# HANCOCK COUNTY, INDIANA

# PERSONNEL POLICIES HANDBOOK

Prepared by:

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Ordinance No. 2013- 12B

AN ORDINANCE ESTABLISHING PERSONNEL POLICIES

Be It Ordained by the Board of Commissioners of Hancock County, Indiana, That

Section I

Title III of the Hancock County Code is amended by the addition of a new chapter 35 as follows:

**CHAPTER 35: PERSONNEL POLICIES**
The Personnel Policies governing the employees of Hancock County are executed separately and are hereby incorporated into the Hancock County Code by reference. The policies are set out therein are under the following headings:

1. PERSONNEL ADMINISTRATION
2. EMPLOYMENT POLICIES
3. SALARY ADMINISTRATION
4. EMPLOYEE BENEFITS
5. WORKING CONDITIONS
6. PERSONAL CONDUCT
7. PROBLEM RESOLUTION

APPENDIX A: DRUG AND ALCOHOL POLICY FOR CDL DRIVERS

Subsequent changes to the policies are incorporated into the County Code.

Section II

Chapter 31 of Title III of the Hancock County Code is hereby repealed.

Section III

This ordinance shall be of full force and effect on January 1, 2014.

Adopted this 31 day of December, 2013.

Board of Commissioners
Hancock County, Indiana

Attest: Robin D. Fowler
Hancock County Auditor

President

# 1. PERSONNEL ADMINISTRATION

**The policies contained in this chapter and throughout the Hancock County Personnel Policies Handbook apply to all Hancock 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 Hancock County Personnel Policies Handbook is designed to provide every employee with information about working conditions, employee benefits, and some of the policies affecting County employment. It is the employees' responsibility to read, understand, and comply with all provisions of the handbook. The Hancock County Personnel Policies Handbook describes many of the responsibilities as an employee and outlines the programs developed by Hancock 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 or an expectation of continued employment. Hancock County is an "At-Will" employer. This means the employee may resign at any time and the County 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. Hancock County, therefore, reserves the right to revise, supplement, or rescind any policies or portion of the Handbook from time to time as it deems appropriate, in its sole and absolute discretion. Employees will, of course, be notified of such changes as they occur.

While Hancock County believes these policies are accurate some sections, like insurance, are only summaries. Any discrepancies between these summaries and the terms of the actual plans will be governed by the terms of the underlying, more detailed policies and procedures. The Hancock County Commissioners shall be the County executive and shall transact the business of the County. Any questions regarding summaries, their underlying policies and procedures, if applicable, and any discrepancies between them should be directed to the County Commissioners.



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## 1.2 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 to 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.

## 1.3 EXCEPTIONS AND SPECIAL CONDITIONS

These policies and procedures apply to all Hancock County employees, except when in conflict with special employment conditions set forth for elected officials or when in conflict with various statutes governing employment relationships.

The following designated individuals and/or groups are exception to these policies as specified:

A. Elected officials; and
B. Sheriff Merit Deputies.

Where federal and state laws or regulations supersede Hancock County policies, employees will be instructed to observe the requirements of these state and federal laws.

## 1.4 PERSONNEL ADVISORY COMMITTEE

The Hancock County Personnel Advisory Committee facilitates the implementation of the policies and procedures herein established. They shall meet as deemed necessary to review the application of County personnel policies, such as:

1. Reviewing employee complaints in connection with the problem resolution procedure in the Hancock 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 Hancock County Personnel Advisory Committee shall serve yearly and be comprised of six (6) members. The members of the Personnel Advisory Committee shall be: (1) County Commissioner or designee, (1) County Council, the Sheriff, the County Auditor, the County Clerk or designee, and the Highway Superintendent/Engineer.



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Elected officials/department heads have responsibility for the day-to-day supervision and operation of their respective offices as prescribed by Statute.

## 1.5 EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of Hancock County to provide equal opportunity in employment to all employees and applicants for employment. Hancock County does not discriminate on the basis of race, creed, color, sex, national origin, religion, age, military status, disability, or any other classification protected under applicable law, in employment or in the provision of services.

This policy applies to all terms, conditions, and privileges of employment, including, but not limited to, hiring, probation, training, promotion, transfer, compensation, benefits, assistance, layoff, recall, employee facilities, discharge, and retirement.

All position vacancy notices, postings, advertisements, and recruiting literature shall contain the phrase "An Equal Opportunity Employer."

Any employee with questions or concerns about any type of discrimination in the workplace shall bring these issues to the attention of his/her elected official/department head. Employees may raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to, and including termination of employment. In the event the discrimination complaint is with the elected official the employee is directed to file a complaint with the County Commissioners.

## 1.6 MANAGEMENT RIGHTS

Hancock County, as a public employer, retains the sole and exclusive responsibility and authority to manage and direct its workforce on behalf of the public, and to conduct 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;



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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; and
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.

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 Hancock County to maintain a productive work environment. Verbal or physical conduct by any supervisor or employee which in the determination of the County Commissioners, harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment will not be tolerated. In the event the complaint is with the elected official the employee is directed to file a complaint with the County Commissioners.



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## 1.8 AUTHORIZED ALIEN STATUS AND CITIZENSHIP

**Verification of Employment Eligibility.**

All new hires must cooperate with the County in its compliance with the Immigration Reform and Control Act of 1986, as amended. New employees shall complete an I-9 form 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 they are American citizens or aliens authorized to work in this country will not be considered for employment. The Auditor's office shall ensure that the I-9 Form is properly completed and retained as required by law.
The Auditor of Hancock County cannot process payroll claims for any employee unless the appropriate forms have been obtained by the hiring authority and filed with the Auditor prior to submission of said payroll claim.

### 1.8.1 E-verify

The Auditor's office 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.

### 1.8.2 Eligibility for Local Public Benefits

All County employees shall complete a **Verification of Eligibility for Local Public Benefits Form** to ensure entitlement to a Federal public benefit as defined in I.C. 12-32-1-3. This form shall be administered and retained by the Auditor's office as required by law.



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# 2. EMPLOYMENT POLICIES

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

## 2.1 RECRUITMENT

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.

Whenever vacancies occur or new positions are created, job information shall be posted within County facilities for seven (7) calendar days to encourage internal promotion and transfer whenever possible, and shall be posted publicly within County facilities until opening is filled. Bulletin boards located in government County buildings will be used for posting job openings.

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

Concurrently, at the discretion of hiring officials, based on the urgency and specialization of the job requirements, website, newspaper and trade journal advertising may also be used in recruiting employees. Advertisements shall describe the position, basic qualifications, and state that the County is "An Equal Opportunity Employer."

## 2.2 EMPLOYMENT APPLICATIONS

All applicants are required to complete a Hancock County **Application for Employment** as well as any other forms required for statistical purposes or deemed necessary to process the Application. Prospective employees may only complete and submit a job application in conjunction with a posted position. The standardized application form shall be submitted to the Auditor's office and made available to elected officials, department heads, and applicants for use. The Application shall request only the information necessary for rational decision-making. Only questions specifically related to occupational standards shall be asked.

All applicants must complete the Hancock County Application for Employment in its entirety, providing any requested information in its entirety and accounting for periods of employment and unemployment. The elected official/department head may screen applicants and conduct testing relevant to the skills needed to effectively complete the duties of the position.



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The County relies on the accuracy of information contained in the employment application, as well as other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the County's exclusion of the individual from further consideration for employment, or, if the person has been hired, termination of employment.

Placement of an employee application with the County does not mean that all applicants will be granted an interview by the elected official/department head. However, equal consideration will be given to all applicants based on the qualifications listed for the job.

Applications will be retained in active files for ninety (90) days, or for the duration of applicant recruitment lists when used. Applications for the person being hired shall be returned to the Auditor's office prior to hiring or being placed on the County payroll. All newly hired employees shall report to the Auditor's office to submit documents necessary for compliance with federal, state, and local law and for enrollment in any eligible benefit programs. Hiring decisions are the sole responsibility of the appointing authority (i.e., elected officials and designated department heads).

## 2.3 APPLICANT TESTING

Applicant tests may include, but are 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. The County Sheriff must approve the use of any tests for prospective employees in the Sheriff's Department.

## 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. Hancock County may withdraw the conditional offer of employment at any time for any reason, except as otherwise prohibited by law.



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## 2.6 EMPLOYEE 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 prior to hiring, or anytime during the course of employment with the County, (e.g., hiring, FMLA, ADA) which will be paid for by 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 prior to being hired by the County.

Information on an employee's medical condition or history shall be kept in a confidential file that is separate from other employee information. Medical information shall be maintained by each individual Department, with copies involving benefits or compensation to the Auditor's office. Access to this information will be limited to the employee and the elected official/department head of the employee, the Auditor, the County Commissioners, designated employees responsible for processing insurance and workers' compensation claims, and others on a need-to-know basis.

## 2.7 EMPLOYMENT STATUS

It is the intent of Hancock County to clarify the definitions of employment status, so employees understand their employment status and benefit eligibility. **Any changes in employment status shall be conveyed in writing. No change in employment status is to be construed or inferred without written notification. Each County employee is assigned to one (1) of the following four (4) classifications.**

**FULL-TIME PUBLIC RETIREMENT (FTPR)** employees are those who are not in a FTA, PT, or ST status and who are regularly scheduled to work the County's full-time schedule of a minimum of thirty-five (35) or more hours per week. FTPR employees are eligible for the following benefits, subject to the terms, conditions, and limitations of each benefit program: Vacation Leave, Holidays, Illness and Injury Leave, Bereavement Leave, Personal Leave, Jury Duty/Court Appearance Leave, Leave without Pay, Worker's Compensation, Social Security benefits, Health Insurance, and retirement programs. For the purposes of clarification throughout the handbook, these employees will be referred to as FTPR employees.



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**FULL-TIME AFFORDABLE CARE ACT (FTA)** employees are those who are not in a FTPR, PT or ST status and who are regularly scheduled to work at least thirty (30) hours or more per workweek. FTA employees are eligible for legally mandated benefits such as Worker's Compensation, Social Security benefits, and County health insurance, subject to the terms, conditions, and limitations of benefit programs. FTA employees are ***not*** eligible for the following benefits: Vacation Leave, Holidays, Illness and Injury Leave, Bereavement Leave, Personal Leave, Jury Duty/Court Appearance Leave, Leave without Pay, and retirement programs. For the purposes of clarification throughout the handbook, these employees will be referred to as FTA employees.

**PART-TIME (PT)** employees are those who are not assigned to a FTPR, FTA, or ST status. Part-time employees shall not work more than twenty-nine (29) hours per week. Any exception must have elected official or department head prior approval with notice given to the Auditor's Office. Such exceptions are limited to mandatory training or business necessity required of the position, or a fluctuating work schedule to meet a business necessity. In any event Part-Time employees shall not work more than one-hundred-twenty-five (125) hours in a month. Part-time employees retain that status until expressly notified of a change. While part-time employees do receive all legally mandated benefits such as Workers' Compensation and Social Security benefits subject to terms, conditions, and limitations of each benefit program. PT employees are ***not*** eligible for the following benefits: Vacation Leave, Holidays, Illness and Injury Leave, Bereavement Leave, Personal Leave, Jury Duty/Court Appearance Leave, Leave without Pay, Health Insurance, and retirement programs. For the purposes of clarification throughout the handbook, these employees will be referred to as PT employees.

**SEASONAL/TEMPORARY (ST)** employees are those who are hired as interim replacements to temporarily supplement the workforce, or to assist in the completion of a specific project and who are not assigned to a FTPR, FTA, or PT status. It is the policy of the County that a Seasonal/Temporary employee who works for one-hundred- twenty (120) days in a calendar year shall not be rehired by the County without a minimum of six (6) months separation period between season/temporary engagements. Seasonal/Temporary employees retain that status until notified of a change. While seasonal/temporary employees receive all legally-mandated benefits such as Workers' Compensation and Social Security benefits, ST employees are ***not*** eligible for the following benefits: Vacation Leave, Holidays, Illness and Injury Leave, Bereavement Leave, Personal Leave, Jury Duty/Court Appearance Leave, Leave without Pay, Health Insurance, and retirement programs. For the purposes of clarification throughout the handbook, these employees will be referred to as ST employees.

## 2.8 PROBATIONARY PERIOD

The probationary period is intended to give new, rehired 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.



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All new, rehired or transferred employees work on a probation basis for the first sixty (60) calendar days after their "date of hire", except Merit Police Officers who have a twelve (12)-month probationary period. Any significant absence will automatically extend the probationary period by the length of the absence. If the County determines that the designated probationary period does not allow sufficient time to thoroughly evaluate the employee's performance, the probationary period may be extended for a specified period. This probationary period may be waived by elected officials/department heads for employees promoted within the same office.

At the end of the sixty (60) days or twelve (12)-months, Merit Police Officers shall cease to be probationary employees, unless their probationary period is extended by their elected official/department head. A probationary employee may be discharged at any time during their probationary period, or any extension thereof, with or without cause and without compliance with any of the disciplinary rules or procedures by the County, the elected official, department head, or any other person involved in the discharge of the employee.

During the probationary period, employees are eligible for those benefits that are required by law, such as worker's 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. Questions regarding benefits should be directed to the elected official/department head.

Employees, who satisfactorily complete the probationary period, will be notified of their new employment classification.

## 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. Information regarding this procedure is contained in the "Employment History and Work Experience" section of the County's Employment Application.

For employment reference checks requested by other employers of past or current County employees, the County will respond in writing only to those reference inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held. Employees and former employees shall be provided copies of past performance records upon request; and must acknowledge receipt in writing. No additional employment data will be released without written authorization and a release signed by the individual who is the subject of the inquiry.



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Based upon job requirements at the discretion of elected officials/department heads, applicants may be subject to criminal background and credit checks.

Requests by elected officials/department heads for reference, background, and/or credit checks on applicants should be directed to the elected official/department head.

## 2.10 PERSONNEL FILES

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

The County shall maintain four (4) separate personnel records concerning the employee's employment history. Those shall be the employee's personnel file, performance file, medical file, and CDL File.

1. **Personnel File:** The employee's personnel file shall contain the employee's employment application, I-9 Form, e-verify, eligibility for local public benefits, emergency information sheet, employment data information sheets concerning history of employment, insurance enrollment forms, retirement enrollment forms, educational accomplishments, change in address forms and beneficiary forms, and records of training. This file shall be maintained in the Auditor's office. Certain documents in this file shall be deemed confidential and released only to persons on a need-to-know basis.

2. **Performance File:** The employee's performance file shall contain documentation of performance and salary increases, disciplinary records, and other documentation concerning disciplinary actions, including grievances, absences, tardiness, and other related data. This file shall be maintained by the Auditor's office.

3. **Confidential Medical File:** The employee's confidential medical file shall contain all medical information, including health insurance, disability information, worker's compensation issues, results of drug tests, and other medically related information. This file shall be maintained in the Auditor's office.

4. **CDL File:** The CDL drug test file is maintained by the Highway Department.



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## 2.11 ACCESS TO PERSONNEL FILES

The information contained in an employee's personnel and performance files shall be available to the employee and elected official and/or department head having direct supervisory control of the employee, Auditor, County Attorney, and County Commissioners. The employee's confidential medical file shall be maintained under the control of the County Auditor and shall be available to the employee, County Attorney, and County Commissioners.

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 the employees' personnel file. Personnel records shall only be available to the persons set out in this section, or upon court order and/or subpoena directed to the County Attorney.

### 2.11.1 Disclosure

As prescribed by I.C 5-14-4 the following information is available upon request:

A. the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

B. information relating to the status of any formal charges against the employee; and

C. the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative.



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## 2.12 PERSONAL INFORMATION CHANGES

It is the employee's responsibility to convey personal information or any changes in personal data and report information affecting insurance benefits or compensation to the Auditor's office. Such information shall be submitted in writing to the County Auditor and elected official/department head. Personal mailing addresses, telephone numbers, number and names of dependents, changes in marital status, individuals to be contacted in the event of an emergency, educational accomplishments, driver's license status and proof of insurance (where applicable), and other such personal information should be accurate and current. Any unreported changes in personal status may impact eligibility under the County's benefit plans.

## 2.13 ORIENTATION/EXIT

Once employed by the County, elected officials/department heads are encouraged to conduct an informal orientation to familiarize a new employee with the County. New employees shall be provided with a copy of the **Hancock County Personnel Policies Handbook** by the County Auditor. It is the responsibility of the employee to read and understand the Personnel Policies Handbook. Each employee shall sign the Employee Acknowledgment form; periodic updates will also be acknowledged.

Upon termination of the employment relationship with an employee, the employee is directed to contact the Auditor's office regarding compensation or benefits questions.

## 2.14 PERFORMANCE EVALUATION

Elected officials/department heads and employees are strongly encouraged to discuss job performance and goals on an informal, regular 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 employees at the end of their introductory period, before entering full-time status, especially if the introductory period is extended. This allows the elected official/department head and employee the opportunity to discuss the job responsibilities, standards, and performance requirements, in addition to correcting deficiencies and reinforcing strengths and future goals.

Performance appraisals shall be confidential and shall be made available only to the employee appraised, their elected official or department head, and to a prospective elected official or department head if a transfer or promotion is being considered, and the County Attorney and County Commissioners in the event of a complaint arising out of the administration of personnel policies.

The performance of all employees should be evaluated on an annual basis.



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## 2.15 OUTSIDE EMPLOYMENT/CONFLICT OF INTEREST

An employee may hold a job with another organization as long as, in the opinion of the County, satisfactorily performs the required job responsibilities with the County. Employees should consider the impact that outside employment may have on their ability to efficiently perform their work, as well as any conflicts of interest that may arise. 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.

Employees who are on 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 ability to meet the requirements of the position, as it is modified from time to time, or if the County determines that the outside employment is in conflict with its ethics code or other codes of conduct, directly or indirectly applicable to a specific employee, the employee may be required to terminate the outside employment if he or she wishes to remain employed with the County.

Employees may not enter into dealings or financial interests in contracts and services performed by Hancock County. This includes deriving any direct or indirect profit resulting from the sale, service, contracting, or purchases made on behalf of Hancock County.

County employees may 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 County or substantial investments in a corporation that might benefit from their dealings with Hancock County must file a conflict of interest statement with the County Clerk with a copy to the State Board of Accounts.

Soliciting political party campaign contributions or promoting political activities during work hours are prohibited. Violators will be subject to disciplinary procedures.

Outside employment will present a conflict of interest if it has an actual or potential adverse impact on the County. County employees should file a conflict of interest statement with the County Clerk, State Board of Accounts, and a copy with the Auditor's office whenever an employee's outside business activities are directly or indirectly linked to the County in a business relationship, such as vendor, supplier, contractor, or independent subcontractor. The County Clerk and the County Auditor have **Conflict of Interest forms** available for use, as well as the State of Indiana website.



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## 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. The County shall only release the following information:

### 2.16.1 Disclosure

As prescribed by I.C 5-14-4 the following information is available upon request:

A. the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

B. information relating to the status of any formal charges against the employee; and

C. the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative.

Employees are advised to consult with their supervisor or department head before releasing information which is confidential or privileged by law.

## 2.17 LAYOFF AND RECALL

Hancock 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
4. Reorganization.

Whenever a reduction is necessary, the County will determine the classifications in which the layoffs shall occur and the number of employees to be laid off in each department. Determinations on which employees will be laid off will include employee qualifications, length of continuous service, and operational needs of the County. Compensation for an employee separated due to a layoff will be made on the next scheduled payday. The final check will include vacation and compensatory leave time, as appropriate.



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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.

Any 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 ELECTED OFFICIAL EMPLOYMENT

In the event that a full-time employee is elected to a full-time Hancock County elective office, such employee shall be compensated for any accrued vacation or compensatory time earned as a regular full-time employee. Such employee's illness and injury days will be frozen and available for use in the event the elected official returns to a non-elected full-time position within ninety (90) calendar days. Also, if such elected official returns to a non-elective full-time position his/her time in elective office shall count as years of service for the purpose of determining the amount of eligible vacation time or other benefits based on years of service with the County.

## 2.19 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 in accordance with County Commissioner Ordinance No. 2012-6A.

A. This section applies to all offices, departments, and employees of Hancock County.

B. An individual who is employed by a unit on July 1, 2012, is not subject to this section unless the individual has a break in employment with the unit. The following are not considered a break in employment with the unit:

   1. The individual is absent from the workplace while on paid or unpaid leave, including vacation, illness or injury or family medical leave, or Worker's Compensation.
   2. The individual's employment with the unit is terminated followed by immediate reemployment by the unit, without loss of payroll time.

C. For purposes of this chapter, the performance of duties of:

   1. a precinct election officer (as defined in IC 3-5-2-40.1) that are imposed by IC 3; or
   2. a volunteer firefighter;

   is not considered employment by a unit.



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D. As used in this section, "direct line of supervision" means an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancements, or performance evaluations. The term does not include the responsibilities of the executive, legislative body, or fiscal body of a unit, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the unit.

E. As used in this section, "employed" means an individual who is employed on a full-time, part-time, temporary, intermittent, or hourly basis. The term does not include an individual who holds only an elected office. The term includes an individual who is party to an employment contract with the County.

F. As used in this section, "member of the fire department" means the fire chief or a firefighter appointed to the department.

G. As used in this section, "member of the police department" means the police chief or a police officer appointed to the department.

H. (a) As used in this section, "relative" means any of the following:

1. A spouse.
2. A parent or step-parent.
3. A child or step-child.
4. A brother, sister, step-brother, or step-sister.
5. A niece or nephew.
6. An aunt or uncle.
7. A daughter-in-law or son-in-law.
8. A father-in-law or mother-in-law.
9. A grandchild or grandparent.

(b) For purpose of this section, an adopted child of an individual is treated as a natural child of the individual.

(c) For purpose of this section, the term "brother" or "sister" include a brother or sister by half blood.

I. Individuals who are relatives may not be employed in a position that results in one (1) relative being in direct line of supervision of the other relative.

J. (a) This section applies to an individual who:

1. is employed on the date the individual's relative begins serving a term of an elected office of the unit; and.
2. is not exempt from the application of this chapter under subsection (B) of this chapter.



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(b) an individual may remain employed and maintain the individual's position or rank even if the individual's employment would violate section 10 of IC 3-5-9.

(c) Unless a policy has been adopted under section 9 of IC 3-5-9 provides otherwise, an individual described in subsection (b) may not:

1. be promoted to a position; or
2. be promoted to a position that is not within the merit ranks, in the case of an individual who is a member of a merit police department or merit fire department; if the new position would violate subsection (I) of this section.

K. This chapter does not abrogate or affect an employment contract that:

1. an individual is a party to; and
2. is in effect on the date the individual's relative begins serving a term of an elected office of the unit.

L. A sheriff's spouse may be employed as prison matron for the county under IC 36-8-10-5 and the spouse may be in the sheriff's direct line of supervision.

M. An individual:

1. who served as coroner;
2. who is currently ineligible to serve as coroner under Article 6, section 2(b) of the Constitution of the United State of Indiana.
3. who, as coroner, received certification under IC 36-2-14-22.3; and
4 whose successor in the office of coroner and be in the coroner's direct line of supervision.

N. Each elected officer shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this section. An officer shall submit the certification to the County Commissioner not later than December 31 of each year.

**2.19.1 <u>Nepotism Regulated in Contracts</u>**

A. As used in this chapter, "elected official" means:

1. County Commissioner;
2 a member of the County Council.

(a) as used in the chapter, "relative" means any of the following:

1. a spouse



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2. a parent or stepparent
3. a child or stepchild
4. a brother, sister, stepbrother, or stepsister
5. a niece or nephew
6. an aunt or uncle
7. a daughter-in-law or son-in-law
8. a father-in-law or mother-in-law
9. a grandchild or grandparent

(b) For purpose of this section, an adopted child of an individual is treated as a natural child of the individual.

(c) For purpose of this section, the term "brother" and "sister" include brother or sister by half blood.

B. (a) A unit may enter into a contract or renew a contract for the procurements of goods and services or a contract for public works with:

1. an individual who is a relative of an elected official; or
2. a business entity that is wholly or partially owned by a relative of an elected official;

Only if the requirements of this section are satisfied and the elected official does not violate IC 35-44-1-3.

(b) A unit may enter into a contract or renew a contract with an individual or business entity described in subsection (a) if:

1. the elected official files with the unit a full disclosure, which must:

(A) be in writing;
(B) describe the contract or purchase to be made by the unit;
(C) describe the relationship that the elected official has to the individual or business entity that contracts or purchases;
(D) be affirmed under penalty of perjury;
(E) be submitted to the County Commissioners and be accepted by the County Commissioners in a public meeting of the unit prior to final action on the contract or purchase, and
(F) be filed, not later than fifteen (15) days after the final action on the contract or purchase, with:

(i) the state board of accounts; and
(ii) the clerk of the Hancock County Circuit Court;



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2. the County Commissioners;

(A) make a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered; or
(B) make a certified statement of the reason why the vendor or contractor was selected; and

3. the unit satisfies any other requirements under IC 5-22 or IC 36-1-12.

(C) An elected official shall also comply with the disclosure provisions of IC 35-44-1-3, if applicable.
(D) This section does not affect the initial term of a contract in existence at the time the term of office of the elected official begins.

C. Each elected officer shall annually certify in writing, subject to the penalties for perjury, that the office is in compliance with this chapter. An officer shall submit the certification to the County Commissioner not later than December 31 of each year.

## 2.20 ELECTIVE OFFICER AND COUNTY EMPLOYMENT RESTRICTED

Effective January 1, 2013 Indiana 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 in which the volunteer firefighter serves. Fire protection services provided under mutual aid agreements are excluded. An employee or volunteer who assumes or holds an elected office on January 1, 2013 may continue to hold the office and be employed by the County or serve as a volunteer firefighter until the expiration of the term of office.



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# 3. SALARY ADMINISTRATION

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

## 3.1 NORMAL WORK WEEK

The normal work week begins on Saturday at 6:00 a.m. and ends on the following Saturday at 6:00 a.m.

## 3.2 WORK HOURS

County offices and departments shall observe the hours of work designated and established by the Board of County Commissioners. The regular work hours may be changed by the Board of Commissioners upon one week's notice to each department head.

Elected officials or department heads will advise employees of the times their schedules will normally begin and end, and employees shall be relieved of all duties and be free to leave their posts during their lunch.

**County Offices:** 8:00 a.m. – 4:00 p.m., Monday – Friday with one (1) hour unpaid lunch.

**Soil and Water Conservation District:** 8:00 a.m. – 4:30 p.m., Monday – Friday with one-half (½) hour paid lunch.

**Community Corrections:**
Field Officers work eight (8) hours per day with five (5) days on, two (2) days off, five (5) days on, three (3) days off. 7:00 a.m. – 3:00 p.m., 10:00 a.m. – 6:00 p.m., 12:00 p.m. – 8:00 p.m., or 2:00 p.m. – 10:00 p.m. Lunch will be scheduled at the discretion of the Elected Official/Department Head.

Correctional Officers work ten (10) hours per day with four (4) days on, three (3) days off, four (4) days on, four (4) days off. 5:00 a.m. – 3:00 p.m., 6:00 a.m. – 4:00 p.m., 2:00 p.m. – 12:00 a.m., or 8:00 p.m. – 6:00 a.m.

Administrative Staff work seven (7) hour per day, Monday – Friday. 6:00 a.m. – 2:00 p.m., 7:00 a.m. – 3:00 p.m., or 8:00 a.m. – 4:00 p.m.

Lunch will be scheduled at the discretion of the Elected Official/Department Head.



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**Emergency Operations Center:**
Administrative Staff: 8:00 a.m. – 4:00 p.m., Monday – Friday with one (1) hour unpaid lunch.

Dispatch will work eight (8) hours per day with five (5) days on, two (2) days off, five (5) days on, three (3) days off. 6:30 a.m. – 2:30 p.m., 2:30 p.m. – 10:30 p.m., or 10:30 p.m. – 6:30 a.m.

**Highway Department:**
Administrative Staff: 7:00 a.m. – 4:00 p.m., Monday – Friday with one (1) hour unpaid lunch.

Hourly Staff: 7:00 a.m. – 3:30 p.m., Monday – Friday with one-half (½) hour unpaid lunch.

Summer hours are as follows: 7:00 a.m. – 5:00 p.m., Monday – Friday.

**Sheriff Department:**
Work schedule 5-2-5-3; Merit and Jail employees assigned to this schedule will work five (5) days on duty, two (2) days off duty, five (5) days on duty and three (3) days off duty.

Work schedule 5-2; Merit, Jail, and Administrative employees assigned to this work schedule will normally work 8:00 a.m. – 4:00 p.m., Monday – Friday and have holidays off as listed by the County Commissioners.

Work schedule (12 hour shifts); Jail employees assigned to this schedule will work "A" or "B" shifts.

"A" work shift – Sunday, Monday, Tuesday, and every other Saturday, with days off on Wednesday, Thursday, Friday, and every other Saturday.

"B" work shift – Wednesday, Thursday, Friday, and every other Saturday with days off on Sunday, Monday, Tuesday, and every other Saturday.

Work schedule (10 hour shifts); Jail Cooks assigned to this schedule will work "A" or "B" shifts.

"A" work shift – Monday, Tuesday, Wednesday, and every other Sunday with days off on Thursday, Friday, Saturday, and every other Sunday.

"B" work shift – Thursday, Friday, Saturday and every other Sunday with days off on Monday, Tuesday, Wednesday and every other Sunday.

Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.



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## 3.3 JOB DESCRIPTIONS

Hancock County positions, except those of elected officials, have been described in job descriptions using the Factor Evaluation System (FES) job classification format. The position description is the primary document used to classify County jobs. County position descriptions are maintained in the Auditor's office. Copies of departmental job descriptions are available in each department or office.

New job descriptions or any modifications to existing job descriptions shall be submitted to the Auditor.

## 3.4 COMPENSATION

Hancock County's compensation plan is based on the job classification system 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 County Council adopts an annual salary ordinance establishing pay rates for all County positions.

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

Elected officials shall be paid an annual salary, which covers the period beginning on January 1, and ending on December 31, and is paid on regular pay days throughout the year.

## 3.5 WAGE POLICY

Employees violating the illness and injury 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, illness and injury days, vacation days, personal days.
b. If an employee has no existing leave time as described above, unauthorized time from work shall be docked from his/her wages on an hourly basis.
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.

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



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## 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. "Time worked" is all time actually spent on the job performing assigned duties.

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. Sex and occupation;
5. Time of 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; and
12. Date of payment and the pay period covered by the payment.

IC 5-11-9-4 requires that public sector employees maintain records showing which hours were worked each day by officers and employees. These records are subject to audit by the State Board of Accounts.

Every employee is responsible for accurately recording time worked on County forms or time record.

Employees should accurately record the time they begin and end their work, and the time they begin and end each meal period on appropriate employee service records. Employees should also record the beginning and ending of any split shift or departure from work for personal reasons. Overtime work must always be approved by the elected official/department head <u>before</u> it is performed.

Employees shall record the use of illness and injury leave, personal leave, vacation leave, Family and Medical leave, or any other type of approved leave on their time records. Failure to record the leave in any status may result in the employee not being paid for the leave.



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

## 3.7 WORK TIME RESTRICTED

Non-exempt employees should report to work no more than seven (7) minutes prior to their scheduled starting time, nor stay more than seven (7) minutes after their scheduled stop time, without prior authorization from their elected official/department head. Deviations of up to seven (7) minutes will not have an impact on overtime, compensatory time or a reduction in pay calculations. Consistent non-compliance with scheduled work hours will be considered in employee evaluations.

## 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 Hancock 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 TIME RECORD

It is an employee's responsibility to sign the appropriate time record to certify the accuracy of all time recorded. The elected official/department head will review and initial time record before submitting them for payroll processing. If corrections or modifications are made to the time record, both the employee and the elected official/department head should verify the accuracy of the changes by signing the time record. Should an employee fail to sign such a time record, the time record shall be submitted by the elected official/department head with an acknowledgment that the employee has reviewed the modification.

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

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



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## 3.11 PAYDAYS

Regular employees are paid on Friday on a bi-weekly basis. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

If 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

Hancock County takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. The County prohibits improper deductions from wages. Any employee who thinks that they have had incorrect deductions from a paycheck 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 the elected official/department head who should promptly bring the discrepancy to the attention of the County Auditor so corrections can be made as quickly as possible.

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. The County is legally required to make certain deductions from each employee's paycheck, including federal, state and local income taxes, retirement system contributions, court-ordered child support, and any other deductions required by law. The County must also deduct social security taxes on each employee's earnings, up to a specified limit called the social security "wage base." The County matches the amount of social security taxes paid by each employee.

The County offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover costs to participate in these programs.

Questions concerning paycheck deductions and/or methods of calculation should be directed to the Auditor's office.



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## 3.14 FLEX TIME (NON-EXEMPT)

The County may utilize "time-off" or flexible time for non-exempt positions to avoid having employees work in excess of forty (40) hours in a week. Flex-time scheduling shall be approved in advance by the elected official/department head. Any flex-time shall be used by the end of the following pay period.

## 3.15 FLEX TIME (EXEMPT)

Scheduling is available in some cases to allow "time-off" or flex time for exempt positions to vary their starting and ending times each day to reach their required work week hours. Employees must consult their elected official/department head for the details of this program.

## 3.16 OVERTIME COMPENSATION AND COMPENSATORY TIME

Each County position is designated either as **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, whether hourly or salaried, are entitled to overtime pay or compensatory time off under the specific provisions of federal and state laws.

Employees holding **EXEMPT** positions are salaried and excluded from specific provisions of federal and state wage and hour laws, and are not entitled to and shall not receive overtime compensation or compensatory time off.

### 3.16.1 Non-public Safety Employees Overtime

Employees will be given the opportunity for overtime work assignments when operating requirements or other needs cannot be met during regular working hours. All overtime work must receive the elected official/department head's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all non-exempt employees in the form of monetary reimbursement or compensatory time, in accordance with federal and state wage and hour restrictions.

Employees who work overtime without receiving prior authorizations from the elected official/department head may be subject to disciplinary action, up to, and including termination of employment.

Non-public safety employees eligible for overtime shall be paid straight time for additional hours worked up to forty (40) hours per week. The employee shall be granted either overtime compensation in the form of monetary



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reimbursement at a rate of one and one-half times (1 ½) the hourly wage for all approved hours worked in excess of forty (40) in a normal work week; 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.

The Highway Assistant Superintendent and Highway Foreman shall be paid straight time for each hour above ninety five (95) hours in a pay period with a maximum of eight (8) hours overtime per pay period.

### 3.16.2 Public Safety Employees Overtime

Merit Police Officers, Jail Corrections Officers, and E-911 Dispatchers shall be paid overtime at the rate of one and one-half (1 ½) times the hourly wage for all approved time worked in excess of a regular work shift.

### 3.16.3 Non-public Safety Employees Compensatory Time

Employees will receive non-FLSA compensatory time on an hour-for-hour basis for additional approved hours worked up to forty (40) in a normal work week.

When FLSA compensatory time is used in place of monetary reimbursement; compensatory hours shall be awarded at the rate of one and one half (1 ½) hours for all hours worked over forty (40) in a normal work week. Calculating compensatory time is based on actual hours worked. Use of FLSA compensatory time, in lieu of monetary overtime, must be determined in advance of submission of the payroll.

At their sole discretion, elected officials/department heads may schedule use of employee compensatory time. Highway employees shall not receive compensatory time.

### 3.16.4 Public Safety Compensatory Time

Merit Police Officers, Jail Corrections Officers, and E-911 Dispatchers shall receive compensatory time at the rate of one and one-half (1 ½) times the hourly wage for all approved time worked in excess of a regular work shift.

### 3.16.5 Maximum Compensatory Time Accrual

County employees may accrue fifty (50) compensatory time hours before monetary compensation is required. Elected officials and department heads may set lower accrual limits, and are encouraged to schedule use of compensatory time as soon as possible to avoid accrual beyond the stated limit that would require monetary payment.



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Department heads shall monitor employee accrual of overtime compensatory hours, and ensure that employees schedule use of compensatory time.

Elected officials and department heads shall provide the Auditor's office with an accurate and current record of all accrued compensatory time simultaneously with the bi-weekly payroll. All elected officials and department heads must provide a record of certification of their current liability for compensatory time as of the date of the adoption of this manual. All elected officials and department heads shall provide documentation showing compensatory hours are computed in accordance with this policy.

### 3.16.6 Overtime Approved in Writing

All overtime compensation or compensatory time shall be approved in writing by completing an **Overtime Authorization form** and submitting to the employee's supervisor. Documentation shall be maintained in the department of the employee with a copy provided to the Auditor's office.

Overtime Authorization forms are available for use in the Auditor's office.

### 3.16.7 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.

## 3.17 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 Hancock 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.

During weather emergencies when County facilities are closed, employees who are required to work shall be paid at one and one-half (1 ½) times their regular rate.

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.



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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 compensatory time, personal leave, vacation, or approved illness and injury leave time (if applicable). If a part-time employee cannot report to work, time missed will not be paid.

### 3.17.1 Snow Emergency Procedures

A. Pursuant to IC 10-14-3-29 the President of the Board of County Commissioners of Hancock County may declare a local disaster emergency if the president determines that snow or ice conditions require that vehicles should not travel on County roads. The declaration may be extended beyond seven (7) days only with the approval of the Board of Commissioners.

B. The Director of Emergency Management in consultation with local Street and Highway Departments may issue a declaration following the standardized local conditions as follows:

**CAUTION (white)**

A condition may develop that limits or hinders travel or activities in isolated areas. No travel restrictions have been placed in effect by county officials, but citizens should be alert to changing conditions.

**ADVISORY (yellow)**

Routine travel or activities may be restricted in areas because of a hazardous situation. Citizens should use caution or avoid these areas. Schools and businesses may begin to implement their emergency action plans.

**WATCH (orange)**

Conditions are threatening to the safety of the public. Only essential travel is recommended (i.e., to and from work, emergency situations, etc). Emergency action plans have been or should be implemented by businesses, schools, government agencies or other organizations.

C. The President of Commissioners may issue a declaration following the standardized local conditions as follows:

**WARNING (red)**

Travel shall be restricted to emergency personnel only. Citizens are directed to refrain from all travel, comply with necessary emergency measures, cooperate with public officials and disaster services forces in executing emergency operations plans, and comply with the



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directions of properly identified officers. Further and more specific restrictions may be included in the disaster declaration.

The operator of a vehicle found to be in violation of subsection C (above) may be fined in an amount not to exceed fifty ($50.00) dollars.

Any vehicle found on a county road in violation of subsection C (above) may be:

a. forcefully moved out of the way; or
b. towed by order of a law enforcement officer at the owners' expense.

Hancock County is not responsible for damages to the vehicle.

## 3.18 EMPLOYMENT TERMINATION

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

**Resignation:** Voluntary employment termination initiated by an employee. Although advance notice is not required, the County requests at least two (2) weeks written notice from the employee. The elected official/department head shall determine whether the employee may work out his/her notice.

**Discharge:** Involuntary employment termination initiated by the County.

**Layoff:** Involuntary employment 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 County retirement criteria, such as age and length of service. Employees will receive their final pay in accordance with applicable state law.

Employee benefits will be affected by employment termination in the following manner:

All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense, if the employee chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance. An employee's termination date shall always be the last day worked. An employee's termination date may not be extended to include accrued and/or unused paid or unpaid time off (e.g., illness and injury days).



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Hancock County encourages scheduling exit interviews at the time of employment termination to afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the County, or return of County-owned property. Suggestions, complaints and questions may also be expressed. Exit interviews should be scheduled with the elected official/department head.

## 3.19 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. Where permitted by law, the County may withhold from an employee's paycheck the cost of any items that are not returned as required. The County may also take all action deemed appropriate to recover or protect its property.



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# 4. EMPLOYEE BENEFITS

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

Hancock County provides a wide range of benefits to eligible employees. Programs such as social security, worker's compensation, and unemployment insurance cover all employees in the manner prescribed by law. Eligibility for additional benefits depends on a variety of factors, many of which are described elsewhere in this handbook.

## 4.1 VACATION

The purpose of paid annual vacation time is to allow and encourage eligible employees to renew their physical and mental capabilities and provide opportunities for rest, relaxation, and personal pursuits. FTPR employees are eligible to earn and use vacation time as described in this policy. Part-time (PT) employees who become full-time employees working at least thirty-five (35) hours per week shall, for each year where the part-time work exceeded three hundred (300) hours in a year, have that year count in determining eligibility for vacation days. FTA, PT, and ST employees are not eligible for this benefit. All FTPR employees shall be credited with vacation leave according to the following schedule:

| YEARS OF SERVICE | VACATION TIME OFF |
|---|---|
| Year one (1) | One (1) day* per month ** |
| Year two (2) – five (5) | Ten (10) work days |
| Year six (6) – thirteen (13) | Fifteen (15) work days |
| Year fourteen (14) – twenty-one (21) | Twenty (20) work days |
| Year twenty-two (22) and more | Twenty-five (25) work days |

* One (1) day is seven (7) hours for employees working a 35 hour workweek, eight (8) hours for employees working a 40 hour workweek, and one (1) regular shift for Sheriff Department Merit Officers, Corrections Officers, and Cooks.

** One (1) day of vacation for each full month of employment during the preceding year, to a maximum of ten (10) days. The initial month of employment counts if the employee worked beginning the first day of the month.

### 4.1.1 Terms and Conditions of Vacation Leave

A. Beginning January 1, 2014 and each calendar year thereafter, vacation days must be used no later than December 31st of the current calendar year, unless otherwise approved by the elected official/department head or designee. Employees may carry over five (5) vacation days to the next calendar year with approval by the elected official/department head. Any additional days, over five (5) days must be approved by the elected



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official/department head and the County Commissioners. Days carried over must be reported to the Auditor.

B. Vacation time may not be taken in advance of having earned them and only current employment time shall be used in computing vacation time.

C. Vacation time shall be taken in no less than one (1) hour increments and must be scheduled in advance and approved by the employee's elected official/department head.

D. No vacation shall accrue while an employee is on unpaid leave of absence, except for Family and Medical leave as specified in this policy.

E. Once employees enter an eligible employment classification, they begin to earn paid vacation time according to the schedule.

F. To take vacation, employees should request advance approval, as soon as possible from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements. Employee's must schedule and take off eligible vacation time. **Request for Vacation forms** are available in the Auditor's office.

G. Vacation time off is paid at the employee's base rate at the time of vacation.

H. Elected officials and department heads may designate vacation time when employee calls in sick without any available illness and injury leave.

I. Employees who separate from County employment in good standing and give a two-week (2) notice shall be paid for each day of unused vacation. If an employee returns to employment by the County within ninety (90) days, the employee shall earn vacation days as if the employment gap did not exist, but shall not receive credit for any year that the employee was not employed for the full year.

Payment for accrued and unused vacation time at termination may be included in the employee's last regular earnings paycheck, if possible, or in a separate check. An employee's termination date may not be extended to gain additional vacation time. The employee's termination date shall always be the last day worked.



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### 4.1.2 Sheriff's Department Vacation

**VACATION TABLE FOR SHERIFF EMPLOYEES (8 hour shift)**

| YEARS OF SERVICE | VACATION TIME OFF |
|---|---|
| Year two (2) – five (5) | (80) hours |
| Year six (6) – thirteen (13) | (120) hours |
| Year fourteen (14) – twenty-one (21) | (160) hours |
| Year twenty-two (22) and more | (200) hours |

**VACATION TABLE FOR SHERIFF EMPLOYEES (10 hour shift)**

| YEARS OF SERVICE | VACATION TIME OFF |
|---|---|
| Year two (2) – five (5) | (70) hours |
| Year six (6) – thirteen (13) | (110) hours |
| Year fourteen (14) – twenty-one (21) | (140) hours |
| Year twenty-two (22) and more | (180) hours |

**VACATION TABLE FOR SHERIFF EMPLOYEES (12 hour shift)**

| YEARS OF SERVICE | VACATION TIME OFF |
|---|---|
| Year two (2) – five (5) | (84) hours |
| Year six (6) – thirteen (13) | (132) hours |
| Year fourteen (14) – twenty-one (21) | (168) hours |
| Year twenty-two (22) and more | (216) hours |

### 4.1.3 Terms and Conditions of Sheriff's Department Vacation Leave

1. Vacation days must be used the same calendar year and may not be carried over to another year.

2. Only two (2) work week's vacation may be taken at a time. A minimum of one (1) work week must be scheduled between vacations.

3. Employees with four (4) or more weeks of vacation must use at least one (1) week prior to June 30.

4. Vacation shall be coordinated by the Shift Commanders and Supervisors to insure adequate coverage.

5. Shift Commander shall by order of seniority offer each member of their squad the opportunity to schedule one (1) week of vacation at the beginning of each year. Vacations not scheduled at the beginning of the year will be considered by order of request first and second by seniority. To insure your vacation requests, it is important that you schedule your vacation requests with your Shift Commander or Supervisor at the earliest opportunity.



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6. a. Deputies must schedule and coordinate vacations through their Shift Commander.
   b. Shift Commanders must schedule and coordinate vacations through their Division Commander.
   c. Division Commanders must schedule and coordinate vacations through the Chief Deputy.
   d. The Chief Deputy must schedule and coordinate vacations through the Sheriff.

7. All case, accident, and any other reports must be completed and submitted prior to vacation leave.

8. Vacation time will be calculated on an hourly basis depending on assignment and work schedule as follows:

9. Vacation time for 5/2 -5/3 schedules may be taken in four (4) hour blocks.

10. Vacation time for twelve (12) hour schedules may be taken in six (6) hour blocks.

## 4.2 HOLIDAYS

The schedule of holidays will be determined and posted annually by the Hancock County Board of Commissioners. All FTPR employees shall receive regular pay for holidays according to this policy. FTA, PT, and ST employees are not eligible for this benefit. Other days may be declared holidays by the Commissioners at their sole discretion.

Each full-time employee shall receive holiday pay for each holiday as follows:

A. Administrative Employees working seven (7) hour work shift: Seven (7) hours of holiday pay.

B. Administrative Employees working eight (8) hour work shift: Eight (8) hours of holiday pay.

C. Highway Department (Non-Administrative Employees): Eight (8) hours of holiday pay.

D. Sheriff Department (Non-Administrative Employees): Eight (8) hours of holiday pay.

E. Emergency Operations Center (Non-Administrative Employees): Eight (8) hours of holiday pay.

F. Community Corrections Department (Non-Administrative Employees): Eight (8) hours of holiday pay.



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### 4.2.1 Terms and conditions of payment of holiday pay

1. The employee must have worked the regularly scheduled shift before and after the holiday, unless officially excused by their elected official or department head.

2. All eligible full-time Hancock County employees are to receive the same number of holidays.

3. If a holiday occurs during an eligible employee's paid absence (e.g., vacation, illness and injury leave), the employee shall receive holiday pay, and time shall not be deducted from the employee's paid time off benefit (e.g. vacation, illness and injury), except for employees scheduled to work on the holiday.

4. If an employee is required to work on a holiday, such employee will receive holiday pay, plus straight time pay for the time actually worked on the holiday; with the exception of Thanksgiving Day and Christmas Day when such employees who actually work on these two (2) holidays will be paid at the rate of one and one-half (1 ½) for all time worked.

5. For public safety employees working 24/7 work schedules holiday pay will be for the actual holiday when the holiday falls on Saturday or Sunday, and not the date the holiday is observed for County Administrative employees.

## 4.3 ILLNESS AND INJURY LEAVE

Hancock County provides illness and injury leave benefits to all regular FTPR employees.

A. If an FTPR employee is unable to work due to illness or injury, the employee will be paid to the extent that leave days* have been earned. An employee shall have seven (7) illness or injury leave days per year, which are available on January 1 of each year, except that a new employee earns no days for the first five (5) months and then one (1) day per month, to a maximum of seven (7), to the end of the calendar year in which the five-month waiting period ended.

   * One (1) day is seven (7) hours for employees working a 35 hour workweek, eight (8) hours for employees working a 40 hour workweek, and one (1) regular shift for Sheriff Department Merit Officers, Corrections Officers, and Cooks.

B. Illness and injury include the tending to an illness or injury of a spouse, parent, child, or step-child. Elected officials/department heads may request a physician's statement at any time, and must do so for absences exceeding five (5) consecutive days. The statement must indicate the date that the employee is released to return to work. A copy of the statement must be filed with the County Auditor.



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C. Illness and injury days carry over to subsequent years. For every accumulated day over fifty (50), the employee may choose to be, and for each day over one hundred (100) the employee shall be paid the equivalent of one-half (½) day of salary. When employment terminates, except when the employee is terminated for cause, the employee will be paid the equivalent of one-half (½) day of salary for each day of illness or injury day not used.

D. An employee whose illness and injury days are exhausted may receive illness or injury days, or vacation days, transferred from an unlimited number of other employees, but such days shall not exceed the number required to keep the recipient from taking an unpaid day.

E. Any employee who takes a paid illness or injury day under this section, when such illness or injury does not exist, shall be dismissed.

FTA, PT, and ST employees are not eligible for this benefit.

The County Auditor must be provided a report of employee illness and injury days used each payroll period.

## 4.4 PERSONAL DAYS

FTPR employees earn two (2) days* of personal leave each calendar year to conduct personal business, except that new employees earn no days for the first five (5) months of employment and then earn one (1) day per month, not to exceed a maximum of two (2). Except in cases of emergency, personal days shall be scheduled by the elected official and/or department head. Personal leave may be taken in one (1) hour increments. Employees shall submit a request in advance for approval from their elected official/department head when requesting personal leave.

* One (1) day is seven (7) hours for employees working a 35 hour workweek, eight (8) hours for employees working a 40 hour workweek, and one (1) regular shift for Sheriff Department Merit Officers, Corrections Officers, and Cooks.

Personal leave pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, or bonuses. Personal leave must be taken within the calendar year and shall not accrue year-to-year. Unused personal leave benefits will be paid to employees upon termination of employment, unless terminated for disciplinary reasons.

FTA, PT, and ST employees are not eligible for this benefit.

## 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 (also stated as “regular” FMLA policy) serves as a general description of employee’s FMLA rights;



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therefore, in the event a conflict arises between this policy and applicable law, employees shall be granted all such rights allowed by law.

Hancock 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 Hancock County.

### 4.5.1 Entitlement

Eligible employees are entitled to twelve (12) weeks of paid/unpaid (depending on terms and conditions described below) 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.



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

For purposes of FMLA, a "chronic serious health condition" requires periodic visits, defined as at least twice a year, for treatment by a health care provider, or by a nurse under direct supervision of a health care provider. Such condition continues over an extended period of time, including recurring episodes of a single underlying condition, and may cause episodic rather than a continuing period of incapacity.

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, represents a "permanent or long-term health condition." The employee or family member, with such condition, must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

This policy is intended to cover chronic, permanent, and long-term health conditions as defined by the FMLA.

## 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;

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

3. Is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite.

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 an employee's own serious health condition or a serious injury or illness of a family member.

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.



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The employee and Hancock 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



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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 employee requests for FMLA leave must be submitted, in writing, directly to the elected official/department head. The elected official/ department head shall make 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's office to secure such forms and procedures used for requesting leave under the County's Family and Medical Leave policy.



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### 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



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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

Hancock 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. Initial certification requests by the County shall be at the employee's expense.

Hancock 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)**.

Hancock 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)**.

At the time the County requests certification, the County shall also advise the employee of the anticipated consequences of the employee's failure to provide adequate certification.

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.



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### 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's office 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, including reasonable "out-of-pocket" travel expenses, 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, including reasonable "out-of-pocket" travel expenses.

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.



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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.

Any recertification requested by the County shall be at the employee's expense.

### 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 the certification shall be borne by the employee, and the employee is not entitled to be paid for the time or travel costs spent in acquiring the certification.

The County may delay restoration to employment until an employee submits a required fitness-for-duty certification by a medical professional selected by the employee.

### 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, 2013); 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, 2014).



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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.

All accrued illness and injury leave, vacation leave, personal days, and non-FLSA compensatory time shall be used during leave taken under the Hancock County's FMLA policy. Accruals for benefit calculations, such as vacation, illness and injury leave, personal days, or holiday benefits, shall not be affected by taking FMLA leave.

**4.5.6(A) <u>Intermittent Leave or Reduced Leave Schedule</u>**

Intermittent leave shall be calculated using one (1) hour increments. An employee's FMLA leave entitlement may not be reduced by more than the amount of leave actually taken, except as provided under the Family and Medical Leave Act.

**4.5.6(B) <u>Health Benefits</u>**

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 <u>Employee Reinstatement</u>**

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.



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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.

If the employee returns to work, the time off will be credited towards the determination of retirement benefits.

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

### 4.5.8 Military Family Leave Entitlements

The National Defense Authorization Act for FY 2008 and 2010 (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 covered active duty or call to covered 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 types of FMLA leave are known as the Military Family leave entitlements.

This policy supplements the County's "regular" 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 "regular" FMLA policy.

Military Family leave runs concurrent with other leave entitlements provided under federal, state, and local law, such as Indiana Military Family leave under Indiana Code 22-2-13.

#### 4.5.8(A) Employee Notice Requirements

Employees seeking to use Military Caregiver leave **must** provide thirty (30) days advance written 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 written notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable.



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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 within 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 paid/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 covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

Eligible employees are entitled to **twenty-six (26) weeks** of paid/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; 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 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 a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a



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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.

**4.5.8(E) <u>Qualifying Exigency Leave</u>**

Eligible employees may take **up to a total of twelve (12) weeks** of paid/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 covered active duty, or has been notified of an impending call or order to covered active duty, in the Armed Forces.

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

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

3. **Childcare and related activities:** Certain childcare and related activities arising from the covered active duty or call to covered 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



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

6. **Rest and recuperation:** Taking up to five (5) 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 covered 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(a) <u>Certification</u>**

The first time an employee requests leave because of a qualifying exigency arising out of the covered active duty or call to covered active duty status of a covered military member, the County shall require the employee to provide a copy of the covered military member's covered active duty orders or other documentation issued by the military which indicates that the covered military member is on covered active duty or call to covered active duty status, and the dates of the covered military member's covered active duty service. This information need only be provided to the County once. A copy of new covered active duty orders or



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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 covered active duty or call to covered 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(b) <u>Verification</u>**

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 covered active duty or call to covered active duty status; no additional information may be requested and the employee's permission is not required.

**4.5.8(F) <u>Military Caregiver Leave</u>**

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 paid/unpaid Military Family leave during a "single twelve (12)-month period" to care for the servicemember.

Eligible employees may not take leave under this provision to care for military members on the permanent disability retired list.



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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(b) <u>Next of Kin Defined</u>**

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(c) <u>Designating Leave</u>**

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



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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(d) <u>Certification</u>**

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. Certification requests by the County shall be at the employee's expense.

The County, if appropriate, shall seek authentication and/or clarification of the certification as stated above in the County's FMLA "regular" policy.

However, second and third opinions and recertifications, as outlined above in the County's FMLA "regular" 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(e) <u>ITOs and ITAs Certification</u>**

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.



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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 "regular" FMLA policy. However, second and third opinions and recertifications, as outlined above in the County's FMLA "regular" 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 ACT (ADA)

It is the policy of Hancock County that qualified individuals with disabilities not be excluded from participation in or benefit 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



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privileges of employment. It is the intent of the 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, the person is not qualified for the position. The County will reasonably accommodate persons with a disability on a case-by-case basis, which may include making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules, modifying equipment, or 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 to the health or safety of other individuals in the workplace, and which threat cannot be eliminated by reasonable accommodation, will not be hired or retained. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on illness and injury, personal, or vacation leave, as determined by the elected official/department head.

Further, disabled individuals cannot pose a direct threat to the safety of themselves or others. Generally, a "direct threat" means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation. Employees requesting an ADA accommodation must secure ADA forms **(Reasonable Accommodation Request form)** from the Auditor's office. It is the employee's responsibility to complete and return such forms as specified.

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 ADA Coordinator/Highway Engineer, so the County might better meet the needs of individuals with disabilities pursuant to this policy.

Any individual who believes he or she has received treatment inconsistent with the policies set forth above or any other requirement of ADA, may file a complaint within ninety (90) days of the date of the alleged discriminatory act or practice with County ADA Coordinator/Highway Engineer Manager, Hancock County Highway Department, Greenfield, Indiana.

## 4.7 MILITARY LEAVE

Hancock 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



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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 full-time County employees to attend scheduled drills or training, or to respond to call to active duty with the U.S. armed services. Employees with appropriate military orders will be granted paid leave for annual training for Reserve or National Guard for a period of up to fifteen (15) days per year. Such military leave will not be "charged" against an employee's vacation time, 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. Employees on longer military leave must notify the employer of the intent to return to employment in accordance with all applicable state and federal laws.

### 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 unpaid.

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.



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Employees, who are on active military duty leave and are under the County's health care plan, may elect at their own cost to continue the health plan coverage for up to twenty-four (24) months after the absence begins, or the period of active duty service, whichever is shorter.

Upon returning from military leave of absence, an employee will be reinstated to the same position or one of comparable status and pay, 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 year after release from hospitalization due to military accident. The employee must also be qualified to perform the normal duties of the occupation for which the employee is being considered.

Employees on such leave must notify Hancock 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 Hancock 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.

Hancock 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 the FMLA.



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## 4.8 BEREAVEMENT LEAVE

An FTPR employee wishing to take time off for the death of a family member should notify his/her elected official/department head immediately.

When requested, employees will be given time off, in accordance with County policy, up to a maximum of five (5) consecutive working days for the purpose of attending to funeral arrangements or memorial service for a spouse, child, or step-child, father, mother, or step-parents. Pay will be given for any of the five (5) days that are regularly scheduled workdays.

Employees will be given time off up to a maximum of three (3) consecutive working days for attending to funeral arrangements for mother-in-law, father-in-law, brother, sister, grandchildren or grandparents, brother-in-law, sister-in-law, son-in-law, daughter-in-law, or grandparents of spouse. Pay will be given for any of the three (3) days that are regularly scheduled workdays. When the death of an employee's aunt, uncle, niece, nephew, or first cousin occurs, the employee, on request, shall suffer no loss of pay up to one (1) work day for the purpose of attending the funeral if the funeral occurs on a scheduled workday.

FTA, PT, and ST employees are not eligible for this benefit.

## 4.9 JURY DUTY AND COURT APPEARANCES

Hancock County encourages employees to fulfill their civic responsibilities by serving jury duty when summoned. FTPR employees shall be paid their regular pay while on jury duty leave in Hancock County, and shall not receive jury duty pay. If the employee receives pay for jury duty, the employee must sign jury duty check over to the County. For jury duty outside Hancock County, employees shall retain regular pay and any jury duty payment including mileage/meal reimbursement.

Employees must show the jury duty summons to their elected official/department head as soon as possible so the elected official/department head may make arrangements to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits. 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.

If an employee is released from jury duty with more than half of his/her regularly scheduled shift remaining, the employee is expected to report to work.

The County will continue to provide and accrue all regular benefits for the full term of the jury duty absence.

FTA, PT, and ST employees are not eligible for this benefit.



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## 4.10 WORKER'S COMPENSATION

Hancock County provides a comprehensive worker's 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, worker's compensation insurance provides benefits after a short waiting period. While on worker's 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.

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 ($8^{th}$) day. However, on the twenty-second ($22^{nd}$) 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.

During time taken off work while receiving worker's compensation benefits, the following applies:

A. The employee will receive the regular paycheck, which for hourly workers will assume that the normal workweek was worked, until the first worker's compensation check arrives. For such time that the employee receives a regular paycheck and worker's compensation, the overlapping worker's compensation payments shall be turned over to the County. The employee is not required to use any illness or injury days.

B. After receipt of the first worker's compensation check, there will be no salary or wages paid, but the County will pay the employer's and employee's premium for health insurance for twelve (12) months. If the employee wants to retain, for twelve (12) months, other policies to which the County does not contribute, the employee shall pay those premiums in a timely manner. After twelve (12) months, health insurance coverage and all other policies terminate.



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C. If the employee takes a lump sum worker's compensation benefit in settlement of a determination of total and permanent disability or fails to return to work promptly after worker's compensation benefits end or five hundred (500) weeks, whichever occurs first or if the employee returns and there is no suitable work that the employee can perform, the employee may be terminated.

Any employee who sustains a work related injury or illness should inform his/her elected official/department head **immediately**. 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, the employee should proceed directly to the nearest hospital or medical facility.

**Employees should contact the Auditor's office 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's office.

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 nor the insurance carrier will be liable for the payment of worker's compensation benefits for off-duty injuries or injuries that occur during an employee's voluntary participation in any off duty recreational, social or athletic activity sponsored by the County.

While an employee is on workers' compensation leave, such employee shall not be engaged in outside employment. Employees violating this policy shall be subject to disciplinary actions, up to, and including termination of 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 the employee 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.



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## 4.11 BENEFITS CONTINUATION (COBRA)

The Consolidated Omnibus Reconciliation Act of 1985 (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the employer's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the employer's group rates plus, an administration fee.

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

The County provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the employer's health insurance plan. The notice contains important information about the employee's rights and obligations.

## 4.12 INDIANA PUBLIC RETIREMENT SYSTEM (INPRS)

All FTPR County employees are covered by INPRS, a retirement program established and maintained by the State of Indiana. INPRS pays benefits to covered workers or their dependents upon retirement, death, and in certain cases, serious illness or injury. The County contributes a percentage to the pension account. The amount the County contributes varies and is determined actuarially annually. The employee's contributions and accumulated interest credits are refundable when an employee terminates employment prior to being eligible for benefits. INPRS's 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, retirement option selected and age at retirement.

Questions concerning the program should be directed to the County Auditor's office and/or the Indiana Public Retirement System at One North Capital, Suite 001, Indianapolis, IN. 46204.

FTA, PT, and ST employees are not eligible for this benefit.

Sheriff Department Merit Officers participate in the Sheriff's Department Pension Fund, not INPRS.



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## 4.13 SOCIAL SECURITY/INDIANA UNEMPLOYMENT INSURANCE

The County matches employee withholding for FICA and pays the full cost of Indiana Unemployment Insurance.

## 4.14 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY (HIPAA)

Hancock 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.

Hancock 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.

## 4.15 DEFERRED COMPENSATION

Hancock County provides for eligible employees, including a person elected, or appointed, or receiving compensation from the State or any political subdivision, to voluntarily participate in a deferred compensation program.

The officer so designated is authorized to execute for the County individual participation agreements with each eligible employee requesting the same, and to act as the "Administrator" of the Plan representing the County, and to execute any agreements and contracts that are necessary to implement the program. It is implicitly understood that, deferrals and other minor administrative matters, there is to be no cost or contribution by the County to the program.

## 4.16 EMPLOYEE INSURANCE

Hancock County provides a medical program for employees in an FTPR and FTA benefited position. The employee pays a portion of the cost as set by the Board of County Commissioners and County Council. Each employee shall receive an insurance handbook describing all benefits upon completion of their orientation interview. Group insurance benefits will continue while an employee is on disability leave; however, when in a non-pay status, employees will be responsible for the timely payment of those insurance premiums that are normally deducted from gross pay.

A. All elected officials are eligible to participate in all insurance programs of the County effective the first day of their term. All full-time employees, including the Commissioners' Legal Counsel, are, after sixty (60) days of employment, eligible to participate in all insurance programs of the County.



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B. All employees, except those terminated for cause, who are eligible for health insurance and who have been County employees for ten (10) years, or, in the case of elected officials, eight (8) years, and a member of the County's Health insurance program for the last four (4) years of employment, may elect to have health insurance coverage for themselves, their spouse, and/or dependents after employment ends under the following terms:

1. The employee must be at least fifty-five (55) years of age on termination;

2. The employee must pay fifty percent (50%) of the premium;

3. The request for coverage must be made within ninety (90) days after the employment ends;

4. The coverage terminates:

   a. For the employee when the employee becomes eligible for Medicare;
   b. For the spouse when the spouse becomes eligible for Medicare; and
   c. For eligible dependents when the employee and spouse, if any, are both eligible for Medicare.

C. Any County employees who do not qualify under section B above, but are eligible for health insurance, and who have been county employees for twenty (20) years may, upon retirement, elect to have health insurance coverage for themselves, their spouse, and/or their dependents after retirement under the following terms:

1. The employee must be at least fifty-five (55) years of age on retirement;

2. The employee must pay all of the premiums, including the employer's share;

3. The request for coverage must be made within ninety (90) days after retirement; and

4. The coverage terminates:

   a. For the employee when the employee becomes eligible for Medicare;
   b. For the spouse when the spouse becomes eligible for Medicare; and
   c. For eligible dependents when the employee and spouse, if any, are both eligible for Medicare.



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Specific details regarding eligibility and coverage are available in the Auditor's office. PT and ST employees are not eligible for this benefit.

## 4.17 LEAVE OF ABSENCE WITHOUT PAY

FTPR employees, who have exhausted their twelve (12) weeks of FMLA leave, may be granted an unpaid leave of absence for an FMLA qualifying serious illness or injury. Likewise newly hired full-time employees who do not qualify for FMLA may be granted a leave of absence without pay for the employee's own serious illness or injury as defined by the FMLA.

Such leave shall not exceed ninety (90) days within a "rolling" twelve (12) month period. During such leave, illness and injury, personal, and vacation leave shall not accrue, and the employee shall not receive compensation for designated holidays.

INPRS benefits shall continue at the County's expense and the employee's health insurance shall continue with the County with the employee paying their designated portion.

Such leave shall be authorized by the County Commissioners in advance of taking such leave.

If a leave of absence expires and the employee fails to return to work, the employee shall be considered to have voluntarily resigned.

FTA, PT and ST employees are not eligible for this benefit.

### 4.17.1 Sheriff's Department Administrative Leave

Administrative leave with or without pay may be authorized by the Sheriff for the purposes that are deemed to be in the "best interest of the department".

1. An employee may be placed on administrative leave by the Sheriff or an employee may request the Sheriff to place them on administrative leave.
2. The Merit Board shall review the status of Merit employees on administrative leave and shall determine if the leave shall be authorized to continue.
3. Employees on administrative leave generally may be required to turn in the following equipment: department owned vehicles, identification card, badges, and weapons.

4. The Sheriff may also establish additional conditions for the administrative leave. Such conditions shall also be reviewed by the Merit Board.
5. Administrative leaves should be reviewed carefully and the leave time should be kept to a minimum.



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6. Employees on administrative leave may be ordered back to active duty by the Sheriff or Merit Board at any time. Failure to report for duty shall be considered a violation of department policy and subject to disciplinary action.



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# 5. WORKING CONDITIONS

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

## 5.1 SAFETY

Establishment and maintenance of 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 assure 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; and shall immediately report any unsafe conditions to their supervisor. Not only supervisors, but employees at all levels of the organization are expected to correct unsafe conditions as promptly as possible. **ALL** personal injury accidents must be reported through their department head to the Auditor's office within twenty-four hours (24) or less regardless of how insignificant the injury may appear. Such reports are necessary to comply with laws and initiate insurance and worker's compensation procedures.

In the case of an injury requiring medical attention, the employee 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, light duty job opportunities that may be available, and eligibility for continuing employment. In the case of permanent disability due to job injury, a final release will be arranged, if appropriate.

## 5.2 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 at no cost to the employees for those wishing to participate in this program.



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The Occupational Safety and Health Administration (OSHA) has determined that certain employees in the workplace face a significant risk to bloodborne pathogens due to their job duties (i.e. Sheriff's Deputies, Jailers, Dispatchers, Custodians, Cooks, Highway, and Health Department employees). To ensure that County employees are aware of occupational exposure to bloodborne pathogens, the County has developed an exposure control plan 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 use by all County employees and is located in the Auditor's office.

## 5.3 LACTATION SUPPORT

Hancock County shall provide a reasonable paid break time for an employee to express breast milk for her nursing child for one (1) year after the child's birth each time such employee has need to express the milk.

Hancock County shall provide a room or other location, other than a bathroom, in close proximity to the work area, where employees can express their breast milk in privacy, which is shielded from view and free from intrusion from coworkers and the public, 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, Hancock 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.

## 5.4 USE OF TELEPHONES, COUNTY MAIL, AND FAX MACHINES

Personal telephone calls should be limited in frequency and duration. Personal use of telephones and fax machines for long-distance and toll calls are not permitted, except for emergencies. For any emergency personal use employees shall reimburse the County for all long-distance and/or toll 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.



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## 5.5 USE OF CELLULAR/MOBILE PHONES AND PAGERS

Cellular telephones are provided for official County business only and are made available to employees in positions where the associated benefits justify the additional operating costs. These employees would include those who travel, have job responsibilities that include being outside of the office or who are continuously on-call for extended periods. The employee who is issued a cellular phone will acknowledge the receipt and acceptance of the conditions for the individual assignment of a County-owned cellular phone. All completed forms must be forwarded to the Auditor's office and will remain in the employee's personnel file for the duration of the individual's employment. When the employee leaves his/her position or is no longer an authorized user, the County cellular equipment must be returned to the appropriate corresponding office. If the phone is not returned, the County will charge the former employee for the cost of a new replacement phone and/or equipment.

The call detail (e.g., time, number called, date, duration) of all calls appearing on the County cellular telephone bill is *public information.* With this in mind, personal use of County-owned cellular telephones is prohibited, with the exception of essential personal calls made with minimal duration and frequency, which cannot be made at another time. Examples of these essential personal calls may include calls to arrange for the care of a child, alert a family member of an unexpected delay due to a change in your work schedule, weather related delay, to arrange for transportation or service in the event of car trouble or a true family emergency.

If an employee is using the County phone for personal use on a continuous basis, the County may charge the employee for these additional usages through a payroll deduction or revocation of the cellular assignment and possible disciplinary action against the employee could result.

Employees are responsible for keeping track of and identifying their personal calls and/or other usages in a timely fashion when the monthly cellular bill arrives. Any calls and/or other usages in uncertainty will be the responsibility of the employee.

### 5.5.1 Use of Cellular Phones and Electronic Devices While Driving

The use of cellular 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 phones and communication devices, except for Law Enforcement officers, including but not limited to computers, text messaging, e-mail, electronic calendars, multi-media devices, and printers.



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Employees shall adhere to all federal, state, and local rules and regulations regarding the use of cellular phones and electronic devices while driving.

Accordingly, employees shall not use cellular phones if such conduct is prohibited by law, regulation, or other ordinance.

Employees, while driving a classified commercial vehicle, shall not send or read received text messages on personal or County-issued cellular phones.

Employees should not use hand held cellular phones for business purposes while driving, except for emergency personnel responding to emergency situations. Should an employee need to make or receive a business call while driving, the employee should locate a lawfully designated area to park and make or receive the call.

Employees may use hands-free cellular 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.

Employees, while operating commercial vehicles, as defined by the U.S. Department of Transportation, shall not engage in text messaging under Federal law.

## 5.6 INFORMATION TECHNOLOGY

The Internet is a worldwide network of computers that contains millions of pages of information. Users are cautioned that many of these pages include offensive, sexually explicit, and inappropriate material. In general, it is difficult to avoid at least some contact with this material while using the Internet. Even innocuous search requests may lead to sites with highly offensive content. Additionally, having an e-mail address on this Internet may lead to receipt of unsolicited e-mail containing offensive content. Users accessing the Internet do so at their own risk and Hancock County Government is not responsible for material viewed or downloaded by Users from the Internet.

The purpose of this policy is to establish acceptable and unacceptable use of electronic devices and network resources at Hancock County in conjunction with its established culture of ethical and lawful behavior, openness, trust, and integrity.

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



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### 5.6.1 Provision of Internet Access

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

- To support the mission of County government, this is, to serve the public;
- To communicate with fellow employees and clients regarding matters within an employee's assigned duties;
- To acquire information related to, or designed to facilitate the performance of regular assigned duties;
- To facilitate performance of any task or project in a manner approved by an employee's Manager.

### 5.6.2 Compliance with Applicable Laws and Licenses

Employees must comply with all software licenses, copyrights, and all other laws governing intellectual property protection, privacy, sexual harassment, data security, and online activity.

Please be advised that the use of the Internet access, provided by Hancock County, expressly prohibits the following:

- Game playing.
- Distribution or download of destructive programs (i.e., viruses and/or self-replicating code).
- Hateful, harassing, or other anti-social behavior.
- Internet Radio, Online Videos, or other types of streaming media unless approved by the County IT Department.
- Downloading of software unless properly scheduled with the County IT Department.
- Installation of software without Hancock County IT Department's expressed written consent, approval, and assistance.
- Intentional damage or interference with others (i.e., hacking and distributing viruses).
- Making publicly accessible obscene files.
- Solicitation.
- Intentionally bypassing or damaging Hancock County IT security systems, (i.e., Updating County databases outside of normal application processes).
- Dissemination or printing of copyrighted materials (including articles and software) in violation of copyright laws.
- Sending, receiving, printing or otherwise disseminating proprietary data, trade secrets or other confidential information of Hancock County in violation of Hancock County policy or proprietary agreements.
- Sharing or granting access to Hancock County's resources (i.e., network, equipment, services, e-mail, VPN, and/or data) with anyone regardless of intent, job position, or circumstances.



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- Offensive or harassing statements or language including disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs.
- Sending or soliciting sexually oriented messages or images.
- Operating a business, usurping business opportunities, personal use, soliciting money for personal gain, or searching for jobs outside Hancock County.
- Sending chain letters, gambling or engaging in any other activity in violation of the law.
- Participating or accessing chat rooms and/or message groups (i.e., AOL and Instant Messengers).
- Using any Hancock County e-mail address for external: subscriptions, identification purposes, or message groups (i.e., MySpace, FaceBook, or Yahoo).
- Accessing or modifying another user's e-mail or any attempts to forge e-mail messages.
- Accessing Hancock County's resources in a manner that may hinder any mission and/or operation of County government.
- Any attempts to interfere and/or unlawfully intercept official County communications, (i.e., deletion of e-mail messages of other users, impersonation, or providing false information).
- Any promotion of self campaigning.
- Promotion or opposition of political campaigns or commenting on political stances on issues.
- Promotion or opposition of a political party or persons identified with a political party.
- Promotion or opposition of a view on a question of political controversy which is identifiable of the view of any political party.

### 5.6.3 Electronic Communications

See the Hancock County Electronic Communications Retention Policy.

### 5.6.4 Management's Right to Access Electronic Mail (e-mail)

The electronic mail system has been installed by Hancock County to facilitate business communications. Although each employee has an individual password to access this system, it belongs to Hancock County and the contents of e-mail communications are accessible at all times by Hancock County management for any business purpose. These systems may be subject to periodic unannounced inspections, and should be treated like other shared filing systems.

All e-mail messages are Hancock County records. The contents of e-mail, properly obtained for legitimate business purposes, may be disclosed without your permission. Therefore, you should not assume that messages are confidential. Back-up copies of e-mail may be maintained and referenced for business and legal reasons.



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Due to the sensitivity of e-mail, and separation of job duties, in order for a department manager/supervisor to access another user's email, they must first seek approval from the Commissioners. The department manager must submit in writing the grounds for e-mail procurement, the requested time frame, and identifiable characteristics of the requested e-mails.

Upon receiving the submission, the Hancock County IT Department will coordinate e-mail retention requirements with the Commissioners. The decision to grant or deny access to e-mail records is solely the decision of the Commissioners, and not in any part that of the Hancock County IT Department.

Any requests submitted solely to that of the Hancock County IT Department will be rejected with a written statement outlining the required steps for proper e-mail procurement.

Upon denial, the Commissioners will notify the requesting department manager in writing, disclosing the reason for denial. Upon approval, the Commissioners will notify both the requesting department manager and the Hancock County IT Department in writing and verbal confirmation. At that time, the Hancock County IT Department will coordinate the required steps necessary to securely deliver, or grant access to, the requested emails.

### 5.6.5 Personal Use of E-Mail

Because Hancock County provides the electronic mail system to assist you in the performance of your job, you should use it for official Hancock County business. Incidental and occasional personal use of e-mail is permitted by Hancock County, but these messages will be treated the same as other messages. Hancock County reserves the right to access and disclose as necessary all messages sent over its e-mail system, without regard to content.

### 5.6.6 Personal use of VPN Access

Approved Hancock County employees, contractors, consultants, and service providers may be permitted to access the Hancock County network via a VPN connection, which is a "user-managed" service. This means the user is responsible for choosing an Internet Service Provider (ISP), coordinating access permissions with the Hancock IT Department, and all software installation and configuration required to establish the VPN connection. Hancock County reserves the right to grant and revoke VPN access permissions as required to maintain security and proper operation of the network.

Any user requiring VPN access must make a written request to their department manager with an explanation stating the grounds for VPN access and for the period of time. The department manager will then submit the written request with either an approval or rejection to the Hancock County IT Department who will determine if and/or what level of permissions will be granted. If an employee is



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denied VPN access, a written explanation from the Hancock County IT Department will be provided to the requesting user via the department manager. Upon approval, the Hancock County Information Technology Department will inform the user and provide the instructions for VPN access configurations.

### 5.6.7 Use of Removable Media/Portable Media Storage Devices

Hancock County protects data from unauthorized access as part of the process to protect systems from unauthorized use. Removable media and portable media storage devices are predominantly vulnerable to theft and could expose sensitive data to unauthorized access. Employees using removable media or portable media storage devices containing or transmitting Hancock County data are required to work with the Hancock County IT Department and department manager to coordinate proper methods to protect the data in the event the device should be lost, stolen, or compromised. Protection may include encryption or other methods of security.

Types of removable media and portable media storage device include, but are not limited to:

- Laptops
- PDAs
- USB Flash Drives
- USB External Hard Drives
- Digital Cameras
- Smart Phones (i.e., BlackBerry, Treo)
- Memory Cards/Sticks
- MP3 Players
- Any wireless device (Bluetooth, Infrared, Wireless Internet)

Only media supported by IT will be sanctioned for storage of offsite data. In the event that a large amount of data needs to be placed on a removable storage device, the Hancock County IT Department may be able to provide a device. Otherwise, approval of purchase will need to be obtained. Data removed from the Hancock County Network is the responsibility of the party and or department requesting or removing the data themselves.



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### 5.6.8 Storing and Saving Work Related Data

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

### 5.6.9 Password and Encryption Key Security and Integrity

Employees are responsible for the use of their network and application accounts and the security of their passwords. Employees are prohibited from the unauthorized use of the passwords and encryption keys of other employees to gain access to other employees' network or application accounts. 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.

Should access be needed to a particular network account within a department, a written request with stated purpose must be made by the department head to the Hancock County IT Department. The request may need final approval from the Hancock County Commissioners depending on the circumstances involved in the request.

### 5.6.10 Downloading, Installation of Software, Software Licensing and Configuration Modification

Due to risk of computer viruses, copyright and license violation, and/or degradation of the County computer networks, downloading and/or installation of any materials, program, or updates to currently installed programs is not permitted. Hancock County purchases and licenses the use of various computer software for county business purposes and does not own the copyright to the software or its related documentation. The County prohibits the illegal duplication of software and its related documentation. No licensed or unlicensed software may be installed on Hancock County computers that have not been authorized by the County Data Board.

No computer settings or configurations including, but not limited to, themes, backgrounds, wallpapers, and screensavers are to be modified by anyone other than a member of the Hancock County IT Department. If it comes to the attention of the Hancock County IT Department through auditing, maintenance, or other means that modifications have been made, any unapproved content or modifications will be removed and/or reverted back to their original state. During this time, the employee may or may not be made aware of their infraction(s).



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### 5.6.11 Waiver of Privacy

For security, compliance, and maintenance purposes, authorized personnel may monitor and audit equipment, systems, and network traffic per the Audit Policy. Devices that interfere with other devices or users on the network may be disconnected. Information Security prohibits actively blocking authorized audit scans. Firewalls and other blocking technologies must permit access to the scan sources.

The County has the right to utilize software that makes it possible to identify and block access to Internet sites containing sexually explicit or other material deemed inappropriate in the workplace.

Employees waive any right to privacy in anything they create, store, send, or receive on the computer or the Internet.

### 5.6.12 Violation of Hancock County's Internet Acceptable Use Policy

Violation of Hancock County's Internet Acceptable Use Policy may include civil and/or criminal disciplinary action. The measure of discipline will correspond to the gravity of the offense as weighed by its potential effect on Hancock County and fellow employees. See Discipline Policy. When you connect to the Internet by any method at any Hancock County location or use any service provided by Hancock County, it should be for Hancock County business related activity.

### 5.6.13 County Property

You must ensure through legal or technical means that proprietary information remains within the control of Hancock County at all times. Conducting Hancock County business that results in the storage of proprietary information on personal or non- Hancock County controlled environments, including devices maintained by a third party with whom Hancock County does not have a contractual agreement, is prohibited. This specifically prohibits the use of an e-mail account that is not provided by Hancock County, or its customer and partners, for Hancock County business.

Each employee will be granted certain access permissions and resources required to perform their specific job duty. These permissions and resources are the property of Hancock County and are for your use only. At no time shall any permissions or resources that have been granted to you through Hancock County be made available to, or shared with, any individual unless under the direction of Hancock County. This includes, but is not limited to: e-mail, Internet access, network access, Hancock County data, electronic devices, and VPN access.



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### 5.6.14 Reporting Child Pornography

An employee who witnesses child pornography being distributed or residing on County property, computers, networks, or information technologies resources must immediately report such incident to the elected official/department head and Sheriff. This also applies to employee-owned computers or information technologies resources which are brought and/or used on County property. The employee shall immediately inform the elected official/department head who will take appropriate action and immediately report such issue to the Sheriff. If unresolved, or in the event the report is alleged against the Sheriff, the employee is advised to submit the complaint to the Prosecutor.

Child pornography shall be defined as any visual depiction or description of a child, less than eighteen (18) years of age, engaged in sexually explicit conduct, including nudity of any such child. Child pornography, whether made or produced by electronic, mechanical, or other means, may be expressed through a picture, drawing, photograph, negative image, undeveloped film, motion picture, videotape, digitized image, or any other pictorial representation.

The managing, producing, sponsoring, presenting, exhibiting, and/or creating of child pornography is a violation of County policy and of Indiana Code 35-42-4-4. Such violation shall result in disciplinary action, including immediate termination.

An employee who makes available to another employee a computer, knowing that the computer's fixed drive or peripheral device contains matter that depicts or describes sexual conduct by a child less than eighteen (18) years of age commits child exploitation as defined by Indiana law.

Questions regarding this policy should be directed to the elected official or department head.

### 5.6.15 False Reporting

Hancock 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 can have devastating effects on the lives and reputations of innocent women and men. Therefore, the County may discipline, up to, and including termination of employment, those employees who are proved to have intentionally, maliciously and wrongly accused others of child pornography.



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## 5.7 SOCIAL MEDIA

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.

### 5.7.1 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 Hancock County, or Hancock 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, Hancock 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 Hancock County.

### 5.7.2 Know and Follow County Policies and Work Rules

Carefully read these policies in this personnel policies 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 Confidentiality Policy.

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



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### 5.7.3 Be Respectful

Always be fair and courteous to fellow employees, County vendors, and the public on behalf of Hancock 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 complaints to a social media outlet.

However, if you do post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, and threatening or intimidating, 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.

### 5.7.4 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 Hancock County, fellow co-workers, County vendors, or the public.

### 5.7.5 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 Hancock 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.



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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 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.

### 5.7.6 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.

### 5.7.7 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.

### 5.7.8 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.

## 5.8 DRUG-FREE WORKPLACE

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



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The County shall maintain a drug-free work place in accordance with the Drug-Free Work place Act of 1988, and the State of Indiana Drug-Free Workplace Executive Order No. 90-5 of 1990. Failure to comply with this law could jeopardize government funds received by the County. Any employee who is convicted of a drug or alcohol related crime arising out of conduct while on official County business, or when serving as a representative of the County, must notify the County within five (5) days of the conviction. The County is required to notify the appropriate government funding agency within ten (10) days of the conviction. Appropriate personnel action, including possible discipline, up to, and including termination, and/or participation in a drug abuse assistance or rehabilitation program, may result after notice of the conviction is received.

The unlawful manufacture, possession, distribution, transfer, purchase, sale, use, or being under the influence of alcoholic beverages or illegal drugs while on the employer'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, except for possession of non-open containers of alcohol locked inside employee's personal locked vehicle. The unlawful manufacture, possession, distribution, transfer, purchase, sale, use, or being under the influence of 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. Violations of this policy 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, such employee must notify the elected official/department head within twenty-four (24) hours of the conviction and the elected official/department head shall immediately inform the County 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.



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The County will determine on a case-by-case basis whether assistance will be provided to employees whose health or performance are at risk of deterioration. Employees may use physician-prescribed medications, provided the use of such drugs do not adversely affect job performance or the safety of the employee or other individuals in the work place.

The County recognizes that employees may wish to seek professional assistance in overcoming drug or alcohol problems. Please contact the County Auditor for more 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 prescribed by a medical physician or as needed for over-the-counter medications. Employees who operate vehicles or equipment in the course of their employment shall notify the elected official/department head of such drugs and prescriptions which may impair judgment in the performance of job duties and responsibilities.

### 5.8.1 Drug Testing

Hancock 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 requested to provide body substance samples (e.g., blood, urine, hair or other body substances) to determine the prohibited use of marijuana, cocaine, opiates, amphetamines, alcohol, barbiturates, and phencyclidine (PCP). The County reserves the right to conduct drug and alcohol testing without notice. Results of any drug testing shall remain in the employee's confidential file. All bodily substance samples will be sent to a pre-selected independent laboratory to ensure confidentiality.

#### 5.8.1(A) Pre-Employment Testing

Hancock 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.



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**5.8.1(B) Reasonable Suspicion**

An employee will only be requested to submit to a drug or alcohol test when the elected official/department head, or other trained 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 trained supervisor shall complete the appropriate form **(Reasonable Suspicion Observation form)** to be provided by the elected official/department head setting forth the observations leading to the determination of reasonable suspicion including the following:

a. Observation of drug or alcohol use;

b. Observation of drugs, alcohol, or containers traditionally used for drugs or alcohol;

c. 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 and alcohol;

d. A pattern of abnormal or erratic behavior by the employee; or,

e. Information provided by reliable or credible sources of the above.

In the case of a positive test or if the employee refuses to submit to testing, 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.

Reasonable Suspicion Observation forms are available for use on the County's internal network.

**5.8.1(C) Post-Accident**

Post-accident testing shall be required when an employee is involved in an accident on County property or while operating County equipment or vehicles in pursuit of County business which results in:

1. The death or injury to persons, if the driver receives a citation for a moving violation, or at least one (1) vehicle is disabled to the extent that it must be towed from the scene;



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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 oneself 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 testing for circumstances other than listed above will be ordered on a case-by-case basis at the discretion of the elected official/department head or their designee. Post-accident tests may include screens for both drugs and alcohol.

Questions concerning this policy or its administration should be directed to the elected official/department head.

**5.8.1(D) <u>Post-Shooting</u>**

Post-shooting testing shall be required when a police officer or reserve in the line-of-duty where shooting causes death or serious bodily injury to an officer or other person. Post-shooting tests may include screens for both drugs and alcohol.

**5.8.2 <u>Federal Motor Safety Regulations/Commercial Driver's License Drug & Alcohol Policy</u>**

This section applies to an employee who is required to hold a commercial driver's license in order to operate a vehicle or equipment as part of employment requirements with the County.
The County has instituted this policy to provide a healthy and safe work environment for its employees, and to ensure the safety of the 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 the 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), Federal Highway Administration (FHWA). In complying with these regulations, the



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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. 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. A copy of this policy in its entirety, and all specific provisions contained within, is on file in the County Highway Department and may be viewed upon request.

## 5.9 SMOKE FREE WORKPLACE

In keeping with County's intent to provide a safe and healthful work environment, smoking in all County buildings and vehicles is prohibited in accordance with County Commissioners Ordinance No. 2008-12G, Ordinance No. 2009-6E, and Ordinance No. 2009-7A.

This policy applies equally to all employees, citizens, and visitors. Signs are posted in County facilities.

## 5.10 USE OF EQUIPMENT AND VEHICLES

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

Please notify the 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 are required to notify their elected officials/department head in the event that their driver’s license is suspended or revoked.

An employee’s failure to notify their elected official/department head of a driver’s license suspension or revocation is subject to disciplinary action, up to, and including termination.



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Employees who operate a County vehicle or operate a personal vehicle for County business, such as driving to a conference in Indianapolis, are required to keep a copy of their valid driver's license, and proof of insurance and insurance liability for personal vehicle, on file with the Auditor's office.

Each occupant of a County or personal vehicle while on 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.

Except for official County business, or as provided in any special policies or procedures that supersede this policy, County owned vehicles shall not be driven out of Hancock County unless authorized by the department head.

Employees having take-home use of County vehicles shall be limited to such employees who are either designated as "on call" or hold public safety positions.

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.

## 5.11 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.

An assigned take-home vehicle means a Hancock County vehicle which is used by a County Highway employee for county business and for regularly commuting to and from home and work. All employees using a take home vehicle will be available for call outs, (24)-hours a day. Approval for the use of take-home vehicles shall be granted by the Hancock County Board of Commissioners.

No personal use of take-home vehicles will be permitted. Employees approved to use take-home vehicles shall hold a valid driver's license, with a copy kept on file with the Highway Engineer/Superintendent. Employees shall observe all highway laws. Hancock County will not be responsible for traffic violations or parking tickets. No passengers may be transported in take-home vehicles, except as required for official duties or as approved by the Highway Engineer/Superintendent. Assignment of a County vehicle is neither a privilege nor a right of any County Highway employee.



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In case of an accident, it is imperative that the employee contact the police to make an investigation before moving the vehicle. Abuse of this policy will result in disciplinary action, up to, and including termination of employment.

Law Enforcement vehicles are considered non-personal use vehicles. Law Enforcement 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 Hancock County is prohibited (e.g. vacation use).

## 5.12 PERSONAL USE OF ORGANIZATION FACILITIES

In order to minimize unnecessary expenses, prevent the loss of valuable work time, and prevent lowered morale of cooperative employees, personal use of County facilities, vehicles and equipment is prohibited, unless expressly authorized by the County Commissioners. This policy applies to all employees.

It restricts the personal use of organization facilities, including bulletin boards, vehicles and equipment, computers, and fax machines.

## 5.13 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.

## 5.14 BUSINESS TRAVEL

The County is responsible for authorizing employee business travel and reimbursement of travel expenses including overnight lodging, per day meal allowances as set by the State Board of Accounts, and transportation. All such reimbursements are subject to approval and appropriate documentation being submitted to the Auditor's office. In all cases, the expense for which an employee seeks reimbursement must have been budgeted in departmental budgets. All employees must obtain authorization from the appropriate elected official/department head and/or County Commissioners before business travel or reimbursement of expenses. All mileage reimbursements must be supported by MapQuest or another approved mileage calculator. Lodging, mileage, parking, and meal expenses will be paid to County Officials and employees only under the following circumstances in accordance with County Commissioners Ordinance No. 2010-2F:

### 5.14.1 Mileage Allowance

A. The rate used to reimburse County employees for miles driven on County business in a motor vehicle owned by the employee shall be the standard mileage rate as set by the Internal Revenue Service.



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B. The County reimbursement rate shall change on each subsequent date that the IRS sets a new standard mileage rate.

### 5.14.2 Lodging and Meal Expenses

Lodging and meal expenses will be paid to County Officials and employees only under the following circumstances:

A. When attending a meeting called by a state agency, expenses will be paid as provided in the directive for the agency; and

B. Instate meetings authorized by the elected official/department head, and out-of-state meetings authorized by the Board of County Commissioners, shall be reimbursed as follows:

1. Parking expenses.
2. Actual lodging expenses, but not to exceed the per diem rates set by the United States General Services Administration.
3. Mileage pursuant to Hancock County Code 31.024.
4. Up to twelve ($12.00) dollars, sixteen ($16.00) dollars, and twenty-four ($24.00) dollars, excluding alcoholic beverages, but including tips, not exceeding twenty (20%) percent, shall be reimbursed for breakfast, lunch, and dinner, respectively, unless the meal is provided.
5. Necessary ground transportation.
6. Out-of-state airfare and economy airport parking.

If the meeting is within fifty (50) miles of the Hancock County Courthouse Annex, no lodging will be reimbursed and only meals where there are meetings before and after the meal will be reimbursed.

**Receipts must be submitted for all expenses except mileage, which shall be certified by claimant.**

## 5.15 BLANKET SURETY BONDS

All County employees and Commission members required to post an individual surety bond for the faithful performance of their duties are hereby authorized to be included within the coverage of a blanket surety bond.



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## 5.16 POLITICAL ACTIVITY

County employees shall not be required to participate, financially or otherwise, in any political campaign or party activity during his/her working hours. This policy includes any threats or coercion by elected officials/department heads or political party officials.

County owned equipment shall not be used to generate, copy, or reproduce campaign materials. County vehicles shall not be used to distribute campaign materials. County computers, telephones or facsimile machines shall not be used for campaign purposes.

## 5.17 COUNTY CREDIT CARDS

The Hancock County Commissioners shall be the designated officials responsible for the use and issuance of Hancock County credit cards. Approval is not required for Elected Officials to obtain a County credit card; however, non-elected Department heads will require approval from the County Commissioners. When the purpose for which the credit card has been issued has been accomplished, the card and all supporting documents (e.g., receipts) shall be submitted to the custody of the Auditor's office.

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 a Hancock County credit card for travel related expenses associated with attending conferences, workshops, business meetings, or other work related expenses.

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.

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 Hancock 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.

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



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# 6. PERSONAL CONDUCT

**The policies contained in this chapter and throughout the Hancock County Personnel Policies Handbook apply to all Hancock 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, efficiency and economy 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 conflicts with County policies, 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. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, he or she should notify the elected official/department head as soon as possible 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 the employee to disciplinary actions, up to, and including termination.

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

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 or designated supervisor.

Employees who are absent for one (1) 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 all employees and affect the business image we present to our citizens and visitors.



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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 Hancock 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 discharge.

This policy applies to all Hancock County employees.

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

Any request for sexual favors and/or any other verbal or physical conduct of a sexual nature between employees in the workplace, or job-related contacts with citizens or persons outside County employment, constitute sexual harassment and are prohibited, such as:

a. Unwelcome sexual advances.

b. Physical or verbal conduct of a sexual nature, or joking, that is sex-oriented and considered unacceptable by another individual. Examples of conduct of a sexual nature include: flirtations, advances or propositions, verbal abuse of a sexual nature, leering, touching, pinching, assault, or coerced sexual acts, or suggestive, insulting; obscene comments or gestures; written, photo, cartoon, or electronic displays in the workplace of sexually suggestive objects or pictures. This includes commenting about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" that are clearly unwanted and considered offensive by others, or any other tasteless sexually-oriented comments or actions that offend others.

c. Submission which is expressed or implied as a condition of employment, promotion or preferential treatment.

d. Printed or electronic display or transmission of sexually-explicit images, messages and cartoons is not allowed. Other violations include, but are



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not limited to, ethnic slurs, racial comments, jokes, or anything that may be construed as harassment or showing disrespect for others.

e. Conduct with sexual implication that has the purpose or the effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment is considered sexual harassment.

All behavior described above is unacceptable in the workplace itself and in other work-related settings such as business trips and business-related social events.

### 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, 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 and submit a sexual harassment complaint form to the President of the County Commissioners. The best time to register a complaint is **immediately** after the act occurs. An employee's job will not, in any way, be threatened by truthfully reporting any acts of sexual harassment as described above.

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 County Commissioners. Failure of a supervisor to immediately take corrective action or to report the incident to the County Commissioners 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.



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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.

The County Auditor and the elected officials/department heads 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 in any allegation of sexual harassment.



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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 County Commissioners 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 the County Commissioners and/or 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

Hancock 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 have devastating effects on the lives and reputations of innocent women and men. Therefore, the County may discipline, up to, and including termination of employment, those employees who are proved to have intentionally, maliciously and wrongly accused others of sexual harassment.

### 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.



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### 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 violations will result in severe disciplinary action, up to, and including termination.

## 6.5 COMMISSION OF A FELONY OR UNLAWFUL ACT

Hancock 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 or on-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, if employee drives a vehicle for the County.

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.



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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, such employee shall be returned from suspension and if suspended without pay shall be reimbursed.

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 Hancock 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.

## 6.6 GIFTS OR GRATUITIES

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

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

## 6.7 GHOST EMPLOYMENT

Hancock 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 35-44.1-1-3. Ghost employment is a Class D felony.



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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.

Additionally, a public servant employed by a governmental entity knowing that such employee 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 35-44.1-1-3.

## 6.8 BUSINESS ETHICS/CONFLICT OF INTEREST

Hancock 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 Hancock County.

Indiana Code 35-44.1-1-4 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.

## 6.9 SOLICITATION/DISTRIBUTION

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

There shall be no solicitation or distribution by employees or non-employees at any time in County facilities or on County property. This section does not apply to charities and County vendors 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 termination.

## 6.10 SECURITY OF PREMISES

Hancock County wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the County prohibits the control, possession, transfer, sale or use of such materials on its premises.



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However, effective on July 1, 2010 Ind. Code 34-28-7 allows employees who may lawfully possess a firearm to bring firearms and ammunition onto County property as long as the firearm and ammunition are locked in a glove box or trunk or stored out of plain sight in the employee's personal locked vehicle. This exception does not apply to employees driving or riding in County-owned vehicles where firearms and ammunition are prohibited. Employees of a penal facility (Hancock County Jail) or other County facilities listed in Ind. Code 34-28-7-2(a) (2) do not have these rights. Except for law enforcement officers, employees working at the Hancock County Jail shall not bring firearms or ammunition onto County property including in their personal vehicles.

### 6.10.1 Deadly Weapons Prohibited in County Structures

This section does not apply to a federal, state, or local law enforcement officer or federal state judge or court commissioner.

A. "Deadly weapon" means the following:

1. a loaded or unloaded firearm;
2. a destructive device, weapon, taser, (as defined in I.C. 35-47-8-3) or electronic stun weapon (as defined in I.C. 35-47-8-1), equipment, chemical substance, a knife with a blade exceeding three (3) inches, a box cutter or other material that in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury.
3. an animal (as defined in I.C 35-46-3-3) this is:

    a. readily capable of causing serious bodily injury; and
    b. used in the commission or attempted commission of a crime.
4. a biological disease, virus, or organism that is capable of causing serious bodily injury.

B. No person may possess a deadly weapon in any structures owned or leased by the County, except that firearm, ammunition and firearms accessories are permitted in structure other than the courthouse.

C. No person may intentionally display a firearm at a public meeting in any structure owned or leased by the County.

D. Any person who enters a structure owned or leased by the County is deemed to consent to a search for deadly weapons, except where they are permitted by division "B" of this section.

E. Deadly weapons, except those permitted by division "B" of this section, found in County structures will be confiscated and returned to the owner after the payment of the fine set out in division "F" of this section.



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F. Any person found to be in violation of this section shall be fined in the amount of two hundred-fifty ($250.00) dollars.

The County prohibits the possession of firearms, ammunition, and the possession of other weapons by persons other than County employees and the law enforcement officers on County property. 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.

## 6.11 WORKPLACE VIOLENCE

The safety and security of Hancock 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.



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Additionally, possession of illegal firearms, weapons, and other dangerous or hazardous devices or substances are strictly prohibited on County property without proper authorization as specified in *Section 6.10 Security of Premises of this Personnel Policy Handbook.*

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 they 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.

## 6.12 CONFIDENTIALITY

Employees shall consult with their elected official/department head before releasing information which could be 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.



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## 6.13 EMPLOYEE CONDUCT

**Behavior of Employees.** Employee job performance and personal conduct directly impact the County's ability to achieve its mission of service to the community. Therefore, the following work rules and principles of employment are adopted as guidelines for monitoring behavior and exercising disciplinary actions. Hancock County employees are expected to follow procedures and guidelines set forth by the County and the employee's office/department policies. This guideline does not constitute a contract of employment. The County maintains all management rights as prescribed by law including being an "At-Will" employer.

This policy shall 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.

### 6.13.1 Work Rule Violations

The following list of established work rules are not to be construed as exclusive or all-inclusive, or to in any way limit rules, guidelines, and restrictions set out elsewhere in this handbook. Hancock County reserves the right to revise, supplement, or rescind the rules as it deems appropriate. Each elected official/department head or their designee has sole discretion to give a written reprimand, a suspension without pay, or involuntary termination of employment upon violation of any of the following work rules:

1. Tardiness or failure to report for duty within a reasonable time according to the attendance policy.
2. Violation of the attendance policy, including an absence of more than one (1) workday without notification of absence, or an absence when an employee has exhausted all available leave time.
3. Failure to notify elected official/department head prior to the scheduled shift start time when unable to report for duty as directed.
4. Reporting to work clothed or groomed in an unclean or inappropriate manner.
5. Failure to cooperate with other employees as required by job duties.
6. Distracting the attention of others, unnecessarily shouting, demonstrating or otherwise causing a disruption on the job.
7. Mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.
8. Littering or otherwise contributing to unsanitary conditions on County property.
9. Failure to secure facility and equipment when responsible.



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10. Unauthorized breaks, and/or leaving the job or work area during the regular working hours without authorization.
11. Unsatisfactory work or failure to maintain required performance standard.
12. Unauthorized overtime, and/or failure to report for overtime work without good reason after being scheduled to work according to overtime policy.
13. Discourteous treatment of the public.
14. Failure to make required reports.
15. Unauthorized personal use of County property, equipment, and supplies, including computers, telephone, fax, or mail.
16. Violation of internet and social media policy.
17. Failure to comply with purchasing procedures.
18. Unauthorized posting, removal, or alteration of notices or signs from bulletin boards, and/or distributing or posting written or printed matter of any description on County premises unless authorized.
19. Failure to report accidents, and/or injury while on county time and/or involving County equipment, and mechanically defective conditions of equipment or property and/or failure to perform preventative maintenance on equipment or vehicles used by employee.
20. Abandoning or leaving unattended any County owned vehicle, equipment, or tools anywhere away from shops, garages, and authorized storage sites, except as directed by supervisory personnel.
21. 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.
22. Sleeping during working hours.
23. Solicitation on County premises without authorization.
24. Refusal to take or failure to pass any examination required for the job.
25. Failure to maintain certifications required of the position, such as a driver's license, and/or driving a County vehicle with a suspended license.
26. Failure to give medical certifications in a timely manner.
27. Punching, signing, or altering other employees time cards, time sheets, or unauthorized altering of own time card or sheet.
28. Violations of privacy under the Health Insurance Portability and Accountability Act (HIPAA).
29. Falsifying testimony 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 or releasing confidential information.
30. Refusing to provide testimony in court during an accident investigation, or during any type of public hearing.
31. Falsifying or destroying any County records.
32. Knowingly exposing others to hazardous conditions such as communicable diseases, which may pose a danger or other safety risk.
33. Unlawful or negligent handling of public monies.



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34. Obligating Hancock County for any expense, service or performance without authorization.
35. Making false claims or misrepresentations in an attempt to obtain any County benefit.
36. Making or publishing of false, vicious or malicious statements concerning employees, supervisors, the County or its operations.
37. Violation of the sexual harassment/hostile work environment policy.
38. Stealing or similar conduct, including destroying, damaging, or concealing any property of the County or of other employees.
39. Threatening, intimidating, coercing, or interfering with subordinates or other employees. Use of abusive or threatening language toward supervisors, other employees, or the public.
40. Performing private work on County time.
41. Fighting or attempting to injure other employees, supervisors, or persons.
42. Possession of any deadly weapon on County property or job site, without proper authorization.
43. Reporting for work under the influence of alcohol or controlled substances, or discovery of opened containers of alcohol, or controlled substances in or on County property or the sale of controlled substances.
44. Violation of the Drug-Free Workplace policy and/or failure to submit to a blood test, urinalysis, or breathalyzer examination.
45. Failure to disclose at time of employment the past conviction of a misdemeanor and/or felony if reasonably related to the employee's duties or the public trust.
46. Conviction of a misdemeanor and/or felony if reasonably related to the employee's duties or the public trust.
47. Failure to follow safety regulations when safety of an employee or others is involved.
48. When authorization is required, unauthorized use, removal, or participation in the use or removal of county property, funds, equipment, tools, facilities, supplies, furnishings, County records, documents, papers, or copies thereof and/or other County property.
49 Violation of I.C. 35-44.1-1-4 failure to disclose conflict of interest of employee or member of employee's immediate family having a monetary interest/business interest or deriving a profit in any matter directly related to the employee's official duties and the discharge of those duties. This includes having a personal interest in a business which supplies goods and services to the County.
50. Reporting for work or working unfit for duty.
51. Unauthorized presence on County property.
52. Disregard of department rules.
53. Instigating, leading, or participating in any illegal walkout, strike, sit down, stand-in, refusals 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.



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54. Insubordination by refusing to perform assigned duties or to comply with written or verbal instruction of supervisors.
55. Dishonesty or any dishonest action. Some examples of what is meant by "dishonesty" or "dishonest action" are: 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; making false statements to secure an excused absence or to justify an absence or tardiness; making or causing to be made, inaccurate or false reports concerning any absence from work. The foregoing are examples only and do not limit the terms "dishonesty" or "dishonest action."

### 6.13.2 **Discipline**

When employees are disciplined in a progressive manner it is the County's objective that the offending employee will recognize their violation of written policies or established work rules. Disciplinary action should be administered consistently. The basic progressive disciplinary options are as follows:

a. Written Reprimand.
b. One (1) - Ten (10) Working Days Suspension without Pay.
c. Any appropriate discipline, up to, and including discharge.



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# 7. PROBLEM RESOLUTION

**The policies contained in this chapter and throughout the Hancock County Personnel Policies Handbook apply to all Hancock 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 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 Hancock County's policies have been violated, or who believes that he or 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.

**These classifications are provided only to illustrate the procedures that will generally be followed in respect to such conduct and are intended as a guideline in exercising discipline. This guideline does not constitute a contract of employment. The County maintains all management rights as prescribed by law including being an "At-Will" employer.**

When a complaint arises, it should be heard and resolved at the lowest organizational level. This section does not apply to disciplinary actions taken by elected officials or department heads. The employee may have following procedure available:

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

If an employee has a complaint, it should be first discussed with the supervisor. The employee should schedule a time to discuss the situation with the supervisor. 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 supervisor through discussion, or if the decision is not satisfactory, the employee may submit the complaint in writing within forty-five (45) days following the alleged act or incident. The employee may take or send the written complaint to the supervisor.

Elected officials and department heads shall give a written response to the complaint within five (5) working days.



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**STEP 3: County Commissioners**

If a satisfactory solution is not reached at Step 2, the Board of Commissioners or their designated hearing officer may at their discretion hear the complaint; if they hear the complaint a decision shall be rendered within five working (5) days of the hearing.



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# SEVERABILITY

The policies and procedures contained in this handbook are subject to all applicable federal and states laws, 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 or 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. Hancock County, Indiana reserves the right to delete, modify, or amend the policies contained herein or allocate new policies as needed.

# ENABLING ORDINANCE

This employee handbook shall be approved by Ordinance passed by the Board of Commissioners of Hancock County. The terms and conditions of this employee handbook shall be incorporated by reference in the salary ordinance approved annually by the Hancock 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 in substantially the same form approved by the Board of Commissioners of Hancock County. Any amendments shall be distributed to each department of the County and shall be conspicuously posted for at least ninety (90) days throughout the offices of the County after their passage.



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# EMPLOYEE ACKNOWLEDGEMENT FORM

The Hancock County Employee Handbook describes important information about employment with the Hancock County, and I understand that I should consult the County Commissioners regarding any question 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.

I understand the descriptive materials contained in this handbook are only summaries. Any discrepancies between these summaries and the terms of the actual plans will be governed by the terms of the underlying, more detailed policies and procedures. Any questions regarding summaries, their underlying policies and procedures and any discrepancies between them should be directed to the County Commissioners.

Furthermore, 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.

_____ _____

**EMPLOYEE'S SIGNATURE** **DATE**

_____

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



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# APPENDIX A

## DRUG AND ALCOHOL POLICY FOR CDL DRIVERS

### ALCOHOL AND CONTROLLED SUBSTANCE TESTING POLICY FOR COMMERCIAL DRIVERS LICENSE (CDL) EMPLOYEES

The County Highway Department and the Hancock County Commissioners recognize the critical and growing problem that alcohol and controlled substances abuse poses to the community. It is the policy of the Hancock County Highway Department to provide and maintain a safe, healthy and productive work environment for our drivers. This policy applies to all employees and applicants for employment with the Hancock County Highway Department who must have a Commercial Drivers License (CDL) to operate County-owned vehicles.

All such employees have the responsibility to report for work and perform their jobs in a fit mental and physical condition. The nature of driving for the County is such that any unnecessary risk could affect our employees and the public as a whole. This policy was developed to ensure not only the employees' safety but the general public's safety as well.

The Highway Superintendent is required to implement this policy and program, including a periodic review of the program to address any problems, changes and/or provisions of it, maintenance of all records required by the federal regulations and determination by the Board of Commissioners on approval of how the program will be accomplished, whether in-house, contracted or by consortium.

The Highway Superintendent is responsible for communicating this policy to all employees and is accountable for its consistent enforcement. The Highway Superintendent is designated to answer questions about this policy and all other matters involved in alcohol and controlled substance testing of CDL drivers.

### TESTING OF DRIVERS

All drivers will be tested for drugs and alcohol in accordance with the approved procedures when directed by the Highway Superintendent. Drivers will be tested under the following guidelines:

A. **Pre-employment**

Under no circumstances will an individual be placed on the payroll without proof of a successful completion of alcohol and drug test. Any individual who refuses to submit to such tests, has a detectable amount of alcohol in his/her system, or has a positive controlled substance test result will not be considered for employment with the County.



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B. **Random**

A minimum rate of 50% of drivers shall be tested annually for drugs and 10% of drivers shall be tested annually for alcohol.

Random drug and alcohol testing may be combined. For example, when testing at 50 percent drug random rate and 10 percent alcohol random rate, some of the randomly selected drivers chosen for testing would be tested for both drugs and alcohol, while the rest could be tested only for drugs.

Random testing selection:

1. Employee remains in pool.
2. Use valid random selection.
3. Test at least once each quarter.
4. Do not announce date of testing.
5. Testing 50 percent of drivers for drugs and 10 percent of drivers for alcohol.

C. **Post-Accident**

Drivers are required to submit to drug and alcohol testing as soon as possible following a "DOT" accident which involves the loss of human life or the driver receives a citation under state or local law for a moving traffic violation arising from the accident. A "DOT" accident is defined as an occurrence involving a commercial motor vehicle operating on a public road which results in any of the following:

1. A fatality.
2. Bodily injury to a person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident.
3. One or more motor vehicles incurring disabling damage as a result of the accident requiring the vehicle to be transported away from the scene by a tow truck or other vehicle.

A driver who is subject to a post-accident testing shall remain readily available for such testing or may be deemed by the County to have refused to submit to testing. Nothing in this section shall be construed to require the delay of necessary medical treatment or to prohibit the driver from leaving the scene of an accident for a period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

No driver required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.



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If a driver is seriously injured and cannot submit to testing at the time of the accident, he/she shall provide the necessary authorization for obtaining hospital reports and other documents that would indicate whether there were any drugs or alcohol in his/her system.

The results of a breath or blood test for the use of alcohol or urine test for the use of drugs conducted by federal, state, or local officials having independent authority for the test shall be considered to meet the requirements for post-accident testing if the results are obtained by the County.

Actions to take in a post-accident situation:

1. Treat injuries.
2. Work with law enforcement.
3. Explain the need for testing.
4. Work with medical facility.
5. Collect specimens.
6. Document events.

D. **Reasonable Suspicion**

Hancock County is required to test for the use of alcohol and controlled substances upon "reasonable suspicion." Reasonable suspicion is defined to mean that the County believes the behavior, speech, body odor or appearance of an employee while on duty is indicative of the use of alcohol and/or controlled substances. The conduct must be witnessed by the Highway Superintendent or other designated personnel if so trained. The mere possession of alcohol does not constitute the need for an alcohol test. The witness must have received training in the probable alcohol and drug use by observing a person's behavior. If the behavior is at all questionable, the witness should conduct the alcohol test in order to protect the employee.

Alcohol testing is authorized only if the observations are made during, just before or just after the period of the workday of the employee. A written record shall be made of the observations leading to an alcohol and/or controlled substance test. This record is to be signed by the supervisor who made the observations.

If a reasonable suspicion alcohol test is not administered within two (2) hours following the observations, the witness shall prepare and maintain on file a record stating the reasons the alcohol test was not administered promptly. In addition, if not administered within eight (8) hours, all attempts to administer the test shall cease. A record shall be prepared and maintained stating why the alcohol test was not administered.


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Guide to successful reasonable suspicion testing includes:

1. Focus on safety.
2. Verify reasonable suspicion.
3. Isolate and inform the employee.
4. Inquire and observe the employee.
5. Review the findings.
6. Transport the employee to a testing site.
7. Document events.

Prior to the start of work, an employee must report to his/her immediate supervisor, the use of any prescription or over-the-counter drugs which may affect job performance or the safety of others. It is the driver's responsibility to obtain from his/her physician a determination as to whether or not the drug could affect job performance.

All information obtained in the course of testing of drivers shall be protected as confidential medical information. No data concerning this information will be made a part of the driver's personnel file or will be provided to any other party without the direct written consent of the employee.

Failure to sign a release for alcohol and drug testing will be classified as insubordination and the employee shall be terminated as a driver for Hancock County, subject to applicable state laws.

Refusal to submit to alcohol and controlled substance testing, as required, will be recorded as a positive test. Refusal to submit to an alcohol or controlled substance test means that a driver (1) fails to provide adequate breath for testing without valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with this policy; (2) fails to provide adequate urine for controlled substance testing without a valid medical explanation after he or she has received notice of the requirement for testing in accordance with this policy; or (3) engages in conduct that clearly obstructs the testing process.

Employees testing positive for alcohol (.04 percent or greater) or for a controlled substance shall be prohibited from driving or performing a safety-sensitive function for the County and referred to the Employee Assistance Program (a drug and alcohol assistance program) and become subject to any other County policy dealing with the use of alcohol and controlled substances. The employee is subject to all associated costs. Drivers testing .02 percent or greater, but less than .04 percent, shall also not drive or perform safety-sensitive functions for the County, nor shall the County permit the driver to perform or to continue to perform safety-sensitive functions, until the start of the driver's next regularly scheduled duty period, but not less than twenty-four (24) hours following the administration of the test.



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The employee also becomes subject to any other County policy dealing with the use of alcohol and controlled substances.

Performing a safety-sensitive function means a driver is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform or immediately available to perform any safety-sensitive functions.

A safety-sensitive function is defined as:

1. All time spent at a facility, or other property, or on any public property, waiting to be dispatched, unless the employee has been relieved by the County.
2. All time inspecting equipment, otherwise inspecting, servicing or conditioning any motor vehicle at any time.
3. All driving time at the driving controls of a motor vehicle in operation.
4. All time, other than driving time, in or upon any motor vehicle.
5. All time loading or unloading a vehicle, supervising or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, or remaining in readiness to operate the vehicle.
6. All time spent performing the driver requirements relating to an accident.
7. All time repairing, obtaining assistance or remaining in attendance upon a disabled vehicle.

**Return to Duty Testing**

A driver who has been prohibited from performing a safety-sensitive function after engaging in conduct regarding alcohol misuse prohibited by U.S. Department of Transportation regulations, and before returning to duty, shall undergo a return-to-duty test which indicates a breath alcohol concentration of less than .02 percent.

A driver who has been prohibited from performing a safety-sensitive function after engaging in conduct regarding controlled substance use prohibited by U.S. Department of Transportation regulations, and before returning to duty, shall undergo a return-to-duty test with a result indicating a verified negative result.

When a return-to-duty test is required, the driver must also be evaluated by a substance abuse professional (SAP) and participate in an assistance program prescribed by the SAP at the employee's cost.

**Follow-up Testing**

When a driver has been determined to be in need of assistance in resolving problems associated with alcohol misuse and/or controlled substance use, the driver will be subject to unannounced follow-up alcohol and/or controlled substance testing at the employee's


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cost.

The driver will be subject to a minimum of six (6) follow-up tests in the first twelve (12) months, with the follow-up testing period not to exceed sixty (60) months.

## FAILURE TO SIGN RELEASE

Failure to sign a release for alcohol and drug testing will be classified as insubordination and the employee shall be terminated from Hancock County, subject to applicable state laws.

## TRAINING FOR SUPERVISORS AND DRIVERS

### Supervisor Training

At a minimum, the supervisor will receive basic training and orientation on:

1. The identification of behavioral and physiological signs of alcohol and drug abuse.
2. How to recognize, counsel and document employees whose performance has deteriorated.
3. How and when to suggest and/or require the services of the Employee Assistance Program (EAP) or any other drug/alcohol assistance program.
4. Document training.

### Driver Training

The driver training program will consist of:

1. Explanation of the effects and consequences of alcohol and controlled substance use on personal health, safety and work environment.
2. The manifestations and behavioral causes that may indicate alcohol and controlled substance use or abuse.
3. Information and materials required by federal regulations.
4. Documentation of training.

## RETENTION OF RECORDS

The following records relating to Hancock County's drug and alcohol testing program are required to be maintained.

1. **Records relating to the collection process:**

    a) Collection log books.
    b) Documents related to the random selection process.



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c) Calibration documentation for EBT's.
d) Documentation of Breath Alcohol Technician (BAT) testing.
e) Documentation of reasoning for reasonable suspicion testing.
f) Documentation of reasoning for post-accident testing.
g) Documents verifying a medical explanation for the inability to provide adequate breath or urine for testing.

2. **Records relating to the driver's test results:**

a) Employer's copy of the alcohol test form, including results.
b) Employers copy of the drug test chain of custody and control form.
c) Documents sent to the employer by the Medical Review Officer.
d) Documentation of any driver's refusal to submit to a required alcohol or controlled substance test.
e) Documents provided by the driver to dispute results of the test.

3. **Documentation on any other violations of controlled substance use or alcohol misuse rules.**

4. **Records related to evaluations and training:**

a) Records pertaining to substance abuse (SAP) determination of driver's need for assistance.
b) Records concerning a driver's compliance with SAP's recommendations.

5. **Records related to education and training:**

a) Materials on drug and alcohol awareness, including a copy of the employer's policy on drug use and alcohol abuse.
b) Documentation of compliance with requirement to provide drivers with educational materials, including driver's signed receipt of materials.
c) Documentation of supervisor training.
d) Certification that training conducted under this rule complies with all requirements of the rule.

6. **Records related to drug testing:**

a) Agreements with collection site facilities, laboratories, medical review officer (MRO) and consortia.
b) Names and positions of the officials and their role in the employer's alcohol and controlled substance testing program.
c) Monthly statistical summaries of urinalysis.
d) The employer's drug testing policy and procedures.


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All required records shall be maintained in a secure location with limited access. Records shall be made available for inspection at the Courthouse within two (2) business days after a request has been made by an authorized representative of the Federal Highway Administration.

The following is a chart regarding how long records must be maintained:

| Documents to be Maintained | Period Required |
|---|---|
| Negative drug test results | 1 year |
| Alcohol test results less than 0.02 | 1 year |
| Records related to the alcohol and drug collection process | 2 years |
| Previous employer records | 3 years |
| Annual MIS reports | 5 years |
| Employee evaluation and referrals to SAPs | 5 years |
| Follow-up tests and follow-up schedules | 5 years |
| Refusals to test | 5 years |
| Alcohol test results 0.02 or greater | 5 years |
| Verified positive drug test results | 5 years |
| EBT calibration documentation | 5 years |

Indefinite period: Education and training records, plus two years after ceasing to perform functions. **Legal reference: 49 C.F.R. Part 382.401**

## TESTING PROCEDURES REGULATIONS

The following testing procedures are to be strictly observed by any collection facility and/or laboratory contracted with by the County in order to carry out its drug and alcohol-testing program.



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Controlled substance testing procedures include the following:

1. **Chain of Custody**

Chain of custody is defined as procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. These procedures will require an approved chain-of-custody form.

2. **Preparation for Testing**

Use of tamper proof seal system designed in a manner that a specimen bottle top can be sealed against undetected opening and the bottle has a means for identification of the test subject either by number or some other confidential manner.

Use of shipping containers in which one or more specimens and associated paper work can be transferred and which can be sealed and initialed to prevent undetected tampering.

3. **Specimen Collection**

Specimen collections will be done at collection sites designated by the County

4. **Laboratory Analysis**

Laboratory analysis of all specimens collected will be done by a certified laboratory selected by the Commissioners under all federal guidelines.

5. **Review of the Results of the Laboratory Test**

The laboratory reports the test results of the County directly to the County's Medical Review Officer (MRO) within an average of five (5) working days.

Both positive and negative results must be reported. The report, as certified by the responsible laboratory individual, shall indicate the drug/metabolites tested for, whether the results are positive or negative, and the cutoff level for each drug analyzed, the specimen number assigned to the specimen and the drug testing laboratory identification number.

The laboratory shall transmit the test results to the MRO by various electronic means such as teleprinter, facsimile or computer, so long as those methods established are designed to maintain confidentiality. Results cannot, at any time, be provided verbally by telephone.



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The laboratory must also transmit the MRO the original or a certified copy of urine chain of-custody and control form and must identify the individual responsible for the day-to-day management of the laboratory process.

## 6. **The Role of the Medical Review Officer**

The MRO must be a licensed M.D. or D.O. and principally serve as an arbiter between the laboratory and the County. The MRO must possess knowledge of drug abuse disorders. It is the primary role of the MRO to review and interpret positive results obtained from the laboratory. The MRO must access and determine whether alternate medical explanation could account for the positive test results.

To accomplish the task, the MRO may conduct medical interviews of the individual, review the individual's medical history and review other relevant biomedical factors. Additionally, the MRO must examine all medical records as evidence of prescribed medications.

The MRO must give the individual testing positive an opportunity to discuss the test results. If the tested individual provides sufficient medical documentation that the positive result derives from the use of legally prescribed medication, the MRO may allow the driver to continue to operate, or the MRO may request the opinion of another physician.

After the individual testing positive has been given the opportunity to provide sufficient information, and the MRO makes a final decision, the County is notified of the results of the substance test.

## 7. **The Need for Confidentiality**

All information obtained in the course of testing employees shall be protected as confidential medical information. No data concerning this information will be made part of the driver's personnel file or will be provided to any other party without the written consent of the driver.

## 8. **The Appeal Process Available to Drivers Testing Positive**

If the driver tests positive, he/she has the right to question the results by:

A. Contact with the MRO to verify the sample number of the urine sample to the MRO's form.
B. Requesting the split sample be tested within seventy-two (72) hours of the original testing.


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Alcohol testing procedures include the following:

1. **Testing Devices**

Alcohol test are to be conducted with only evidential breath testing devices (EBT's) approved by the National Highway Traffic Safety Administration (NHSTA) on their Conforming Products List (CPL). The rules allow the use of EBT's for the initial screen tests that are on the CPL, that do not meet the additional requirements for the confidential test (e.g. sequential numbering and printout capability).

2. **Test Administration**

Only a Breath Alcohol Technician (BAT) that has had proper training may administer a breath alcohol test. Reasonable cause tests may not be conducted by the person making the determination that reasonable suspicion exists to conduct an alcohol test.

3. **Test Procedures**

The BAT will perform an initial alcohol screen. If the initial screen results in a Blood Alcohol Concentration (BAC) of .02 percent or above, a confirmation test is required. Any tests resulting in a BAC of less than .02 percent will be considered negative. The BAT will wait a minimum of fifteen (15) minutes before administering the confirmation test; however, confirmation tests must be performed within twenty (20) minutes.

The Highway Superintendent will be responsible for maintaining in County files, and on a confidential basis, all records required by the federal regulations under this testing program.

## CONTROLLED SUBSTANCE AND ALCOHOL POLICY

It is the purpose of this policy to encourage an enlightened viewpoint toward alcoholism and other drug dependencies as behavioral/medical problems which can be treated. At the same time, the Hancock County Highway Department and Hancock County Commissioners are concerned about the adverse effects of alcohol or other drug use on employee performance, health and safety.

Employees are expected and required to be in suitable mental and physical condition while at work, performing their jobs satisfactorily and behaving appropriately. When the use of alcohol and other drugs interferes with such expectations, a driver's failure to meet these basic expectations will result in disciplinary actions.

This policy applies to all employees who are required to hold a Commercial Driver's License (CDL) to perform their job functions. The use, possession, sale, purchase or transfer of unauthorized or illegal drugs or substances, or the abuse and misuse of legal


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drugs on County property, while on County business or while operating County vehicles and equipment is prohibited. Drinking alcoholic beverages during working hours, four (4) hours before reporting to work, or having any measurable amount of alcohol in his/her system during working hours is prohibited, whether on or off County property. Working hours include all breaks. Off-duty use of drugs and alcohol is prohibited to the extent it affects a driver's attendance or controlled substance tests. Any violation of this policy is grounds for termination as an employee for the County and possible legal prosecution.

Since physician-directed use of drugs can affect behavior and performance, employees are encouraged to advise their supervisor whenever they are taking drugs for medical reasons. When such use of drugs adversely affects job performance or safety, it is in the best interests of the driver, co-workers and the County that the employee take sick or vacation days, or, if necessary, unpaid leave, in accordance with the County's policy.

The Hancock County Highway Department and Hancock County Commissioners reserve the right to terminate any employee who violates the Hancock County Drug and Alcohol Policy for CDL Drivers. Employees who are convicted for alcohol or drug-related charges may be subject to County disciplinary action, up to and including termination. The County may offer the employee (at the employee's expense) the opportunity to receive appropriate treatment.

Any information concerning a driver's drug or alcohol abuse will be available only to members of the administration whom the County believes should be aware of this information. Unless otherwise required by law, this information will not be disclosed by the County to any other employee, organization or individual without the employee's written consent.



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