

1. PERSONNEL POLICIES HANDBOOK

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

1.1 WELCOME TO POSEY COUNTY

Whether you are new to Posey County Government or have worked here for many years, it is important that you have information about personnel policies, employee benefits, employee responsibilities, and employee rights. The Posey County Board of Commissioners (Commissioners) hope that you will have a unique and exciting employment experience and wish you every success. You are a member of a working team dedicated to providing quality public service to citizens of Posey County.

We hope the information in this Handbook is of assistance to you in meeting the challenges of your position with Posey County. We hope that your employment with the County will be a pleasant, productive, and rewarding experience. We believe that each employee contributes directly to Posey County's growth and success, and we hope you will take pride in being a member of our team.

1.2 USE AND REVISION OF PERSONNEL POLICIES HANDBOOK

The personnel policies set out in this manual shall be administered by the Board of Commissioners ("Board") in conformity with applicable county ordinance, federal law, and state statutes governing civil service in counties in Indiana.

This manual is not a contract and does not create an employment contract or guaranteed of employment. Posey County can unilaterally modify, add, or delete any of the terms and conditions of this Handbook in its sole discretion. The provisions of this Handbook are a descriptive set of guidelines for the implementation of personnel policies. Employees will, of course, be notified of such changes as they occur.

Employment with Posey County is considered at all time to be "at will", which means that the County can end the employment relationship at any time and for any reason, and with or without notice, except as otherwise provided by law. However, this provision does not apply to police officers, or any other class of employees who are entitled to certain procedures with respect to termination decisions.

Revisions may be proposed, from time to time by any interested party. Exceptions may be made at the Board's discretion and given the individual needs of each department.

Nothing in this manual is meant to abridge or undermine any rights of employees as required by applicable laws, and to the extent any provision is in conflict with a federal, state, or local law, the law will control. Any questions regarding summaries, their underlying policies and procedures, if applicable, and any discrepancies between them should be directed to the Commissioners.

1.3 EXCEPTIONS AND SPECIAL CONDITIONS

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

Unless specific provision is made otherwise, the procedures contained in this policy apply to all employees, including those in appointed positions, except when in conflict with special employment conditions set forth for Elected Officials or when in conflict with various statutes governing employment relationships.

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

1.4 “POSEY COUNTY DEFINED”

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

1.5 PERSONNEL ADVISORY COMMITTEE

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

1. Reviewing employee complaints in connection with the problem resolution procedures in the Posey 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 Personnel Advisory Committee shall consist of four (4) members, including one (1) County Commissioner, two (2) County Council members, and the County Auditor (or designee) who will serve as an ex-officio member with non-voting rights.

The County Auditor (or designee) shall prepare notices of the Personnel Advisory Committee meetings, maintain Committee meeting minutes, and record votes and recommendations. The County Auditor shall also serve as Committee Coordinator.

1.6 EQUAL EMPLOYMENT OPPORTUNITY

Posey County will recruit, hire, train, and promote persons in all job titles without regard to race, color, religion, national origin, sex, age, sexual orientation, or physical or mental disability. The County will make employment decisions so as to further the principle of equal employment opportunity. The county will ensure that promotion decisions are in accordance with principles of equal employment opportunity by imposing only valid and nondiscriminatory requirements for promotional opportunities.

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

The County will also ensure that all personnel decisions and actions including but not limited to compensation, benefits, transfers, promotions, layoffs, returns from layoff, discipline, terminations, County-sponsored training, education, tuition assistance, and social and recreation programs, will be administered without regard to race, color, religion, national origin, sex, age, sexual orientation, or physical or mental disability.

Department Heads, Elected Officials, and Supervisors who are responsible for meeting business objectives are expected to cooperate fully in meeting the equal opportunity objectives and their overall performances will be evaluated accordingly.

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.

All employees are expected to comply with the Equal Employment Opportunity Policy.

1.7 MANAGEMENT RIGHTS

Posey County, as a public employer, retains the sole and exclusive responsibility and authority to manage and direct on behalf of the public, the operations and activities of the County to the full extent authorized by law. Such responsibility and authority shall include but not be limited to:

1. The right to direct the work of its employees.
2. The right to establish policy.
3. The right to maintain the efficiency of public operations.
4. The right to design and implement safety programs for employees.
5. The right to design and implement job training for employees.
6. The right to determine what services shall be rendered to the public.
7. The right to determine job content and job descriptions.
8. The right to determine, effectuate and implement the 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, modify, change and discontinue work standards.
11. The right to hire, examine, classify, train, transfer, assign and retain employees; suspend, discharge or take other disciplinary action against employees in accordance with applicable law and to relieve employees from duties due to disciplinary reasons or other legitimate reasons, and make promotions and demotions.
12. The right to change, modify and alter the composition of the work force.
13. The rights to determine, establish, set 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 the County property and personnel.
15. The right to adopt, modify, change, enforce or discontinue any existing rules, regulations,

- procedures and policies which are not in direct conflict with any provisions of this agreement.
16. The right to establish, select, modify, change or discontinue equipment, materials and the layout and arrangement of equipment.
 17. The right to determine the size and character of inventories and their disposal.
 18. The right to control the use of property, machinery inventories, and equipment owned, leased or borrowed by the County.
 19. The right to determine the location, establishment, and organization of new departments, divisions, subdivisions, or facilities thereof, and the relocations of departments, subdivisions, locations and the closing and discontinuance of the same.
 20. The above enumeration of management rights is not inclusive of all such rights and all rights granted the County by constitution, statute, charter, ordinance or in any manner are retained by the County.

1.8 PRODUCTIVE WORK ENVIRONMENT

It is a policy of Posey County to maintain a productive work environment. Verbal or physical conduct by any supervisor or employee which the determination of the Commissioners, harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment will not be tolerated and will subject the offending supervisor or employee to discipline up to and including discharge from employment.

1.9 AUTHORIZED ALIEN STATUS AND CITIZENSHIP

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

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility within the first three (3) days of employment. Former employees who are rehired must also complete a new I-9 form, unless they are rehired within a three (3) year period after the original I-9 form was completed and the County has retained the document.

Applicants who refuse to or are unable to supply the documentation necessary to prove that they are American citizens or aliens authorized to work in this county will not be considered for employment.

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

The Auditor of Posey 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.

1.10 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.

1.11 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 by I.C. 12-32-1-2 and State or Local public benefits as defined by I.C.12-32-1-3. This form shall be administered and retained by the Auditor's Office as required by law.

2. EMPLOYMENT POLICIES

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

2.1 RECRUITMENT

Advertisements shall describe the position, basic qualifications, and state that the County is "An Equal Opportunity Employer."

When position becomes available, a job posting will be posted on the official County bulletin board(s), the County website at www.PoseyCountyin.gov. The required qualifications for each open job will be indicated on the posting, and interested parties should apply for that position by contacting the appropriate department referenced on the job posting. Vacancies are filled by the most qualified individuals.

Basic qualification of formal education, background and experience shall be determined by the office holder or department head before recruiting begins and shall be based upon job requirements as well as dictates of applicable federal, state and local laws.

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

The Auditor's Office is available to assist and advise in the selection process (i.e., testing, interviewing, interview questions, and verification of information provided by the applicants) upon request.

To encourage internal promotion and transfer whenever possible, job vacancies shall be posted in all County departments and offices.

2.2 EMPLOYMENT APPLICATIONS

Posey County relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. The County does reserve the right to have the Posey County Sheriff conduct a background check of any applicant who files the application. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in Posey County's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

All applicants are required to complete and sign a written Posey County Employment Application. This standardized job application form shall be submitted to and maintained by the Auditor's office. The Auditor's office shall provide Elected Officials/Department Heads with copies of all submitted applications.

Applications for County employment shall request only information necessary for rational decision making. Only questions specifically related to occupational standards, job skills or the requirements of the position shall be asked.

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

Applications shall be returned to the Auditor's office prior to hiring or being placed on the County payroll.

2.3 PRE-EMPLOYMENT INTERVIEWS

Pre-employment interviews are used to gather information and screen applicants for County employment. Interviews shall be conducted by the Elected Official (or the Department Head where there is no Elected Official), or designees making the employment decision.

2.4 CONDITIONAL OFFER OF EMPLOYMENT

Applicants may receive a conditional offer of employment conditioned upon 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 Posey County unless they receive an official letter of employment. Posey County may withdraw the conditional offer of employment at any time for any reason, except as otherwise prohibited by law.

2.5 OFFER OF EMPLOYMENT

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

The Offer of Employment will outline:

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

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

The Offer of Employment shall be signed by the applicant and authorized official and returned to the Auditor with a copy submitted to the Department Head before the applicant is considered an employee of Posey County. The Offer of Employment form will be maintained by the Auditor.

2.6 MEDICAL EXAMINATIONS

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

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

After an offer has been made to an applicant entering a certain designated job category, a medical examination will be performed at Posey County's expense by a health professional of Posey County's choice. Highway employees are required to have CDL licenses which require a CDL physical. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam.

Employees may 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 may be required to submit to a drug test prior to being hired by Posey County at the County's expense.

Information on an employee's medical condition or history shall be kept in a confidential medical file that is separate from other employee information. Medical information shall be maintained by the Auditor's Office. Access to this information will be limited to the employee, Elected Official/Department Head of the employee, designated employees responsible for processing insurance and workers' compensation claims, and others on a need-to-know basis.

2.7 EMPLOYMENT REFERENCE AND CRIMINAL BACKGROUND CHECKS

To ensure that individuals who join Posey County are well qualified and have a strong potential to be productive and successful, it is the policy for Elected Officials, Department Heads, and/or Supervisors to check the employment references of all applicants.

Background and criminal history checks will also be performed for all service-related positions and may be performed for other positions when deemed necessary. Applicants will be required to complete screening procedures relevant to the position. These procedures will include driver's record checks and background investigations.

If and when employee verification is requested on a current or past employee the Elected Official, Department Head, or Supervisor will only respond to written requests and only provide the individuals' dates of employment and positions held for that employee. If the employees provide written authorization the only information that can be provided is the amount of salary or wage last earned.

No further information will be disclosed to third parties without an executed release holding the County and the third party harmless for such disclosure and its use. The County reserves the right, in its discretion, not to respond to a request for additional information.

2.8 PROBATIONARY PERIOD

The Probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations.

All new, and rehired employees will be required to serve a ninety (90) day Probationary period, except when the ninety (90) days is in direct conflict with statutory requirements (such as merit officers of the Sheriff's Department whose Probationary period is one [1] year).

During the Probationary period, the employee's performance will be monitored and he/she will be advised regarding the quality of work being performed. At the end of the Probationary period, whether successfully or unsuccessfully completed, a written performance evaluation shall be prepared and placed in the employee's personnel file with a copy forwarded to the Elected Official/Department Head.

An employee may be transferred to a new job. Each employee has the status of an employee at will during the Probationary period and thereafter. Any significant absence will automatically extend the probationary period by the length of the absence.

During the probationary period, new employees are eligible for those benefits that are required by law, such as Workers' Compensation insurance and Social Security.

2.9 EMPLOYMENT CATEGORIES

It is the intent of Posey County to clarify the definitions of employment classifications, 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 classifications.**

FULL-TIME employees who regularly scheduled to work thirty-five (35) or more hours per seven (7) day workweek and who contains continuous employment with the County. Full-time employees are eligible for the County's benefit package, subject to the terms, conditions, and limitations of each benefit program. Regular Full-time employees include exempt, non-exempt, and excluded classifications. The County Council sets the full-time compensation rates annually for all positions. Regular Full-time employees are eligible for the following benefits: Vacation Leave, Holidays, Sick Leave, Bereavement leave, Personal Leave, Worker's Compensation, Social Security benefits, Health Insurance, and Indiana Public Retirement System.

AFFORDABLE CARE ACT FULL-TIME employees are those who are not in a regular full-time, part-time, or seasonal/temporary status and who are regularly scheduled to work thirty (30) hours per workweek, but less than thirty-five (35) hours per workweek. Affordable Care Act Full-time employees include exempt, non-exempt, and excluded classifications. The County Council sets the compensation rates annually for all positions. Affordable Care Act Full-time employees are eligible for legally mandated benefits such as health insurance, Workers' Compensation, and Social Security benefits subject to the terms, conditions, and limitations of each benefit program. Affordable Care Act Full-time employees are **not** eligible for the following benefits: Paid Vacation, Paid Personal, Paid Holidays, Paid Sick Leave, Paid Bereavement, or Paid Jury/Witness Leave.

PART-TIME employees are regularly scheduled to work fewer than twenty-nine (29) hours per seven (7) day workweek. Part-time employees who works fewer than twenty-nine (29) hours per week are not entitled

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

to participate in the County provided benefit program. Part-time work in multiple departments is prohibited. In the unusual circumstance that such employment is needed, prior approval by the Commissioners and the Posey County Council is necessary. Part-time employees are **not** eligible for the following benefits: Paid Vacation, Paid Personal, Paid Holidays, Paid Sick Leave, Paid Bereavement, or Paid Jury/Witness Leave.

TEMPORARY/SEASONAL employees are those who are in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments. It is the policy of the County that a Seasonal/Temporary employee who works for (120) days in a calendar year shall not be rehired by the County without a minimum of six (6) months separation period between seasonal/temporary engagements. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until notified of a change in writing. While temporary employees receive all legally-mandated benefits such as Worker's Compensation and Social Security, subject to the terms, conditions, and limitations of each benefit program, they are not eligible for any of the County's other benefit programs.

2.10 PERSONNEL FILES

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

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

1. **Personnel File:** The employee's personnel file shall contain salary information, property inventory of County issued property, emergency information sheet, e-verify enrollment form, eligibility for local public benefits form, employment application, signed offer of employment form, personnel policies handbook acknowledgment form, retirement forms, and change of address forms. This file shall be maintained by the Auditor. Certain documents in this file shall be deemed confidential and released only to persons on a need-to-know basis.

2. **Administrative File:** This file shall contain documentation such as job description, performance evaluations, educational accomplishments, records of training, disciplinary records, and other documentation concerning disciplinary actions, including employee complaints, absences, tardiness, and other related information. This confidential file shall be deemed as exempt under the Indiana Public Records Law. This file shall be maintained by the Auditor with copies provided to the Elected Official/Department Head as needed.

3. **Confidential Medical File:** The employee's confidential medical file shall contain all medical information, including health insurance enrollment and beneficiary forms, disability information, FMLA files, ADA accommodations, worker's compensation documents, results of alcohol and drug tests, and other medically related information. This confidential file shall be deemed as exempt under the Indiana Public Records Law. This file shall be maintained separately in a locked file by the Auditor.

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

4. **CDL File:** The CDL file will be maintained as a separate file for CDL employees by the Highway Superintendent. This file shall be updated each calendar year.

5. **I-9 File:** The I-9 file shall contain the I-9 form. This file shall be maintained in the Auditor's office.

Each step involved in the selection procedure shall be documented and recorded. Accurate personnel records should be kept on file for each employee for a period of not less than seven (7) years after the employee's separation date and should be used to substantiate and support the employment decision in the event of the inquiry.

All medical information regarding an employee must be kept in a separate file in a locked cabinet.

Except as provided in this Handbook, and subject to the provisions of Indiana law, all personnel files, including the applicant file, shall remain confidential. Confidentiality shall be preserved by all persons using the files. Each Elected Official/Department Head shall insure that personnel and otherwise confidential files in his/her office are kept in a secure location.

2.11 ACCESS TO PERSONNEL FILES

Posey County maintains personnel files on each employee that includes such information as the employee's job application, resume, records of training, documentation of performance and appraisals, salary incentives, documents related to pay, benefits, time of employment, and other employment records.

Personnel files are the property of Posey County, and access to the information they contain is restricted except as provided in IC 5-14-3-1 et seq. Generally, only supervisors and management personnel of Posey County who have a legitimate reason to review information in a file are allowed to do so. Access to confidential personnel files shall be limited to the employee, County Attorney, Auditor or designated staff, and the Elected Official/Department Head or their designee to which the employee is directly responsible. The employee's confidential medical file shall be maintained under the control of the Elected Official/Department Head and shall be available to the employee, County Attorney, and County Commissioners. The elected official, department head or their designee shall not provide any information pursuant to a subpoena or court order sooner than ten (10) calendar days after the date of receipt. Within five (5) calendar days of the receipt of the subpoena, the County Attorney shall notify the affected employee(s) of the subpoena to permit the employee(s) to seek any appropriate judicial relief.

Department supervisors shall maintain files containing such other items as resumes, records of training, background investigations, character references, and disciplinary action. Employees who wish to review these documents should contact their immediate supervisor and file a written request.

Written request should state employee name, the nature of the request, and contact information. The supervisor will contact the employee and schedule a mutually agreed upon time for review of the requested information. Copies of such information, depending on the documentation requested, may be obtained with the approval of the supervisor and could require copy expenses to the requested employee.

2.12 PERSONAL INFORMATION/DATA CHANGES

It is the responsibility of each employee to promptly notify Posey County of any changes in personnel data. It is the responsibility of each employee to promptly notify the Auditor of any personal changes which may affect your benefits. 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 at all times.

If any personal data has changed you must notify the County Auditor's office in writing as soon as possible. Any unreported changes in personal status may impact eligibility under the County's benefits plans.

2.13 ORIENTATION/EXIT INTERVIEWS

Once employed by the County, the Auditor and/or Elected Official/Department Head shall conduct an informal orientation to familiarize the new employee with the County. The Auditor shall provide the new employee with a copy of the **Posey County Personnel Policies Handbook**.

Upon termination of the employment relationship with an employee, the Auditor, and/or Elected Official/Department Head or designee will conduct an exit interview with the employee. The purposes of the exit interview include:

1. Verification of the return of all equipment, keys, uniforms, etc.;
2. Assurance of proper payment of unused vacation, if any, days of work, etc. shall be paid following a timesheet audit;
3. Continuation of any benefits the employee may be eligible for; and
4. Verification of reason for leaving for unemployment compensation purposes.

2.14 OUTSIDE EMPLOYMENT/CONFLICT OF INTEREST

2.14.1 Outside Employment

Employees are expected to devote their full-time, energy and attention to their duties on behalf of the County. Accordingly, regular full-time employees may hold an outside job as long as they meet the performance standards of their job responsibilities with Posey County and do not allow the outside employment to interfere with their County work performance. All employees (full-time, ACA full-time, part-time, introductory or temporary) will be judged by the same performance standards and will be subject to the County's scheduling demands, regardless of any existing outside work requirements.

If the Elected Official, Department Head or Supervisor determines that an employee's outside work interferes with performance or the ability to meet the requirements of Posey County as they are modified from

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

time to time, the employee may be asked to terminate the outside employment if he/she wishes to remain with Posey County.

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

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

Any violations of this policy, as determined by the County in its sole discretion, may result in discipline, up to and including termination.

2.14.2 Conflicts of Interest

As employees of Posey County, your first duty is to consistently act in a manner that merits public trust and confidence. This requires the exercise of personal judgment, avoidance of conflicts of interest and the appearance of such conflicts and protection of confidential information.

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

The County also expects its employees to respect the privacy of each other and not to divulge personal or confidential information about each other to persons with no need to know or to otherwise engage in idle gossip, speculation or innuendo of a personal nature about other persons.

For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

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

2.15 REQUESTS FOR INFORMATION

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

2.16 LAYOFF AND RECALL

Under some circumstances, restructuring of the County's operations or reduction in workforce may be necessary. Elected Officials, Department Heads, and Supervisors will attempt to provide advance notice to employees to minimize the impact of those affected. If possible, employees subject to layoff will be informed the nature of the layoff and the foreseeable duration of the layoff, whether short-term or indefinite. However, management reserves the right to alter the layoff procedure and withhold information about the layoff, as permitted by law, to protect the County's interest.

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

Posey 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.

Any such reduction will be finalized by each Elected Official/Department Head who will select the employees for separation based upon seniority and ability with ability prevailing.

In determining which employees will be subject to layoff, management will consider, among other things, the needs of the County and specific projects, skill level, productivity and promotion potential, transferability of skills to other positions, demonstrated current and past performance, attendance and whenever feasible, length of service.

When workload increases to the extent that additional employees are needed, management will recall individuals according to the same criteria mentioned above. Elected Officials, Department Heads, and Supervisors reserve the right to hire new employees during a layoff period when required skills for the work at hand are not available without training among the laid-off employees.

Employees who are laid off will be maintained on a recall list for six (6) months or until management determines the layoff is permanent, whichever occurs first. Removal from the recall list terminates all job rights the employee may have. While on the recall list, employees should report to their respective department if they become unavailable for recall.

Employees will be recalled according to the needs of the County, their classification and their ability to perform the job. Notice of recall will be sent by registered mail, return receipt requested, to the current home address on record with the Auditor's office. Unless an employee responds to the recall notice within ten (10) days following the receipt of the notice or its attempted delivery, the employee's name will be removed from the recall list and the employee will no longer have any job rights with the County.

All County benefits will terminate at the time of layoff and insurance coverage, though not provided, will remain available under the provisions of COBRA. Information concerning employee rights under COBRA is available from the Auditor's office.

If the employee is recalled by the County and returns to work within ninety (90) calendar days of the date of layoff, benefits and time of service will be fully reinstated on the date of return to work. This rule does not apply to the group insurance plan, the terms of which will be governed by the actual group insurance contract in effect at the time the employee returns to work.

If an employee on layoff is recalled and does not accept the recall within ten (10) days, the employee will be terminated and will be considered to have voluntarily left their employment with the County. If an employee on layoff is not recalled by the County within ninety (90) calendar days, the employee will be terminated and will be considered to have been terminated due to lack of work.

2.17 FULL-TIME TO ELECTED OFFICIAL EMPLOYMENT

In the event that a full-time or permanent part-time employee is elected to a full-time Posey County elective office he/she shall be compensated for any unused vacation or personal time earned as a permanent employee. Such employee's sick days will be frozen and available for use in the event the elected official returns to a non-elected full-time or permanently part-time position without any interruption in County employment. 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.

2.18 NEPOTISM

Posey County has implemented a nepotism policy as mandated by the State of Indiana and will follow the Indiana Code when hiring. Individuals who are relatives may not be employed by the County in one (1) relative being in the direct line of supervision of the other relative. Indiana Code defines relative to include a spouse; a parent or step-parent; a child or step-child; a brother, sister, step-brother, or step-sister; a niece or nephew; an aunt or uncle; a daughter-in-law or son-in-law; an adopted child; and a brother or sister by half blood.

“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 or performance evaluation. 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.

An individual who is employed by the County prior to July 1, 2012, is not subject to this policy unless the individual has a break in employment with the County. The following are not considered a break in employment with the County: (1) the individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation; or (2) the individual's employment with the unit is terminated followed by immediate reemployment by the unit, without loss of payroll time.

Per Indiana Code 36-1-20.2-11 a County employee is not in violation of the nepotism policy if a relative assumes elective office if the employee was employed by the County on the date the individual's relative begins serving a term of an elected official. **Such individuals may remain employed by the County and maintain their position and rank even if the individual's employment with the County is considered to violate this policy.**

The County's failure to adopt policies under Indiana Code 36.1.20.2 (Nepotism) will result in the Department of Local Government Finance not approving the County's budget or any additional appropriations for the ensuing calendar year until the State Board of Accounts certifies the County is in compliance.

An elected or appointed official of Posey County who fails to abide by or cooperate with the implementation, compliance and submission of the mandated certifications may be subject to actions as allowed by law.

2.19 CONTRACTING WITH THE COUNTY

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

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

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

An Elected official that is in violation of this policy may be subject to penalties for perjury which is a level 6 felony with up to three (3) years prison sentence. The County's failure to adopt policies or failure to include a statement in the R-100 Personnel Report under Indiana Code 36-11-21 (Contracting with a Unit) will result in the Department of Local Government Finance not approving the County's budget or any additional appropriations for the ensuing calendar year.

In order to comply with Indiana law and in order to avoid potential conflicts of interests, misunderstands and appearance of favoritism, impropriety or bias, the legislative body has adopted the following policy to establish certain minimum requirements regarding contracts between (i) any department, office or elected official of Posey County, Indiana (the "County"), and (ii) "relatives" (or businesses wholly or partially owned by relatives) of "elected officials" of the County. Except as otherwise provided herein, the County may enter into or renew a contract for the procurement of goods and services or a contract for public works with either: (i) an individual who is a relative of an elected official, or (ii) a business entity that is wholly or partially owned by a relative of an elected official; only if the requirements of this policy are satisfied and such contract would not result in a violation of Indiana Code 35-44-1-3 by the elected official.

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

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

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

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

This policy is intended to implement the minimum requirements necessary to comply with Indiana Code 36-1-21, as the same may be amended from time to time. If and to the extent this policy is not in compliance with Indiana Code 36-1-21, this policy shall be deemed to include such terms not otherwise included herein, and to exclude such terms not otherwise excluded here from, as are necessary to cause this policy to implement the minimum requirements set forth in Indiana Code 36-1-21. To the extent this policy is inconsistent with any provision of Indiana law, including, without limitation, Indiana Code 36-1-21., such other provisions of Indiana law shall control. If any portion of this policy is held or deemed to be, or is invalid, illegal, inoperable or unenforceable, the validity, legality, operability and enforceability of the remaining positions of this policy shall not be affected, and this policy shall be construed as if it did not contain such invalid, illegal, inoperable or unenforceable portion.

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

2.20 ELECTIVE OFFICER AND COUNTY EMPLOYMENT RESTRICTED

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

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

3. SALARY ADMINISTRATION

The policies contained in this chapter and throughout the Posey County Personnel Policies Handbook apply to all Posey 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 typically begins on Saturday at 12:01 a.m. and ends on the following Friday at 12:00 midnight.

3.2 WORK HOURS/SCHEDULE

The normal work hours used are:

County Offices: A regular workday begins at 8:00 a.m. to 4:00 p.m. Monday through Friday (unless scheduled differently). A normal week's work will consist of seven (7) hours per day, thirty – five (35) hours per week, including a sixty (60) minute unpaid meal period each workday.

Dispatch: Dispatchers shall work one of the following three (3) schedules: 7:00 a.m. to 3:00 p.m.; 3:00 p.m. to 11:00 p.m.; or 11:00 p.m. to 7:00 a.m. Allotted time for paid meal breaks shall vary due to daily workload. A normal week's work will consist of forty (40) hours per week.

EMS: Employees shall work a rotating work schedule of forty (40) hours one (1) week, and forty eight (48) hours the second week. Allotted time for paid meal periods shall vary due to daily workload.

Highway Department: A regular workday begins at 7:00 a.m. to 3:30 p.m. Monday through Friday. A normal week's work will consist of eight (8) hour workdays, forty (40) hours per week, including a thirty (30) minute unpaid meal period each workday.

Highway Administrative staff: A regular workday begins at 7:00 a.m. to 3:30 p.m. Monday through Friday. A normal week's work will consist of eight (8) hour workdays, forty (40) hours per week, including a thirty (30) minute unpaid meal period each workday.

Sheriff:

Administrative staff: A regular workday begins at 8:00 a.m. to 4:00 p.m. Monday through Friday. A normal week's work will consist of seven (7) hour workdays, thirty-five (35) hours per week, including a sixty (60) minute unpaid meal period each workday.

Court Security and Detectives: A regular workday begins at 8:00 a.m. to 4:00 pm. Monday through Friday. A normal week's work will consist of eight (8) hour workdays. Allotted time for paid meal periods shall vary due to daily workload.

Deputies and Jail Officers shall work a rotating twelve (12) hour shift, including a paid lunch break as workload allows. Employees shall work eighty-four (84) hours in a fourteen (14) day work period.

3.3 COMPENSATION

Employees are paid bi-weekly on Wednesdays approximately two weeks following the end of the pay period. The County offers the optional convenience of having payroll checks direct deposited to the bank of the employee's choice. Direct Deposit is strongly encouraged. This can be requested at any time by completing the appropriate forms within the Auditor's Office.

Each paycheck will include earnings for all work performed through the end of the previous payroll period as well as calculate benefit time taken for that time period. Employee's paychecks will be available for pickup from their Elected Official, Department Head or Supervisor after 9:00 a.m. on payday. Time cards not submitted to the Auditor by noon on the Tuesday following the end of the payroll period shall not be processed until the next scheduled payroll except in verified emergencies.

In the event that a regularly scheduled payday falls on a holiday, which is observed by the county, employees will receive pay on the last day of work before the regularly scheduled payday. If the scheduled payday falls on January 1st, employees will receive pay on the first business day following January 1st.

The Elected Official/Department Head of each department shall be responsible for submitting time sheets for each employee in his/her department to the Auditor on a two week basis. Accurate records of actual hours worked each day shall be recorded by each employee as required by the FLSA and Indiana Code 5-11-9-4. Time records shall be kept and maintained by the Elected Official/Department Head of each department. The time sheet shall also reflect any overtime, and absences due to vacation, holidays, personal time, sick time, FMLA, or bereavement leave.

3.4 JOB DESCRIPTIONS

Posey County positions, except those of Elected Officials, have been described in job descriptions. Elected officials and department heads assign the duties and responsibilities specified in Department job descriptions. The County Council adopts the County's official job descriptions. Copies of job descriptions are available in each office or department.

3.5 WAGE POLICY

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

(a) Unauthorized time away from work shall be subtracted from existing leave time in the following order: accrued compensatory time, vacation time, personal leave, and sick leave.

(b) If employees paid on an hourly wage have no existing leave time as described above, unauthorized time from work shall be docked from his/her wages on an hourly basis.

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

(c) For employees paid at a salary rate with no existing leave time as described above, the penalty shall be computed by the normal work hours in a year divided into the gross annual salary to determine the hourly rate of pay.

(d) An employee cannot be granted time off without pay if they have remaining paid time accrued; such as vacation days, sick or personal days.

(e) The wages of an Elected Official cannot be docked, as set by law.

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

3.6 FLSA TIMEKEEPING

Accurate recording of time worked is the responsibility of every employee and a requirement of Federal and State laws in order to calculate employee pay and benefits. Employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. Also, employees should record the beginning ending time of any split shift or whenever they leave the building for any reason other than County business.

Filing out another employee's time card, allowing another employee to fill out your time card, or altering any time card will be grounds for discipline, up to and including termination of employment. If an employee is off work for any reason, the Elected Official, Department Head or Supervisor can complete or fill out that employee's time card. If corrections or modifications are made to the time card the Elected Official, Department Head or Supervisor must verify the accuracy of the changes by initiating the time card.

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

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

1. Employee's full name, as used for Social Security purposes, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records;
2. Address, including zip code;
3. Birth date if younger than 19;
4. 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.

3.7 INDIANA TIMEKEEPING REQUIREMENTS

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

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

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

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

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

3.8 WORK TIME RESTRICTED

Non-exempt employees shall not commence any work activities on behalf of Posey County before 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.

3.9 MULTIPLE POSITIONS

Non-exempt employees working in more than one (1) Posey County position shall count the combined hours worked in more than one (1) position in determining overtime obligations under the Fair Labor Standards Act (FLSA).

3.10 PAY CORRECTIONS

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

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

improper deductions from wages. Any employee who thinks that he/she has had incorrect deductions from his/her 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 his/her Elected Official/Department Head with a copy of the notice sent to the Auditor's Office.

Time cards not submitted to the Auditor by noon on the Tuesday following the end of the payroll period shall not be processed until the next scheduled payroll except in verified emergencies.

Employees are encouraged to review their paycheck for accuracy and to notify the Auditor's Office as soon as possible concerning any discrepancy. At times payroll is used to communicate events, changes of policy, etc. and it is the responsibility of the employee to check their payroll envelope.

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.

3.11 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.

3.12 FLEX TIME

The County may utilize "time-off" or flexible hours for excluded, exempt, or non-exempt positions to avoid having employees work in excess of the normal workweek schedule. For example, if an employee is required to attend a night meeting on Monday he/she may "flex" their schedule to come in late or leave early on Tuesday, Wednesday, Thursday, or Friday. 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.

3.13 OVERTIME/COMPENSATORY TIME

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

Each County position is designated either as **EXCLUDED, EXEMPT, or NON-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 **EXCLUDED** positions include elected officials, their policymaking appointees, and their personal staff and legal advisors. These employees are not covered by the FLSA, and are not eligible for or entitled to receive overtime compensation or compensatory time off. Excluded employees except for elected officials must maintain time keeping records to satisfy Indiana statutes governing public employers.

Employees holding **EXEMPT** positions are exempt from specific provisions of federal and state wage and hour laws, and are not entitled to and shall not receive FLSA overtime compensation or FLSA compensatory time off. Exempt employees must maintain time keeping records to satisfy Indiana statutes governing public employers.

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. All positions within the County except those determined as Exempt or Excluded are considered Non-Exempt and are entitled to overtime pay or compensatory time off.

3.13.1 Non-FLSA Overtime/Compensatory Time

If a non-exempt employee who regularly works a thirty-five (35) hour workweek is required to work additional time over thirty-five (35) hours, the employee will receive non-FLSA compensatory time on an hour for hour basis up to forty (40) hours in the workweek. Courthouse employees work a thirty-five (35) hour workweek, Monday through Friday.

This Non-FLSA overtime/compensatory time policy shall also apply to the First Deputies in the following offices:

- Assessor
- Auditor
- Clerk
- Recorder
- Treasurer

All overtime or compensatory time must be approved by the supervisor and recorded on the payroll schedule.

3.13.2 FLSA Overtime/Compensatory Time

In the event that an Elected Official/Department Head requires a non-exempt employee to work over forty (40) hours in a workweek, such employee shall be granted overtime compensation in the form of monetary reimbursement at the rate of one and one-half (1 ½) times the amount of hours worked in excess of forty (40) hours in the workweek, or if overtime funds have not been appropriated, the employee shall receive FLSA compensatory time as described below. Overtime monetary reimbursement and compensatory time is based on actual hours worked except that time off for paid bereavement leave shall count as hours worked for purposes of calculating overtime compensation. Time off on authorized vacation, sick, personal days, and compensatory time shall not be considered hours worked for the purposes of calculating overtime pay or compensatory hours.

This FLSA overtime/compensatory time policy shall also apply to the First Deputies in the following offices:

- Assessor
- Auditor
- Clerk
- Recorder
- Treasurer

3.13.3 Overtime for Highway Department

In the event that the department head requires a non-exempt highway department employee to work overtime, such employee shall be granted overtime compensation in the form of monetary reimbursement or FLSA compensatory time (Discretion of employee) at 1 ½ times the number of hours worked in excess of eight (8) hours in a day. All FLSA compensatory time will cap at one hundred twenty (120) hours. All accumulated FLSA compensatory time in excess of hundred twenty (120) hours will be paid in the form of monetary reimbursement when sufficient funding is available.

If an emergency exists and an employee performs work at the direction of their supervisor at a time which does not immediately precede or extend the usual workday, the employee will receive time and one-half (1 ½) for the hours worked, with a minimum of two (2) hours. Under such circumstances, the employee is entitled to such overtime whether or not the employee has or will obtain forty (40) hours for applicable work week.

~~Overtime monetary reimbursement and compensatory time is based on actual hours worked; except that time off for paid bereavement leave shall count as hours worked for purposes of calculating overtime compensation. Time off on authorized vacation, sick, personal days, and compensatory time shall not be considered hours worked for the purposes of eligibility for overtime.~~

3.13.4 Overtime for Sheriff's Department and Jail

Merit Deputies and Jail Correction Officers on a 171 work cycle shall receive overtime after 171 hours in a pay period. Overtime shall be earned at the rate of one and one half (1 ½) times the regular rate of pay per one hour of overtime worked. For the purposes of computing overtime, only hours actually worked are counted; except that time off for paid bereavement leave shall count as hours worked.

3.13.5 Maximum Compensatory Time Accrual

Non-public safety employees, Courthouse employees, and other employees who work a scheduled thirty five (35) hour per week schedule may accrue two hundred forty (240) compensatory time hours before monetary compensation shall be paid.

Merit Deputies and Jail Correction Officers who work 171 hours in a work cycle may accrue four hundred eighty (480) compensatory time hours before monetary compensation shall be paid.

Accrued compensatory hours are paid upon termination of employment. However, the County retains the right to pay compensatory time at any time. Employees transferring from one department to another shall be paid for compensatory time earned in that department.

3.13.6 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.

3.13.7 Emergency Call Back

Non-exempt employees in the Highway Department, who are required to respond to immediate emergency situations occurring outside of normal business hours, as established by the Elected Official/Department Head shall be compensated time and one-half for hours worked, with a minimum of two (2) hours.

Employees are paid the call back rate regardless of whether or not they have actually worked forty (40) hours in that workweek.

3.14 EMERGENCY CLOSINGS

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

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 Posey County work facility is officially closed for emergency conditions before the beginning of the workday, the time off from scheduled work will be paid to full-time employees affected by the facility closing. If an employee is required to work at a closed facility, the employee shall be compensated for all hours worked plus their regular shift. Such work must be approved by the County Commissioners prior to performing work.

Any employee who reports to work and the facility is later closed due to an emergency after his/her arrival, shall be paid for a full work day without being penalized by using vacation, personal days, compensatory time, or by making up this time within the pay period. However, if a full-time employee does not report to work on a day in which the facility is later closed, time missed will be charged to vacation, personal days, compensatory time, time without pay. If a part-time employee cannot report to work, time missed shall be without pay.

Due to the nature of various departments' work, certain public safety departments may not be closed and employees of those departments shall work even when the Board of Commissioners has closed other County facilities.

Employees on a pre-scheduled day off (vacation, personal, sick) at the time of an emergency closing will be paid with their pre-scheduled time off.

3.15 EMPLOYMENT TERMINATION

Employees voluntarily terminating their employment with the County are asked to provide at least two (2) weeks written notice to their Supervisors, Department Heads or Elected Officials who should in turn give notice to the Commissioners. Once notice is given, the County reserves the right to shorten the employee's remaining time of employment. Providing two (2) weeks' notice does not guarantee an employee further employment during the period covered by the notice.

Employees terminating their employment will be provided specific instructions by their supervisor or other appropriate County official as to the manner in which they will return any County owned property such as keys, cellular telephones, tools, equipment, etc. Employees with access to County computers or other electronically generated data will also be instructed as to the manner in which their access thereto will be terminated.

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:

3.15.1 Resignation

Employees who decide to resign their employment status with the County shall notify their Elected Official/Department Head at least two (2) weeks before the effective date of termination and must work during the notice period.

Any employee who is asked to resign for any reason other than one or more of those that may warrant immediate discharge, will be given two (2) weeks' notice prior to his/her separation date. An employee asked to resign for reasons that may warrant immediate discharge may not be given such notice.

3.15.2 Retirement

The voluntary employment termination initiated by the employee meeting established state and/or County retirement criteria, such as age and length of service. Employees shall receive their final pay in accordance with applicable state law.

3.15.3 Layoff

A reduction in the number of employees performing a specific task or duty. This may occur as a result of a reorganization of positions in the interest of the County, budget limitations, seasonal employment, or other similar occurrences.

Reassignment or transfer to another position will be observed in as many layoff cases as possible. Reinstatement may be in the position vacated or in another job that becomes available. Insofar as practicable, Elected Officials/Department Heads will try to give at least one (1) weeks advance notice of any layoff

3.15.4 Involuntary Dismissal or Discharge

Involuntary employment termination initiated by the County.

Some benefits may be continued at the employee's expense if the employee so chooses. The employee should contact the Auditor Deputy for information regarding any benefits that may be continued and of the terms, conditions, and limitations of such continuance.

Prior to an employee's departure, an exit interview may be scheduled with the Elected Official/Department Head.

The County will generally attempt to provide employees terminated for other than disciplinary reasons at least two (2) weeks' advance notice. However, the County reserves the unilateral right to provide less notice depending upon the circumstances.

3.16 RETURN OF COUNTY PROPERTY

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. County property includes: keys, identification badges, uniforms, safety equipment, work tools, phone, computer or laptop, GPS devices, vehicle and keys and any other items that have been

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

purchased by the County to be used for your employment. All property must be returned by employees to the Elected Official/Department Head or their designee on or before their last day of work. The County may take all action deemed appropriate to recover or protect its property.

4. EMPLOYEE BENEFITS

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

Eligible employees of Posey County are provided a wide range of benefits. Some programs, such as Social Security, workers' compensation, and unemployment insurance, cover all employees in the manner prescribed by law. Eligibility for additional benefits is dependent upon employee classification.

Employees should contact their Elected Official/Department Head for information regarding benefit programs for which they may be eligible. Details of many of these programs can be found elsewhere in the personnel policies handbook.

Some benefit programs require contributions from the employee.

Newly hired County employees shall accrue benefits as outlined in Appendix A.

4.1 VACATION

The purpose of paid annual vacation leave is to allow and encourage all employees to renew their physical and mental capabilities and to remain fully productive. Full-time employees are provided annual vacation leave during each year in order to achieve this purpose. Vacation time may be taken in a minimum of 15-minute increments. Vacation leave not used by end of the year shall be forfeited. However, if an emergency situation occurs where an employee has unused vacation time at the end of the calendar year, such unused vacation time may be rolled over to the next year so long as such unused vacation rollover request is approved by the County Department Head or County Elected Official and also the Board of Commissioners of Posey County. All vacation time cannot be taken without the prior approval of the Elected Official, Department Head or Supervisor. Part-time employees are not eligible for paid vacation leave.

For the first year, employees will be given one (1) day of vacation leave for every full calendar month in the first year up to ten (10) vacation days (new employees must have worked the first day of the month in order to earn benefit time for that month). Vacation will be prorated and granted on the employee's hire date. After the first year of employment employees will be awarded vacation time on January 1.

For the EMS Department, vacation time is to be used in work week (40 hour) increments for all EMS employees. An exception may be made for employees in their first fiscal year of employment to use a single vacation day due to the manner in which days are accrued and work week scheduling. This is in accordance with the Posey County EMS Benefit Time Calendar. (Example: Vacation accrued is 4 days. The employee wants to take off a work week with 3 scheduled work days. This will leave one vacation day remaining). With EMS Department Head approval, the employee will be allowed to use this single remaining day if the schedule permits.

*Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022*

Increased vacation due to years worked will be awarded on the employee's anniversary date per table below. Employees with an anniversary date in December will not be awarded their additional week in that calendar year until January 1 of the following year.

~~Employees begin to earn vacation after six (6) months of service has been completed. After six (6) months of service one week of vacation will be granted and then an additional one week will be granted at the employees specific hire date. Vacation will then follow the standard schedule below:—~~

Years	Hours Awarded for 35 hour workweek Employees	Hours Awarded for 40 hour workweek Employees	Hours Awarded for Deputies	Hours Awarded for Jailers
1-5	70 Hours	80 Hours	80 Hours	120 Hours
Beginning year 6-10	105 Hours	120 Hours	120 Hours	180 Hours
Beginning year 11	140 Hours	160 Hours	160 Hours	240 Hours

Example: An Employee hired March 25, 2020 will receive the third week of vacation on March 25, 2025 and will receive the fourth week on March 25, 2030.

~~Vacation maybe used in one (1) hour increments, except for the EMS Department. Employees engaging in twenty-four (24) hour work shifts and individuals working within the EMS Department will be awarded vacation in one (1) week intervals.~~ In order to take a paid vacation, employees should request advanced approval from their Elected Officials, Department Heads and/or Supervisors. Request will be reviewed based on a number of factors, including business needs and staffing requirements.

Vacation time is paid at the employee’s base rate at the time of the vacation. It does not include overtime pay or any special forms of compensation such as incentive pay, commissions, bonuses or shift differentials.

All vacation days must be taken during the period for which they were earned. Accumulation of vacation days is not permissible. An employee shall be compensated at his/her current pay rate, for any unused vacation leave at the time of voluntary separation or retirement. Employees who are terminated for disciplinary reasons shall not be entitled to pay for any unused vacation time.

Vacation time may not be taken in advance of being earned.

4.2 HOLIDAYS

The Commissioners will adopt and publish the holiday schedule annually on or before December 31st for the calendar year. The County holiday schedule may be changed by vote of the Board at any time without notice. Part-time employees are not eligible for Holiday compensation.

4.2.1 Highway Department Holiday Pay

Due to the nature of certain job functions of County Government, some highway department employees may be required to work holidays. If an eligible non-exempt highway employee is required to work on a recognized holiday, he/she will receive holiday pay, plus time and one-half for the hours worked on such holiday with a minimum of two (2) hours. Employees required to work holidays shall be paid the holiday rate regardless of whether or not they have actually worked forty (40) hours in the workweek.

4.3 SICK LEAVE

Sick leave benefits are a privilege and not a right that an employee may demand. Sick leave is for the purpose of ensuring your income during the periods where you are ill and unable to work or to assist in the care of a family member. Thirty-five (35) hours are available each calendar year without loss of compensation for absence from work due to illness. Sick time may be taken in a minimum of 15-minute increments. If an employee works for the EMS Department, personnel days must be taken off by shift instead of hours, unless individual becomes ill at work.

Employees will be given one half (1/2) day of sick leave for every full calendar month in the first year up to five (5) days (new employees must have worked the first day of the month in order to earn benefit time for that month). Sick days will be prorated and granted on the employee's hire date.

For EMS Department, it will be allowed for an employee to use their Sick Time/Personal Time in half shift increments with the EMS Department Head's approval. Employees will understand if they only have half of a shift left, they will be required to work the other half of a shift, they will be required to work the other half of the shift -or- the employee may be allowed to trade time, within the same work week, with another qualified employee with approval of the EMS Department Head.

At the time of retirement or resignation employees with at least ten (10) years of continuous service shall be entitled to be paid at his/her current rate of pay for accumulated sick days for preceding years according to the following scale, provided that termination is not for cause.

*Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022*

Day Accumulated

Up to four hundred and eighty (480) hours maximum

Percentage of Day's Pay

Fifty percent (50%) for all accumulated

Sick leave benefits will be calculated based on the employees base pay rate at the time of absence and will not include any special forms of compensation such as incentives, commissions, bonuses or shift differentials.

If any one (1) calendar year, an employee shall be absent from work due to illness less than the prescribed number of days, the remaining days shall be cumulative, up to a maximum of four hundred and eighty hours (480). Sick leave benefits are calculated on the basis of a "benefit year", the 12-month period that begins when the employee starts to earn sick leave benefits. Sick days will accumulate at the rate of thirty-five (35) hours of sick leave for each twelve (12) continuous months of employment.

~~Employees can request use of paid sick leave after completing a waiting period of ninety (90) calendar days from the date they become eligible to accrue sick leave benefits. Paid sick leave may be taken in one (1) hour increments.~~

Employees who are unable to report to work due to illness or injury should notify their direct Elected Official, Department Head or Supervisor before the scheduled start of their workday if possible. The Elected Official, Department Head or Supervisor must also be contacted on each additional day of absence.

Sick leave can be denied if the employee calls in on days when vacation, personal days, etc. requests were denied. If any sick leave absences are suspicious and are an assumption of sick leave abuse, the time off will be unpaid and the employee will be subject to discipline unless the employee can verify the sick leave was legitimate.

4.4 PERSONAL DAYS

Personal days are granted on January 1st of each year, at twenty-eight (28) hours of absence per year without loss of pay for transaction of personal business and/or the conduct of personal or civic affairs provided at least two (2) days' notice is to be given except in cases of emergency with approval of the Elected Official, Department Head or Supervisor. Personal time may be taken in a minimum of 15-minute increments. Personal leave not used by the end of the year shall be forfeited. If an individual works within the EMS Department, personnel days must be taken off by shift instead of hours.

One (1) day shall equal the number of hours in the normal work day of the employee at the time the personal leave is used.

Employees will be given one half (1/2) day of personal leave for every full calendar month employed in the first year up to four (4) personal days (new employees must have worked the first day of the month in order to earn benefit time for that month). Personal days will be prorated and granted on the employee's hire date.

Upon termination of employment, employees are not entitled to payment for their unused personal leave time.

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

4.5.1 Entitlement

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

1. The birth of a son or daughter, and to care for the newborn child;
2. The placement with the employee of a son or daughter for adoption or foster care;
3. To care for the employee’s spouse, son, daughter, or parent with a serious health condition; and
4. The employee’s own serious health condition that makes the employee unable to perform the functions of one’s position.

4.5.1(A) Serious Health Condition Defined

For purposes of FMLA, a “serious health condition” is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care (an overnight stay in a hospital, hospice, or residential medical care facility), including any period of incapacity or any subsequent treatment in

connection with such inpatient care, or a condition that requires continuing care by a licensed health care provider. This policy is intended to cover illnesses of a serious and long-term nature resulting in recurring or lengthy absences.

4.5.1(B) Chronic, 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 a serious health condition or a serious injury or illness.

An employee shall advise the County, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable.

The employee and Posey County shall attempt to work out a schedule for such leave that meets the employee's needs without unduly disrupting the County's operations, subject to the approval of the health care provider.

4.5.3 Employee Notice Requirements

4.5.3(A) Foreseeable FMLA Leave

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

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

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

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

4.5.3(a) Employee Failure to Provide Notice

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

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

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

4.5.3(B) Unforeseeable FMLA Leave

When the approximate timing of the need for leave is not foreseeable, an employee must provide notice to the County as soon as practicable under the facts and circumstances of the particular case.

It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by the employer's usual and customary notice requirements applicable to such leave.

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

4.5.3(b) Employee Failure to Provide Notice

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

4.5.3(C) Requesting FMLA Leave

All requests for FMLA leave must be submitted, in writing, directly to the Elected Official/Department Head. The Elected Official/Department Head shall then provide the form to the Auditor's office. The Auditor's office 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 to secure such forms and procedures used for requesting leave under the County's Family and Medical Leave policy.

4.5.4 Employer Notice Requirements

4.5.4(A) Eligibility and Rights & Responsibilities

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

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

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

4.5.4(B) Designation Notice

The employer is responsible in all circumstances for designating leave as FMLA-qualifying, and for giving notice of the designation to the employee. When the County has enough information to determine whether the leave is being taken for a FMLA-qualifying reason (e.g., after receiving a certification), the

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

County shall notify the employee whether the leave will be designated and will be counted as FMLA leave within five (5) business days absent extenuating circumstances.

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

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

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

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

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

4.5.5 Certification

Posey 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.

Posey 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)**.

Posey 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.

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 County Auditor or designated official by the County Auditor will be responsible for obtaining clarification and/or authentication. Under no circumstances, may the employee's direct Elected Official/Department Head 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.

The County may seek recertification's 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.

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. August 7, 2018); the next twelve (12)-month period would begin the first time leave is taken after completion of that twelve (12)-month period ending on (August 6, 2019).

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.

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

Employees shall be required to use all of their accrued benefit time in this order: compensatory time, and sick time. An employee may choose to use vacation and personal days.

4.5.6(A) Intermittent Leave or Reduced Leave Schedule

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) Health Benefits

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

4.5.7 Employee Reinstatement

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

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

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

The County shall consider an employee's failure to report to work at the end of the leave period as an employee resignation.

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

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.

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

4.5.8(D) Covered Servicemember Defined

The term “covered servicemember” means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or condition that existed before the servicemember’s active duty but was aggravated by service in the line of duty on active duty; or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness, or condition that existed before the servicemember’s active duty but manifested before or after becoming a veteran, and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five (5) years preceding the date on which the veteran undergoes such medical treatment, recuperation, or therapy. The employee’s first date of leave must occur within the five (5) year period; however, the employee may continue to take such leave throughout the “single twelve (12)-month period” of leave even if the leave extends beyond the five (5) year period.

4.5.8(E) Qualifying Exigency Leave

Eligible employees may take **up to a total of twelve (12) weeks** of 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 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 fifteen (15) days of leave to spend time with a covered military member who is on short-term temporary, rest, and recuperation leave during deployment;
7. **Post-deployment activities:** Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration

briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the covered military member's 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) Certification

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 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) Verification

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

However, if the qualifying exigency involves meeting with a third party, the County shall contact the individual or entity with whom the employee is meeting for purposes of verifying a meeting or appointment schedule and the nature of the meeting between the employee and the specified individual or entity. The employee's permission is not required in order to verify meetings or appointments with third parties, but no additional information may be requested by the County. The County also shall contact the appropriate unit of the Department of Defense to request verification that a covered military member is on 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) Military Caregiver Leave

Posey County Personnel Policy Handbook
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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.

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) Next of Kin Defined

The “next of kin of a covered servicemember” is the nearest blood relative, other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of Military Caregiver leave under the FMLA.

4.5.8(c) Designating Leave

In the case of leave that qualifies as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition during the “single twelve (12)-month period,” the County shall designate such leave as leave to care for a covered servicemember in the first instance. Leave that qualifies as both leave to care for a covered servicemember and leave taken to care for a family member with a serious health condition during the “single twelve (12)-month period” will not be designated and counted as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition.

This section also applies to leave taken for other FMLA-qualifying reasons.

4.5.8(d) Certification

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

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

During that time period, an eligible employee may take leave to care for the covered servicemember in a continuous block of time or on an intermittent basis. An eligible employee who provides an ITO or ITA to support his or her request for leave shall not be required to provide any additional or separate certification that leave taken on an intermittent basis during the period of time specified in the ITO or ITA is medically necessary.

An ITO or ITA is sufficient certification for an employee entitled to take FMLA leave to care for a covered servicemember regardless of whether the employee is named in the order or authorization.

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

The County, if appropriate, shall seek authentication and/or clarification of the ITO or ITA as stated above in the County's "regular" FMLA policy. However, second and third opinions and recertification's, 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 Posey County that qualified individuals with disabilities not be excluded from participating in or benefiting from the services, programs, or activities of the County.

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

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

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

Accommodations may not create an undue hardship for the County or other employees.

An individual who cannot be reasonably accommodated for a job, without undue hardship, will not be selected for that position.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, which threat cannot be eliminated by reasonable accommodation, will not be hired.

Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave.

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

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

Members of the public, including individuals with disabilities and groups representing individuals with disabilities, are encouraged to submit suggestions to the County ADA Coordinator on how Posey County might better meet the needs of individuals with disabilities pursuant to this policy.

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

4.7 BEREAVEMENT LEAVE

The County will grant paid bereavement leave for full-time employees up to two (2) weeks in connection with the death of a spouse, child or dependent.

Three (3) days off in the event of the death of a parent, step parent, brother, step brother, sister, step sister, grandparent, step grandparent, current father-in-law, current mother-in-law or for any grandchildren.

One (1) day off in the event of death of a family member not listed above such as aunt, uncle, brother-in-law, sister-in-law and current grandparent in laws.

Bereavement days must be requested from and approved by your Elected Official, Department Head or Supervisor before being used. The Elected Official, Department Head or Supervisor may authorize exceptions to this policy if extenuating circumstances occur. Bereavement leave is per death event and must be in conjunction with the time of the death or the date of the funeral/service.

4.8 MILITARY LEAVE

Employees who receive military orders from the Armed Forces Reserve, National Guard, or who are ordered on duty for an initial period of active duty training in the Reserves or National Guard, or who are called to active military service in the Armed Forces will be granted leave to fulfill their military obligations. Employees who are on military service leave of absence will receive the difference between the employees' military pay and the employee's regular pay (assuming the regular pay is higher) for a maximum of fifteen (15) calendar days per calendar year or the military fiscal year (October 1st to September 30th), whichever provides the greater benefit.

Employees called to extend active duty may also elect to use all or a portion of their accrued paid time off while on such duty. Military orders must be submitted to the Elected Official, Department Head, or Supervisor and the Auditor's office as soon as received.

The County will follow the Uniformed Services Employment and Reemployment Act of 1994 (USERRA) and the Military Selective Service Act regarding all issued concerning: requests for reemployment, health benefits, pension benefits, termination of employment and termination of benefits. Copies of the USERRA Act can be requested from the Auditor's office.

The County will not discriminate against any employee on the basis of that person's membership in or obligation to perform service for any of the uniformed services of the United States.

4.8.1 Annual Training

A military leave of absence will be granted to all full-time Posey County employees to attend scheduled drills or training, or to respond to a call to active duty with the U.S. armed services. Employees with appropriate military orders will be granted paid leave for annual training for Reserve or National Guard for a period of up to fifteen (15) days per year; and are entitled to civilian (Posey County) and military pay up to fifteen (15) days per year. Such military leave will not be charged against an employee's accrued benefit time off, and seniority will continue to accrue in the same manner as for employees not on military leave.

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

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

4.8.2 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 while performing military duty.

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 a military leave of absence an employee will be reinstated to a Posey County position provided the employee is discharged from military status under honorable conditions, including

providing fulfillment papers to his/her supervisor, and makes a request for reinstatement within thirty (30) days after release from active duty, or one (1) year after release from hospitalization due to military accident. The employee must also be qualified to perform the essential functions of the position for which he/she is being reinstated, and shall be required to provide medical release forms from the military.

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

4.8.3 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 Military Family leave under qualifying circumstances.

In order for an employee to be eligible for Military Family leave, the employee must have worked for Posey 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. 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 Military Family leave, unless the person ordered to active duty receives deployment orders less than thirty (30) days in advance. Posey County may require verification of the military orders in order to approve Military Family leave.

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, or compensatory time available to the employee for any part of the ten (10) day period of Military Family leave.

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

4.9 JURY DUTY AND COURT APPEARANCES

All County employees are encouraged to fulfill their civic responsibilities by serving on a jury when required. Employees must provide their Elected Official, Department Head or Supervisor with any letters, notices or summon they receive in connection with their call to jury duty, as well as communicate the likely duration of the trial. A full-time employee that is required to serve jury duty will be paid their regular rate of pay during their scheduled working hours for the County. On days that a

full-time employee is not scheduled to work for the County, but serves jury duty, they will receive the standard jury rate of pay.

All County employees will be allowed time off for witness duty upon presentation of a subpoena. Full-time employees will be paid at their standard regular rate of pay. If services as a juror are not required for the entire day, the employee is expected to return to work after being released from jury duty. If the employee is subpoenaed for a personal matter they will only be paid if they have paid leave benefits still available to them.

The employee is not entitled to overtime compensation should the jury duty service time exceed their normal work hours for the day. The time the employee is away from work during jury services is not counted as "hours worked" for the purposes of counting overtime.

4.10 WORKERS' COMPENSATION

Posey County provides Worker's Compensation Insurance in accordance with the laws of Indiana for the protection of its employees and at no cost to the employee.

If an employee is involved in an accident or sustains an injury on duty, he/she must report it to his/her Elected Official, Department Head or Supervisor immediately, no matter how minor an on-the-job injury may appear. This will enable an eligible employee to qualify for coverage as quickly as possible. Failure to report the occurrence may result in no coverage being provided.

Any full-time employee sustaining a work-related injury resulting in disability, if so determined by a decision issued under the operation of the Worker's Compensation program, shall be paid the difference between the monies to which he or she may be entitled under Worker's Compensation, Social Security or other applicable disability benefits and his or her full salary for a period of (1) one year, or for the duration of his or her disability, whichever is less. The management member must then complete an accident report and submit it to the authorized personnel within the Auditor's office within (24) twenty-four hours of the accident. If the employee is in need of medical care resulting from the injury, the employee must seek initial treatment as soon as possible and keep their management member as well as the Auditor's office informed of all events.

Claims will be reviewed by the insurance carrier and the Board of Commissioners. All accidents or injuries on the job no matter how small must be reported immediately to the employee's Department Head or Supervisor. The Department Head or Supervisor is responsible for completing the Incident Report within twenty-four (24) hours and submitting it to the Auditor. No employee, after seeing a doctor, will be allowed to return to work without first securing that doctor's release. If the employee is in need of medical care resulting from the injury, the employee must seek initial treatment as soon as possible and keep their management member as well as the Auditor's office informed of all events.

Employees should contact the Auditor to obtain information and forms regarding filing workers' compensation claims. Initial reports are to be filed with the Auditor Deputy. Medical certifications are required. Once completed, all such forms are to be filed directly with the insurance carrier.

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

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 (8th) day. However, on the twenty-second (22nd) 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.

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

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

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

Employees will not accrue any sick leave or seek benefit entitlements throughout the duration of any work-related disability and upon return to work, their entitlements shall be proportionately reduced. Neither Posey County nor the insurance provider will be liable for the payment of worker's compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social or athletic activity sponsored by Posey County.

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

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

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

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

4.11 EMPLOYEE INSURANCE

*Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022*

The County provides benefits to all regular full-time employees the first of the month after sixty (60) days of service as well as elected officials on an elective basis. Specific information and a copy of the Summary Plan Description regarding each benefit plan offered are available at the Auditor's office. The following types of insurance benefits are presently available to you as an employee with some of the benefits being provided by the county.

Group Life Insurance Coverage
Health Insurance Coverage
Prescription Drug Plan
Dental & Vision

Enrollment for the above benefits is not automatic; therefore, you must contact the Auditor's office to apply. Also, you may notify the Auditor's office of any changes or plans of canceling such benefits in the future.

The employee is ultimately responsible for deleting or adding departments that become ineligible because of divorce, marriage, age, or for other reasons that could occur.

Appointed members of the County's Insurance Committee constantly review insurance plans, costs, etc. so plans, coverage and costs could change throughout the year at any given time. The County, at its sole discretion, reserves the right to change the method of funding, payment, and reduce contributions for a particular benefit as well as the carrier and type of insurance coverage made available. The County also deserves the right to change, modify or terminate any insurance benefit, plan, policy or practice described in this section at any time without advance notice.

Occasionally, when deemed affordable and/or necessary, a mandatory health fair will occur and employees must attend or visit their doctors for a health screen release. Failure to attend the health fair or provide documentation from the employee's personal physician may result in the employee losing health insurance benefits.

All employees have the benefit of also using the Deaconess CONCERN: Employee Assistance Program for mental health topics as well as stress and other counseling needs and services.

Employees are encouraged to visit the Auditor's office with any specific questions.

4.12 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY (HIPAA)

Posey 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.

Posey County has designated the Auditor as the County's "privacy official" who is responsible for developing and implementing privacy policies and procedures; and the Commissioners are the contact responsible for receiving complaints regarding compliance.

All County HIPAA inquiries shall be directed to the Auditor.

4.13 BENEFITS CONTINUATION (COBRA)

There is no Indiana law regarding notice to employees regarding the cessation of certain employment benefits upon the loss of employment. Instead, such notification arises under a federal law known as the Consolidated Omnibus Budget Reconciliation Act (“COBRA”). The Consolidated Omnibus Budget Reconciliation Act of 1985 (“COBRA”) requires employers who provide employee health and medical benefits to provide notification to employees of their COBRA rights at the time of a “qualifying event”. 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 County's group rates. 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.

The County will continue benefits coverage for a period not to exceed three months whenever an employee is placed on sick, family or maternity leave. Thereafter, the employee may be able to continue group coverage at his or her own expense under COBRA rules.

All COBRA inquiries should be directed to the Auditor.

4.14 INDIANA PUBLIC RETIREMENT SYSTEM (INPRS)

Elected Officials, Department Heads, Full-time employees, and Benefit Eligible Permanent Part-time employees are covered by INPRS, a 401 (A) qualified 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' 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 Auditor and/or Indiana Public Retirement System at One North Capital, Suite 001, Indianapolis IN. 46204

4.15 DEFERRED COMPENSATION PLAN (HOOSIER START)

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

Deferred compensation is a voluntary IRS Section 457 plan which offers all County employees and Elected Officials an effective way to reduce current taxes and to supplement other retirement benefits. Available through payroll deduction, the plan permits participants to save a certain percentage of their gross earnings and to choose among a wide range of competitive investment options.

Posey County will contract with an outside provider selected by the Board of Commissioners to be the exclusive provider and enroller.

Members pay on Federal, state, or local income taxes on their contributions to the deferred compensation plan until they separate from the County employment and actually withdraw funds from their accounts. Regardless of age at separation, they may begin receiving payments immediately or may elect to delay the start of benefits to a later date. They may withdraw their accounts in a lump sum or in monthly payments over several years.

The Auditor will serve as the Plan Administrator and is authorized to make deductions from the pay of employees, who voluntarily participate, and make such arrangements as necessary to administer the plan. The County will provide for administrative expenses but will not contribute to the plan itself.

5. WORKING CONDITIONS

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

5.1 SAFETY

Posey County will continue to make reasonable provisions for the safety and health of its employees during the hours of their employment. Protective devices and other equipment necessary to protect employees from injury will be provided by the County, at its expense, in accordance with applicable laws and safety needs. All employees are required to use safety equipment properly and are responsible for safety and other equipment issued to them. Equipment will be replaced only upon return of the item that needs to be replaced.

All accidents that result in injury must be reported to the Elected Official/Department Head regardless of how insignificant the injury may appear. The Elected Official/Department Head must report such accidents to the Auditor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation procedures.

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

Employees shall obey safety rules and exercise caution in all their work activities, and shall immediately report any unsafe conditions to their Elected Official/Department Head. Reports and concerns about workplace safety issues may be made without fear of reprisal. All employees are expected to correct unsafe conditions as promptly as possible. Employees who violate safety standards, cause hazardous or dangerous situations, fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to, and including termination of employment.

In a medical emergency, the employee should follow the workers' compensation procedures in this handbook.

If a workplace injury requires long term medical attention, the injured employee will follow the workers' compensation medical professional's decision on when to return to work, and eligibility for continuing employment. In the case of permanent disability due to job injury, a final release will be arranged, if appropriate.

Safety rules will be formulated from time to time by the County and posted in the work area. In addition, the following safety rules must be observed by all County employees:

1. Horseplay on County premise is strictly prohibited at all times.

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

2. Immediately report unsafe, unhealthy or dangerous conditions or practices to supervisors or other appropriate management officials.
3. Keep, maintain and service all County vehicles and equipment in a clean and safe operating manner. Speed limits and Indiana driving laws must be observed while operating County-owned vehicles.
4. Do not drive or behave recklessly or carelessly on County premises at any time.
5. Observe common safety practices and conduct your work activities in a safe and prudent manner. Good housekeeping is part of safety, good health and good work. Each employees responsible for keeping his or her immediate work area clean, sanitary and free from waste, debris, flammables, intoxicants, illegal drugs, firearms, fireworks, and explosives, unless otherwise required by their position.
6. Always use safety and protective devices and equipment as directed by the County.
7. Machinery or equipment will be operated only by trained and authorized personnel and shall not be operated without proper safety guards in place.

Employees who violate any of these rules or any aspect of the Safety and Health Policy will be disciplined, up to and including termination, under the County's general discipline policy.

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 free of charge for those employees in high risk positions wishing to participate in this program.

The Occupational Safety and Health Administration has determined that certain employees in the workplace face a significant risk to bloodborne pathogens due to their job duties. To ensure that County employees are aware of occupational exposure to bloodborne pathogens the Health Department has developed an exposure control plan to minimize or eliminate employee contact with human blood or other bodily fluid which may contain bloodborne pathogen such as Hepatitis B virus and HIV. This control plan is available for all County employees.

The Sheriff Department has standard operating procedures establishing precautionary guidelines against the transmission of communicable diseases to employees from exposure to bodily fluids and other potentially infectious materials of other persons.

Sheriff Department employees are provided copies of this SOP and are subject to the terms and conditions described in that policy.

5.3 LACTATION SUPPORT

Posey 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. It is the responsibility of the employee to inform their Elected Official/Department Head and the Auditor of this need.

Posey 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, Posey 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 AND COUNTY MAIL

Posey County provides Internet and email access and telephone to its employees in an attempt to improve business communication and productivity as well as give employees' access to the vast amount of business related information contained on the Internet and through telecommunication resources. These services are intended to be used solely for business purposes.

Every employee has a responsibility to maintain and enhance the County's public image and to use the County email system, Internet access, telephone, and voicemail in a productive manner. Personal use of County telephones should be limited to emergencies and shall be monitored by employees' Elected Officials/Department Head.

No employee shall use or allow to be used any County property such as vehicles, equipment (including computers), mailing privileges, material, etc., for personal use without the prior approval of the Commissioners and/or Council.

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

5.5 USE OF CELLULAR/MOBILE PHONES

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

Any County employee who is issued a cell phone by the County shall use that phone for County business only. In the event that an employee violates this policy by using the phone for non-County business, the employee shall, in addition to being subject to employee discipline pursuant to the County personnel policy, report this use to the Elected Official/Department Head on the same day the use occurs, and the employee shall be required to reimburse the County for the per minute cost of the call.

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

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

5.5.1 Use of Cell Phones While Driving: The use of cell phones 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 operation of private vehicles while an employee is on work time conducting County business.

Except for County Police Officers, employees shall adhere to all federal, state, or local rules and regulations regarding the use of cell phones while driving. Accordingly, employees shall not use cell phones if such conduct is prohibited by law, regulation, or other ordinance.

Employees should not use hand held cell phones for business purposes while driving. Should an employee need to make or receive a business call while driving, he/she should locate a lawfully designated area to park and make or receive the call.

Employees may use hands-free cell phones to make or receive business calls. Such calls should be kept short, and should the circumstances warrant (e.g. heavy traffic, bad weather), the employee should locate a lawfully designated area to park to continue the call.

5.6 USE OF ELECTRONIC DEVICES

All equipment, services and technologies provided to employees as part of Posey County's computer system constitute the exclusive property of the County. Similarly, all information composed, transmitted, received or stored via the County's computer system or telecommunication resources is also considered the property of Posey County.

As such, all such information is subject to disclosure to management, law enforcement and other third parties, with or without notice to the employee. Accordingly, employees must ensure that all information communicated via the County's computer system and telecommunications resources is accurate, appropriate, and ethical, and also serves a legitimate business purpose.

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

The County's email system and Internet access may not be used for any non-business related purpose without prior authorization. In no event will an employee be allowed to transmit, retrieve or store any information which may violate applicable copyright laws or which may be considered defamatory, discriminatory or harassing in nature. Accordingly, employees are strictly prohibited from using the County's email system, Internet access or telecommunications for any of the following purposes:

1. Viewing, transmitting, retrieving or storing material that may in any way be considered obscene.
2. Transmitting any messages, containing derogatory, harassing or inflammatory remarks about an individual or group's race, color, religion, natural origin, age, disability or other characteristic or attribute not related to their job performance.
3. Transmitting any abusive, profane or offensive language.
4. Transmitting any information which the employee knows or has reason to believe may be false, misleading or libelous.
5. Sending or posting any chain letters, jokes, solicitation or advertisements not directly related to some business purpose or activity.
6. Using the County's email system, Internet access or telecommunications for political or religious causes or activities
7. Using the County's email system, Internet access or telecommunications for personal gain, including the solicitation of, or encouragement in, any non-County business.
8. Using the County's email system, Internet access, or telecommunications for any other purpose which is illegal, may damage the County's reputation or is otherwise contrary to the County's best interest.

Further, employees are prohibited from transmitting or posting any confidential material, financial information, trade secret or other proprietary information outside the County without the prior authorization of their Supervisor, Department Head or Elected Official.

Each employee is responsible for the content of all data, text, audio or images that they place on, forward or send over the Internet, County's email system or telecommunications. Employees are prohibited from sending any email or other electronic communication that attempts to hide his or her identity or misrepresent the sender as someone else.

All information transmitted on the County's email system or Internet access must contain the employee's name and other identifying information. Further, any information sent by an employee to an individual or entity outside of the County via electronic network (e.g., bulletin board, online service or

Internet access) must be viewed as a statement that may reflect on the County and its integrity. Personal “disclaimer” in electronic messages is insufficient.

To prevent computer viruses from being transmitted through the County’ computer system and possible copyright violations, employees are prohibited from installing or downloading any software or games without prior authorization from the Commissioners. All software installed or downloaded must be registered to the County.

Copyrighted materials belonging to entities other than this County, including software, publications, articles, geographic or other proprietary information, may not be transmitted by employees on the County’s email system or via the County’s Internet access.

All employees obtaining access to any material prepared or created by other County or individual must respect any attached copyrights and may not copy, retrieve, modify or forward such copyrighted materials, except with written permission of the lawful owner. Employees are responsible for verifying that the person sending any information via the County’s email system or Internet access is the lawful owner or has obtained the necessary license.

5.7 DRUG-FREE WORKPLACE

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

Employees are expected to report to their jobs physically and mentally fit for work. Therefore, Elected Officials, Department Heads and Supervisors will take a firm and positive stand against drug and alcohol abuse. Employees are not to engage in the unlawful manufacture, distribution, dispensation, possession or use of a controlled drug either on or off work. Elected Officials, Department Heads and Supervisors will also not tolerate an employee on County premises under the influence of alcohol or drugs.

Posey County is dedicated to assuring fair and equitable application of their substance abuse policy. Therefore, Elected Officials, Department Heads and Supervisors are required to use and apply all aspects of this policy in an unbiased and impartial manner. Any Elected Official, Department Head, or Supervisor who knowingly disregards the requirements of this policy or who is found to deliberately misuse the policy with regard to subordinates, shall be subject to disciplinary action, up to and including termination of employment, or legal action.

All prospective new employees may be subjected to testing for the use of illegal drugs and controlled substances. No offer of employment will be made to an applicant until he or she completes the necessary drug information and testing consent forms and passes the pre-employment drug test. Applicants who refuse to complete the necessary paperwork and test or who test positive on the drug screen will not be offered employment.

5.7.1 Alcohol

Elected Officials, Department Heads or Supervisors that have reasonable suspicion an employee has consumed or is under the influence of alcohol while working, can authorize alcohol testing. The employee will not be able to work until the results of the test are known.

Anyone refusing to take a test shall be subject to disciplinary action up to and including termination of employment. Refusing to sign a consent form or attempting to delay the test constitutes refusal to take the test. Normally, a breath-alcohol test will be used to determine the presence of alcohol.

The employee must be notified in writing of a positive alcohol test result. Employees have the right to provide an explanation of their alcohol test results.

An employee permitted to continue employment and receive assistance under the Employee Assistance Program will be required to use accrued sick leave, annual leave or leave without pay for all time away from work. The intent of this opportunity for assistance is to allow substance abusers to get the help they need and to restore their productivity. Those employees satisfactory completing a drug rehabilitation program will be subject to unannounced alcohol tests for two (2) years after completion of the program. Upon a positive alcohol test result, the employee shall be subject to disciplinary action, up to and including termination of employment.

5.7.2 Drug Testing

Elected Officials, Department Heads or Supervisors who have reasonable suspicion that an employee is under the influence of drugs are authorized to schedule a drug test and require the employee to cooperate fully with testing personnel. Anyone refusing to take the drug test shall be subject to disciplinary action, up to and including termination of employment.

Before the drug tests administered, the employee will be asked to sign a consent form authorizing the test and permitting the release of test result to the Elected Official, Department Head or Supervisor with a need to know. The consent form also explains the procedure for confirming an initial positive test result, the consequences of a positive test result, the right to explain a positive test result, the appeal procedures available, and the consequences of refusing to undergo a drug test.

If the drug test is positive, the Elected Official, Department Head or Supervisor will notify the employee in writing, including the identity of the particular substance found. The employee will be subject to disciplinary action, up to and including termination of employment.

An employee permitted to continue employment and receive assistance under the Employee Assistance Program will be required to use accrued sick leave, annual leave or leave without pay for all time away from work. The intent of this opportunity for assistance is to allow substance abusers to get the help they need and to restore their productivity. Those employees satisfactory completing a drug rehabilitation program will be subject to unannounced drug tests for two (2) years after completion of the program. Upon a positive drug test result, the employee shall be subject to disciplinary action, up to and including termination of employment.

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

To help ensure a safe and healthful working environment, employees and job applicants may be asked to provide body substance samples (e.g. blood, urine, and/or hair) to determine the illicit use of drugs, including but not limited to marijuana, cocaine, opiates, amphetamines, alcohol, barbiturates, and phencyclidine (PCP). The County reserves the right to conduct drug and alcohol testing without notice. Refusal to submit to drug testing may result in disciplinary action, up to and including termination of employment.

5.7.3(A) Pre-Employment Testing

Posey County will not employ individuals known to use illegal drugs or misuse prescription drugs. All prospective new employees may be subject to drug and alcohol testing. Offers of employment may 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.

5.7.3(B) Reasonable Suspicion

An employee will only be requested to submit to a drug or alcohol test when the 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 department head or trained supervisor shall complete the appropriate form to be provided by the County 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.

5.7.3(C) Post-Accident

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

- A. The death or injury of a County employee or member of the general public;
- B. 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
- C. Damage to public or private property and/or equipment or injury to self or others resulting from a workplace accident that does not involve a vehicle.

The County reserves the right to order post accident tests as it deems appropriate based on the totality of the circumstances surrounding the accident.

Post-accident tests may include screens for both drugs and alcohol.

Post Vehicle Crash/Controlled Substance and Alcohol Testing

Testing of this kind may occur when a County employee is involved in a vehicle crash resulting in:

- 1) The death of oneself, a County employee, or member of the general public;
- 2) Injury to oneself, a County employee, or member of the general public requiring medical treatment either at the scene or away from the scene of the accident;
- 3) The issuance of a citation for a moving violation; or
- 4) The damage of either public or private property.

The County reserves the right to order post-vehicle crash tests after any vehicle crash. Post-vehicle testing for circumstances other than listed above will be ordered on a case by case at the discretion of the Elected Official/Department Head. Post-vehicle crash tests may include screens for both controlled substances and alcohol.

5.7.3(D) Post-Shooting

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.

5.7.5 Rehabilitative Procedure

After the employee's first sixty (60) days of employment, an employee whose alcohol or drug test is positive may be subject to the following rehabilitative procedure.

5.7.5(A) First Positive

The employee is to be placed on an immediate leave of absence and referred to Posey County's authorized Employee Assistance Program for mandatory participation. The employee cannot return until

a County approved counselor or physician releases the employee to job duties and responsibilities equal to entering the Employee Assistance Program.

5.7.5(B) Second Positive

If within two (2) years of release from the treatment program an employee again tests positive for either alcohol or drugs, the employee will be terminated for the positive tests results.

All tests results, assistance requests and treatment records will be maintained in files separate from the employee's personnel file and will be held in the strictest of confidence, disclosed only to those having a legitimate need to know such information.

Whenever an Elected Official, Department Head or Supervisor suspects that an employees work performance or on-the-job behavior may be affected in any way by alcohol or drugs, or an employee has otherwise violated the Substance Abuse Policy, the Elected Official, Department Head, or Supervisor may require a blood test, urinalysis, or other drug/alcohol test. An employee must complete the necessary drug information and consent forms prior to the testing.

5.8 SOCIAL MEDIA POLICY

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

5.8.1 General Guidelines

Ultimately employees are solely responsible for what they post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees, or otherwise adversely affects the public, and people who work on behalf of Posey County, or Posey 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, Posey 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 Posey County.

5.8.2 Know and Follow County Policies and Work Rules

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

There are several Posey County personnel policies that employees need to consider when posting on social media sites. Please carefully read these policies contained in other sections of this handbook: the County Equal Employment Opportunity Policy, Productive Work Environment Policy, Request For Information Policy, Use of Computers and E-Mail Policy, Internet Policy, Use of Cellular/Mobile Phone and Pagers Policy, Sexual Harassment Policy, Business Ethics and Conflict of Interest Policy, Solicitation and Distribution Policy, Political Activity Policy, Workplace Violence Policy, and the Confidentiality Policy. Ensure that your postings are consistent with these policies.

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

5.8.3 Be Respectful

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

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

5.8.4 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 Posey County, fellow co-workers, County vendors, or the public.

5.8.5 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.

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

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

5.8.6 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.

5.8.7 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.

5.8.8 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.

5.8.9 Social Media Accounts of Public Officials

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

Posey County Elected Officials/Department Heads or employees shall notify the Board of Commissioners prior to the creation of a public social media account that is intended to promote or update the public on events or matters involving Posey County. Notification is satisfied by written correspondence identifying the social platform and name of account and delivered to the keeper of the records for the Board of Commissioners, specifically, the Auditor of Posey County. Upon receipt, the Auditor shall provide each County Commissioner with a copy of the notification.

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

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

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

“Posey County Social Media Policy: Our goal for social media is to share ideas and information with as many individuals as possible. This social media page is not to be considered a public forum. When interacting on our social media pages, please be civil and follow the usage guidelines established by the social networking service. Use of Posey County social media is subject to the following:

- Be aware that comments via Posey County media services are considered public record, will be retained according to approved records retention policies and may be subject to production in response to requests under the Access to Public Records Act.
- Posey County monitors its profiles and pages but is not responsible for content generated by third-party users. Our profiles and pages may contain website links or advertising; this does not constitute endorsement by Posey County. Material posted on this site or links created by anyone other than Posey County does not reflect the opinions and positions of Posey County. Programs and events provided by organizations that serve Posey County residents and receive funding or support from Posey County or provide professional services to special populations served by Posey County programs are not considered private business ventures, services or products.
- The focus of social networking opportunities is to share information about Posey County. Larger discussions of political views and philosophies should not be addressed here.
- All links posted as comments on Posey County posts will be reviewed and may be hidden or deleted.

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

- Repeated and/or serious violations of this Social Media Policy may cause the author to be blocked from Posey County sponsored social media pages. Violation may also result in an abuse report being filed with the social media service and may occur without warning and at Posey County’s discretion.
- This social media account is monitored by Posey County staff and Posey County reserves the right to remove material that:
 - Contains profanity, obscenity, vulgarity, nudity, or sexual content;
 - Advertises or promotes private business ventures, services, or products;
 - Advocates or depicts illegal activities;
 - Is spam;
 - Promotes or fosters discrimination on the basis of race, national origin, color, age, religion, gender, marital status, status with regard to public assistance, disability, or other type of group;
 - Contains personal attacks of any kind;
 - Campaigns for public office or promotes a political organization or candidate;
 - Infringes on copyrights or trademarks;
 - Contains computer viruses or may disrupt, damage, or restrict the use of any computer software, hardware, or telecommunications equipment;
 - Jeopardizes the safety of Posey County personnel, or the conduct of operations or investigations; and
 - Comments that are inappropriate, unrelated to the topic, excessively repetitive, and/or considered disruptive.

5.9 USE OF TOBACCO PRODUCTS

Smoking is prohibited in all County owned vehicles as well as all County owned, controlled and occupied building and in-front of the Coliseum Building, the east entrance to the Courthouse, and the west entrance to the Hovey House. All other properties have designated smoking areas at the back of each building. Employees who wish to smoke must do so during their meal period or during their two (2) break periods. This policy also includes all vapor and electronic cigarettes.

Definitions: For the purpose of this policy, “Smoking” is defined as inhaling, exhaling, burning, or carrying a lighted cigarette, cigar, pipe, e-cigarette, or other apparatus used to smoke tobacco or any other organic or non-organic material.

“E-cigarette” means any electronic oral devise, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine, or any other substances, and the use or inhalation of which simulates smoking. The term “e-cigarette” shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other project name or descriptor.

“Vaping” means inhaling, exhaling, or using any e-cigarette or similar device which creates a vapor in any manner or in any form.

“Tobacco product” means any product made or derived from tobacco that is intended for human consumption, this includes, among other products, cigarettes, cigarette tobacco, and smokeless tobacco.

This policy applies equally to all employees, citizens and visitors; signs are posted on Town facility grounds. Violations of this policy may result in a fine and disciplinary action, up to and including termination.

5.10 USE OF EQUIPMENT AND VEHICLES

Employees are expected to exercise reasonable care and follow all operating instructions, safety standards and guidelines when using County property. Employees must notify their Elected Official, Department Head or Supervisor immediately if County property becomes damaged, defective, in need of repair, lost or stolen. Only employees of the County can operate or use County property or vehicles. To operate a vehicle and employee must be legally licensed and covered under liability insurance affording coverage in an amount no less than the minimum required by the state in which the employee is licensed.

Should an employee use a County vehicle, and Elected Official, Department Head or Supervisor will require proof of a valid driver’s license and proof of insurance and reserves the right to review an employee’s driving record available from the Bureau of Motor Vehicles office in the state where the employee is licensed. If an employee’s driver’s license is suspended or revoked or if their required insurance coverage is cancelled or otherwise terminated, he or she must immediately notify their Elected Official, Department Head or Supervisor and must cease any operation of County vehicles until the license is renewed or insurance coverage is re-established.

Failure to provide timely notification or the inability to receive a valid driver’s license or insurance coverage will subject the employee to disciplinary action, up to and including termination.

Improper, careless, negligent, destructive or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations and use of certain property and vehicles for personal use may result in disciplinary action, up to and including termination.

Employees that are provided with County owned vehicles as part of their positions shall not use those vehicles for personal use other than employee’s commute to and from work or for work related training or tasks. There will be no smoking or use of vapor or electronic cigarettes within any County owned vehicle. Violations will subject the employee to discipline, up to and including termination. The County will provide liability insurance coverage for County provided vehicles.

Any parking fines or tickets received while operating a County vehicle is the responsibility of the employee.

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, follow required maintenance, procedures, and operating instructions, safety standards, and guidelines.

Employees should promptly 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.

All persons hired for service with the county Highway Department, and who drive or are expected to drive vehicles that require a valid commercial driver's license, must obtain, and maintain a valid commercial driver's license to qualify for and maintain employment. All employees who are required to hold a commercial driver's license are subject to the County's drug/alcohol testing policy.

All employees must comply with all safety procedures and use proper safety equipment at all times. Participation in County provided training sessions is mandatory as specified from time to time and for various jobs.

5.11 TAKE HOME VEHICLES

The Internal Revenue Code (IRC) requires the taxable value for the use of employer provided vehicles be reported as additional compensation to employees. The employer and employee must timely report personal use as a wage. Such reports are processed by the Auditor's office.

Take home vehicles may only be used for personal purposes on a "de minimis" basis, such as an occasional use for a personal errand while using the take-home vehicle for a business purpose or during a commute to or from work.

5.12 PERSONAL USE OF ORGANIZATION FACILITIES

To minimize unnecessary expenses, prevent the loss of valuable work time, and prevent lowered morale of employees, personal or business use of County facilities, vehicles, and equipment is prohibited. This policy applies to all employees and persons using County facilities.

Violations of this policy and procedures may result in disciplinary action and could result in the revocation of take home vehicle privileges.

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 VISITORS IN THE WORKPLACE

It is sometimes necessary for a family member or a friend to visit your place of work to drop something off, pick something up etc. Because of safety reasons, family and friends should be discouraged from visiting any employee at the place of their work for longer than a brief moment. Excessive family and friend visits are prohibited and will be subject to discipline up to and including termination.

Restricting unauthorized visitors helps maintain safety standards, security, protects against theft, protects equipment, protects confidential information, safeguards employee welfare and avoids potential distractions and disruptions not only to you and other employees, but to the public you are serving.

5.15 BUSINESS TRAVEL

Travel expenses for employees will be reimbursed if the expense was approved in advance by the employee's immediate Elected Official, Department Head or Supervisor. Employees that are required to drive their personal vehicles on County business over fifteen (15) miles will be paid a mileage allowance at the rate approved annually by the Posey County Council.

Employees traveling on County business are expected to use the most economical means when securing meals and lodging. The County will provide a per diem rate per employee for travel for anything over fifty (50) miles, which is determined annually by the Posey County Council, to the employee per day for meals (\$26 per day).

Days considered for per diem will include all business days and travel days in relation to the days of the occurrence. If travel is required before the occurrence per diem will be paid at half rate determined annually by the Posey County Council unless travel time exceeds five (5) hours.

5.15.1 State Called Meetings: The County will reimburse County employees for a State called meeting specified by statute or the State Board of Accounts. Reimbursement for state called meetings will be for:

- a. Reasonable hotel/motel accommodations.
- b. Mileage for using privately owned vehicle in lieu of public transportation at rate established by County Council.
- c. Cost of meals for each day, not to exceed thirty-five dollars (\$35.00) including tax and tip.

Posey County shall not pay for a person's meal more than once. This includes, but is not limited to, meals included in registration fees or by hotels in the room charge. If a person in travel status received a meal without charge, then the subsistence allowance must be reduced. However, no deductions from subsistence shall be taken for continental breakfasts or meals served on airplanes.

5.15.2 Other Meetings/Job-Related Training: An employee on authorized official County business requiring overnight accommodations will be reimbursed for:

- a. Reasonable hotel/motel accommodations.

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

- b. Bus, taxi, and airport transportation.
- c. Air, rail, or bus tickets as lowest possible fare (Only approved and reimbursed at a coach class rate).
- d. Mileage for using privately owned vehicle in lieu of public transportation at rate established by County Council.
- e. Cost of meals for each day, not to exceed thirty-five dollars (\$35.00) including tax and tip.

An employee on authorized official County business attending a meeting not requiring overnight accommodations will be reimbursed for:

- a. Bus, taxi, and airport transportation.
- b. Air, rail, or bus tickets as lowest possible fare.
- c. Mileage for using privately owned vehicle in lieu of public transportation at rate established by County Council.
- d. Necessary parking and storage fees.
 - e. Cost of meals for each day, not to exceed thirty-five dollars (\$35.00) including tax and tip.

Meal expenses are not allowed for meals during normal duty hours for routine employee duties requiring travel.

5.15.3 Mileage Rate: Employees who are reimbursed for mileage accumulated in the course of conducting County business shall receive reimbursement at the rate determined by the County Council.

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

When travel is completed, employees are required to submit a completed travel claim within thirty (30) days. Travel claims must be accompanied by receipts for all the expenses listed to be reimbursed. Miscellaneous travel expenses such as baggage handling, parking and tolls, etc. will be reimbursed if a receipt has been retained and submitted.

Abusing or falsifying claims may be grounds for disciplinary action, up to and including termination.

5.16 COUNTY CREDIT CARDS

5.16.1 Credit card issuance:

An Elected County official and/or appointed director of a county department (individually and collectively “County Official”) are hereby authorized to make application for credit and/or debit cards for use by the office of the County Official and employees for official county business limited to travel and educational expenses and public purchases.

Credit cards issued for travel and educational expenses shall have a maximum limit of \$2,000.

Credit cards issued for public purchases shall have a maximum limit of \$10,000.

5.16.2 Credit card use policies and procedures

When not in use, the credit and/or debit card(s) shall be secured in the office of the County official. Upon receipt of applied for credit and/or debit card(s), the County Official shall provide the name, address, and account number of the issuer of the credit and/or debit card to the County Auditor.

County Officials and/or employee(s) shall use credit cards for the purpose of county travel and educational expenses limited to the following:

- Standard hotel or motel room at government rate.
- Meals, including a maximum 20% gratuity, in an amount(s) not to exceed the total of allowable daily meal allowance as set by the County.
- Required registration fees or costs associated with attending schools, conventions, and seminars.
- Gasoline if using a county-owned vehicle.
- Excluded charges include alcoholic beverages, room service, non-business telephone calls except for one daily telephone call to the home of the County Official or employee, in-room movies or entertainment, personal purchases or souvenirs, and cash advances.

Credit and/or Debit cards may be used, with approval of the County Official, for the purpose of county public purchases limited to the following:

- Supplies.
- Materials.
- Small tools and minor equipment.
- Commissary purchases as made by the Sheriff of the County.

Claims filed in connection with the use of credit and/or debit cards shall be submitted to the County Auditor for processing within 72 hours or receipt of monthly billing statements and shall be properly itemized, documented, and presented for review as provided in I.C. 32-2-6 before approved and paid. The credit and/or debit card amount will be paid in full every billing cycle. Improperly itemized and documented items as well as all interest, carrying charges or penalties shall be the personal responsibility of the individual user.

Improper use of the credit card by any person may subject the person to discipline, termination, and/or criminal charges.

5.17 INDIANA INTERNAL CONTROL STANDARDS POLICY

Indiana Code 5-11-1-27(e) provides that through the compliance guidelines authorized under IC 5-11-1-24 the State Board of Accounts (SBoA) shall define the acceptable minimum level of internal control standards for internal control systems of political subdivisions, including the following: (1) Control

Environment. (2) Risk Assessment. (3) Control Activities. (4) Information and Communication. (5) Monitoring.

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

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

5.18 WHISTLEBLOWER POLICY

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

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

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

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

Whistleblower protections are provided in two important areas – confidentiality and no retaliatory actions. Insofar as possible, the confidentiality of the whistleblower will be maintained.

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

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

Any whistleblower who believes he/she is being retaliated against should submit their concerns in writing to the County Attorney immediately. Any report of retaliation shall be made within thirty (30) days of the alleged incident of retaliation, or where the retaliation is of an ongoing nature, within thirty

(30) days from the most recent incident. Any report of retaliation must state with particularity those actions that the employee making the report believes constitute retaliation. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

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

5.19 POLITICAL ACTIVITY

No employee paid partially or wholly from Federal funds is eligible to run for office in a partisan election.

County employees are not required to participate, financially or otherwise, in any political campaign or party activity. This policy includes any threats or coercion by Elected Officials/Department Heads or political party officials.

County facilities shall not be used to display campaign signs or literature. 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 telephones or facsimile machines shall not be used for campaign purposes. Employees are prohibited from campaigning in any form during office hours. Non-verbal exhibits supporting or opposing a political candidate are prohibited on county premises during working hours (such as shirts, pins, and buttons).

6. PERSONAL CONDUCT

The policies contained in this chapter and throughout the Posey County Personnel Policies Handbook apply to all Posey 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 conflict with County rules and regulations.

6.2 ATTENDANCE AND PUNCTUALITY

Punctuality and regular attendance are essential functions of each employee's job. Any tardiness or absence causes problems for fellow employees and supervisors. An employee must notify their Elected Official, Department Head or Supervisor immediately, in all cases of absence or tardiness, be able to provide an honest reason or explanation and be prepared to submit supportive documentation.

Employees are expected to report to work on time, as scheduled and prepared to start work. Employees also are expected to remain at work for their entire work schedule, except for break periods or approved leave.

Excessive absenteeism may be grounds for discipline up to and including termination unless absence is protected by law (e.g. FMLA). Excessive tardiness and absence shall be considered to be three (3) occurrences of unexcused absences in a six (6) month period; or three (3) occurrences of tardiness in a three (3) month period; or any combination thereof.

Unreported and/or excessive tardiness or absences will result in disciplinary action. Elected Officials/Department Heads are to keep records of all employee tardiness and absence. These records shall include whether the absence/tardiness was reported prior to occurrence or within the specified period.

6.3 PERSONAL APPEARANCE

As a County employee who provides vital services to the community, appropriate dress and appearance that reflect a professional image is required. Employees must present themselves in a neat, orderly, businesslike manner and to dress appropriately for the work they perform.

Employees must always maintain a well-groomed and clean appearance at work. Employees who work in the field should always dress in appropriate, well-maintained clothing or uniforms. Office personnel are expected to dress in a neat, conservative style to maintain a professional image. Employees should consult their Elected Official/Department Head regarding what constitutes appropriate attire for your position/department.

Extreme hairdos, heavy jewelry, pierced body parts (except ear lobes), visible tattoos and provocative or revealing clothing (e.g. too short, too low-cut, too tight or see through, or holey jeans) should be avoided. Shorts and beach wear are prohibited.

Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstance, employees will not be compensated for the time away from work.

Sheriff's Department Employees shall adhere to the uniform guidelines outlined in the Standard Operating Procedures (SOP).

6.4 HARASSMENT/HOSTILE WORK ENVIRONMENT

Discrimination or harassment of sexual, racial, ethnic or religious nature is specifically forbidden. Such harassment includes unsolicited remarks, gestures or physical contact, display or circulation of written materials or pictures derogatory to either gender or to a racial, ethnic or religious group; or personnel decisions based on an employee's response to sexually oriented requests; discriminatory intimidation, ridicule or insult as a general course of conduct or as a result of a single severe incident.

6.4.1 Definition of Harassment

Harassment is a form of employee misconduct that undermines the integrity of the employment relationship. All employees are entitled to work in an environment free from harassment or inappropriate conduct. While it is difficult to define what constitutes illegal harassment under the law, Posey County realizes that any type of harassing behavior based on race, color, sex/gender, pregnancy, religion, age, marital status, sexual orientation, gender identity, national origin, disability, veteran status, genetic information, ancestry, or any other category protected by law is inappropriate in the workplace. Therefore, Posey County will not tolerate any behavior that creates an intimidating, offensive, or hostile work environment or that interferes with work performance. Examples of harassing behavior include, but are not limited to: racial slurs, ethnic jokes, stereotyping, the display of posters or other materials that are offensive or show hostility to a group or individual based on a protected category as defined above, or any other category protected by law.

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

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

6.4.1.(a) Types of Workplace Harassment

1. **Physical Harassment:** Physical harassment can come in the form of violence, both physically or to property. This can also be threatening behavior. In its extreme, it can even be termed assault. An employee

may be physically abused, such as pushing, punching, or slapping, as well as other kinds of physical abuse. It can also involve a car, for example. One worker may damage the vehicle by tampering, breaking, scratching, or inflicting other kinds of damages.

2. **Personal Harassment:** The victim may be subjected to unwanted remarks, insults, offensive and derogatory statements. Being constantly put down with condescending statements can all be seen as personal harassment. Personal harassment can also be called bullying.
 3. **Discriminatory Harassment:** Discriminatory harassment in the workplace is directed at someone's race, age, sex, or some other form of protected class who is subjected to offensive or intimidating remarks.
 4. **Psychological Harassment:** Psychological harassment occurs when a victim is put down, belittled, or has to listen to needless condescending remarks that can affect him/her. These negative remarks can be aimed at the victim from both a professional as well as a personal level.
 5. **Cyberbullying:** Cyberbullying occurs online. Cyberbullying includes making threatening statements to the victim or spreading rumors on social media.
6. **Sexual Harassment:** Sexual harassment occurs when the perpetrator behaves in a romantic or sexual way towards the victim who is clearly uncomfortable and does not want attention of this nature. Sexual harassment includes but is not limited to:
- A. Unwelcome sexual advances, requests for sexual favors, unwanted physical contact, including touching, patting, pinching, etc., unwelcome comments of a sexual or demeaning nature, the display of sexually offensive posters, pictures, or objects.
 - B. Any use of an employee's submission to or rejection of the conduct described above as the basis for employment decisions affecting the employee (such as hiring, firing, promotions, compensation, or working conditions).
 - C. Any explicit or implicit implication that submission to such behavior is a term or condition of an individual's employment.
7. **3rd Party Harassment:** 3rd party harassment occurs with someone who is not a Posey County employee. Examples of 3rd Party may include suppliers, vendors, and citizens.

Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating or intimidating, hostile or offensive working environment. Violators will be subject to immediate and appropriate discipline, up to and including termination.

6.4.2 Reporting a Complaint

While the County encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his/her behavior is unwelcome, the County also recognizes that power and status disparities between an alleged harasser and a target may make such a confrontation impossible.

In the event that such informal, direct communication between individuals is either ineffective or impossible, the following steps should be followed in reporting a sexual harassment complaint.

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

Any employee who experiences sexual harassment should contact his/her Elected Official/Department Head immediately. If unresolved, or in the event the harassment is alleged against the Elected Official/Department Head, the employee is advised to obtain a sexual harassment complaint form from the Auditor. The employee is directed to submit the completed form to the Elected Official/Department Head, or in the event the alleged harassment is against the Elected Official/Department Head, then the completed form is to be submitted to the County Attorney. The best time to register a complaint is immediately after the act occurs.

Any supervisor who has witnessed or becomes aware of the 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 Attorney. Failure of a supervisor to immediately take corrective action or to report the incident shall constitute misconduct subject to disciplinary action.

6.4.3 Description of Misconduct

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

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

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

County Elected Officials/Department Heads and the Auditor have copies of the County sexual harassment complaint form. Employees are directed to obtain, complete, and submit this form to initiate a formal complaint.

6.4.4 Time Frame for Reporting Complaints

The County encourages a prompt reporting of complaints so that rapid response and appropriate action may be taken. However, due to the sensitivity of these problems and because of the emotional toll such

misconduct may have on an individual; no limited time frame will be instituted for reporting sexual harassment complaints. Late reporting of complaints will not in and of itself preclude the County from taking remedial action.

6.4.5 Protection Against Retaliation

Posey County does not tolerate retaliation against any employee for making a complaint under this policy or for cooperating in an investigation of any complaint under this policy. Any employee who believes that he/she is the subject of such retaliation should report this immediately to the Auditor.

The County will not in any way retaliate against the individual who makes a report of sexual harassment nor permit any supervisor or employee to do so. Retaliation is a serious violation of this sexual harassment policy and should be reported immediately. Any person found to have retaliated against another individual for the good faith reporting of sexual harassment will be subject to the same disciplinary action provided for sexual harassment offenders.

6.4.6 Investigating the Complaint

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

Upon completing the investigation of a sexual harassment complaint, the County will communicate its findings to the complainant and the alleged harasser. If the Commissioners and the alleged harasser's Elected Official/Department Head determine that harassment occurred, they will determine appropriate disciplinary action. The complainant will be informed of the disciplinary action to be 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 Attorney or investigators retained by the County. In addition, other individuals may be included in reviewing the investigation and outcome at the discretion of the County Attorney.

6.4.8 False Accusations

Posey 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 after an investigation are found to have falsely accused others of sexual harassment, knowingly or in a malicious manner.

6.4.9 Sanctions

Individuals found to have engaged in misconduct constituting sexual harassment, creating a hostile work environment, or related retaliation will be severely disciplined, up to and including termination of employment. Additional action may include: referral to counseling, withholding of a promotion, reassignment, demotion, temporary suspension without pay, or termination.

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

6.4.10 Maintaining a Written Record of the Complaint

The County will maintain a complete written record of each complaint and how it was investigated and resolved. Written records shall be maintained in the **County Attorney's office**, and 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 conditions that would encourage such activity. Sexual harassment and hostile work environment violations will result in disciplinary action, up to and including termination of employment.

6.5 COMMISSION OF A FELONY OR UNLAWFUL ACT

Posey 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 or 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 infractions or arrests for misdemeanors or felonies which occur during an employee's off-duty hours must be reported to the Elected Official or Department Head in writing within five (5) calendar days of receiving the citation or the arrest.

Unauthorized time away from work shall be subject to the County's attendance and wage policies.

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

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

The determination as to the whether an employee is suspended shall 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 to 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 an including termination.

If the employee is on a leave of absence pending administrative investigation and/or the disposition of any charges, and the outcome is favorable to the employee, he/she shall be returned from suspension.

Factors to be used in determining appropriate discipline, which may range from no disciplinary action up to termination of employment, will include the employee's assigned duties and responsibilities, the nature of the offense, sentences imposed, other convictions/infractions, relevant provisions of Indiana statutes, licensing requirements, risk of recidivism, reasonable inferences about problems with self control, propensity for violence, honesty, and damage to the reputation of the employee, the employee's department, and/or Posey 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 contrary to the public interest. Employees should not accept gifts or gratuities from firms, organizations, agents, or other individuals who do or may conduct business with the County in furnishing materials, goods, and services.

6.7 GHOST EMPLOYMENT

Posey 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 Level 6 felony.

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

Examples of violations of this policy include, but are not limited to, performing work on private 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

Public trust and confidence is fundamental to good business and essential for any enterprise's continued success. Employees are expected to conduct themselves in accordance with the highest standards of integrity and fair dealing. All employees' actions should comply with all applicable laws, regulations and codes, as well as County policies and procedures.

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 Level 4 felony, unless a financial disclosure form is approved in advance and filed as required by law.

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

Employees should comply with all County policies and procedures; comply with all applicable local, state and federal laws; comply with all applicable rules, regulations and technical standards governing the operation of County business; avoid conflicts of interest or the appearances of conflicts of interest; and maintain accurate accounts, books and records.

In addition to the foregoing responsibilities, employees are charged with the following specific standards of conduct: be responsible for accomplishing the specific objectives of their positions; interpret and follow instructions in a reasonable manner and to work with minimal direct supervision; recommend changes and improvements in the manner of which their work can be performed and by which the County Elected Officials, Supervisors and Department Heads, each other and the citizens of Posey County.

Employees having financial interest in a company or substantial investments in a corporation that might benefit from their dealings with the County must file a conflict of interest statement with the County

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

Clerk with a copy to the State Board of Accounts. If deemed by said official to be in the best interest of the County, those employees shall either divest themselves of such interest or investments or be ineligible for continued employment with the County.

Employees are expected to recognize unique or special situations requiring assistance by others; know their jobs, how to use their tools and equipment and to be pro-active in increasing the level of their skills, fix their own mistakes and not turn small mistakes into larger mistakes; understand the administrative requirements associated with their positions; maintain a clean, healthy, safe and substance-free work area and to refrain from any conduct which calls into question their honesty, integrity or fitness for duty.

Employees are expected to be aware of all of the County policies and procedures that affect or govern the performance of their duties on behalf of the County and refrain from idle gossip or other communications that distract themselves or others from doing their work.

A good reputation, as well as the public's trust and confidence in the County, are valuable assets that cannot be taken for granted, and must be safeguarded and earned every day. To protect and enhance the County's reputation, the County requires its employees to fully comply with all the applicable laws and regulations and to refrain from appearance of having engaged in any illegal, dishonest or unethical conduct. The County further requires that all employees be guided by the highest standard of conduct in their business contacts and relationships.

The following examples are considered to involve a conflict of interest that violates this policy:

1. Serving as an employee, officer, director, or consultant for any customer, client, competitor or supplier of materials or service.
2. Holding any financial interest by an employee or immediate family member (including father, mother, brother, sister, son, daughter, husband or wife) in the business of any customer, client, competitor or supplier of materials or service. This does not include a financial interest in widely-held corporations that are quoted and sold on the open market, unless the amount held is in excess of ten (10) percent of the outstanding stock of that corporation or the stock held has a value representing more than ten (10) percent of the individual's personal net worth.
3. Borrowing money from or lending money to any customer, client, competitor or supplier of materials or services other than recognized financial institutions (e.g. banks, credit unions, etc.).
4. Accepting gifts, entertainment, or anything of value from any customer, client, competitor or supplier of materials or services other than minor holiday gifts or a nominal nature.

It is important to avoid not only any situation that is an obvious conflict of interest such as those listed above, but also any situation that might give the appearance of being a conflict of interest. In general,

common sense and good judgment will guide you with respect to lines of acceptable conduct. However, if a situation arises in which it is difficult to determine the proper course of action, the matter should be discussed openly with your immediate Department Head, Supervisor, or Elected Official for advice and consultation.

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

6.9 SOLICITATION AND DISTRIBUTION

This policy is designed to protect the interests of the citizens of Posey County by ensuring that only official County business is transacted in work areas during employees' work time. This section shall include the promotion of religious beliefs or religious materials by employees or non-employees during work hours in the workplace.

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

Employees shall not solicit other employees or non-employees during work time.

6.10 SECURITY OF PREMISES

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

However, Ind. Code 34-28-7 allows appropriately licensed employees to bring firearms and ammunition onto County property as long as the weapon 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 vehicles where firearms and ammunition are prohibited.

Employees of a penal facility (Posey 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 who have obtained handgun/firearms certification by the Indiana Law Enforcement Academy and maintained required department firearms qualifications, employees working at the Posey County Jail shall (1) secure the employee's firearm or ammunition, or both, in a locked case, and (2) store the firearm or ammunition in the truck or glove compartment or out of plain sight in the employee's locked vehicle Ind. Code 2-3-10; 34-28-7.

The County prohibits the possession of firearms, ammunition, and the possession of other weapons by persons other than County employees and law enforcement officers on County property. The County requires the cooperation of all employees in administering this policy.

Lockers, vehicles, desks, computers, phones, cameras, file cabinets, etc. are County property and must be maintained accordingly to County rules and regulations and are to be used only for work related purposes. To ensure compliance, the County reserves the right to inspect all County property without prior notice to the employee and/or in the employee's absence. Prior authorization from your Elected Official, Department Head or Supervisor must be obtained before any County property may be removed from the premises.

Any employee's personal property, including but limited to toolboxes, lap tops, phones, packages, purses and vehicles may be inspected upon reasonable suspicion of authorized possession of County property, weapons, alcohol or illegal drugs.

6.11 WORKPLACE VIOLENCE

The County is permitted to preventing violence in the workplace and maintaining safe work environment. Given the increasing violence in society, the County has adopted the following guidelines to deal with intimidations, harassment or other threats of violence that may occur on its premises.

Elected Officials, Department Heads and Supervisors will not tolerate workplace violence, which includes, but is not limited to, intimidation, threats, physical attack or property damage. These terms are defined as follows:

- A. "Intimidation" includes, but is not limited to, stalking or engaging in actions intended to frighten, coerce, or induce duress.
- B. "Threat" is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the person communicating the threat has presented the ability to carry it out and without regard to whether expression is contingent, conditional, or future.
- C. "Physical attack" is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, throwing objects, firing a weapon, causing an explosion of hazardous materials, or discharge of hazardous substances.
- D. "Property damage" is intentional damage to property which includes property owned or leased by the County, employees, visitors, or vendors.

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 or electronic or conventional mail, or any other communication medium.

*Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022*

All suspicious individuals or activities, including actual threats of violence, both direct and indirect, should be reported immediately to your Elected Official, Department Head or Supervisor. This includes threats by employees, as well as threats by customers, vendors, solicitors or other members of the public. Employees should not attempt to intercede or otherwise become involved with any actual or potentially intimidating, harassing or violent situation.

Employees are encouraged to bring their disputes or differences with other employees to the attention of their Elected Official, Department Head or Supervisor before the situation escalates into violence. All reports will promptly and thoroughly be investigated, as well as suspicious individuals or activities. The identity of the individual making a report will be protected to the extent practicable.

In order to maintain workplace safety and the integrity of its investigation, Elected Officials, Department Heads or Supervisors may suspend employees, either with or without pay, pending investigation.

If an emergency exists, contact the Sheriff Department at 911, and notify your supervisor. If not an emergency, employees should inform their Elected Official/Department Head. If the Elected Official or Department Head is unavailable or if the nature of the complaint is such that the employee does not believe he/she can discuss it with the Elected Official/Department Head, the employee may bring concerns to the County Attorney.

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

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.

6.12 EMPLOYEE CONDUCT

Behavior of Employees. In regulating the behavior of its employees, the County has classified offenses as first, second, and third level offenses based upon their seriousness. These classifications are provided only to illustrate the procedures that will generally be followed in respect to such conduct. This classification system should not be construed to in any way limit the County's discretion in exercising discipline as it finds appropriate based on the severity of the misconduct or the totality of the circumstances.

The following conduct is prohibited and will subject the individual involved to disciplinary action, up to and including termination. This list of examples is merely illustrative of the kinds of conduct that will not be permitted. It is not intended to be all inclusive or to in any way limit rules, guidelines, and restrictions set out elsewhere in this handbook.

GROUP I OFFENSES

Examples of, but not limited to, the following:

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

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

GROUP I DISCIPLINE

First Offense	Verbal warning
Second Offense	Written reprimand
Third Offense	Three (3) working days suspension without pay
Fourth Offense	Ten (10) working days suspension without pay or
Fifth Offense	Termination of employment

GROUP II OFFENSES

Examples of, but not limited to, the following:

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

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

17. Unauthorized presence on County property.
18. Willful disregard of department rules.
19. Use of abusive or threatening language toward supervisors or other employees.
20. Discourteous treatment of the public.

GROUP II DISCIPLINE

First Offense	Three (3) working days suspension without pay
Second Offense	Ten (10) working days suspension without pay, or reduction in pay and position
Third Offense	Termination of Employment

GROUP III OFFENSES

Examples of, but not limited to, the following:

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

Posey County Personnel Policy Handbook
Adopted December 19, 2018
Updated February 15, 2022

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."

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

GROUP III DISCIPLINE

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

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

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

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

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

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

If an employee has a complaint, it should be first discussed with the Elected Official/Department Head. The employee should schedule a time to discuss the situation with the Elected Official/Department Head. Every effort should be expended to resolve the issue satisfactorily at this meeting.

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

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

STEP 3: County Commissioners

In the event that a complaint involves an Elected Official/Department Head, a written letter detailing the alleged employment violation can be directed to the County Commissioners for investigation. The Commissioners will take appropriate actions as deemed necessary.

SEVERABILITY

The policies and procedures contained in this handbook are subject to all applicable federal and states laws, County of Posey, Indiana rules and regulations and shall be interpreted wherever possible so as to comply fully with such laws, provisions, or any judicial interpretations. If an article or section of this handbook shall be held invalid by operation of law or tribunal 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. The County of Posey, Indiana, reserves the right to delete, modify, or amend the policies contained herein or allocate new policies as needed.

INDEMNIFICATION

In the event that a Elected Official/Department Head 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.

ENABLING ORDINANCES

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

AMENDMENTS

This handbook may be amended from time to time by an Ordinance in substantially the same form approved by the Board of Commissioners of Posey 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.

EMPLOYEE ACKNOWLEDGMENT FORM

The Posey County Personnel Policies Handbook shall be in full force and effect on and after _____, and describes important information about employment with Posey County. I understand that I should consult the Commissioners regarding any questions not answered in the handbook.

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

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.

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.

Finally, I acknowledge I have reviewed and understand the County's Drug and Alcohol Free Workplace policy and the circumstances under which I may be required to submit to a drug and/or alcohol test.

EMPLOYEE'S SIGNATURE

DATE

EMPLOYEE'S NAME (TYPED OR PRINTED)

EMPLOYEE'S DEPARTMENT (TYPED OR PRINTED)