictures of County Office or Department events, County employees, or citizens visiting County offices or departments.
- f. Do not post obscenities, slurs, or personal attacks that could slander or libel you or the County which could result in civil or criminal penalties.
- g. Do not infringe on copyrights or trademarks.

#### **5.1.F Respect Time and Property**

The County’s computers and time on the job are reserved for work-related business. Employees may use personal cellular/mobile phones during break periods, including meal breaks in locations that do not pose a disruption to others. Employees using cellular/mobile phones or pagers during office hours will be subject to appropriate disciplinary action up to and including termination.

#### **5.1.G Think Twice Before Posting**

Privacy does not exist in the world of social media. Consider what could happen if a post becomes widely known. Search engines can turn up posts years after they are created, and comments can be forwarded or copied. Exercise sound judgment and common sense, and if there is any doubt, DO NOT POST IT.

#### **5.1.H Know That the Internet is Permanent**

Once information is published online, it is essentially part of a permanent record, even if that information is removed/deleted later, or an attempt is made to make it anonymous. If a complete thought, along with its context, cannot be squeezed into a character restricted space (such as Twitter), provide a link to an online space where the message can be expressed completely and accurately.

### **5.1.I Social Media Accounts of Public Officials**

Rush County Elected Officials/Department Heads or employees shall notify the Rush County Attorney prior to the creation of a public social media account that is intended to promote or update the public on events or matters involving Rush County.

A social media account created by an Elected Official/Department Head, or any County employee with the intention to use the account to promote or update the public of official Rush County business and/or events, and gives the account the name of the County office or office holder is subject to Indiana's Access to Public Records Act.

The purpose of a Rush County social media account is to present matters relevant to the services, activities, issues, or policies of Rush County. The account is not to be considered a public forum.

The administrator of the social media account shall include the following policy on the site:

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

- *Contains profanity, obscenity, vulgarity, nudity, or sexual content;*
- *Advertises or promotes private business ventures, services, or products;*
- *Advocates or depicts illegal activities;*
- *Is spam;*
- *Promotes or fosters discrimination on the basis of race, national origin, color, age, religion, gender, marital status, status with regard to public assistance, disability, or other type of group;*
- *Contains personal attacks of any kind;*
- *Campaigns for public office or promotes a political organization or candidate;*
- *Infringes on copyrights or trademarks;*
- *Contains computer viruses or may disrupt, damage, or restrict the use of any computer software, hardware, or telecommunications equipment;*
- *Jeopardizes the safety of Rush County personnel, or the conduct of operations or investigations; and*
- *Comments that are inappropriate, unrelated to the topic, excessively repetitive, and/or considered disruptive.*

*Material posted on this site or links created by anyone other than Rush County does not reflect the opinions and position of Rush County. Programs and events provided by organizations that serve Rush County residents and receive funding or support from Rush County or provide professional services to special populations served by Rush County programs are not considered private business ventures, services, or products.*

*Repeated and/or serious violations to the above restrictions shall cause the author to be blocked from the social media page.*



## **5.2 POLITICAL ACTIVITY**

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

Employees may voluntarily participate in political activities of their choice and freely express their views as a citizen

Employees shall not use their official position for coercion of other employees for political purposes.

Employees may not use work equipment or work time for campaigning. County facilities shall not be used to display campaign signs or literature. County vehicles shall not be used to distribute campaign materials. Employees are prohibited from campaigning in any form during office hours. Non-verbal exhibits supporting or opposing a political candidate are prohibited on county premises during working hours (such as shirts, pins, buttons).

No employee subject to the provisions of the Federal Hatch Act may run for partisan political office.

If an employee has any questions concerning political activity, of whether they are subject to the Hatch Act, he/she should consult the Board for an opinion.

## **5.3 INDIANA INTERNAL CONTROL STANDARDS POLICY**

Indiana Code 5-11-1-27(e) provides that through the compliance guidelines authorized under IC 5-11-1-24 the State Board of Accounts (SBoA) shall define the acceptable minimum level of internal control standards for internal control systems of political subdivisions, including the following: (1) Control Environment. (2) Risk Assessment. (3) Control Activities. (4) Information and Communication. (5) Monitoring.

IC 5-11-1-27(g) requires that the County Council must adopt the minimum internal control standards as defined by SBoA. Additionally, the Council must ensure that employees receive training concerning the internal control standards and procedures adopted by the County.

The County Council has adopted the internal control standards as defined by SBoA under IC 5-11-1-27(e). Personnel training of employees shall be evidenced through a certification process.

The County Council through the Human Resources Coordinator will be responsible for developing and overseeing the administration of the internal control standards policy, training, and certifications.

At the time of submission of the annual report, the Auditor must certify that the minimum internal control standards have been adopted and that personnel who are not otherwise on leave status have received training regarding these standards and procedures.

Apart from the required certification to be filed by the Auditor, elected officials, appointees, and employees must sign the Internal Control Training Certification form for elected officials, appointees, and employees as evidence for their training. These certifications are to be maintained by the County on-site.

## **5.4 SAFETY**

Establishing and maintaining a safe work environment is the shared responsibility of the County and employees from all levels of the organization. The County will take all reasonable steps to ensure a safe environment and compliance with federal, state, and local safety regulations.

Employees are expected to obey safety rules and to exercise caution in all their work activities. They are asked to immediately report any unsafe conditions to their supervisor. Supervisors and employees at all levels of Rush County are expected to correct unsafe conditions as promptly as possible. All accidents shall be reported to the employee's elected official/department head **immediately** and the elected official/department head shall inform the County Auditor within twenty-four (24) hours, regardless of how insignificant any injury may appear. Such reports are necessary to comply with laws and initiate insurance and workers' compensation procedures.

In the case of an injury requiring medical attention, he/she should proceed directly to the nearest hospital or medical facility.

If a workplace injury requires long term medical attention, the injured employee will work with the supervisor to decide when to return to work and eligibility for continuing employment. In the case of permanent disability due to job injury, a final release will be arranged, if appropriate.

Information concerning Highway personal protective equipment is provided in Appendix A: Personal Protective Equipment Written Program; information regarding lockout/tagout program is provided in Appendix B: Highway Department Lockout/Tagout Program.

## **5.5 BLOODBORNE PATHOGENS**

County employees working in high risk jobs will be offered bloodborne pathogen training and a series of Hepatitis B vaccinations for their protection. The County will provide this service free of charge for those employees wishing to participate in this program.

The Occupational Safety and Health Administration (OSHA) have determined that certain employees in the workplace face a significant risk to bloodborne pathogens due to their job duties.

To ensure that County employees are aware of occupational exposure to bloodborne pathogens, an exposure control plan has been prepared to minimize or eliminate employee contact with human blood or other bodily fluid which may contain bloodborne pathogens such as Hepatitis B virus and HIV. This control plan is available for all County employees and is located in the Health Department.

## **5.6 LACTATION SUPPORT**

Rush County shall provide for reasonable paid breaks for employees to express breast milk for their infant child. The break time must, if possible, run concurrently with any break time already provided to employees. The County is not required to provide break time under this section if providing break time would unduly disrupt the operations of the County.

Rush County shall make reasonable efforts to provide a room or other location, other than a toilet stall, in close proximity to the work area, where employees can express their breast milk in privacy during any period away from their assigned duties.

The County shall make reasonable efforts to provide a refrigerator or other cold storage space for storing breast milk; or allow employees to store their breast milk in their own portable storage device until the end of their workday.

Except in cases of willful misconduct, gross negligence, or bad faith, Rush County is not liable for any harm caused by or arising from either of the following that occur on the County's premises:

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

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

Personal telephone calls should be limited in frequency and duration. Personal use of County telephones and fax machines for long-distance calls is not permitted, except for emergencies. For any emergency personal use, employees shall reimburse the County for all long-distance charges. All other non-emergency long-distance calls shall be approved by his/her elected official/department head before being conducted.

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

The mail system is reserved for business purposes only. Employees should refrain from sending or receiving personal mail at work.

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

The use of personal cellular/mobile phones and/or pagers during work hours shall be limited in frequency and duration. Employees may use personal cellular/mobile phones during meal periods in locations that do not pose a disruption to others. Employees using personal or County-issued cellular/mobile phones or pagers excessively during work hours will be subject to appropriate disciplinary action.

Personal and County-issued cellular/mobile phones shall be turned off during meetings and training courses, except in circumstances when it is absolutely necessary to take an urgent business phone call. In these circumstances, it is courteous to alert others in attendance to the fact that such a call is expected.

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

The Internal Revenue Code (IRC) requires the taxable value for the use of County issued cell phones be reported as additional compensation to employees. The County and employee must timely report personal use as a wage. Such reports are processed by the Auditor's Office. The County uses the safe harbor substitution method to calculate business use at seventy-five percent (75%) and personal use at twenty-five percent (25%).

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

The use of cellular/mobile phones and electronic devices while driving may present a hazard to the driver, other employees, and the general public.

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

Employees shall adhere to all federal, state, and local rules and regulations regarding the use of cellular/mobile phones and electronic devices while driving. Accordingly, employees shall not use handheld cellular/mobile phones while driving, except for Sheriff's Department Police Officers. Should an employee need to make or receive a call while driving, he/she should locate a lawfully designated area to park and make or receive the call.

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

## **5.9 USE OF INFORMATION TECHNOLOGIES**

Computers, computer files, networks, hardware, and software are Rush County property intended for business use. To retain privileges of network access, each user of County information technologies is expected to meet certain responsibilities and honor certain limitations. Additional responsibilities may be associated with specific networks. Any network traffic exiting the County is subject not only to provisions of this policy, but also to the acceptable use policies of any network through which or into which it flows. Employees should immediately report any violation of this policy to their elected official/ department head and the IT Director. Questions concerning these policies should be directed to the employee's elected official/department head and/or the IT Director.

### **5.9.1 System Security**

Employees are responsible for the use of their accounts and security of their passwords. As such, an employee may not give anyone else access to his/her account or use a County computer account assigned to another user. A user must not attempt to obtain a password for another employee's computer account. If an employee suspects someone knows his/her password, the employee should contact the IT Director **immediately**.

Employees shall not use the network resources of the County to gain or attempt to gain unauthorized access to remote computers, networks, or systems, nor shall they attempt to circumvent data protection schemes or exploit security loopholes. Employees may not place on any County-owned computer system any type of information or software that gives unauthorized access to another computer account or system.

Violations of this policy are subject to disciplinary action, up to and including termination.

### **5.9.2 Software Licenses**

Rush County purchases and licenses the use of various computer software for business purposes and does not own the copyright to the software or its related documentation. Unless authorized by the software developer, the County does not have the right to reproduce such software for use on more than one (1) computer.

Employees may only use software on multiple machines according to software license agreements. The County prohibits the illegal duplication of software and its related documentation. No licensed or unlicensed software may be installed on Rush County computers that have not been authorized by the County.

Employees should immediately report violations of this policy to their elected official/department head. County employees who make, acquire, or use unauthorized copies of computer software are violating federal copyright law and are subject to disciplinary action, up to and including termination.

### **5.9.3 Data Backup**

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

#### **5.9.4 Prohibited Uses of Information Technologies Resources**

Employees shall not deliberately perform acts which are wasteful of computing resources or which unfairly monopolize resources to the exclusion of others. Conduct that presents a risk to the operating integrity of the information technologies systems is strictly prohibited.

Employees shall not deliberately perform acts that will impair the operation of computing equipment, peripherals, other devices, or networks.

This includes, but is not limited to, tampering with components of a local area network (LAN) or the high-speed backbone network, otherwise blocking communication lines, or interfering with the operational readiness of a computer.

Employees shall not install on any of the computer systems of the County, or give to another user, a program that could result in the eventual damage to a file or computer system and/or the reproduction of itself. This includes, but is not limited to, the classes of programs known as computer viruses, such as “Trojan horses” and “worms”.

Violations of this policy are subject to disciplinary action, up to and including termination.

#### **5.10 USE OF INTERNET AND ELECTRONIC MAIL (E-MAIL)**

Employees may be provided access to the internet and e-mail to assist them in the performance of their duties and such access is intended for business use. Violations of this policy may result in disciplinary action, up to and including termination.

Violations of federal, state, or local laws resulting from the use of County information technologies will result in referral to the appropriate legal authorities. To ensure compliance with this policy, computer and e-mail use may be monitored.

Rush County strives to maintain a workplace that is free of harassment and is sensitive to the diversity of its employees. Therefore, the County prohibits the use of information technologies such as computers, e-mail, and the internet, in ways that are disruptive, offensive to others, or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, jokes, or anything that may be construed as harassment or showing disrespect to others.

Employees should immediately report any violation of this policy to their elected official/ department head. Questions concerning these policies should be directed to the employee's elected official/department head and/or the IT Director.

### **5.10.1 Internet Access**

Access to the internet is provided for business related purposes. Personal use of such equipment and software shall be limited in frequency and duration and shall not interfere with an employee's assigned duties.

The internet is a worldwide network of computers containing millions of pages of information and many diverse points of view. Due to its global nature, users of the internet may encounter material that is inappropriate, offensive, and in some instances, illegal. The County cannot control the availability of this information or completely restrict access to it.

Employees may only access the internet through an approved internet firewall. Accessing the internet directly, by modem or other connection device, is strictly prohibited unless such access is approved and installed by system managers designated by the County.

Rush County will not be responsible for any damages, direct or indirect, arising out of the use of its internet resources. County employees who violate this policy are subject to disciplinary action, up to and including termination.

### **5.10.2 Downloading From the Internet**

All material downloaded from the internet or from computers or networks that do not belong to Rush County MUST be scanned for viruses and other destructive programs before being placed onto the computer system. All employees will be expected to follow the instructions from their elected official/department head and/or the Information Technology Department for the proper scanning process. Any questions should be referred to the elected official/department head prior to being placed on the computer system or being used.

Employees are responsible for the material they review and download on the internet. Violations of this policy are subject to disciplinary action, up to and including termination.

### **5.10.3 Electronic Mail (E-Mail)**

Employees should exercise the same care in drafting e-mail, communicating in chat groups and blogs, and posting items to news groups as they would for any other written communication. The Rush County e-mail system is subject to public records laws and certain e-mails to and from County employees may be deemed public records.

The e-mail system may be monitored when the County deems it necessary to ensure its legitimate business interest in the proper utilization of its property and to ensure that this policy is being followed.

Violations of this policy are subject to disciplinary action, up to and including termination.

#### **5.10.4 Prohibited Uses of the Internet**

Sending, receiving, displaying, printing, or otherwise disseminating material that is fraudulent, harassing, illegal, embarrassing, sexually explicit, obscene, intimidating, or defamatory is prohibited. **Employees encountering such material should report it to their elected official/department head immediately.** Employees are responsible for the material they review and download on the internet.

Employees may not use County internet or e-mail resources for commercial or personal advertisements, solicitations, promotions, viruses, political material, or any other unauthorized personal use. County e-mail resources may not be used to forward chain letters. Employees may not disseminate County property or confidential information via the internet.

Due to export restrictions, programs or files containing encryption technology are not to be placed on the internet or transmitted in any way outside the United States without prior written authorization from Rush County. Employees must comply with all software licenses, copyrights, and all other federal, state, and local laws governing intellectual property and online activity.

The County maintains the right to monitor any and all aspects of its computer system, including, but not limited to, monitoring sites employees visit on the internet, monitoring chat and news groups and blogs, reviewing material downloaded or uploaded by employees, and reviewing e-mail sent and received by employees.

Employees do not retain any right to privacy in any documents, messages, or images they create, store, send, or receive on the computer or the internet under the Electronic Communications Privacy Act and any other federal, state, or local law regarding e-mail and internet use.

Violations of this policy are subject to disciplinary action, up to and including termination.

Any message or file created, stored, and/or sent using the County's computer or communications equipment is Rush County property. Employees should have no expectation of privacy in any message stored, received, or sent using Rush County equipment.

### **5.11 DRUG-FREE WORKPLACE**

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

In accordance with The Drug-Free Workplace Act of 1988, and the State of Indiana Drug-Free Workplace Executive Order No. 90-5 of 1990, the County must maintain a drug-free workplace. Failure to comply with the law could jeopardize government funds the County receives. The unlawful manufacture, possession, distribution, transfer, purchase, sale, use, or being under the influence of alcoholic beverages or illegal drugs while on the County's property, while attending



business-related activities, while on duty, or while operating a vehicle or equipment leased or owned by the County is strictly prohibited and may lead to disciplinary action, including suspension without pay or discharge. When appropriate, the County may refer the employee to approved counseling or rehabilitation programs.

While on official County business, an employee must comply with this policy as a condition of employment.

Should an employee be convicted of a drug-related crime that occurred in the workplace, he/she must notify their elected official/department head within twenty-four (24) hours of the conviction and the department head/elected official shall immediately inform the Auditor. The County is required to notify appropriate government agencies within ten (10) days of the conviction.

Appropriate personnel action, including possible discipline and/or participation in a drug abuse assistance or rehabilitation program, may result after notice of the conviction is received.

Conviction of off-the-job use, sale, trafficking, distribution, purchase, transfer, theft, or possession of alcohol, illegal drugs, or unauthorized legal drugs may result in disciplinary action, as it could adversely affect an employee's job performance and jeopardize the safety of others.

Determinations associated with assisting employees who are at risk of health or performance deterioration will be made on a case-by-case basis. Employees may use physician prescribed medications, provided that the use of such drugs does not adversely affect job performance or the safety of the employee or other individuals in the workplace.

The County recognizes that employees may wish to voluntarily seek professional assistance in overcoming drug or alcohol problems. The health insurance handbook provides information about the benefits potentially available under the employee medical benefit plans and any possible referral sources.

Employees may keep prescription drugs and over-the-counter medications on County premises when ordered by a medical physician by prescription; or on an as-needed basis for over-the-counter medications. Employees shall notify their elected official/ department head of such drugs and prescriptions.

### **5.11.1 Drug Testing**

The County is committed to providing a safe, efficient, and productive work environment for all employees. In keeping with this commitment, employees and job applicants may be asked to provide body substance samples (e.g. blood, urine, hair) to determine the illicit use of drugs, including but not limited to marijuana, cocaine, opiates, amphetamines, alcohol, barbiturates, and phencyclidine (PCP). The County reserves the right to conduct drug and alcohol testing without notice. The County will attempt to protect the confidentiality of all drug test results. All bodily substance samples will be sent to a pre-selected independent laboratory to ensure confidentiality.

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

Rush County will not employ individuals known to use illegal drugs or misuse prescription drugs. All prospective new employees shall be subject to drug and alcohol testing. Offers of employment shall be contingent on passing the pre-employment drug and alcohol screen. Applicants who refuse to complete the test, test positive, or refuse to complete related documentation will not be hired by the County. Applicants will be asked to list any legally prescribed drugs taken at the time of the test and will be asked to provide physician authorization for those drugs.

### **5.11.1(b) Reasonable Suspicion**

An employee may be requested to submit to a drug or alcohol test when the elected official, department head, or supervisor has reasonable suspicion that the employee has used alcohol or drugs or is impaired from the use of alcohol or drugs during his/her employment with the County. In the event that an employee is requested to submit to a drug test, the elected official, department head, or supervisor shall complete the appropriate form setting forth the observations leading to the determination of reasonable suspicion including the following:

1. Observation of drug or alcohol use;
2. Observation of drugs, alcohol, or containers traditionally used for drugs or alcohol;
3. Observations of behavior of the employee, including balance, speech, reactions, and other characteristics supporting reasonable suspicion of use of drugs or alcohol or impairment by drugs or alcohol;
4. A pattern of abnormal or erratic behavior by the employee; or
5. Information provided by reliable or credible sources of the above.

In the case of a positive test, the County reserves the right to exercise any disciplinary action deemed appropriate up to and including termination based on the severity of the situation and the totality of the circumstances surrounding the incident.

### **5.11.1(c) Post-Accident**

This policy shall apply to all employees, including those employees that drive a personal or County-owned vehicle in the performance of their County position. Testing of this kind occurs when an employee is involved in an accident resulting in:

1. The death or injury of a County employee or member of the general public;
2. Damage to public or private property and/or equipment if at least one of the vehicles is disabled to the extent that it must be towed from the accident scene or operating a vehicle or equipment owned by or leased by the County if the driver receives a citation for a moving violation; or
3. Damage to public or private property and/or equipment or injury to self or others resulting from a workplace accident that does not involve a vehicle.

The County reserves the right to order post-accident tests as it deems appropriate based on the totality of the circumstances surrounding the accident. Post-accident tests may include screens for both drugs and alcohol.

### **5.11.2 Federal Motor Carrier Safety Regulations/Safety Sensitive Positions Drug & Alcohol Policy**

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

It is also the policy of Rush County to comply with and abide by all laws and regulations that have been established by PART 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING of the Federal Motor Carrier Safety Regulations, U.S. Department of Transportation (DOT), and the Federal Highway Administration (FHWA).

In complying with these regulations, Rush County hereby institutes a comprehensive controlled substance and alcohol testing, training, and record keeping program for employees in positions that have been classified as “safety sensitive” according to federal regulations.

In accordance with DOT/FHWA regulations, included in this classification of safety sensitive positions are all positions which require an employee to operate a commercial motor vehicle and/or hold a Commercial Driver's License (CDL).

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

Information concerning the specific provisions of this policy is provided in Appendix C: Drug and Alcohol Policy for CDL Drivers. Training concerning this policy will be provided to all employees and supervisors of employees holding safety sensitive positions. Employees shall be required to attend such training; and shall be disciplined for failure to do so, up to and including termination.

## **5.12 TOBACCO-FREE POLICY**

The buildings owned by Rush County are designated as tobacco-free. These buildings include the Rush County Courthouse, the Rush County Sheriff's Department and Jail, and the Rush County Highway Department and Garage. The use of any tobacco products in or within eight feet (8') of any County-owned building is strictly prohibited. Tobacco products include those that may be inhaled, chewed, ingested, or products in any other form that contain tobacco or nicotine.

Employees violating this policy shall be subject to disciplinary actions, up to and including discharge.

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

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

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

Employees operating County vehicles shall maintain the ability to legally operate assigned vehicles. Employees who operate County vehicles or operate personal vehicles for County business are required to notify their elected official/department head in the event that their driver's license is suspended or revoked.

An employee's failure to notify his or her elected official/department head of a driver's license suspension or revocation is subject to disciplinary action, up to and including termination. Employees who operate a County vehicle or operate a personal vehicle for County business are required to keep a copy of their valid driver's license and proof of insurance on file with the Auditor.

Each occupant of a County or personal vehicle operated for the purpose of County business must wear appropriate seat belts. Each employee is personally responsible for any fines incurred as a result of driving or parking violations. In addition, no employee is permitted, under any circumstances, to operate a County vehicle or personal vehicle for County business when any physical or mental impairment causes the employee to be unable to drive safely.

This prohibition includes, but is not limited to, circumstances in which the employee is temporally unable to operate a vehicle safely or legally because of illness, medication, or intoxication.

County owned vehicles shall not be driven out of Rush County unless they are being used for official County business; except for police officers who are allowed to drive in counties adjoining Rush County for non-County business. Any other exceptions shall be documented by the department head/elected official. Employees residing outside of Rush County shall not be allowed to have a take home vehicle; except police officers with approval of the Merit Board.

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, including termination.

Any Rush County Employee, including elected officials, who will be driving a vehicle that is owned by Rush County must have an annual Motor Vehicle Records Check on file with the Human Resources Department. The employee, including elected officials, is responsible for obtaining the motor vehicle check and sending it to HR. Employees of the Rush County Highway Department and Rush County Sheriff's Department are to follow Motor Vehicle Records checks policy set by each of their departments.

#### **5.14 TAKE HOME VEHICLES**

The Internal Revenue Code (IRC) requires the taxable value for the use of County provided vehicles be reported as additional compensation to employees. The County and employee must timely report personal use as a wage. Such reports are processed by the Auditor's Office. Police vehicles are considered non-personal use vehicles. Police officers are required to use the vehicle for commuting and personal use is incidental to use for law-enforcement purposes. Personal use of County vehicles, other than commuting, for travel outside of Rush County is prohibited (e.g. vacation use).

#### **5.15 APPEARANCE OF WORK AREAS**

The County expects the work areas of all employees to be well organized, clean, and attractive. These qualities promote health, productivity, safety, good morale, and customer respect. This policy applies to all employees.

#### **5.16 BUSINESS TRAVEL**

All procedures for claims shall be followed. Claims shall be submitted to the Auditor within thirty (30) days of the incurred expense and receipts for claims shall be required.

Each official and employee of Rush County shall be reimbursed for reasonable travel expenses as set out herein for himself or herself in the course of duties of his or her office and job.

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

##### **5.16.1 Transportation**

- A. The official or employee shall be reimbursed for the reasonable use of his or her vehicle at the per mile rate established by the Internal Revenue Service (IRS).

- a. Regardless of the duration of the conference, only one (1) mileage reimbursement shall be allowed to the official furnishing the conveyance although the official transports more than one (1) person.
  - b. However, upon a showing of special circumstances and prior approval of the Board of Commissioners, additional mileage reimbursements may be allowed.
- B. Mileage shall be reimbursed from the Rush County Courthouse or from the officeholder's, department head's, or employee's home to the person's destination, and back from the destination to the Courthouse or person's home, whichever distance is shorter, following the most expeditious route of travel.
- C. If parking expenses are incurred, the employee shall be reimbursed for reasonable parking expenses upon the presentation of a receipt for said parking expenses.
- D. If it is reasonable that other means of transportation be used, the official or employee shall be reimbursed for the actual cost of transportation for himself or herself, upon the presentation of receipts for said transportation expenses.

### **5.16.2 Meals**

- A. The official or employee shall be reimbursed the lesser of the actual cost of meals for himself or herself, or the then-current per diem rate set by the Rush County Council.
- a. Receipts for meals shall be presented to validate the claim for meal expense reimbursement.
  - b. No reimbursement for room service expenses shall be permitted.
  - c. Under no circumstances shall reimbursement be permitted for alcohol or tobacco expenses.
  - d. Rush County shall not pay for a person's meal more than once. This includes, but is not limited to, meals included in registration fees or by hotels in the room charge. If a person in travel status received a meal without charge, then the meal allowance must be reduced. Meal expenses are not allowed for meals during normal duty hours for routine employee duties requiring travel.

### **5.16.3 Lodging**

- A. The official or employee shall be reimbursed for the actual lodging expenses for each night preceding the date in attendance at an event, the date(s) in attendance at an event, and the last date in attendance at an event if necessary for a reasonable return time, including the tax.
- B. If the room was shared with an official, deputy, assistant, or employee, one-half of the actual room rate may be claimed per person. If the lodging expense includes the spouse or any other person not eligible for the expense reimbursement, only the single room rate may be claimed.
- C. No reimbursement shall be allowed for gratuities, including for such items as, but not limited to gratuities to bell hops, valet service, or maid service.
- D. No reimbursement shall be allowed for such expenses as in-room movies, in-room games, or internet service.
- E. Receipts shall be presented to validate the claim for lodging expense reimbursement.

### **5.16.4 Registration Fees**

The County shall pay the registration fee for any seminar, meeting, continuing education program, or any other event attended in the course of the person's job.

## **5.17 COUNTY CREDIT CARDS**

The Rush County Auditor, or designated elected official/department head, shall be the designated official responsible for the use and issuance of Rush County credit cards. Account numbers, and other information, of County owned credit cards will be maintained in the Auditor's Office. The Auditor's Office shall maintain an accounting system or log which will include the names of individuals requesting usage of County credit cards, their position, estimated amounts to be charged, fund and account numbers to be charged, and date the card is issued and returned.

County employees may request the use of the Rush County credit card issued to Auditor/Treasurer for emergency purposes. All requests, including name, position, estimated amount(s) to be charged, must be in writing and submitted to the County Auditor. Highway Department credit cards are under the control of the Highway Superintendent and used for business purposes only. The Jail Commander shall be issued and shall maintain responsibility for a County credit card to purchase commissary items only. County credit cards are for business use only and shall not be used for personal purchases. Other examples of specifically prohibited uses include the purchase of alcohol and/or movies and entertainment.

County employees, who are issued a County credit card, shall only use such card as approved by the County Auditor or Highway Superintendent. When the purpose for which the credit card has been issued has been accomplished, the card and all supporting documents (i.e. receipts) shall be submitted to the custody of the Auditor's Office or Highway Superintendent as appropriate.

Payment of County credit cards should not be made on the basis of a statement or a credit card slip only.

Credit card payments must be made through the statutory claims process. If interest or penalty is incurred due to late filing or furnishing of documentation by an officer or employee, such interest or penalty shall be the responsibility of that officer or employee.

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

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

## **VI. PERSONAL CONDUCT**

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

### **6.1 EMPLOYEE CONDUCT AND WORK RULES**

Employees are expected to maintain high standards of personal appearance, conduct, cooperation, and efficiency in their work. All employees should attempt to correct any faults in their performance which are called to their attention and should also avoid any behavior and actions which conflict with County rules and regulations.

### **6.2 ATTENDANCE AND PUNCTUALITY**

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

In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, he/she should notify their elected official/department head at least one (1) hour in advance of the anticipated tardiness or absence, or as soon as possible in the event of an emergency (such as



being transported to a hospital for treatment). When providing notification, the employee is to give the reason and the estimated length of absence. Failure to notify the elected official/department head shall subject an employee to disciplinary actions up to and including termination.

Excessive lateness and absence shall be considered to be three (3) occurrences of unexcused absences in a six (6) month period; or three (3) occurrences of lateness in a three (3) month period; or any combination thereof. The elected official or department head shall request a written notice from an attending physician for the employee for proof of illness if there is a pattern of abuse of Sick Leave benefits. Abuse of Sick Leave will result in disciplinary action, up to and including termination.

An unexcused absence is defined as an absence for which the employee does not have any available accrued benefit time to charge the absence against, or where applicable, the employee does not have the approval of the elected official/department head.

Employees who are absent for one (1) consecutive workday without notifying their elected official/department head shall be considered to have voluntarily resigned their position.

### **6.3 PERSONAL APPEARANCE**

Dress, grooming, and personal cleanliness standards contribute to the morale of employees and affect the business image the County presents to citizens 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.

Consult your elected official/department head if you have questions as to what constitutes appropriate attire.

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

Everyone who works for Rush County is entitled to a workplace free from sexual harassment and intimidation. The County is committed to providing a work environment that is free of any type of discrimination or unlawful harassment. The County prohibits any form of sexual harassment and will take corrective action against offenders, including discipline or termination.

**THIS POLICY APPLIES TO ALL RUSH COUNTY EMPLOYEES.**

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

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

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

constitutes illegal harassment under the law, the County of Rush realizes that any type of harassing behavior based on race, color, sex/gender, pregnancy, religion, age, marital status, sexual orientation, gender identity, national origin, disability, veteran status, genetic information, ancestry, or any other category protected by law is inappropriate in the workplace. Therefore, the County of Rush will not tolerate any behavior that creates an intimidating, offensive, or hostile work environment or that interferes with work performance.

Examples of harassing behavior include, but are not limited to: racial slurs, ethnic jokes, stereotyping, the display of posters or other materials that are offensive or show hostility to a group or individual based on a protected category as defined above, or any other category protected by law.

The County of Rush strongly disapproves of and will not tolerate inappropriate conduct or harassment of employees by supervisors, co-workers, or other in the workplace, such as customers or vendors.

The County is committed to complying with all applicable local, state, and federal laws prohibiting discrimination and harassment in the workplace.

#### **6.4.1(a) Types of Workplace Harassment**

1. **Physical Harassment:** Physical harassment can come in the form of violence, both physically or to property. This can also be threatening behavior. In its extreme, it can even be termed assault. An employee may be physically abused, such as pushing, punching, or slapping, as well as other kinds of physical abuse. It can also involve a car, for example. One worker may damage the vehicle by tampering, breaking, scratching, or inflicting other kinds of damages.
2. **Personal Harassment:** The victim may be subjected to unwanted remarks, insults, offensive and derogatory statements. Being constantly put down with condescending statements can all be seen as personal harassment. Personal harassment can also be called bullying.
3. **Discriminatory Harassment:** Discriminatory harassment in the workplace is directed at someone's race, age, sex, or some other form of protected class who is subjected to offensive or intimidating remarks.
4. **Psychological Harassment:** Psychological harassment occurs when a victim is put down, belittled, or has to listen to needless condescending remarks that can affect him/her. These negative remarks can be aimed at the victim from both a professional as well as a personal level.

5. **Cyberbullying:** Cyberbullying occurs online. Cyberbullying includes making threatening statements to the victim or spreading rumors on social media.
6. **3<sup>rd</sup> Party Harassment:** 3<sup>rd</sup> party harassment occurs with someone who is not a County of Rush employee. Examples of 3<sup>rd</sup> Party may include suppliers, vendors, and citizens.

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

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

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

Any employee who experiences sexual harassment should contact his/her elected official/department head **immediately**. If unresolved, or in the event the harassment is alleged against the elected official/department head, the employee is advised to obtain a sexual harassment complaint form from the Auditor's Office and submit it to the County Attorney. The employee is directed to submit the completed form to the elected official/department head, or in the event the alleged harassment is against the elected official/department head, then the completed form is to be submitted to the County Attorney. The best time to register a complaint is immediately after the act occurs.

Any supervisor who has witnessed or becomes aware of an alleged occurrence of sexual harassment or retaliation, or receives a complaint of sexual harassment involving a person within that supervisor's purview is required to take prompt corrective action and to report the incident to the Auditor, or in the event that the complaint is against the Auditor, the County Commissioners. Failure of a supervisor to immediately take corrective action or to report the incident shall constitute misconduct subject to disciplinary action.

#### **6.4.3 Description of Misconduct**

An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint of sexual harassment.

Verbal reports of sexual harassment must be recorded in written form either by the complainant or the individual(s) designated to receive complaints and be signed by the complainant. Individuals who believe they have been or currently are being harassed should maintain a record of objectionable conduct to effectively prepare and corroborate their allegations.

While the County encourages individuals to keep written notes in order to accurately record offensive conduct or behavior, it must be recognized that, in the event that a lawsuit develops from the reported incident, the confidentiality of the complainant's written notes may not be recognized under Indiana law, and the notes may have to be disclosed.

County elected officials/department heads and the Auditor have copies of the County sexual harassment complaint form. Employees are directed to obtain, complete, and submit this form to initiate a formal complaint.

#### **6.4.4 Time Frame for Reporting Complaints**

The County encourages a prompt reporting of complaints so that rapid response and appropriate action may be taken. However, due to the sensitivity of these problems and because of the emotional toll such misconduct may have on an individual, no limited time frame will be instituted for reporting sexual harassment complaints. Late reporting of complaints will not in and of itself preclude the County from taking remedial action.

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

The County will not in any way retaliate against individuals who report sexual harassment or against anyone who participates in a resulting investigation, nor permit any supervisor or employee to do so. Retaliation is a serious violation of this policy and should be reported **immediately**.

Any person found to have retaliated against another individual for the good faith reporting of sexual harassment will be subject to the same disciplinary action provided for sexual harassment offenders.

#### **6.4.6 Investigating the Complaint**

Any allegation of sexual harassment that is reported will be promptly investigated in as discreet a manner as possible to protect the privacy of persons involved. The County will use its best efforts to maintain confidentiality throughout the Investigatory process to the extent practical and appropriate under the circumstances; however, confidentiality is not guaranteed. The alleged harasser will be notified of the nature of the complaint made against him/her.

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

In determining whether alleged conduct constitutes sexual harassment, the County will look at the investigative file as a whole and the totality of the circumstances, such as the nature of the conduct and the context in which the alleged incidents occurred.

The determination of whether disciplinary action is to be taken will be made from the facts, on a case-by-case basis.

#### **6.4.7 Identification of Investigators**

Complaints will be investigated by investigators selected by the County Commissioners. In addition, other individuals may be included in reviewing the investigation and outcome at the discretion of the County Commissioners.

#### **6.4.8 False Accusations**

Rush County also recognizes that careful consideration must be given to questions regarding whether a particular action or incident is purely personal or social without any discriminatory employment effect. False accusations of sexual harassment can devastate the lives and reputations of innocent women and men. Therefore, the County may discipline, up to and including termination of employment, those employees who after an investigation are found to have falsely accused others of sexual harassment, knowingly or in a malicious manner.

#### **6.4.9 Sanctions**

Individuals found to have engaged in misconduct constituting sexual harassment, creating a hostile work environment, or related retaliation will be severely disciplined, up to and including termination of employment.

Additional action may include referral to counseling, withholding of a promotion, reassignment, demotion, temporary suspension without pay, or termination.

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

#### **6.4.10 Maintaining a Written Record of the Complaint**

The County will maintain a complete written record of each complaint and how it was investigated and resolved. Written records shall be maintained by the County Attorney. If disciplinary action was taken, a record shall be maintained in the offender's personnel file.

#### **6.4.11 Prevention**

Prevention is the best policy for the elimination of sexual harassment. Employees shall remain cognizant of sexual harassment to avoid contributing to conditions that would encourage such activity.

Sexual harassment and hostile work environment violations will result in disciplinary action, up to and including termination of employment.

### **6.5 WHISTLEBLOWER POLICY**

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

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

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

Employees 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, confidentiality is not guaranteed, the identity of the reporting individual may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide the accused individuals their legal rights of defense.

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

Any whistleblower who believes he/she is being retaliated against should submit their concerns in writing to the County Attorney immediately. Any report of retaliation shall be made within (30) days of the alleged incident of retaliation, or where the retaliation is of an ongoing nature, within (30) days from the most recent incident. Any report of retaliation must state with particularity those action that the employee making the report believes constitute retaliation. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

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

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

Rush County is committed to providing its citizens with qualified staff who possess good character and standards. This policy provides basic safeguards in maintaining a safe working environment for employees and citizens and in fulfilling this commitment.

Whenever an employee is cited for an infraction while on duty or arrested for any misdemeanor or felony while on duty, the employee shall report this matter, in writing, to their elected official/department head within twenty-four (24) hours of the arrest or citation. Failure to report in accordance with this policy shall be considered a violation of the personnel policies subject to disciplinary actions up to and including termination.

Citations for moving traffic violations or arrests for misdemeanors or felonies which occur during an employee's off-duty hours must be reported to the elected official/ department head in writing within five (5) calendar days of receiving the citation or the arrest.

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

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

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

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

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

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

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

Any employee found guilty, admitting guilt, or pleading no contest or *nolo contendere* of/to a felony will be subject to immediate dismissal.

## **6.7 GIFTS OR GRATUITIES**

Rush County employees and officers are not allowed to receive gifts or gratuities in any personal or professional capacity that could even create the impression that the giver was seeking favor or trying to influence an opinion or a judgment from the employee or official.

The Rush County Commissioners wish to fulfill both the letter and spirit of federal and state regulations addressing conflicts of interest, and pursuant to Title 23 Chapter 1 Subchapter B Part 172.7 section 4(iii), desire to establish the dollar threshold of Three Hundred dollars (\$300.00) below which any financial interest or value of any gratuity is not substantial and may be accepted per this policy.

Employees having doubt as to the applicability of this policy should consult with the elected official/department head. If the elected official/department head is in doubt, he/she shall refer the question to the County Commissioners.

## **6.8 GHOST EMPLOYMENT**

Rush County is committed to providing efficient and lawful services to its citizens and to maintaining public trust. Therefore, "ghost employment" is a violation of County policy and of Indiana Code 35-44-2-5. Ghost employment is a Class D felony.

A public servant who knowingly or intentionally hires an employee for a governmental entity and fails to assign the employee any duties, or assigns duties not related to the operation of the governmental entity, is committing ghost employment. Further, ghost employment is



considered paying an employee for work not actually performed by that employee or if the employee is paid an amount that is grossly disproportionate to that employee's job responsibilities.

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

Examples of violations of this policy include, but are not limited to, performing work on public property that is not job related, authorizing, or receiving payment for time not worked, and authorizing or receiving payment for leave time not authorized by County paid leave policies. Violations of this policy shall result in disciplinary action up to and including termination, in addition to potential prosecution under Indiana Code 35-44-2-5.

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

The County recognizes and respects the right of individual employees to engage in private activities outside of the organization that do not in any way conflict with, or reflect poorly on, Rush County.

Indiana Code 35-44-1-3 states that a person who knowingly or intentionally obtains a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the governmental entity served by the public servant commits a Class D felony, unless a financial disclosure form is approved in advance and filed as required by law.

The County also recognizes its right and obligation to determine when an employee's activities present a conflict of interest with the organization. At such times, the County must take whatever action is necessary to resolve the situation, including but not limited to, termination of employment. This policy applies to all employees, as well as to former employees, where applicable.

Employees having financial interest in a company or substantial investments in a corporation that might benefit from their dealings with the County must file a conflict of interest statement with the County Clerk. If deemed by said official to be in the best interest of the County, those employees shall either divest themselves of such interest or investments or be ineligible for continued employment with the County.

The Rush County Commissioners wish to fulfill both the letter and spirit of federal and state regulations addressing conflicts of interest, and pursuant to Title 23 Chapter 1 Subchapter B Part 172.7 section 4(iii), desire to establish the dollar threshold of Three Hundred dollars (\$300.00) below which any financial interest or value of any gratuity is not substantial and may be accepted per this policy.

Employees having doubt as to the applicability of this policy should consult with the elected official/department head. If the elected official/department head is in doubt, he/she shall refer the question to the County Commissioners.

## **6.10 SOLICITATION/DISTRIBUTION**

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

Each Rush County office is a public facility established for the purpose of carrying out a specific governmental function. Solicitation during work time and in work areas interferes with efficient operation and provision of government services.

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

Employees violating this policy shall be subject to disciplinary action, up to and including discharge.

## **6.11 SECURITY OF PREMISES**

Rush County wishes to maintain a work environment that is free of illegal drugs, alcohol, explosives, or other improper materials. To this end, the County prohibits the control, possession, transfer, sale, or use of such materials on its premises. 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 remain the sole property of the County. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the County at any time, either with or without prior notice.

Employees working in the Rush County Courthouse except for law enforcement officers, shall not bring firearms or ammunition into the Rush County Courthouse.

All Rush County employees have the opportunity to carry and possess a firearm in their work space while working for Rush County Government. This will only be approved if the employee has received and maintains a valid personal carry handgun permit, issued by the State of Indiana, written permission from the Rush County Sheriff, or his designee, and approval of the employee's Elected Official or Department Head and the County Commissioners. This policy applies to all active employees, except those employees working in the Rush County Jail who shall (1) secure the firearm or ammunition, or both, in a locked case, and (2) store the firearm or ammunition in the trunk or glove compartment or out of plain sight in the employee's locked vehicle.

Employees working at the Rush County Jail shall (1) secure the employee's firearm or ammunition, or both, in a locked case and (2) store the firearm or ammunition in the trunk or glove compartment or out of plain sight in the employee's locked vehicle.

## **6.12 WORKPLACE VIOLENCE**

The safety and security of Rush 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, threat, 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 acts 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, but are not limited to, threats made via the telephone, fax, electronic or conventional mail, or any other communication medium.

Violations of this policy will 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 elected official/department head of any threats which they have witnessed, received, or have been told that another person has witnessed or received.

Employees should also report any behavior they have witnessed which they regard as threatening or violent when the behavior is job related or might be carried out on County-owned or leased property or in connection with County employment.

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

If an emergency exists, contact the police department at 911 and notify your supervisor. If not an emergency, employees should inform their elected official/department head. If the elected official/department head is unavailable or if the nature of the complaint is such that the employee does not believe he/she can discuss it with the elected official/department head, the employee may bring concerns to the County Commissioners.

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

## **6.13 CONFIDENTIALITY**

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

## **6.14 EMPLOYEE CONDUCT**

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

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

The following conduct is prohibited and will subject the individual involved to disciplinary action, up to and including termination.

**This list of examples is merely illustrative of the kinds of conduct that will not be permitted. It is not intended to be all inclusive or to in any way limit rules, guidelines, and restrictions set out elsewhere in this handbook.**

## **GROUP I OFFENSES**

Examples of, but not limited to, the following:

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

## **GROUP I DISCIPLINE**

First Offense	Documented verbal warning
Second Offense	Three (3) working days suspension without pay
Third Offense	Ten (10) working days suspension without pay
Fourth Offense	Termination of employment

## **GROUP II OFFENSES**

Examples of, but not limited to, the following:

1. Leaving the job or work area during working hours without authorization.
2. Threatening, intimidating, coercing, or interfering with subordinates or other employees.
3. Obligorating Rush County for any expense, service, or performance without authorization.
4. Sleeping during working hours.
5. Reporting for work or working while unfit for duty.
6. Excessive absenteeism according to the attendance policy.
7. Unauthorized use of County property or equipment.
8. Willful failure to sign in or out when required.
9. Failure to report for overtime work after being scheduled to work according to overtime policy.
10. Failure to make required reports.
11. Solicitation on County premises without authorization.
12. The making or publishing of false, vicious, or malicious statements concerning employees, supervisors, the County, or its operations. Making threatening remarks to supervisors or others.
13. Refusing to provide testimony in court during an accident investigation or during any type of public hearing.
14. Giving false testimony during a complaint investigation or hearing.

15. Unauthorized posting, removal, or alteration of notices or signs from bulletin boards.
16. Distributing or posting written or printed matter of any description on County premises unless authorized.
17. Unauthorized presence on County property.
18. Disregard of department rules.
19. Use of abusive or threatening language toward supervisors or other employees.
20. Discourteous treatment of the public.

### **GROUP II DISCIPLINE**

First Offense	Three (3) working days suspension without pay
Second Offense	Ten (10) working days suspension without pay
Third Offense	Termination of Employment

### **GROUP III OFFENSES**

Examples of, but not limited to, the following:

1. Being in possession of or drinking alcoholic beverages on the job.
2. Neglect in the performance of assigned duties or in the care, use, or custody of any County property or equipment. Abuse or deliberate destruction in any manner of County property, tools, equipment, or the property of employees.
3. Punching, signing, or altering other employees' timecards, timesheets, or unauthorized altering of own timecard or sheet.
4. Falsifying testimony or reports when accidents are being investigated, falsifying, or assisting in falsifying or destroying any County records, including work performance reports, or giving false information or withholding pertinent information called for in making application for employment.
5. Making false claims or misrepresentations in an attempt to obtain any County benefit.
6. Performing private work on County time or property.
7. Violation of the sexual harassment/hostile work environment policy.
8. Stealing or similar conduct, including destroying, damaging, or concealing any property of the County or of other employees.
9. The use of controlled substances or the sale of controlled substances.
10. Fighting or attempting to injure other employees, supervisors, or persons.
11. Carrying or possession of firearms on County property at any time without proper authorization.
12. Knowingly exposing others to hazardous conditions, such as communicable diseases, which may endanger other employees or the public.
13. Misuse or removal of County records or information without prior authorization.
14. Instigating, leading, or participating in any illegal walkout, strike, sit down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the County's work stations.
15. Dishonesty or any dishonest action. Some examples of what is meant by "dishonesty" or "dishonest action" are as follows: theft, pilfering, opening desks assigned to other employees without authorization, theft and pilfering through lunch boxes, tool kits, or other property of the County or other employees without authorization, inserting slugs in vending machines

without paying the proper charge therein, making false statements to secure an excused absence or to justify an absence or tardiness, or making or causing inaccurate or false reports concerning any absence from work. The foregoing are examples only and do not limit the terms "dishonesty" or "dishonest action."

16. Insubordination by refusing to perform assigned work or to comply with written or verbal instruction of supervisors.
17. Disclosure of confidential information.
18. Failure to disclose at the time of employment a past conviction, misdemeanor, and/or felony if reasonably related to the employee's duties or the public trust.
19. Violation of the Drug-Free Workplace policy and/or failure to submit to a blood test, urinalysis, or Breathalyzer examination.
20. Failure to acquire and/or maintain certifications required of the position, such as driver's license.
21. Refusing to provide testimony in court during an accident or any other job-related investigation, or during any type of public hearing.
22. Failure to follow safety regulations.
23. Violation of attendance policies.

### **GROUP III DISCIPLINE**

First Offense	Any appropriate discipline, up to and including termination of employment.
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## **VII. PROBLEM RESOLUTION**

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

Employees and supervisors will benefit from a process that allows for the free discussion of matters of mutual concern and effectively addresses complaints on specific issues.

These procedures provide for open discussion and speedy resolution of issues of serious concern to any employee who thinks that Rush County's policies have been violated, or who believes that he/she has been treated unfairly. A complaint is an employee's expressed dissatisfaction with what that employee believes, rightly or wrongly, to be unfair treatment or a mistake in the administration of a rule, plan, or County policy. **This section does not apply to disciplinary actions taken by elected officials/department heads having the authority to take disciplinary actions.**

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

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

An employee with a complaint should first schedule a time to discuss the complaint with the elected official/department head. Every effort should be expended to resolve the issue satisfactorily at this meeting.

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

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

## **SEVERABILITY**

The policies and procedures contained in this handbook are subject to all applicable federal and state laws and County of Rush, Indiana rules and regulations, and shall be interpreted wherever possible so as to comply fully with such laws, provisions, or any judicial interpretations. If an article or section of this handbook shall be held invalid by operation of law or tribunal of competent jurisdiction, or compliance with or enforcement of any article or section of this handbook shall be restrained by such tribunal, the remainder of this and any amendments thereto shall not be affected and shall remain in full force and effect. The County of Rush, Indiana, reserves the right to delete, modify, or amend the policies contained herein or allocate new policies as needed.

## **INDEMNIFICATION**

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

## **ENABLING ORDINANCES**

This handbook shall be approved by Ordinance passed by the Board of Commissioners of Rush County. The terms and conditions of this handbook shall be incorporated by reference in the Salary Ordinance approved annually by the Rush County Council and the terms and conditions set out herein shall be deemed a condition of compensation under that Ordinance.



## **AMENDMENTS**

This handbook may be amended from time to time by an Ordinance in substantially the same form approved by the Board of Commissioners of Rush County. Any amendments shall be distributed to each department of the County and shall be conspicuously posted throughout the offices of the County after their passage.

## **EMPLOYEE ACKNOWLEDGEMENT FORM**

The Rush County Personnel Policies Handbook adopted by the County Commissioners on December 1, 2024, and effective January 1, 2025, describes important information about employment with Rush County.

I understand that I should consult my elected official/department head regarding any questions not answered in the handbook.

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

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

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**EMPLOYEE'S SIGNATURE**

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**DATE**

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**EMPLOYEE'S NAME (TYPED OR PRINTED)**