

# **FLOYD COUNTY**

## **EMPLOYEE HANDBOOK**



**ADOPTED BY THE FLOYD COUNTY  
COMMISSIONERS**

**February 15, 2022**

# TABLE OF CONTENTS

## Contents

1. PERSONNEL ADMINISTRATION .....	5
1.1. INTRODUCTION.....	5
1.2. EMPLOYEE ADMINISTRATION.....	5
1.3. EXCEPTIONS AND SPECIAL CONDITIONS .....	5
1.4. MANAGEMENT RIGHTS .....	6
1.5. INTERNAL CONTROLS.....	6
2. EQUAL EMPLOYMENT OPPORTUNITY AND NON-DISCRIMINATION .....	7
2.1. EQUAL EMPLOYMENT OPPORTUNITY.....	7
2.2. NON-DISCRIMINATION AND ANTI-HARASSMENT .....	8
2.3. SEXUAL HARASSMENT .....	8
2.4. OTHER HARASSMENT .....	9
2.5. REPORTING HARASSMENT, DISCRIMINATION OR RETALIATION.....	9
2.6. DISSEMINATION AND COMMUNICATION.....	10
3. IMPLEMENTATION AND RESPONSIBILITIES.....	11
3.1. ELECTED OFFICIALS/DEPARTMENT HEADS & SUPERVISORS:.....	11
3.2. HUMAN RESOURCES.....	11
3.3. EMPLOYEE RESPONSIBILITY & REPORTING REQUIREMENT .....	11
3.4. AMERICANS WITH DISABILITIES ACT .....	12
3.5. ANTI-BULLYING.....	13
3.6. REPORTING REQUIREMENT.....	13
3.7. INVESTIGATION.....	13
3.8. ANTI-RETALIATION POLICY.....	14
3.9. NON-DISCRIMINATORY SERVICE .....	14
3.10. PRIVACY.....	14
4. RECRUITMENT, SELECTION AND HIRING .....	14
4.1. RECRUITMENT/HIRING .....	14
4.2. COURT SYSTEM RECRUITING AND HIRING.....	15
4.3. RESUMES AND EMPLOYMENT APPLICATIONS .....	15
4.4. APPLICANT TESTING .....	16
4.5. PRE-EMPLOYMENT INTERVIEWS .....	16
4.6. BACKGROUND CHECK & DRUG SCREENING POLICY AND PROCEDURE ...	16

4.7.	CONDITIONAL OFFER OF EMPLOYMENT .....	17
4.8.	MEDICAL EXAMINATIONS .....	17
4.9.	RESIDENCY REQUIREMENT .....	18
4.10.	EMPLOYMENT ELIGIBILITY VERIFICATION .....	18
4.11.	NEPOTISM, EMPLOYMENT OF RELATIVES AND PERSONAL RELATIONSHIPS.....	18
4.12.	EMPLOYMENT STATUS .....	19
4.13.	ACCESS TO PERSONNEL FILES .....	19
4.14.	PERSONAL INFORMATION CHANGES.....	19
5.	ON BOARDING AND EXIT INTERVIEW .....	20
5.1.	ON BOARDING, PERFORMANCE EVALUATION & EXIT INTERVIEWS .....	20
5.2.	INTRODUCTORY PERIOD .....	20
5.3.	PERFORMANCE EVALUATION AND IMPROVEMENT .....	21
5.4.	PROMOTIONS AND ADVANCEMENT .....	21
5.5.	OUTSIDE EMPLOYMENT/CONFLICT OF INTEREST .....	21
6.	COMPENSATION, EMPLOYMENT HOURS AND WAGE ADMINISTRATION .....	21
6.1.	COMPENSATION.....	21
6.2.	WORK WEEKS AND WORK SCHEDULE .....	22
6.3.	PAY DAY .....	22
6.4.	DIRECT DEPOSIT .....	22
6.5.	PAY DEDUCTIONS/GARNISHMENTS .....	22
6.6.	HOURLY/NON-EXEMPT EMPLOYEES .....	23
6.7.	SALARIED/EXEMPT EMPLOYEES .....	23
6.8.	ELECTED OFFICIALS.....	23
6.9.	EMPLOYMENT CATEGORIES .....	23
6.10.	COMPENSABLE WORK.....	24
6.11.	ON-CALL PAY .....	25
6.12.	OFF-THE-CLOCK WORK, REMOTE ACCESS AND DEVICE USE .....	25
6.13.	TRACKING & RECORDING TIME .....	26
6.14.	REPORTING PROCEDURE FOR OFF THE CLOCK WORK VIOLATION .....	26
6.15.	OVERTIME.....	26
6.16.	COMPENSATORY TIME.....	27
6.17.	TIMEKEEPING .....	27
6.18.	REVIEW YOUR PAY STUB .....	28
6.19.	LONGEVITY .....	28

7.	JOB DESCRIPTIONS .....	29
7.1.	JOB CLASSIFICATION/PAY SYSTEM MAINTENANCE .....	29
8.	INCLEMENT WEATHER AND EMERGENCY CLOSINGS .....	29
8.1.	CLOSING OF COUNTY DEPARTMENTS OR BUILDINGS .....	29
8.2.	GHOST EMPLOYMENT .....	30
9.	LEAVES OF ABSENCES .....	30
9.1.	BENEFIT TIME.....	30
9.2.	VACATION.....	31
9.3.	SICK TIME .....	32
9.4.	PERSONAL TIME .....	33
9.5.	HOLIDAYS .....	33
9.6.	MILITARY LEAVE .....	34
9.7.	BEREAVEMENT LEAVE.....	34
9.8.	JURY DUTY/WITNESS LEAVE .....	35
10.	FAMILY AND MEDICAL LEAVE .....	36
10.1.	SERIOUS HEALTH CONDITION .....	36
10.2.	INPATIENT CARE.....	36
10.3.	CONTINUING TREATMENT.....	36
10.4.	LEAVE FOR BIRTH, ADOPTION OR FOSTER CARE PLACEMENT .....	37
10.5.	QUALIFIED EXIGENCY .....	38
10.6.	MILITARY CAREGIVER LEAVE.....	38
11.	EMPLOYEE BENEFITS.....	46
11.1.	WORKERS COMPENSATION .....	46
11.2.	HEALTH BENEFITS AND LIFE INSURANCE.....	46
11.3.	SUPPLEMENTAL INSURANCE .....	47
11.4.	GROUP HEALTH INSURANCE FOR RETIRED EMPLOYEES.....	47
11.5.	BENEFITS CONTINUATION (COBRA).....	49
11.6.	PUBLIC EMPLOYEES' RETIREMENT FUND (PERF).....	49
11.7.	DEFERRED COMPENSATION .....	49
11.8.	SOCIAL SECURITY/INDIANA UNEMPLOYMENT COMPENSATION INSURANCE.....	50
12.	WORKING CONDITIONS.....	50
12.1.	SAFETY .....	50
12.2.	APPEARANCE OF WORK AREAS.....	51
12.3.	SMOKING, VAPING AND TOBACCO USE .....	51

12.4.	WEAPONS (NON-LAW ENFORCEMENT EMPLOYEES).....	51
13.	USE OF COUNTY PROPERTY.....	52
13.1.	PERSONAL USE OF COUNTY RESOURCES (MAIL, FACILITIES, EQUIPMENT AND VEHICLES) .....	52
13.2.	USE OF TELEPHONES/CELL PHONES AND TEXT MESSAGING .....	53
14.	COMPUTERS, E-MAIL, SOCIAL MEDIA AND THE INTERNET .....	53
14.1.	USE OF INFORMATION SYSTEMS.....	53
14.2.	SYSTEM SECURITY .....	53
14.3.	SOFTWARE LICENSES .....	54
14.4.	DATA BACKUP .....	54
14.5.	PROHIBITED USE INFORMATION TECHNOLOGIES RESOURCES .....	54
14.6.	USE OF INTERNET AND ELECTRONIC MAIL (E-MAIL).....	55
14.7.	INTERNET USE & ACCESS.....	55
14.8.	DOWNLOADING FROM THE INTERNET .....	55
14.9.	PROHIBITED USES OF THE INTERNET .....	56
14.10.	REPORTING CHILD PORNOGRAPHY.....	56
14.11.	ELECTRONIC MAIL (E-MAIL) .....	57
14.12.	NO EXPECTATION OF PRIVACY IN THE COUNTY’S COMPUTERS OR NETWORK SYSTEMS.....	57
14.13.	SOCIAL MEDIA USE AND GUIDELINES.....	57
14.14.	SEPARATE PERSONAL & PROFESSIONAL ACCOUNTS .....	57
14.15.	SOCIAL MEDIA GUIDELINES.....	58
14.16.	USING SOCIAL MEDIA AT WORK.....	58
14.17.	COUNTY SOCIAL MEDIA COMMUNICATIONS .....	59
14.18.	PUBLIC RECORDS LAW & RETENTION .....	60
14.19.	RETALIATION IS PROHIBITED .....	60
14.20.	SAVINGS CLAUSE .....	60
15.	VEHICLES AND EQUIPMENT .....	60
15.1.	DRIVING AND VEHICLE USE POLICY .....	60
16.	PERSONAL CONDUCT.....	64
16.1.	ATTENDANCE POLICY .....	64
16.2.	EMPLOYEE CONDUCT AND APPEARANCE.....	64
17.	DUTY TO REPORT ARRESTS, CONVICTIONS AND GUILTY PLEAS .....	65
18.	VISITORS IN THE WORKPLACE.....	66
18.1.	NON-BUSINESS/SOCIAL VISITS TO EMPLOYEES IN THE WORKPLACE....	66

19.	CONFLICT OF INTEREST .....	66
19.1.	OUTSIDE EMPLOYMENT .....	67
19.2.	SOLICITATION/DISTRIBUTION .....	68
20.	SECURITY OF PREMISES .....	68
20.1.	IDENTIFICATION AS A COUNTY EMPLOYEE .....	69
20.2.	CONFIDENTIALITY/REQUESTS FOR INFORMATION .....	69
21.	OTHER POLICIES AND PROCEDURES .....	69
21.1.	TRAVEL REIMBURSEMENT POLICY SUMMARY .....	69
21.2.	DRUG-FREE WORKPLACE .....	70
21.3.	POLITICAL ACTIVITY .....	73
21.4.	DISCIPLINE AND TERMINATION .....	73
21.5.	WORKPLACE VIOLENCE .....	75
21.6.	ETHICAL RULES .....	76
21.7.	MEDIA CONTACT .....	76
22.	EMPLOYMENT TERMINATION .....	77
22.1.	AT-WILL EMPLOYMENT .....	77
22.2.	VOLUNTARY RESIGNATION .....	77
22.3.	RETIREMENT .....	77
22.4.	POST-TERMINATION/SEPARATION PAY, BENEFITS AND PROCEDURES .....	77
22.5.	DISCHARGE .....	78
22.6.	LAYOFF/REDUCTION IN FORCE (RIF) .....	78
22.7.	POST-EMPLOYMENT REFERENCES .....	78
23.	OPEN DOOR POLICY AND COMPLAINT RESOLUTION .....	78
24.	DEFINITIONS .....	79

# WELCOME!

On behalf of your colleagues, we welcome you to Floyd County Government employment and wish you every success here.

We believe each employee contributes directly to the County's growth and success. We hope you will take pride in being a member of our team!

This Employee Handbook was developed to describe some of the expectations of our employees and to outline the policies, programs and benefits available to eligible employees. Employees should familiarize themselves with the contents of this Handbook, as it will answer many questions about employment with the County.

The policies detailed in this Handbook supersede all County personnel policies previously in effect. The contents of this Handbook and its terms are subject to change at any time with or without advanced notice. Any exceptions or changes to these policies must be presented and approved by the County Commissioners.

We hope your experience here will be challenging, enjoyable and rewarding. Again, welcome!

Sincerely,

*Floyd County Board of Commissioners*

# **1. PERSONNEL ADMINISTRATION**

## **1.1. INTRODUCTION**

This Handbook is meant to serve as a guideline for all Floyd County Government employees. It is our hope that the handbook will answer most all of your questions regarding your employment. In the event that you have questions or concerns that are not addressed, please feel free to contact your Elected Official/Department Head, Immediate Supervisor or Human Resources.

This Handbook is not intended to be a contract for employment. Rather, employees are “at will”, meaning either the County or the employee may terminate the employment relationship at any time for any or no reason. The County reserves the right to modify, revoke, suspend, terminate, or change any plans, policy, or procedure, in whole or in part, at any time with or without notice.

As an employee of the County, you are required to review and familiarize yourself with this Handbook and to remain up-to-date with any changes or future editions. The policies in the Handbook apply to all Floyd County employees except where department rules control or where in conflict with applicable law. We trust you will find this Handbook helpful and informative. The policies contained are not intended to list every situation that may occur. Floyd County employees should consult with their Elected Official/Department Head or Immediate Supervisor regarding rules and policies specific to your particular department.

Any conflict between this Handbook and any insurance plan or policy will be governed by the actual terms of the underlying plan documents. Any conflict between this Handbook and any specific department policy or rule will be governed by the department policy/rule as approved by the County Commissioners.

All previously issued Handbooks are replaced by this Handbook. If you need assistance in reviewing this Handbook, please contact your Elected Official/Department Head, Immediate Supervisor or Human Resources for accommodation. Questions concerning any of the policies contained in this Handbook should be directed to Human Resources.

## **1.2. EMPLOYEE ADMINISTRATION**

Representatives of the Floyd County Board of Commissioners, Auditor’s Office and the Human Resources Department will review the personnel policies and make recommendations for modifications.

It will be the responsibility of the County Commissioners, County Attorney, County Auditor and Human Resources to interpret these policies and procedures, to ensure they are administered in a consistent and impartial manner, and to provide oversight and approval as required.

## **1.3. EXCEPTIONS AND SPECIAL CONDITIONS**

These policies apply to all Floyd County employees, except when in conflict with special employment conditions set forth by various statutes, governing employment relationships, i.e. elected officials, bargaining agreements and unions.



## **1.4. MANAGEMENT RIGHTS**

Floyd County, as a public employer, retains the sole and exclusive responsibility and authority to manage and direct its workforce on behalf of the public and to conduct the operations and activities of Floyd County to the full extent authorized by law. Elected Officials/Department Heads have responsibility for the day-to-day supervision and operation of their respective offices as prescribed by statute.

## **1.5. INTERNAL CONTROLS**

Per County Resolution, FCO 2016-14 Compliance with the Uniform Internal Control Standards; an Internal Control Policy pursuant to Indiana Code was created to develop control standards for all departments within Floyd County to advance accountability and transparency of operations and to communicate to all employees and Elected Officials of Floyd County and enact the components and principles of the Uniform Internal Control Standards for Indiana Political Subdivisions.

All County employees will demonstrate a commitment to integrity and ethical values.

Elected Officials/Department Heads are responsible for establishing, maintaining and executing a system of internal controls in their departments to ensure their employees abide by the system and policy in place. Elected Officials/Department Heads are responsible for reporting any internal control issues within their departments to the Commissioners body.

This Handbook contains information related to maintaining an equal opportunity, non-discriminatory workplace and maintaining quality employees. Prior to employment, individuals may be subject to pre-employment background and drug screening. Elected Officials/Department Heads, Human Resources and some boards will be responsible for hiring quality employees. Commissioners along with the support of Human Resources will oversee the benefit package for the County.

Job descriptions will be created and updated to include internal control responsibilities and duties. Employees will be trained in internal control methods and the training will be documented in the Commissioner's Office.

Elected Officials and Department Heads will work with the Commissioners to address noncompliance with internal control procedures and take appropriate action to correct the issue.

The SBOA developed procedures, endorsed by Commissioners that follow the internal control standards of political subdivisions that include:

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

New employees are to be familiarized with these standards in detail during the onboarding process.

## **2. EQUAL EMPLOYMENT OPPORTUNITY AND NON-DISCRIMINATION**

### **2.1. EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy and practice of Floyd County Government to assure that no person will be discriminated against or be denied the benefit of any activity, program or employment process in any area of employment, including recruitment, advertising, hiring, promotion, transfer, demotion, discipline, layoff, termination, rehiring, compensation, rates of pay, benefits, programs, training, development opportunities and all other terms, conditions and privileges of employment, on the basis of any legally protected characteristic, in accordance with applicable federal, state and local laws.

Floyd County is strongly committed to non-discrimination and equal opportunity in all employment actions for qualified persons without regard to actual or perceived race, color, national origin, religion, age, disability (mental or physical), sex (including gender, pregnancy, sexual orientation, transgender status, gender identity, genetic information), veteran status or any other characteristic protected by applicable federal, state or local laws. It is also the policy of Floyd County Government to provide a workplace that is free from retaliation. Retaliation is prohibited for any reason including, reporting what the employee perceives to be discriminatory or harassing conduct to any Elected Official, Department Head, or Human Resources.

In implementing this Equal Employment Opportunity Non-Discrimination and Anti-Harassment Policy, Floyd County will do the following:

1. Give consideration to all qualified applicants for available positions without regard to actual or perceived race, color, national origin, religion, age, mental or physical disability, sex, gender, pregnancy, sexual orientation, transgender status, gender identity, genetic information, veteran status or any other characteristic protected by applicable federal, state or local laws.
2. Ensure that personnel actions such as promotion, transfer, demotion, discipline, layoff, termination, rehiring, establishing compensation and pay rates, benefits, programs, training, and development are administered without regard to actual or perceived race, color, national origin, religion, age, mental or physical disability, sex, gender, pregnancy, sexual orientation, transgender status, gender identity, genetic information, veteran status or any other characteristic protected by applicable federal, state or local laws.
3. Ensure that job postings and recruitment advertisements will include the County's Equal Employment Opportunity Non-Discrimination and Anti-Harassment Policy and all hiring and promotional decisions will be conducted in accordance with the County's Equal Employment Opportunity Non-Discrimination and Anti-Harassment Policy.
4. Provide reasonable accommodations for qualified applicants and/or employees with physical and/or mental disabilities that will enable them to perform the essential functions of their job. Provide reasonable accommodations based on religion, in accordance with applicable law.
5. Regularly review and update job descriptions to properly identify the essential functions of the position and job-related requirements.
6. Place and maintain workplace Equal Employment Opportunity posters in conspicuous locations.
7. Promote inclusion and diversity in all levels of the workforce.
8. Ensure that employees and applicants are not subjected to intimidation, harassment, retaliation, threats, coercion or discrimination because they have filed a complaint, assisted or participated in an investigation or any other protected activity.

9. Base promotions on an individual's qualifications and demonstrated performance and ensure all promotion decisions are conducted in accordance with the County's Equal Employment Opportunity Non-Discrimination and Anti-Harassment Policy.
10. Charge Elected Officials/Department Heads and Supervisors with the responsibility to implement this Equal Opportunity Employment policy and ensuring compliance by all Floyd County employees.
11. Ensure all Elected Official/Department Head or Supervisor are aware of discrimination, harassment or retaliation in the workplace will immediately investigate and take prompt remedial action sufficient to rectify the situation. Elected Officials/Department Heads and/or Supervisors who fail to administer and/or adhere to this Equal Employment Opportunity Non-Discrimination and Anti-Harassment Policy may be subject to discipline action.
12. Require all Floyd County employees who engage in conduct that is harassing, discriminatory and/or retaliatory be subject to discipline action.

## **2.2. NON-DISCRIMINATION AND ANTI-HARASSMENT**

Floyd County Government is committed to providing a safe environment for all of its employees, free from discrimination on any ground and free from harassment at work, including sexual harassment and harassment based on race, color, national origin, religion, age, mental or physical disability, sex, gender, pregnancy, sexual orientation, transgender status, gender identity, genetic information, veteran status or because of any other protected characteristic recognized by federal, state or local law. Floyd County Government will not tolerate any form of unlawful discrimination and/or harassment in the workplace and treat all incidents seriously. The County will promptly investigate all allegations of unlawful harassment of any sort. Accordingly, Floyd County maintains a complaint procedure for employees to bring issues of unlawful discrimination, harassment and/or retaliation to the attention of their supervisor, Human Resources or County Commissioners. Floyd County has established a procedure for investigation and will take prompt remedial action to stop all inappropriate conduct. The County is also committed to ensuring its employees are not subjected to unlawful discrimination and/or harassment by non-employees. Accordingly, this policy applies to Elected Officials/Department Heads, employees and nonemployees of Floyd County.

## **2.3. SEXUAL HARASSMENT**

Sexual harassment is unwelcome conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated. It includes situations where a person is asked to engage in sexual activity as a condition of employment. This policy also includes conduct which creates an environment which is hostile, intimidating or humiliating. Sexual harassment can involve one or more incidents depending on the severity, and actions constituting harassment may be physical, verbal or nonverbal. Harassment becomes unlawful where (1) enduring the harassment becomes a condition of continued employment, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Sexual harassment includes, but not limited to: physical conduct, such as unwelcome physical contact including patting, pinching, or inappropriate touching; physical violence, including sexual assault; or the use of job related threats or rewards to solicit sexual favors. Verbal harassment includes comments on an employee's appearance, age, private life; sexual comments, jokes; sexual advances; repeated and unwanted invitations for dates; insults based on the sex of a worker; sending sexually explicit messages

or photos (by phone, email or social media post or by email). Nonverbal conduct includes but is not limited to display of sexually explicit or suggestive material; sexually suggestive gestures; whistling and leering.

Sexual harassment is not only offensive but it can also harm morale and interfere with the effectiveness and our ability to fulfill our responsibilities to our customers. All employees will be provided a work place that is free from unsolicited and unwelcome sexual overtones and sexual harassment.

## **2.4. OTHER HARASSMENT**

Harassment on the basis of any other protected characteristic such as race, color, national origin, religion, age, mental or physical disability, sex, gender, pregnancy, sexual orientation, transgender status, gender identity, genetic information, veteran status or any other protected characteristic recognized by federal, state or local law, is also strictly prohibited. Harassment may be verbal, written or physical contact that devalues or shows hostility or aversion toward an individual because of his or her protected class. It may include slurs, negative stereotyping or other offensive, hostile, intimidating or abusive conduct. The same as sexual harassment, other forms of harassment becomes unlawful where (1) enduring the harassment becomes a condition of continued employment, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Floyd County prohibits written or graphic material that defames or shows hostility or aversion to an individual or group because of a protected characteristic, whether such material is placed on walls, bulletin boards or elsewhere on Floyd County property or disseminated using Floyd County equipment or computer systems including email, telephone (including voice messages), text messages, social networking sites or other means.

## **2.5. REPORTING HARASSMENT, DISCRIMINATION OR RETALIATION**

Floyd County encourages individuals who believe they are being subjected to unlawful harassment, discrimination or retaliation to promptly advise the offender that his / her behavior is unwelcome, inappropriate and that it should stop, if they are comfortable doing so. If the employee is not comfortable addressing the situation themselves or if the behavior does not stop, they should report inappropriate behavior to their supervisor, Human Resources or County Commissioners. In addition, Floyd County employees as well as applicants for employment should promptly report any incident of unlawful discrimination, harassment or retaliation they personally experience, witness or are aware of to their Elected Official/Department Head or Supervisor immediately. If the Elected Official/Department Head or Supervisor is the source of the discrimination, harassment or retaliation or if the employee is otherwise uncomfortable reporting the conduct to the employee's Elected Official/Department Head or Supervisor, the employee/applicant should report the conduct to Human Resources or a County Commissioner with whom they feel comfortable making such a complaint. A Supervisor receiving a complaint from an employee/applicant will inform the appropriate Elected Official or Department Head and Human Resources unless the Elected Official or Department Head is the source of the conduct. Human Resources is the primary contact for reporting harassment. They can be reached at (812) 941-3239.

A complaint alleging unlawful harassment, discrimination or retaliation should:

- Be prompt and detailed. Employees should not delay when making a complaint. Complaints may be written or verbal and the County will thoroughly investigate.

- Include the nature of the complainant and the individual(s) involved in the discrimination, harassment or retaliation, note relevant dates, describe the alleged conduct in as much detail as possible and identify all potential witnesses.
- The County where appropriate, will take prompt remedial action to stop the wrongful conduct and take whatever actions needed to prevent a future recurrence.

Human Resources will review all complaints and conduct all investigations of discrimination, harassment or retaliation. To the extent reasonably possible, complaints will be dealt with in a confidential manner. In fulfilling the commitment of Floyd County to maintain a safe and productive work environment, the County will take whatever action necessary to stop any discrimination, harassment or retaliation and institute disciplinary action to prevent recurrence of the situation up to and including termination.

It is a violation of this Policy for any Elected Official/Department Head, Supervisor or employee to retaliate or take any sort of adverse action against an employee who makes a complaint under this Policy. No person will be retaliated against or penalized in any way for reporting unlawful harassment. It is a violation of this Policy for any Elected Official/Department Head, Supervisor or employee to provide false information in a complaint or during an investigation conducted under this Policy.

Elected Officials/Department Heads, Supervisors and Human Resources are responsible for the effective administration of this Policy. If an Elected Official/Department Head or Supervisor is advised of any alleged violation of this Policy or if he/she independently observes conduct which may be prohibited by this Policy, they are required to immediately report the matter to Human Resources.

The complaint and information collected during an investigation will be kept confidential to the extent possible. Complete confidentiality cannot be guaranteed due to the investigation process usually requires revealing certain information to the alleged harasser and interviewing potential witnesses.

If an investigation reveals that unlawful discrimination, harassment or retaliation has occurred, Floyd County will take prompt remedial action. The parties will be informed of the County's determination including the preventive measures that will be taken which may include monitoring, training, discipline, suspension or termination. If the offender is not an employee of Floyd County, reasonable measures will be taken to alleviate the situation.

Discrimination, harassment, or retaliation have absolutely no place in the workplace. Please keep in mind that it is the goal of Floyd County to maintain a professional work environment by ensuring that all employees and applicants are treated with mutual respect. Any questions concerning this Policy should be directed to Human Resources.

## **2.6. DISSEMINATION AND COMMUNICATION**

This Equal Employment Opportunity Non-Discrimination and Anti-Harassment Policy is available to all employees, applicants for employment, the general public and outside organizations through posting on the Floyd County website, policy directives, posting in conspicuous locations, statements on recruitment documents, advertising and through notification to contractors, etc.

### **3. IMPLEMENTATION AND RESPONSIBILITIES**

#### **3.1. ELECTED OFFICIALS/DEPARTMENT HEADS & SUPERVISORS:**

Floyd County is committed to preventing and eliminating unlawful harassment, discrimination and retaliation in the workplace. Elected Officials/Department Heads and Supervisors play an important role in creating a professional work environment by modeling appropriate behavior and appreciation of diversity in the workplace. They are also in the best position to hold all staff accountable for creating and maintaining a respectable workplace. All Elected Officials/Department Heads and Supervisors are responsible for ensuring compliance with the Floyd County Equal Employment Opportunity Non-Discrimination and Anti-Harassment Policies.

Elected Officials/Department Heads and Supervisors are responsible to:

- Administer the County's Equal Employment Opportunity Non-Discrimination and Anti-Harassment Policies.
- Assure that recruitment for vacancies is handled in a manner that is consistent with the County's Equal Employment Opportunity Non-Discrimination and Anti-Harassment Policies.
- Prevent and correct any identifiable unlawful discrimination, harassment or retaliation and take prompt remedial action to address any issues including reporting information to Human Resources.
- Create and maintain a work environment free of discrimination, harassment and retaliation.

#### **3.2. HUMAN RESOURCES**

The Floyd County Human Resources Director serves as the County's Equal Employment Opportunity (EEO) Officer. As the EEO Officer, Human Resources has the responsibility for effectively administering and promoting a program of equal employment opportunity within the County and providing confidential counseling for management in the development and implementation of EEO programs and in matters involving EEO concerns or complaints alleging discrimination, harassment or retaliation.

Human Resources will be responsible to:

- Take on the position of EEO Officer for the County.
- Develop and maintain the necessary programs.
- Provide the federal and state government with required reports.
- Comply with laws and regulations.
- Comply with the goals and objectives of Floyd County Equal Employment Opportunity and Anti-Discrimination policies.
- Provide subject matter advice to Elected Officials/Department Heads and Supervisors.
- Ensure appropriate investigation of complaints alleging unlawful workplace discrimination, harassment and retaliation.
- Monitor the procedures and disciplinary actions of all alleged discrimination and harassment complaints to ensure that the County policies and procedures are followed.

#### **3.3. EMPLOYEE RESPONSIBILITY & REPORTING REQUIREMENT**

All Floyd County employees should report any incident of discrimination, harassment or retaliation to their Elected Official/Department Head or Supervisor immediately. If the Elected Official/Department

Head or Supervisor is the source of the discrimination, harassment or retaliation or if the employee is otherwise uncomfortable reporting the conduct to his/her Elected Official/Department Head or Supervisor, the employee should report the conduct to Human Resources or a County Commissioner. Employees should:

- Adhere to the Floyd County Equal Employment Opportunity Non-Discrimination and Anti-Harassment Policies.
- Promptly report any act of unlawful discrimination, harassment or retaliation.
- Participate in any investigation as asked and provide truthful information.
- Maintain a work environment free of discrimination, harassment or retaliation.
- Refrain from retaliating against any employee for making a complaint alleging discrimination, harassment or retaliation.
- Participate in all discrimination and harassment training.

### **3.4. AMERICANS WITH DISABILITIES ACT**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws which prohibit employers from discriminating against applicants and individuals with mental or physical disabilities and, when needed, to provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position. Floyd County complies with all federal and state laws concerning the employment of persons with disabilities and in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Accordingly, the County does not discriminate against qualified individuals with mental or physical disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions and privileges of employment.

The County will engage in an interactive process to identify reasonable accommodations wherever necessary for all employees or applicants with a known disability. The individual must be qualified to safely perform the duties and assignments connected with the job and any accommodations may not pose an undue hardship. Floyd County will ensure that all programs, activities and services are accessible by persons with disabilities. Questions regarding reasonable accommodations and/or discrimination on the basis of mental or physical disability should be directed to your Elected Official/Department Head or Human Resources.

Employees or applicants with disabilities may request reasonable accommodations regardless of title, salary or employment status. This request should be made by the applicant or employee to their Elected Official/Department Head or Human Resources. Requests for reasonable accommodations do not have to be made at the commencement of the employee's employment. Rather, employees may make such a request at any time during their employment with the County. Any request for accommodations will not cancel out any prior performance improvement or disciplinary actions.

Floyd County may require the employee to provide documentation from a physician or other medical professional concerning the existence and extent of any mental or physical disability and need for accommodations. The employee's medical information will be maintained in a separate confidential file. Any information regarding the employee's condition will only be made available on a need to know basis.

Accommodations will be made on a case-by-case basis, which may include: making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules, modifying equipment or other similar accommodations. Human Resources will work closely with the employee and the Elected Official/Department Head to ensure that an appropriate reasonable accommodation is provided. If a person is not able to perform the essential functions of a job, even with reasonable accommodation, then the person may not be qualified for the position.

Any employee who believes they have been subjected to unequal treatment or discrimination prohibited by the ADA or who believe the County has not made reasonable effort to accommodate an employee, should report this information to the employee's Elected Official/Department Head. If the Employee's Elected Official/Department Head is the source of the problem, or if the employee does not feel his/her complaint is being properly addressed, the employee should report the matter to Human Resources and/or a member of the County Commissioners with whom the employee feels comfortable making such a complaint.

### **3.5. ANTI-BULLYING**

The purpose of this policy is to communicate to all employees, including supervisors/managers and Elected Officials/Department Heads, that Floyd County Government will not in any instance tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination.

Floyd County Government defines bullying as repeated inappropriate behavior, either direct or indirect, whether verbal or physical conducted by one or more persons against another or others. Such behavior violates Floyd County Government's policies, which clearly state that all employees will be treated with dignity and respect.

### **3.6. REPORTING REQUIREMENT**

Individuals who believe they have been subjected to bullying or threatening behavior from either a co-worker, supervisor/manager, Elected Official or Department Head should make it clear this behavior is offensive and it should stop. If the employee is not comfortable addressing the inappropriate behavior themselves or if the behavior continues they should report the behavior to their Elected Official / Department Head, supervisor, Human Resources or County Commissioner. If the employee's supervisor/manager, Elected Official/Department Head is the source of the bullying or threatening behavior, the employee and/or witnesses should report the conduct immediately to Human Resources or a County Commissioner with whom the employee feels comfortable making such a complaint.

### **3.7. INVESTIGATION**

Floyd County take allegations of bullying or threatening behavior seriously. Upon receipt of a complaint or report, the County will investigate all complaints. It is the duty and obligation of any employee who is subject to bullying or threatening behavior or who witnesses such conduct to report this information to the County so that prompt remedial action can be taken to alleviate the wrongful conduct. It is a



violation of this Policy for any Elected Official/Department Head, Supervisor, or employee to provide false information in a complaint or during an investigation conducted under this policy.

### **3.8. ANTI-RETALIATION POLICY**

Employees should report acts of bullying or threatening behavior without fear of retaliation. Retaliating against anyone registering a complaint is strictly prohibited and would result in disciplinary action up to and including termination. If an employee believes that he/she has been retaliated against for reporting bullying or threatening behavior, the employee should report this to the employee's immediate supervisor/manager, Elected Official/Department Head, Human Resources or to a County Commissioner with whom the employee feels comfortable making such a complaint. To the extent reasonably possible, complaints will be dealt with in a confidential manner. In fulfilling this commitment and to maintain a safe and productive work environment, the County will take steps to stop all bullying or threatening behavior and direct disciplinary action to eliminate a recurrence of the situation. Having to put up with any form of bullying or threatening behavior is not a part of anyone's job.

### **3.9. NON-DISCRIMINATORY SERVICE**

Floyd County Government is committed to ensuring that all guests, constituents, vendors, visitors and people with whom we serve or otherwise do business are treated with respect regardless of their race, sex, sexual orientation, transgender status, age, color, religion, national origin, ancestry, citizenship status or physical or mental disability. All employees are expected to treat such people equally when providing service.

### **3.10. PRIVACY**

Floyd County is compliant with applicable requirements and standards of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the Americans with Disabilities Act (the "ADA"), and has established guidelines regarding the privacy of individually identifiable health information accordingly. The County has designated Human Resources as the County's "privacy official" who is responsible for maintaining health related records. The Human Resources Department is the contact responsible for receiving complaints regarding compliance. All county HIPAA and ADA privacy inquiries should be directed to the Human Resources Department.

## **4. RECRUITMENT, SELECTION AND HIRING**

### **4.1. RECRUITMENT/HIRING**

Floyd County Commissioners require all Department Heads to involve Human Resources in all personnel matters including, but not limited to, recruitment, advertising/posting, interviews, hire/rehire, benefits, payroll, performance, discipline, suspensions, and terminations.

Department Heads should obtain prior approval from the County Council when recruiting, interviewing and hiring any vacant position with input from Human Resources. Elected Officials do not need to obtain approval from the Council when recruiting, interviewing or hiring for a vacant position, unless Council

invokes hiring freeze. Elected Officials/Department Heads must obtain prior approval from the County Council when creating a new job or before converting a part-time position to a full-time position. Recruitment activity may begin only after the job need has been properly allocated and all required approvals have been obtained.

Once the request has been approved, Human Resources will post the job opening in appropriate recruitment locations which may include the County website, Internet sites, newspapers or trade journal. Advertisements will describe the position, basic qualifications and state that the County is "*An Equal Opportunity Employer.*" All recruiting efforts will be implemented by Human Resources. The County encourages internal promotion and transfer whenever possible. Elected Officials/Department Heads and Human Resources are responsible for ensuring that job openings are properly published.

Basic qualifications or formal education, background and experience will be determined before recruiting begins and will be based upon job requirements.

Elected Officials/Department Heads, Human Resources and any hiring staff may be involved in the interviewing process with each potential candidate selected for an interview. Before hiring the best candidate for the position, Elected Officials/Department Heads should notify Human Resources in order to review the recruiting, interview and hiring process, coordinate new hire requirements, schedule on boarding / training and establish a start date with the candidate.

In the case of re-hiring a former employee, applicants must go through the same process as external applicants. Human Resources will be consulted as to the former employee's re-hire status prior to proceeding with the recruitment, interview and hiring process.

## **4.2. COURT SYSTEM RECRUITING AND HIRING**

The judges of the Floyd County Courts have the authority to appoint the Bailiff, Court Reporter, and other employees necessary to carry out the business of the Court pursuant to IC 33-29-1-4, and IC 33-29-1-5. The County Prosecutor has the authority to appoint the Deputy Prosecuting Attorney and the Investigator for the County Prosecutor's Office pursuant to IC 33-39-6-2 and IC 33-39-4-1. The County Sheriff has the authority to appoint the Jail Matron pursuant to IC 36-8-10-5. If other positions within the County government are governed by statute on the power to appoint, the statutory authority will take precedence over the hiring process set forth herein.

## **4.3. RESUMES AND EMPLOYMENT APPLICATIONS**

Floyd County makes available employment applications through the County website. Human Resources will collect all resumes and direct applicants to complete an Application for Employment as well as any other forms deemed necessary to process the application. Resumes and applications must be current, accurate and truthful. Applications must be fully completed and must account for periods of employment and unemployment. The County relies on the truthfulness and accuracy of information provided by applicants for employment. Any misrepresentations, falsifications or material omissions in any information may result in the County's exclusion of the individual from further consideration for employment, or if the person has been hired, termination of employment may occur.

Submission of a resume or application with the County does not mean the applicant will be granted an interview or hired. Equal consideration will be given to all applicants based on the qualifications listed for the job. Resumes and applications will only be accepted for open positions, with the exception of recruitment activities maintained by the Floyd County Sheriff. Prior to a person being placed on the County payroll, the Elected Official/Department Head will submit the person's application and/or resume to Human Resources.

Floyd County Government is an equal opportunity employer. Accordingly, the County does not discriminate in employment related to race, color, religion, national origin, citizenship status, ancestry, age, pregnancy, sex, sexual orientation, transgender status, gender identity, genetic information, marital status, physical or mental disability, military status or unfavorable discharge from military service, or any other characteristic protected by applicable law.

#### **4.4. APPLICANT TESTING**

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

#### **4.5. PRE-EMPLOYMENT INTERVIEWS**

Pre-employment interviews will be used to gather information and screen applicants for County employment. Final interviews will be conducted by the Elected Official/Department Head with Human Resources, if they so choose.

#### **4.6. BACKGROUND CHECK & DRUG SCREENING POLICY AND PROCEDURE**

Floyd County may conduct a background check and/or a drug screen on candidates offered employment as well as for employees seeking promotion or transfer. Background checks may include:

- Social Security Verification: validates the applicant's Social Security number, date of birth and former addresses.
- Prior Employment and Education Verification: confirms the candidate's employment with the listed employers, including dates of employment, position held and any additional information available pertaining to performance, attendance, reason for departure and eligibility for rehire.
- Personal and Professional References: contacts may be with individuals listed as references by the candidate.
- Educational Verification: confirmation the candidate's claimed educational institution, including the years of study and the degree/diploma earned.
- Criminal History: includes review of criminal convictions and probation. The following factors will be considered for candidates with a criminal history:
  - The nature of the crime and its relationship to the position.
  - The date of the conviction.
  - The number (if more than one) of convictions.
  - Whether hiring, transferring or promoting the candidate would pose an unreasonable risk to the County, its employees or citizens.

The following additional background searches may be required if applicable to the position:

- Motor Vehicle Records: provides a report on a candidate's driving history. This search will be run on all CDL positions or when driving is an essential requirement of the position.
- Credit History: confirms candidate's credit history. This search will be run for positions that involve management of Floyd County Government funds and/or handling of cash or credit cards.
- Indiana Data and Communications System Background Check
- Child Protective Services History Check
- Polygraph Test

## **PROCEDURE**

Candidates must complete a Fair Credit Reporting Act Notice and Authorization form and return it to Human Resources along with their application for employment. Human Resources will order the background check upon receipt of the signed Authorization form and either Human Resources or an outside employment screening service will conduct the background check. Human Resources will review all results and notify the hiring Elected Official/Department Head regarding the results of the background check. If a decision not to hire or promote a candidate is made based on the results of a background check, the candidate will be provided a copy of the report and a description of their rights pursuant to the Fair Credit Reporting Act (FCRA).

Floyd County Government reserves the right to modify this policy at any time without notice.

### **4.7. CONDITIONAL OFFER OF EMPLOYMENT**

Applicants hired for positions with the County will be offered employment contingent upon successful completion of all established job prerequisites and requirements of the position, which may include, medical, physical and/or mental examinations, drug and/or alcohol testing, immigration and background checks. The County may withdraw the conditional offer of employment at any time for any reason, except as otherwise prohibited by law.

### **4.8. MEDICAL EXAMINATIONS**

To ensure employees are able to perform their essential duties safely, medical examinations may be required of certain positions related to public safety prior to hiring, or anytime during the course of employment with the County.

Applicants to whom conditional offers of employment have been made may be required to undergo a medical examination by a health professional of the County's choosing, at the County's expense. Employees will be required to submit to fitness for duty medical or psychological evaluations prior to returning from employee illness or injury leave (limited to the condition which necessitated leave), or to meet terms and conditions associated with performing essential job duties.

Information on an employee's medical condition or history will be kept in a confidential medical file that is separate from other employee information. Medical information will be maintained by Human Resources and may include return to work slips, restrictions, etc. Access to this information will be limited to a need to know basis.

## **4.9. RESIDENCY REQUIREMENT**

Floyd County encourages all persons to apply for employment with the County regardless of their residency. However, certain positions within County Government require that the employee maintain residency within the County throughout the duration of their employment. Residency requirements will be noted in the job postings for those positions.

## **4.10. EMPLOYMENT ELIGIBILITY VERIFICATION**

The Immigration Reform and Control Act (IRCA) requires all U.S. employers to be responsible for verifying the employment eligibility and identity of all employees hired to work in the United States after November 6, 1986. To comply, the County is required to complete Employment Eligibility Verification forms (Form I-9) for all employees, including U.S. citizens.

The compliance procedure for the I-9 form stipulates that employees complete the Employee Section of the I-9 form no later than the first day of work. Per the U.S. Citizenship and Immigration Services (*USCIS*) handbook, employees must provide for review original, verifiable documents from those listed as 'acceptable' on the I-9 form (no later than 3 business days from hire) to verify identity and eligibility to work in the United States. If employment will be less than 3 days, these documents must be presented on or before start date of employment. If you have questions about what documentation is required, please contact Human Resources. Should I-9 procedures require re-verification; the County will follow the USCIS I-9 handbook procedures regarding the allowable time employees have to provide required documents.

Per I-9 compliance requirements, employees who cannot provide verifiable documentation by the required deadlines will be terminated from employment. Employees found to have knowingly provided false documents, or falsified their I-9 forms or other employee records may be subject to disciplinary action up to and including termination.

## **4.11. NEPOTISM, EMPLOYMENT OF RELATIVES AND PERSONAL RELATIONSHIPS**

As referenced in FCO 2012 – VII, Floyd County Government will ensure that relative and personal relationships do not create a conflict of interest or favoritism. This extends to employee hiring, promotion and transfer. Close relatives, partners, in a dating relationship or members of the same household are not permitted to be in positions that have supervisory authority over the other. Close relatives are defined as husband, wife, domestic partner, father, mother, father-in-law, mother-in law, grandfather, grandmother, son, son-in-law, daughter, daughter-in law, uncle, aunt, nephew, niece, brother, sister, brother-in-law, sister-in-law, step relatives, cousins and domestic partner relatives.

If employees begin a dating relationship or become relatives, partners or members of the same household and if one person is in a supervisory position, that person is required to inform management and Human Resources of the relationship.

Floyd County Government reserves the right to apply this policy to situations where there is a conflict or the potential for conflict because of the relationship between employees, even if there is no direct-reporting relationship or authority involved.

#### **4.12. EMPLOYMENT STATUS**

It is the intent of the County to clearly define employment status. Any changes in employment status will be conveyed in writing. No change in employment status is to be inferred without written notification. Employment beyond any initially stated period does not in any way imply a change in employment status. If a department hires an individual to fill in for a full-time employee on a leave, the Department Head should contact Human Resources to confirm the individual's employment status and eligibility for benefits.

#### **4.13. ACCESS TO PERSONNEL FILES**

Employee personnel records are maintained by the County's Auditor's Office. Accurate personnel records are to be kept on file for each employee. For purposes of this policy, your personnel file will include, records related to application, on boarding, training, performance and other records related to promotion and documenting disciplinary action.

As required by law, some records pertaining to employees are maintained in separate files such as the employee's confidential medical file which contain the employee's medical information, including health insurance, disability information, Workers Compensation injury, other medical related information, and I-9 forms and documents. Personnel files are property of the County; employees can access their information by scheduling an appointment with the Auditor's Office.

#### **4.14. PERSONAL INFORMATION CHANGES**

In order to keep your benefit and pay status current and accurate, each employee should keep their benefit and W-4 information updated. If you experience any of the following changes, it is your responsibility to report them immediately to Human Resources:

- A change of address, telephone number, e-mail address
- Marriage or divorce
- Birth or adoption
- A dependent becomes ineligible for benefits
- Emergency contact information
- Direct deposit information
- Voluntary payroll deductions
- If a dependent passes away
- Name change
- A change in beneficiary

You may also find select forms on the County's website and may be submitted via the employee portal or email or at the Sheriff's Department for their personnel.

Current information is needed to properly administer your group health and other benefit programs and could even result in loss of certain benefits if not reported in a timely fashion.

## **5. ON BOARDING AND EXIT INTERVIEW**

### **5.1. ON BOARDING, PERFORMANCE EVALUATION & EXIT INTERVIEWS**

All new employees will participate in on-boarding activities with Human Resources at which time employees will be directed to this Handbook via the Employee Portal.

New employee orientation will assist with transitioning into the organization and ensure new employees have a clear understanding of expectations. New employee on boarding provides a foundation upon which they can build their skills and contribute to our efforts of providing responsive and effective county government services.

Elected Officials/Department Heads will conduct an informal orientation to familiarize a new employee with the County.

Floyd County Government places a high value on providing exceptional customer service. We recognize the importance of providing employees with the skills and resources necessary for meeting that standard of excellence, beginning with their very first day of employment.

Upon termination of employment an employee, the Elected Official/Department Head will make reasonable efforts to have Human Resources conduct an exit interview with the employee. The purpose of an exit interview is to provide an avenue to for the County to gather information regarding the employee's experience while working for the County. This information will be shared with County leadership to continually look for ways to improve and create retention strategies. Human Resources will make all reasonable effort to keep information exchanged during an exit interview confidential as appropriate.

### **5.2. INTRODUCTORY PERIOD**

The introductory period is intended to provide new and re-hired employees the opportunity to demonstrate their knowledge, skills and ability as they become proficient in their position. The County uses this period to evaluate an employee's capabilities, work habits and overall performance.

All new and re-hired employees will be considered in an introductory basis for 6 months after their date of hire, unless otherwise specified in a bargaining agreement. Any significant absence will automatically extend the introductory period by the length of the absence. If the County determines the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the probationary period may be extended for a specific period of time at the discretion of the employee's supervisor. Upon satisfactory completion of the introductory period, employees will be classified as a "regular" employee.

### **5.3. PERFORMANCE EVALUATION AND IMPROVEMENT**

Performance improvement may be suggested whenever the employee's performance is less than satisfactory. Floyd County expects all employees to perform their job duties in a safe, courteous and productive manner.

Performance reviews may be conducted from time to time by your Elected Official/Department Head to provide you and your Elected Official/Department Head with an opportunity to discuss job responsibilities, opportunities to improve, recognize strengths and discuss ways to increase efficiency within the position and the department.

### **5.4. PROMOTIONS AND ADVANCEMENT**

In accordance with the principles of equal employment opportunity, if/when positions become available, each department will: 1) promote employees based on the employee's skills, knowledge, experience, training, qualifications, and ability and, 2) encourage employees to participate in available career advancement activities with the department (i.e., internal and external training programs).

### **5.5. OUTSIDE EMPLOYMENT/CONFLICT OF INTEREST**

An employee may hold a job with another organization as long as he/she satisfactorily performs his/her job responsibilities with the County. All employees will be judged by the same performance standards and will be subject to the employer's scheduling demands, regardless of any existing outside work commitments. If an employee's outside work interferes with performance or the requirements of the County as they are modified from time to time, the employee may be asked to terminate the outside employment if he/she wishes to remain employed by the County.

Conflict of Interest - IC 35-44-1-3:

An employee who knowingly or intentionally has a pecuniary interest in; or derives a profit from; a contract or purchase connected with an action by the government entity served by the public servant commits conflict of interest, a Class D felony. A public servant has a pecuniary interest in a contract or purchase if the contract or purchase will result or is intended to result in an ascertainable increase in the income or net worth; or (1) the public servant; or (2) a dependent of the public servant who: (A) is under the direct or administrative control of the public servant; or (B) receives a contract or purchase order that is reviewed, approved, or directly or indirectly administered by the public servant.

## **6. COMPENSATION, EMPLOYMENT HOURS AND WAGE ADMINISTRATION**

### **6.1. COMPENSATION**

Wages and salaries of employees are established in a manner compatible with the goals, objectives, and financial resources of Floyd County, as determined by the County Council. The County Commissioners



and Council strive to provide a total compensation package that is competitive with similarly situated governmental agencies based on the employee's job classification. All compensation of County employees will be approved annually by the Floyd County Council at publicly held budget meetings.

The County Council adopts an annual salary ordinance establishing pay rates for all County positions. Pay for all positions is subject to the annual budgetary process; therefore, positions may be subject to increase, decrease or status quo for any duration of time designated. The Elected Official/Department Head can make recommendations about salary to the Salary Appeals Committee, if approved, the issue will be brought to the County Council for a final decision regarding job level and/or pay changes. If approved by the Council, the Salary Ordinance will be adjusted accordingly.

## **6.2. WORK WEEKS AND WORK SCHEDULE**

The County's workweek is Saturday through Friday for pay purposes. Typical office hours are 8am – 4pm Monday – Friday. Hours will vary by department, i.e. Sheriff's Department and Open Door Youth Services operate 24 hours per day / 7 days per week. If office hours vary from the normal work schedule they must be approved by the Commissioners. Elected Officials/Department Heads are responsible for establishing employees' normal work schedules and are subject to change under unusual circumstances such as weather, safety or staffing issues.

## **6.3. PAY DAY**

Payday occurs every two (2) weeks on Friday. If a payday falls on a holiday, employees will typically receive their pay on the workday before the holiday. Each pay will include earnings for all work performed through the end of the previous pay period.

## **6.4. DIRECT DEPOSIT**

The County pays each employee by direct deposit each pay period. Authorization forms are available from the Payroll Clerk in the Auditor's Office, Human Resources or by setting up through the Employee Portal.

## **6.5. PAY DEDUCTIONS/GARNISHMENTS**

Floyd County is required by law to withhold taxes from each employee's pay. Federal, state, local income taxes will be withheld each pay as well as the employee's portion of Social Security/Medicare taxes.

The County offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their pay to cover the costs to participate in these programs. Other deductions may be made from your pay for certain items such as your portion of medical, dental and vision insurance premiums; voluntary supplemental insurances; state or mandatory/voluntary contributions to a pension plan/deferred compensation plan.

The County is obligated by IC 24-4.5-5-105 to execute any court-ordered garnishment against an employee's wages in accordance with applicable law. According to the Federal Wage Garnishment Act,

an employee with two (2) or more garnishments may be subject to dismissal. This section does not apply to child support income withholding orders.

Questions regarding paycheck deductions and/or methods of calculation should be directed to Payroll.

## **6.6. HOURLY/NON-EXEMPT EMPLOYEES**

Hourly employees are paid for the amount of time they actually work in a workweek. In this regard, the employee's pay may vary from pay period to pay period depending on the number of hours worked. Hourly/Non-Exempt employees will be paid at their hourly rate up to forty (40) hours in a workweek. Employees are eligible for overtime or comp time at a rate of time and a half for all hours actually worked over forty (40) in a workweek except as otherwise written in a bargaining agreement. Utilization of a paid time off benefit will not be counted as time actually worked for purposes of computing overtime.

Overtime work must always be approved in advance of time worked. Working overtime without prior authorization could result in disciplinary action. Employees must maintain an accurate time record of the total hours worked each day. These hours must be accurately recorded by the designated online system, if available. Each employee must approve his or her time to verify reported hours worked are complete and accurate. Your time must accurately reflect all regular and overtime hours worked, any absences, early or late arrivals, early or late departures. At the end of each two-week period, your time will be submitted for approval. Please verify each pay that you were paid correctly for all hours worked.

## **6.7. SALARIED/EXEMPT EMPLOYEES**

If you are classified as a Salaried/Exempt employee, you will regularly receive a predetermined amount of compensation each pay period without regard to your work hours. A Salaried/Exempt employee's salary will be established at the time of hire or when they become classified as an exempt employee. An employee's salary may be subject to review and modification from time to time at the sole discretion of the County.

You will receive your full salary for any workweek in which work is performed. However, in accordance with State and Federal law, your salary is subject to certain reductions for partial weeks worked. Exempt employees are required to record paid time off, such as, sick and vacation time or other forms of paid time off for absences related to personal reasons, i.e. bereavement, jury duty.

## **6.8. ELECTED OFFICIALS**

Elected Officials of the County are excluded from the FLSA and, therefore, are not entitled to overtime or comp time.

## **6.9. EMPLOYMENT CATEGORIES**

The County is responsible for clarifying the definitions of employment classifications so that employees understand their employment status and benefit eligibility. Each employee is assigned to one of the

following employment categories. Any changes to an employee's employment category will be in writing from their Elected Official/Department Head or Human Resources.

### **REGULAR FULL-TIME**

A regular full-time employee is a person who works an average of 35 or more hours per week. Regular full-time employees are eligible for all County benefit programs provided they meet all eligibility requirements. The County Council sets the full-time compensation rates annually for all Regular Full-Time positions. At no point in time are full-time employees allowed to work for more than one department at the same time.

### **PART-TIME**

A part-time employee is a person who works an average of 28 hours or less per week. Part-time employees are not eligible to participate in certain County benefit programs. The County Council sets the part-time compensation rates annually for all Part-Time positions. At no point in time are part-time employees allowed to work for more than one department at the same time.

### **TEMPORARY/SEASONAL**

Temporary/seasonal employees are not assigned to a regular full-time position or part-time position and work for a specific period of time (such as voting) or for the length of a defined project. Temporary/seasonal employees are not eligible for the County benefit programs. The County Council sets the compensation rates annually for all Temporary/Seasonal positions. At no point are Temporary/Seasonal employees allowed to work for more than one department at the same time.

### **BOARD MEMBER**

A board member is a citizen who serves on an advisory board for a County department and is not eligible to participate in County benefit programs. County Council sets the board compensation annually for the various boards. Due to the nature of the compensation, Board Members may serve on more than one board at a time. Time spent serving as a Board Member or performing Board duties is not counted as time worked.

### **VOLUNTEER**

A volunteer is an individual who performs work or services for a public sector organization or agency for civic, charitable or humanitarian reasons. Volunteers are not employees, do not receive pay, benefits or other remuneration. Certain County volunteers may be covered under the County's Workers compensation policy. Volunteers are eligible to work in a full-time or part-time position with the County. Time spent serving as a County volunteer or performing Board duties shall not be counted as time worked.

## **6.10. COMPENSABLE WORK**

Non-Exempt employees may be compensated for time not traditionally thought of as 'work time' such as:

- Training/Meetings: Time spent attending mandatory training programs, lectures and meetings will be counted as work time for Non-Exempt employees.
- Travel Time: Commuting time, whether to a fixed location or a changing location, is generally not considered work time. A Non-Exempt employee is not considered to be working until he/she reaches the work site. However, travel during the course of the workday after the first stop when conducting County business is considered work time. When a Non-Exempt employee travels away from home overnight, driving to and from the worksite destination will be compensable in accordance with state and federal wage and hour laws.

### **6.11. ON-CALL PAY**

Whether an employee is entitled to “on-call” pay depends on several factors including whether the employee is required to remain on County property or sufficiently close so that the employee cannot use the time for his/her own purpose. Employees who are “on call” cannot use alcohol or other substance that could impair their ability to perform work. On-call employees may also be required to carry a phone or other device so the employee’s Elected Official/Department Head can contact the employee. Qualifying “on call” time may be deemed time worked for the purpose of computing pay and overtime.

### **6.12. OFF-THE-CLOCK WORK, REMOTE ACCESS AND DEVICE USE**

Floyd County compensates Non-Exempt employees for work performed for the benefit of the County. Accordingly, the County prohibits Non-Exempt employees who are paid on an hourly basis from performing work for the County without pay; i.e. “off-the-clock work”.

It is a policy violation for any County employee with supervisory authority to require a Non-Exempt employee to perform work off-the-clock or to adjust a Non-Exempt employee’s time records to deny them compensation for off-the-clock work.

It is also a policy violation for Non-Exempt employees to voluntarily work off-the-clock for any reason. While overtime may be required, all overtime must be approved by the employee’s Elected Official, Department Head or immediate supervisor in advance. It is not acceptable for Non-Exempt employees to work off-the-clock in order to avoid working overtime. It is the duty of anyone in a supervisory or HR capacity who is aware of “off-the-clock” work taking place, to make the employee aware they must either report their time or stop performing off-the-clock work. The incident must then be reported to the employee’s Elected Official, Department Head or immediate supervisor to avoid future occurrences.

Additionally, Non-Exempt employees generally should not use remote access devices, cell phones, smart phones or other devices for work-related reasons outside of their regularly scheduled hours. Use of these devices for work outside of regularly scheduled hours may be permitted only if approved by the employee’s Elected Official, Department Head or immediate supervisor. In these circumstances, Non-Exempt employees must be paid for time spent performing work-related tasks, including work performed outside of their regularly scheduled hours.

### **6.13. TRACKING & RECORDING TIME**

Authorized Non-Exempt employees who use remote access devices outside of their regularly scheduled hours for work-related reasons are responsible for reporting their time accurately in order to be paid for all time worked.

### **6.14. REPORTING PROCEDURE FOR OFF THE CLOCK WORK VIOLATION**

Any employee who believes they have been required to work off-the-clock in violation of this policy should immediately contact their Elected Official, Department Head, immediate supervisor or Human Resources. In addition, employees who believe they have performed work for which they were not properly paid should immediately report the matter. Once a complaint is received the Elected Official, Department Head or supervisor, should notify Human Resources and the Auditor's Office. Detailed information should be provided, along with names of the individuals involved, names of any witnesses and any documented evidence. Disclosure of this information will remain confidential as much as reasonably possible.

All incidents of conduct prohibited by this policy should be reported and will be investigated. The investigation will be completed and a determination made. If the County determines a policy violation has occurred, remedial action will be taken to correct the circumstances and prevent future misconduct.

Applicable law prohibits retaliation against an employee for filing, testifying, assisting, or participating in any manner in an investigation conducted by a governmental enforcement agency. Additionally, the County will not knowingly permit any retaliation against an employee who reports prohibited conduct by this policy or who participates in an investigation.

### **6.15. OVERTIME**

Employees will be paid time and a half for all hours actually worked over forty (40) hours in a workweek, except as may be otherwise stated in a bargaining agreement. In accordance with Floyd County Policy, paid leave time such as, benefit time, holidays, jury duty and bereavement time will not be counted as hours worked for purposes of calculating overtime. In this regard, time actually worked for the workweek will be used as the employee's regular rate of pay up to forty hours with the employee being paid time and a half for all time actually worked in excess of forty (40) hours for the workweek.

Overtime must be approved by your Elected Official, Department Head or immediate supervisor in advance. Employees who work overtime without authorization must immediately report the hours worked to his/her Elected Official, Department Head or immediate supervisor. Working unauthorized overtime hours including working on remote access devices outside of regularly scheduled hours, or failing to report overtime worked, may result in disciplinary action.

Employees who have questions concerning whether certain time is compensable should contact the Payroll Clerk in the Auditor's Office to ensure they are properly paid.

## **6.16. COMPENSATORY TIME**

Floyd County permits the use of compensatory time off (“comp time”) for non-exempt employees up to a max accrual of 120 hours. The County Sheriff and Road department employees fall in the category of “Public Safety Employees” and may accrue up to 240 compensatory time off hours. Employees accrue comp time at a rate of time and one-half for each hour worked in excess of 40 hours worked or as designated in their bargaining agreement.

When comp time is granted/approved, the Elected Official/Department Head will be charged with monitoring the comp time accrued and used. Calculating Comp Time is based on actual hours worked. Comp Time taken during any work week will be counted when calculating overtime.

## **6.17. TIMEKEEPING**

Federal and State laws require the County to keep an accurate record of time worked in order to calculate employee pay and benefits. “Time worked” is all time actually spent on the job, performing assigned duties.

The Fair Labor Standards Act (FLSA) and Family and Medical Leave Act (FMLA) require certain records be kept on each covered Non-Exempt employee. The record must include accurate information about the employee and hours worked /wages earned.

IC 5-11-9-4 requires that public sector employees maintain records showing which hours were worked each day by officers and employees. These records are subject to audit by the State Board of Accounts. Time worked is all the time actually spent on the job performing assigned duties.

Every Exempt and Non-Exempt employee is required to keep an accurate time record and submit to their designated Elected Official/Department Head. Recorded time will be submitted to the Payroll Clerk in the Auditor’s Office as prescribed by the Auditor’s Office to follow the pay schedule. Time must be verified by the Elected Official/Department Head before submitting.

An employee’s failure to submit accurate time records according for the pay period to their designated Elected Official/Department Head may result in failure to receive timely pay for the period. Employee’s pay may be held until accurate time records, which verify the employee’s attendance and work hours, have been approved by the designated Elected Official/Department Head and submitted to Payroll.

Employees are required to record the use of paid time off, holiday pay, jury duty leave, bereavement leave, Family and Medical Leave or any other type of approved leave on their time records. Failure to record this time may result in the employee not being properly paid.

It is an employee’s responsibility to verify the accuracy of all time recorded and submit records in a timely manner to his/her Elected Official/Department Head. The Elected Official/Department Head will review and verify time records before submitting to payroll for processing. If corrections or modifications are made to the time record, both the employee and the Elected Official/Department Head should verify the accuracy of the changes.

**6.18. REVIEW YOUR PAY STUB**

Every effort is made to ensure employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen, the Auditor’s Office will promptly determine steps needed to correct. Please review your pay stub each pay period to make sure it is correct. If you believe a mistake has occurred or if you have any questions, please contact the Payroll Clerk.

**TO REPORT VIOLATIONS OF THE PAY POLICY & COMMUNICATE CONCERNS**

It is a violation of the County’s policy for any employee to falsify a time record, or to alter another employee’s record. It is also a serious violation of County policy for any employee or manager to instruct another employee to incorrectly or falsely report hours worked or alter another employee’s time to under- or over-report hours worked. If any Elected Official, Department Head, supervisor, manager or employee instructs you to (1) incorrectly or falsely under- or over-report your hours worked, (2) alter another employee’s time records to inaccurately or falsely report hours worked, or (3) conceal any falsification of time records or to violate this policy, do not do so. Instead, report the matter immediately to the Auditor’s Office.

County employees should feel free to report any time record or pay issue free from any form of retaliation. Accordingly, retaliating against any employee for bringing a time record or pay discrepancy to the attention of the County is strictly prohibited.

**6.19. LONGEVITY**

Longevity pay shall be calculated on a calendar year basis and without regard to an individual’s anniversary date of employment. Those individuals hired on January 1st and before February 1st of any calendar year must work through December 31st of said calendar year for any year shall be deemed to have accrued one calendar year of service for longevity pay purposes on December 1st of that year of employment. All longevity pay shall be due and payable on the second pay period in February in each calendar year and longevity pay shall not be subject to proration with respect to employees terminating employment prior to December 31st of any calendar year. Employees earn longevity increments only by continuous County employment, with lapses in employment not to exceed sixty (60) continuous days.

The Inspector of Weights & Measures shall be entitled to longevity compensation prorated on the same percentage amount the County contributes towards the annual salary of the position.

**FLOYD COUNTY LONGEVITY SCHEDULE**

Step 0.....	Less than 1 year	\$-0-
Step 1.....	1 year of service	\$800
Step 2.....	2 years of service	\$1,000
Step 3.....	5 years of service	\$1,500
Step 4.....	10 years of service	\$1,800
Step 5.....	15 years of service	\$2,000
Step 6.....	20 years of service	\$2,200

County elected officials who become regular County employees within sixty (60) calendar days after leaving elective office shall be entitled to longevity compensation based on their date of hire in elective office. If a County employee becomes an elected County official, that employee's time in an elective County office shall be counted towards longevity in the event that the employee returns to a regular County position within sixty (60) calendar days after leaving elective office. Any deviations from the salaries specified herein shall be made only after submission of said requests for action by the Floyd County Council.

## **7. JOB DESCRIPTIONS**

Job descriptions summarize the qualifications, duties, and responsibilities for County positions and are maintained in the Human Resources Department. Supervisors, Elected Officials and/or Department Heads are responsible for outlining an employee's job duties and expected performance standards. Employees should receive a general job description to list the essential functions of their position. Job responsibilities may change at any time during employment. Employees may be required from time-to-time to work on special projects or to assist with other work. Cooperation and assistance in performing additional work is expected. The County reserves the right to alter job responsibilities, reassign/transfer positions or assign additional responsibilities in accordance with statutes, rules and policies regarding compensation and classification.

### **7.1. JOB CLASSIFICATION/PAY SYSTEM MAINTENANCE**

Any change in job classification or pay rate must be approved by the Floyd County Salary Appeals Committee and the County Council. When an Elected Official/Department Head wishes to create a new position not currently classified, reorganize jobs within a department, review seniority, abolish a position, or review an employee's job classification, a Job Classification Review form must be obtained from the employee portal. The completed paperwork must be returned, with all required supplemental information, to Human Resources for review, who will schedule a review meeting with the Salary Appeals Committee. If the committee recommends a change the issue will be brought before the County Council to take final action on these requests.

## **8. INCLEMENT WEATHER AND EMERGENCY CLOSINGS**

### **8.1. CLOSING OF COUNTY DEPARTMENTS OR BUILDINGS**

In certain circumstances, the County may close one or more County Departments or Buildings for a day or part of a day. The following are examples of such circumstances:

- Failure of electricity, water or gas or other public utilities.
- Operations cannot commence or continue due to threats to employees, property or when recommended by law enforcement.
- The interruption of work is caused by inclement weather, fire, flood, tornado, earthquake, snow, worldwide pandemic, etc. or other similar cause not within the County's control.



When emergencies occur during non-working hours local radio and/or local television stations may be asked to broadcast notification of the closing and the Floyd County website.

### **COMPENSATION AND BENEFITS UPON CLOSING OF DEPARTMENT OR BUILDING**

When a County facility is officially closed for emergency conditions before the beginning of the workday, the time off will be paid to affected full time employees. Employees in public safety positions will be required to work when offices are officially closed.

An employee who reports to work and the facility is later closed due to an emergency will be paid for the full work day without being required to use paid time off or being asked to make up the time off. However, if a full time employee does not report to work and the facility is later closed the employee would be required to use their benefit time or take the day off without pay.

The procedures for emergencies and evacuations at each office or worksite will be prominently posted. Each employee must become familiar with these safety procedures. Employees should contact their supervisor to request assistance or accommodation if needed in case of evacuation or other emergency.

### **OTHER CLOSINGS OF COUNTY DEPARTMENTS OR COUNTY BUILDINGS**

The County Commissioners reserve the right to close one or more County Departments or County Buildings for safety, financial, or other reason. Such closure may be for any length of time within the sole discretion of the County Commissioners.

## **8.2. GHOST EMPLOYMENT**

Ghost employment violates Floyd County Policy and Indiana law. Accordingly, any County employee or Elected Official will not pay or provide benefits to any person that is not performing duties related to the operation of the County. It is also unlawful for any County employee or Elected Official to accept salary, wages or property for work not performed for or on behalf of the County. Violations of this policy will result in disciplinary action, up to, and including termination, in addition to potential prosecution under Indiana law.

## **9. LEAVES OF ABSENCES**

### **9.1. BENEFIT TIME**

Floyd County provides a wide range of benefits to eligible employees. Programs such as social security, Workers Compensation and unemployment insurance cover all employees in the manner mandated by law. Full time employees and elected official are eligible for additional benefits which are described in another section of the Handbook.

It is the County's intent that employees will be allowed to use their benefit time in minimum hourly increments, subject to approval by the employee's supervisor and/or Elected Official/Department Head.

## 9.2. VACATION

Paid Vacation time is available to regular full time employees. Part time employees and Elected Officials are not eligible for vacation time.

Employees will accrue vacation time and use with the approval of the Elected Official/Department Head or supervisor. Vacation may be taken at such times as best to accommodate the employee's schedule and to ensure adequate staffing levels to meet department needs. Vacation must be taken in a minimum of four hour increments for all employees.

Vacation time of less than three (3) consecutive workdays should be approved by your Department Head / Elected Official at least three (3) days in advance of taking time off. Vacation time of three (3) consecutive workdays or more should be scheduled and approved at least thirty (30) days in advance. Because each department has different busy times of the year, vacation time may be approved on a more limited basis and at the discretion of the employee's Department Head/Elected Official. Employees are expected to manage their vacation balance and plan their time during non-peak operational times.

Upon hire full time employees will earn one day of vacation after each month worked up to a maximum of 10 days for the year. The following January, 10 days of vacation time will be front loaded for new hires. Thereafter, vacation time will be allotted based on years of service based on the schedule below:

- 1<sup>st</sup> Year – earn one vacation day after each month worked up to a maximum of 10 days
- 2<sup>nd</sup> – 4<sup>th</sup> Year of Service – 10 days
- 5<sup>th</sup> – 9<sup>th</sup> Year of Service – 15 days
- 10<sup>th</sup> – 19<sup>th</sup> Years of Service – 20 days
- 20<sup>th</sup> Year of Service and beyond – 25 days

After completing the 1<sup>st</sup> full year of service, vacation will accrue as of January 1<sup>st</sup> of each year at the rate of 1/12 each month. Employees are eligible to use vacation time in advance of earning. Vacation should be used within the calendar year; however, employees are allowed to carry over a maximum of 10 unused vacation days into the following year. Unused vacation time in excess of 10 days will be forfeited at the end of each calendar year.

Vacation time is paid at the employee's base rate of pay. If a holiday falls during an employee's vacation week, holiday time will be paid for the day instead of a vacation day. In no situation will an employee be paid vacation time and any other paid time off for the same day (i.e. pyramiding). Vacation time will not be counted as hours worked for the purpose of calculating overtime.

If a full time employee becomes an elected official, the employee will be paid out his/her earned/unused vacation time in accordance with the termination section. Full time employees who become elected officials will not be paid for any unused sick time.

Upon termination of employment, employees will be paid for accrued/unused vacation time earned through the last day of employment (Refer to Separation of Employment, section 22.4). An employee who separates from the County and rehired more than three (3) months after their separation date will start their vacation accrual process over as a new hire.

### 9.3. SICK TIME

Floyd County provides paid sick leave benefits to all full time employees for periods of temporary absence due to illness or injuries. Regular full-time employees are eligible for six days of sick time which will be front-loaded January 1st of each calendar year. In the event an employee's start date is anything other than January, sick days will be prorated at the rate of one half day after 30 days employed.

The following conditions will apply to sick leave:

- (a) Regular full-time employees are the only employee classification eligible for sick time.
- (b) To be eligible for sick leave, an employee must report his/her absence to their supervisor at the beginning of the work day and each subsequent day thereafter.
- (c) Sick leave will not accrue during leaves of absences except FMLA and Military leave.
- (e) If an employee is absent for three or more consecutive days due to illness or injury, a physician's statement will be required to verify the illness or injury, its beginning and expected end dates.
- (f) Before returning to work from a sick leave of absence that is 3 or more consecutive days, an employee is required to provide a physician's return to work statement. The County may require that the employee submit to a fitness for duty evaluation (physical and/or mental), limited to the condition causing the absence. If required, the County will require the medical professional to certify the employee is able or not able to perform the essential functions of their job as detailed in the employee's job description.
- (g) Sick leave benefits will be calculated based on the employee's base pay rate at the beginning of the absence and will not include any special forms of compensation such as shift differentials.
- (h) Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence. Employees may use accumulated sick days for the care of a seriously ill or injured child, spouse or parent, provided the required FML documents are completed timely and as requested.
- (i) If excessive sick time is taken, your Elected Official/Department Head may require a doctor's statement and/or require an application for intermittent Family Medical Leave.

Employees are not permitted to work for another employer or the employee's own business while receiving sick leave benefits without prior authorization from the Commissioners. Failure to obtain prior authorization may result in the forfeiture of sick leave benefits and subject the employee to disciplinary action, up to and including termination of employment.

#### **SICK DAYS: REIMBURSEMENT**

Full time employees hired before January 1, 2022 will be paid out upon termination of employment not more than forty-five (45) accrued, unused sick days based on the schedule below:

Length of Service	Reimbursement
0 – 4 <sup>th</sup> Year	None
5 <sup>th</sup> Year of Service	25%
6 <sup>th</sup> Year of Service	30%
7 <sup>th</sup> Year of Service	35%

8 <sup>th</sup> Year of Service	40%
9 <sup>th</sup> Year of Service	45%
10 <sup>th</sup> Year of Service	50%
11 <sup>th</sup> Year of Service	55%
12 <sup>th</sup> Year of Service	60%
13 <sup>th</sup> Year of Service	65%
14 <sup>th</sup> Year of Service	70%
15 <sup>th</sup> Year of Service	75%
16 <sup>th</sup> Year of Service	80%
17 <sup>th</sup> Year of Service	85%
18 <sup>th</sup> Year of Service	90%
19 <sup>th</sup> Year of Service	95%
20 +Year of Service	100%

Any employee who is involuntary discharged will forfeit reimbursement for accumulated sick days. No partial accruals will be permitted. Employees must complete entire year of service to be eligible for that level of reimbursement.

#### **9.4. PERSONAL TIME**

Full time employees are eligible for six personal days each year and allowed to schedule with their supervisor's approval up to a maximum of two days per month. Personal days will be paid at the employee's regular rate of pay and will be fronted loaded in January of each year. New hires starting after January will accrue one half personal day the first of the month following 30 days of employment. Personal days not used by the end of each year will be forfeited. Personal days are not eligible for payout at the time of termination of employment.

#### **9.5. HOLIDAYS**

The Floyd County commissioners will specify the paid holidays to be observed by the County each calendar year on or about December 1<sup>st</sup> of each year. The holiday schedule will be posted in County facilities and on the employee portal.

All full time employees in active status are eligible for paid holidays. Part time employees and all other employee categories are not eligible for paid Holidays. Full-time, non-elected employees must work the employee's regularly scheduled workday the day before and the day after a holiday to be eligible for holiday pay unless officially excused by his/her Elected Official /Department Head or where the employee is on an approved leave.

Holiday pay will be based on the employee's regular straight time pay rate. If an eligible employee is required to work on a holiday, he/she will receive holiday pay at one and one half times his/her straight time rate for hours worked on the holiday. Under no circumstance will an employee be paid more than one and a half times the employee's straight time rate.

Holiday pay will not be paid to an employee who is off work due an unpaid leave of absence, unexcused absence or unpaid suspension for disciplinary reasons. Paid time off for holidays will not be counted as hours worked for the purposes of calculating overtime.

## **9.6. MILITARY LEAVE**

Full-time employees of Floyd County who are members of the Indiana National Guard or reserves for the naval, air or ground forces, are entitled to a leave of absence from their respective duties.

Full-time employees with Military Leave obligations will be entitled to paid leave for up to 15 days per calendar year. This 15-day Military Leave will not be charged against an employee's paid leave time. An employee's Military Leave Pay under this Policy will be offset by the amount received by the employee, if any, as a result of his/her military service. Accordingly, the maximum amount an employee may receive under this Military Leave Pay policy will be no greater than the regular pay due the employee for the duration of his/her leave. Should an employee's military service pay exceed what the employee earns through his employment with the County, he/she is not otherwise entitled to Military Leave Pay under this Policy.

To receive leave/leave pay under this policy, the employee must bring a copy of the written order or official statement requiring military duty to his/her Elected Official, Department Head, Supervisor or Human Resources immediately upon receipt. If employee is unable to provide notice before leaving for uniformed service, a family member should notify Human Resources, his/her Elected Official, Department Head or Supervisor as soon as possible. Military service beyond the 15 days will be administered as an extended leave of absence or as otherwise permitted or required under USERRA or other applicable law.

The restoration or re-employment of employees returning from military service to any County Department or Office will be in accordance with applicable State Law (IC 10-5-9-1) and Title 38, Chapter 43, Sections 2021 (Inducted Employees) and 2024 (Enlisted Employees and Reservists-Employees Called to Active Duty) of the United States Code, or other applicable law. These provisions have certain requirements in order to be reemployed, including maximum length of military service, type of discharge (honorable), re-employment period, and physical fitness. Employees for whom this policy is applicable should familiarize themselves with such restoration requirements.

Seniority and seniority related benefits, if applicable, will continue to accrue during a Military Leave of absence. Time off on a Paid Military Leave under this Policy will not be counted as hours worked for the purposes of calculating overtime.

## **9.7. BEREAVEMENT LEAVE**

Paid bereavement leave is available to regular full-time employees to take time off due to the death of an immediate family member. The employee should notify his or her supervisor immediately to coordinate bereavement leave.

A maximum of (5) days with pay will be allowed, if needed, for death of the following either: Spouse, Child (biological, step or including instances of miscarriage), Parents, Grandchild, Grandparent, and Sibling.

A maximum of (3) days with pay shall be allowed, if needed, for the death of the following: aunt, uncle, niece, nephew, mother-in-law, father-in-law, brother-in-law or sister-in-law.

Excluded from coverage are former relatives (i.e. ex-spouse, former in-laws, etc.) of the employee.

Elected Officials and part-time employees are not eligible for paid Bereavement Leave. To be eligible for paid Bereavement Leave, the employee must be in active pay status.

Approval of Bereavement Leave will be given to make arrangements, viewing, funeral, memorial and burial. Additional time off may be granted by employee's Elected Official/Department Head. If a covered family member, as defined in this policy, lived over 300 miles (radius) from the County, the employee will be eligible for one additional day of paid Bereavement Leave for travel time.

Records of days taken for paid bereavement leave will be kept by the Elected Official/Department Head and reported to the Payroll Clerk. Employees will not be paid in lieu of paid Bereavement Leave not taken. Department Heads/Elected Officials may require documentation of this request prior to granting paid Bereavement Leave.

## **9.8. JURY DUTY/WITNESS LEAVE**

Floyd County encourages employees to fulfill their civic obligation by serving on jury duty or responding to a subpoena requiring the employee to testify as a witness in any state or federal court trial, hearing, deposition or other matter.

All regular, full-time non-elected employees in active employment status will be paid their regular rate of pay while serving on jury duty or testifying as a witness in response to a subpoena in addition to any jury duty pay, witness fee or mileage reimbursement fee that the employee may receive for his/her jury duty service or testimony.

Part-time, non-elected employees will be permitted time off while serving on jury duty or testifying as a witness in response to a subpoena; however, will not receive paid time off while on jury duty/witness leave.

Eligible employees must provide a copy of the jury duty summons, subpoena or court notice to their Elected Official/Department Head as soon as possible in order to make arrangements to accommodate for the employee's absence. Employees must report back to work following his/her jury duty or witness leave of absence. Jury duty or witness leave pay will not be counted as actual time worked when calculating overtime.

Employees required to appear for any personal (not County business) court hearing, deposition, mediation, trial or any other administrative or court related appearance in any matter in which the employee is a party, whether the matter is civil or criminal, are not eligible for paid leave under this policy. Employees may utilize personal or vacation time off for these instances.

## **10. FAMILY AND MEDICAL LEAVE**

In accordance with the Federal Family and Medical Leave Act of 1993 (FMLA), employees who have worked for Floyd County for at least twelve (12) months and at least 1,250 hours during the past twelve (12) months, are entitled to the benefits provided by the FMLA. Under the federal FMLA, an eligible employee may take up to twelve (12) weeks of non-paid, job-protected leave during a twelve (12) month period for the following reasons:

- Upon the birth of an employee's child and to care for the newborn child;
  - Placement of a child for adoption or foster care with an employee;
  - When an employee is needed to care for a spouse, child (restricted to children under age 18 unless incapable of self-care because of physical or mental disability) or parent who has a serious health condition; or
  - An employee's own serious health condition.
- In addition, an eligible employee of a covered employer may take job-protected, unpaid leave, or substitute appropriate paid leave if the employee has earned or accrued time, for up to a total of twenty-six (26) workweeks in a "single 12-month period" to care for a covered service member or covered veteran with a serious injury or illness, or other service-related situations covered by FMLA.

### **Definitions**

1. "Son" or "Daughter" refers to a biological, adopted or foster child, a stepchild, a legal ward, or a child for whom an employee is standing 'in loco parentis'.
2. "Spouse" refers to a husband or wife as defined or recognized under state law for purposes of marriage under the state where the employee resides, including common law marriages in states where it is recognized.
3. "Next of Kin" is defined as the "nearest blood relative". If a person has no spouse, their closest adult relative, usually a parent or an oldest sibling, but occasionally an adult child, will be designated as "next of kin". Where a person without any close adult relative, Next of Kin could be a first cousin, aunt, uncle, or grandparent. The definition of Next of Kin for military service member leave and veteran leave varies from this definition as set forth below.

### **10.1. SERIOUS HEALTH CONDITION**

For purposes of FMLA, "serious health condition" entitling an employee to FMLA leave means an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider.

### **10.2. INPATIENT CARE**

"Inpatient care" means 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.

### **10.3. CONTINUING TREATMENT**

A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

- (a) Incapacity and Treatment.

- (1) A period of incapacity of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
- (2) Treatment two (2) or more times, within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct (e.g., physical therapist) under orders of, or on referral by, a health care provider; or
- (3) Treatment by a health care provider on at least one occasion, which results in a regimen of continuing treatment under the supervision of the health care provider.
- (4) The requirement in paragraphs (a)(1) and (2) of this section for treatment by a health care provider means an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven (7) days of the first day of incapacity.
- (5) Whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty (30) day period shall be determined by the health care provider.

(b) Pregnancy or Prenatal Care. Any period of incapacity due to pregnancy or prenatal care.

(c) Chronic Conditions. Any period of incapacity or treatment for such incapacity due to a chronic, serious health condition. A chronic, serious health condition is one which:

- (1) 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;
- (2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and
- (3) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

(d) Permanent or Long-Term Conditions. A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

#### **10.4. LEAVE FOR BIRTH, ADOPTION OR FOSTER CARE PLACEMENT**

Eligible employees are entitled to FMLA leave for birth of a child, adoption or placement of a foster child as follows:

- (a) Both the mother and father are entitled to FMLA leave for the birth or adoption of a child as well as placement of child for purposes of foster care.
- (b) Both the mother and father are entitled to FMLA leave to be with the newborn child (i.e., bonding time) during the twelve (12) month period beginning on the date of birth. An employee's entitlement to FMLA leave for a birth expires at the end of the twelve (12) month period beginning on the date of the birth.
- (c) Eligible employees may take FMLA leave before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed. For example, the employee may be required to attend counseling sessions, appear in court, consult with his/her attorney or the doctor(s) representing the birth parent, submit to a physical examination, or travel to another country to complete an adoption. The source of an adopted or foster child (i.e., whether from a licensed placement agency or otherwise) is not a factor in determining eligibility for leave for this purpose.
- (d) A husband and wife who are eligible for FMLA leave and are employed by the County will be limited to a combined total of twelve (12) weeks of leave during any 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.

### **Unable to Perform the Functions of the Position**

An employee is "unable to perform the functions of the position" where the employee's attending health care provider finds that the employee is unable to work at all or is unable to perform any one of the essential functions of the employee's position within the meaning of the Americans with Disabilities Act (ADA), as amended. An employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment.

The County requires certification from a health care provider to specify what functions of the employee's position the employee is unable to perform a determine will then be made as to whether the employee is unable to perform one or more essential functions of the employee's position.

## **10.5. QUALIFIED EXIGENCY**

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include:

- o Short-notice deployment,
- o Military events and related activities,
- o Childcare and school activities,
- o Financial and legal arrangements,
- o Counseling,
- o Rest and recuperation
- o Post-deployment briefings and activities, and
- o Additional activities where the employer and employee agree to the leave

## **10.6. MILITARY CAREGIVER LEAVE**

### **Caregiver Leave for Current Service members**

Eligible employees may take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member must be a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty while on active duty. The injury or illness must make the service member medically unfit to perform his or her duties for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

An employee who applies for leave under this section is expected to use the leave for the purposes stated in the application or healthcare certification. An employee on FMLA who obtains other employment which is inconsistent with his/her application for leave or healthcare certification may be subject to cancellation of the leave and disciplinary action up to and including termination.

(a) A “serious injury or illness,” in the case of a current member of the Armed Forces, including a member of National Guard or Reserves, means an injury or illness incurred by a covered service member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating. In the case of a covered veteran, means an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is: (i) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member’s office, grade, rank, or rating; or (ii) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or (iii) a physical or mental condition that substantially impairs the covered veteran’s ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or (iv) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

(b) “Outpatient status,” means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients. In order to care for a covered service member, an eligible employee must be the spouse, son, daughter, parent, or next of kin of a covered service member.

(c) “Next of kin” of a current service member is the nearest blood relative, other than the current service member’s spouse, parent, son, or daughter, in the following order of priority:

- (1) a blood relative who has been designated *in writing* by the service member as the next of kin for FMLA purposes
- (2) blood relative who has been granted legal custody of the service member
- (3) brothers and sisters
- (4) grandparents
- (5) aunts and uncles
- (6) first cousins

(d) “Single 12-Month Period” for military caregiver leave begins on the first day the employee takes military caregiver leave and ends 12 months later. If an eligible employee does not take all of his or her 26 workweeks of leave entitlement to care for a covered service member during this “single 12-month period,” the remaining part of his or her 26 workweeks of leave entitlement to care for the covered service member is forfeited.

An eligible employee is entitled to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the single 12-month period provided that the employee is entitled to no more than 12 workweeks of leave for one or more of the following: because of the birth of a son or daughter of the

employee and in order to care for such son or daughter; because of the placement of a son or daughter with the employee for adoption or foster care; in order to care for a spouse, son, daughter, or parent with a serious health condition; because of the employee's own serious health condition; or because of a qualifying exigency. Thus, for example, an eligible employee may, during the single 12-month period, take 16 workweeks of FMLA leave to care for a covered service member and 10 workweeks of FMLA leave to care for a newborn child. However, the employee may not take more than 12 weeks of FMLA leave to care for the newborn child during the single 12-month period, even if the employee takes fewer than 14 workweeks of FMLA leave to care for a covered service member.

### **12-Month Period**

The 12-month period for FMLA leave will be a "rolling" 12-month period measured backwards from the date an employee uses any FMLA leave. This means that any time an employee takes FMLA leave, the leave remaining for that employee would be any balance of the 12 weeks, which has not been used during the immediately preceding 12 months.

The single 12-month period for military caregiver leave for a current service member or veteran begins on the first day the employee takes military caregiver leave and ends 12 months later. If an eligible employee does not take all of his/her 26 workweeks of leave entitlement to care for a covered service member during this "single 12-month period," the remaining part of his or her 26 workweeks of leave entitlement to care for the covered service member is forfeited.

### **FMLA Intermittent or Reduced Leave**

FMLA leave may be taken "intermittently or on a reduced leave schedule" under certain circumstances. Intermittent leave is FMLA leave taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee's schedule for a period of time, normally from full-time to part-time. Intermittent or a reduced schedule leave must be scheduled so as not to unduly disrupt the County's operation.

For intermittent leave or leave on a reduced leave schedule taken because of one's own serious health condition, to care for a parent, son, or daughter with a serious health condition, or to care for a covered service member or veteran, there must be a medical need for leave and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. The treatment regimen and other information described in the certification of a serious health condition and in the certification of a serious injury or illness, if required by the employer, addresses the medical necessity of intermittent leave or leave on a reduced leave schedule. Leave may be taken intermittently or on a reduced leave schedule when medically necessary for planned and/or unanticipated medical treatment or recovery of a serious health condition, injury or illness of a service member/veteran. Leave may also be taken to provide care or psychological comfort to a covered family member with a serious health condition or a covered service member/veteran with a serious injury or illness.

When leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care, an employee may only take leave intermittently or on a reduced leave schedule only if agreed to by the County. Such a schedule reduction might occur, for example, where an employee, with the employer's agreement, works part-time after the birth of a child, or takes leave in several segments.

Intermittent leave may also be taken for a serious health condition of a parent, son, or daughter, for the employee's own serious health condition, or a serious injury or illness of a covered service member which requires treatment by a health care provider periodically, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six months, such as for chemotherapy. A pregnant employee may take leave intermittently for prenatal examinations or for her own condition, such as for periods of severe morning sickness. An example of an employee taking leave on a reduced leave schedule is an employee who is recovering from a serious health condition and is not strong enough to work a full-time schedule. Intermittent or reduced schedule leave may be taken for absences where the employee or family member is incapacitated or unable to perform the essential functions of the position because of a chronic serious health condition or a serious injury or illness of a covered service member.

Leave due to a qualifying exigency may also be taken on an intermittent or reduced leave schedule basis.

If an eligible employee has an approved or pending intermittent leave, and has a planned absence, the eligible employee will be required to report that absence to the appropriate County representative 30 days prior to the absence if possible. If 30 days' notice is not possible the eligible employee must report the absence in a timely manner.

Calling in "sick" does not qualify as FMLA leave. An employee must provide sufficient information regarding the reason for an absence for Floyd County to know that FMLA protection may exist under this policy. Failure to provide this information as requested will result in the employee's forfeiting all rights under the policy. This means the absence may then be counted against the employee for purposes of discipline for attendance, etc.

The County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule for leave for the eligible employee or employee's family member that is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

### **Husband and Wife**

A husband and wife who are both eligible for FMLA leave and are both employed by the County are limited to a combined total of 12 weeks of leave during a 12-month period for:

- (a) The birth of a child or to care for the child after birth;
- (b) The placement of a son or daughter with the employee for adoption or foster care and bonding with the newly-placed child; or
- (c) the care of a parent with a serious health condition.

A husband and wife who are both eligible for FMLA leave and are both employed by the County are each entitled to up to 12 work weeks of FMLA leave in a 12-month period, without regard to the amount of leave their spouse has used, for the following FMLA-qualifying leave reasons:

- (a) The care of a spouse or a son or a daughter with a serious health condition;
- (b) A serious health condition that makes the employee unable to perform the essential function of his or her job; and

(c) Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter or parent is a military member on "covered active duty."

Eligible spouses who work for the same employer are also limited to a combined total of twenty- six (26) work weeks of leave in a single 12-month period to care for a covered service member with a serious injury or illness if each spouse is a parent, spouse, son or daughter, or next of kin of the service member. When spouses take military caregiver leave as well as other FMLA leave in the same leave year, each spouse is subject to the combined limitations for the reasons for the leave period.

### **Pay During Leave and Exhaustion of Paid Leave Requirement**

FMLA and/or military caregiver leave is unpaid. However, employees taking FMLA or military caregiver leave, regardless of the reason, will use all vacation and personal paid time off prior to being eligible for unpaid leave and the employee's paid time off will run concurrently with FMLA and/or military caregiver leave. Paid or unpaid time off that continues beyond the 12 weeks of FMLA is not job-protected, except to the extent required by applicable law. Paid or unpaid time off that continues beyond the twenty- six (26) weeks of care for a covered service member/veteran leave is not job-protected.

### **Maintenance of Employee Benefits**

While on FMLA or military caregiver leave, the employee's medical, dental, vision, voluntary insurances coverage (as applicable) will continue at the same level of coverage. Premium deductions will continue for any period of leave where short term disability, paid time off or other paid leave run concurrent with an employee's FMLA or military caregiver leave.

Employees who are not receiving any form of paid leave while on FMLA must continue to pay the employee's portion of the medical, dental, vision, voluntary insurance premiums and make the necessary arrangements with the County to make sure the employee continues to make his/her payment on a timely basis. Failure to pay the employee's portion of insurance premiums may result in cancellation or forfeiture of benefits.

Employees who do not return to work upon exhaustion of their allotted FMLA or military caregiver leave will be deemed a voluntary quit and the employee shall repay Floyd County the costs of maintaining the employee's medical, dental, vision and voluntary insurances during the employee's leave period.

### **Requesting FMLA Leave**

Employees requesting FMLA or military caregiver leave must submit written notice of the need for the leave to Human Resources. Employees must give notice of the need for a leave of absence at least 30 days before any foreseeable leave. If 30 days' notice is not practical because of an emergency or other circumstance, the leave should be requested as soon as possible. Communicating with a co-worker or leaving a voicemail message does not constitute a request or notice of need for leave. Moreover, calling in "sick" without further information or a specific request for leave will not be considered sufficient notice or request for FMLA leave.

## **Certification Requirements**

Employees requesting FMLA or military caregiver leave should request leave by contacting Human Resources. The employee will be required to provide a medical certification for temporary leave and for intermittent leave. Upon request for leave, employees will be provided with the required forms and information about rights and responsibilities under the FMLA.

In cases where Floyd County reasonably believes that an employee's underlying health condition qualifies the employee for FMLA or where the employee otherwise meets the eligibility requirements for FMLA, the County may, at its discretion, place the employee on an FMLA leave and count that time off toward the employee's 12 weeks of FMLA leave.

To request a leave for a serious health condition, employees will be required to submit information from an appropriate health care provider confirming the existence of the serious health condition and other relevant information. Employees will be provided a Medical Certification of Health Care Provider form for this certification.

Periodic reports and additional physician certifications may be required during a leave. Floyd County may, at its own expense, require a second (or third) opinion regarding a medical certification. Failure to provide timely certifications may result in delays or denial of the request.

For a serious health condition of an employee's family member, a medical certification about the needed care for the family member, information about the care of the family member and an estimate of the time needed must be provided from your eligible family member's physician.

For care of an injured service member, a medical certification about the needed care for the service member, the employee's relationship to the service member, and an estimate of time needed must be provided from the service member's physician.

For a qualifying need, a copy of the service member's orders will be necessary to prove the active duty status or impending call to active duty status in support of a contingency operation. In addition, an estimate of time needed must be provided by the employee.

## **Designation of FMLA Leave**

Within 5 business days after the employee has submitted the appropriate certification form, Human Resources will complete and provide the employee with a written response to the employee's request for FMLA or military caregiver leave.

## **Recertification**

The County may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days and only when circumstances have changed significantly, or if the County receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the County may request recertification for the serious health condition of the employee or the employee's family member every six (6) months in connection with an FMLA absence. The County may provide the employee's health care

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

### **Scheduling Planned Medical Treatment**

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

Intermittent leave or leave on a reduced schedule must be medically necessary due to a serious health condition or a serious injury or illness. An employee must advise the County when the need for an intermittent/reduced schedule leave is necessary and of the treatment schedule. The employee and the County will attempt to work out a schedule that meets the employee's needs without unduly disrupting County operations, subject to the approval of the health care provider.

### **Returning from Leave**

Before returning to work from an approved FMLA leave due to an employee's own serious health condition, the employee will be required to provide a release or "fitness for duty" certification from the employee's treating physician. The physician statement will verify the employee is able to return to work and perform the essential functions of his/her job, noting any work restrictions. Fitness for duty certification may also be requested from employees on intermittent or reduced schedule leave at the County's sole discretion.

### **Job Restoration**

Upon return from leave, the County will reinstate the employee to the position held before the leave or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. This includes the same or substantially similar duties and responsibilities with substantially equivalent skill, effort, responsibility and authority. Changes in assignments, duties, hours and schedules may occur due to business necessity. The employee will have no greater rights to reinstatement than if the employee had not taken the leave. The County will reasonably accommodate any employee with a disability in accordance with the Americans with Disabilities Act, as amended, or other applicable laws. Upon return to work, employee benefits will be resumed in the same manner and at the same levels as provided when the leave began, subject to any changes that took place while the employee was on FMLA or military caregiver leave.

### **Key Employees**

Floyd County has the right under FMLA to deny job restoration to certain "key employees" under certain circumstances, if necessary to prevent substantial and grievous economic injury to the County operations. A "key employee" is a salaried FMLA-eligible employee who is among the highest paid ten percent (10%) of all the employees of the County. If denying job restoration to a key employee, the County will notify the employee of his/her status as a key employee and provide all other information required by law.

### **Failure to Return to Work After Leave**

Employees who fail to return to work after exhaustion of all available leave will be deemed a voluntary quit and will repay the County for medical, dental, vision and voluntary insurance coverage expenses paid by the County to maintain the employee's insurance coverage during the period of leave.

### **Employment While on Leave**

An employee's inability to perform job duties while out on FMLA or any other leave extends to any other job the employee may have outside the County. Accordingly, employees who engage in employment outside of Floyd County while on an FMLA or military caregiver leave will be subject to termination. Employees who provide a false or non-validated reason for a leave of absence will be subject to termination. Misrepresentations or any act of dishonesty related to FMLA or military caregiver leave will be grounds for discipline, up to and including employment termination.

### **Duty to Provide Status Updates**

Employees will provide regular updates concerning their status and ability to return to work. Accordingly, Floyd County may require an employee on FMLA leave to provide the County with updates concerning the employee's medical status as well as the employee's intent or ability to return to work.

### **Retaliation**

Employees will not be retaliated against for asking for, applying for or utilizing a FMLA benefit. If you believe that you are being or have been retaliated against for requesting, applying for or participating in FMLA or military caregiver leave benefit, you should report this to your supervisor, Department Head or Human Resource, or to a management level employee with whom you feel comfortable making such a complaint.

### **NURSING MOTHERS**

The County complies with all applicable federal and state laws and regulations concerning breastfeeding and nursing mothers and accommodates those who want to express and store breast milk at workplaces during their working hours.

### **ACCOMMODATION FOR LACTATING MOTHERS**

For up to one year after the child's birth, any employee who is breastfeeding her child will be provided reasonable break times during the workday to express breast milk for her baby in a private/secure (non-bathroom) area. Employees storing milk in any refrigerator on County-owned or leased property assumes all responsibility for the safety of the milk and the risk of harm for any reason, including improper storage, refrigeration and tampering.



## **11. EMPLOYEE BENEFITS**

### **11.1. WORKERS COMPENSATION**

The County provides Workers Compensation (Work Comp) coverage to all employees at no cost to the employee. The Work Comp coverage complies with all applicable State Workers Compensation laws. Work Comp insurance provides financial protection up to 66 and 2/3% of the employee's wages while employee is off work due to a work related injury or illness. The County's Work Comp insurance company coordinates all injury-related appointments, procedures, etc. and covers medical expenses due to the work-related injury or illness including prescriptions and surgeries.

Work Comp does not cover the first seven days missed. If an employee is off work for seven days or less due to a work-related injury, the employee will use paid time off benefits to cover lost wages. However, once the employee is disabled twenty-two days, Work Comp will then pay for those first seven days missed. If the employee has reached twenty-two days missed and had used paid benefit time during those first seven days, the employee's paid time off will be reinstated.

Any employee who is off work due to a work-related injury or illness will not be paid Holiday pay during that time.

If an employee has an injury or illness that qualifies for Work Comp, the employee may also be eligible for FMLA. The employee may choose to use FMLA or take modified duty if it is available. Human Resources will provide the employee with more information if this situation arises.

Neither the County nor the insurance carrier will be liable for the payment of Work Comp benefits for off-duty injuries or injuries that occur during an employee's voluntary participation in any off-duty recreational, social or athletic activity sponsored by the County. Employees must immediately report any workplace injury to their immediate supervisor, no matter how minor. On the day of an incident, the injured employee's supervisor must complete an Incident Investigation Report and all other necessary forms. The forms are available from Human Resources and must be returned for processing.

Employees involved in a workplace accident/injury where the County reasonably believes drugs or alcohol may have been a contributing factor will be required to submit to a post-accident drug and/or alcohol test. Testing positive or otherwise failing to submit to a required post-accident drug and/or alcohol test may result in the forfeiture of Work Comp benefits as well as discipline up to and including termination.

### **11.2. HEALTH BENEFITS AND LIFE INSURANCE**

Floyd County provides group health insurance for regular full-time employees, Elected Officials and part-time employees routinely working 30 hours or more per week.

Eligible employees enroll in the County's group health insurance plan after meeting the service and eligibility requirements specified in the Summary Plan Description (SPD). Floyd County pays a portion of the premium for the health care coverage for covered members.

The County Health Plan is reviewable by the County Commissioners yearly and subject to change in both scope of coverages, premiums, co-pay and deductible obligations of employees. Details of the Plan (which govern all issues relating to the Group Health Plan) are available on the Employee Portal.

The County offers an annual Open Enrollment period one time per year. During Open Enrollment, participating employees may make changes regarding their insurance coverage. Human Resources manages Open Enrollment each year. Employees should contact Human Resources with questions regarding plan options and changes in coverage.

Employees may not drop dependents or cancel coverage until the end of the plan year unless there is a qualifying life event as defined in the Employee Benefit Guide. Upon termination of employment, health benefits cease on the last day of the month in which the employee stops working. Employees are responsible for reading, understanding and following the Employee Benefit Guide and following all provisions, conditions and requirements of the County's Group Health Plan(s).

Group insurance benefits will continue while an employee is on FMLA or disability leave of absence. However, while on any FMLA or other leave of absence, the employee will be responsible for making regular timely payment of the employee's portion of the health insurance premiums that are normally deducted from the employee's paycheck. Failure to make regular timely payment of the employee's portion of the health insurance premium may result in termination of the employee's health insurance coverage for the employee and their dependents.

### **11.3. SUPPLEMENTAL INSURANCE**

Supplemental dental, vision and life insurances (including policies on family members) programs are available at initial new hire and during Open Enrollment. The costs of such supplemental policies are paid entirely by the participating employee through payroll deductions.

While on any FMLA or other leave of absence, the employee will be responsible for making all premium payments for their supplemental insurance(s) that are normally deducted from the employee's paycheck. Failure to make regular timely payment for the employee's supplemental insurance may result in the termination of coverage.

### **11.4. GROUP HEALTH INSURANCE FOR RETIRED EMPLOYEES**

**Definitions:** Except as may be otherwise expressly provided herein, the definitions set forth in I.C. 5-10-8 and elsewhere within the provisions of such Chapter shall apply as specifically set forth herein.

(a) The term "public employer", as said term is used under the provisions of I.C. 5-10-8 shall mean Floyd County, Indiana.

(b) The term "employee" or "public employee" as used under the terms and provisions of I.C. 5-10-8 shall mean a person whose salary or hourly remuneration is or has been paid in whole or part from Floyd County General Fund and/or the Floyd County Highway Department 27 Fund. (c) The term "employee" shall mean an employee of Floyd County, Indiana whose retirement date is after June 30, 1986.

(d) The term "eligible retired employee" shall mean a retired employee of Floyd County, Indiana, who meets or satisfies the minimum criteria set forth under I.C. 5-10-8.

**Eligibility Provisions:** In accordance with I.C. 5-10-8, et seq., Floyd County shall provide for all eligible retirees or disabled public safety employees and for all eligible retired employees, as such eligibility is therein defined, group health insurance that is equal in coverage to that offered active employees. Participation by spouses and dependent or retired public safety employees and spouses of other retired employees shall be in accordance with such Chapter. (a) The eligible retired employee shall submit to Floyd County, Indiana within ninety (90) days after his/her retirement date a written request for insurance coverage.

(b) The retired eligible employee shall pay for his/her group health insurance coverages such amount as is provided by the provisions of I.C. 5-10-8.

(c) The retired employee's eligibility to continue under the group insurance program provided by Floyd County, Indiana shall terminate as provided by the provisions of I.C. 5-10-8.

(d) The participation in the group health insurance program by a spouse of an eligible retired employee shall be subject to the eligibility requirements set forth in I.C. 5-10-8.

**Premium Payment by County:** For each eligible retired employee (including public safety employees) whose retirement date is after June 30, 1986 and who will have:

(a) Attained the age of fifty-five (55) years on or before his/her retirement date but who will not be eligible on that date for Medicare coverages prescribed by 42 U.S.C. 1395, et seq.; and

(b) Completed at least twenty (20) years of creditable employment if fifty-five (55) years of age or twenty (25) years of creditable employment if fifty (50) years of age with Floyd County on or before the employee's retirement date, ten (10) years of which must have been completed immediately preceding such retirement date; and

(c) Completed at least fifteen (15) years of participation in a retirement plan or plans sponsored or recognized by Floyd County for the benefit of its employees, on or before the employee's retirement date.

Floyd County shall pay toward such retired employee's group health insurance premium a sum equal to the amount which Floyd County shall pay, from time to time, toward the single group health insurance premium for active employees.

**Termination of Premium Payment:** The obligation of Floyd County to pay all or any part of a retired employee's group health insurance premium, as hereinbefore provided, shall terminate upon the earliest of the following:

(a) When Floyd County terminates the health insurance program; or

(b) When retired employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395, et seq.; or

(c) When the retired employee secures employment with an employer (public or private) providing a group health insurance program in which the retired employee is entitled to participate; or

(d) When the retired employee elects to terminate participation in the health insurance program sponsored by Floyd County; or

(e) Upon the default by the retired employee in the payment of any portion of his/her group health insurance premium that is not eligible for payment by Floyd County hereunder; or

(f) Upon the death of the retired employee.

Eligible employees desiring to participate in the group health insurance program for retired employees should contact the Auditor's Office to secure details. NOTE: APPLICATION FOR PARTICIPATION IN THIS PROGRAM MUST BE SUBMITTED TO THE AUDITOR'S OFFICE WITHIN NINETY (90) DAYS OF YOUR RETIREMENT DATE!

## 11.5. BENEFITS CONTINUATION (COBRA)

The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) permits employees and their qualified beneficiaries who participate in the County's Health Insurance program the opportunity to continue health insurance coverage when a "qualifying event" would normally result in the loss of coverage. Common qualifying events include, resignation, termination of employment other than for gross misconduct, death of an employee, an employee's divorce or legal separation or if an employee's spouse qualifies for coverage under Medicare.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the County's group rates, plus an administration fee. The County, through a third-party administrator, provides eligible employees with a written notice describing rights granted under COBRA when the employee enrolls in the County's health insurance plan. When a "qualifying event" occurs, other than divorce, legal separation or a child's loss of dependent status under the plan, the employee will be provided an election notice describing the employee's rights to continue coverage and how to make an election. In circumstances where the "qualifying event" is divorce, legal separation or a child's loss of dependent status under the plan, the qualified beneficiaries will receive notice of their rights to continue coverage. COBRA provides continuation coverage from the date of the qualifying event for a limited period of 18 or 36 months depending on the qualifying event.

Questions regarding COBRA should be directed to Human Resources.

## 11.6. PUBLIC EMPLOYEES' RETIREMENT FUND (PERF)

All full-time employees and Elected Officials of Floyd County will participate in the Indiana Public Employees Retirement Fund (PERF) starting on the first day of employment, except deputies of the Sheriff's Department, whose terms, conditions, benefits, eligibility requirements and contribution rates for a retirement program are determined by statute and/or their own retirement fund.

The amount of contribution to the Indiana Public Employee Retirement Fund by the County for Floyd County Employees is determined by the County Commissioners consistent with state law.

Questions concerning the program should be directed to Indiana Public Retirement System, One North Capital, Suite 001, Indianapolis, IN 46204 or [www.in.gov/inprs/publicemployees.htm](http://www.in.gov/inprs/publicemployees.htm)

## 11.7. DEFERRED COMPENSATION

Floyd County offers a voluntary deferred compensation program to eligible employees. Full-time employees may participate in the deferred compensation program. This program sets aside part of an employee's income through voluntary payroll deductions that may defer tax liabilities on income until retirement. Different investment options are available and may be discussed with a Deferred Comp representative.

## 11.8. SOCIAL SECURITY/INDIANA UNEMPLOYMENT COMPENSATION INSURANCE

The County matches employee withholding for FICA (Federal Insurance Contributions Act) and pays the full cost of Indiana Unemployment Insurance.

Social Security eligibility and benefit determinations are sent to all participants periodically by the Federal Social Security Administration.

County employees are covered under the unemployment regulations and plans of the State of Indiana. Certain benefits may be available in the event of loss of employment to qualified employees.

## 12. WORKING CONDITIONS

### 12.1. SAFETY

Every employee is responsible for safety. To achieve Floyd County Government's goal and commitment of providing a safe and healthy workplace, everyone must be safety-conscious. Please report any unsafe or hazardous condition to your Elected Official/Department Head immediately.

All workplace accidents or incidents involving County employees, property and/or vehicles must be reported immediately to your Elected Official/Department Head. All workplace accidents or incidents must be reported regardless of nature or severity. In this regard, a near miss, where the potential for injury or damage exists, should also be reported.

Employees must promptly report any injury incurred during the course of their job, while on Floyd County property or while conducting County business to your Elected Official/Department Head. The Elected Official/Department Head must promptly report the incident to Human Resources and complete all paperwork required per the County's Incident Reporting procedure. If the Elected Official/Department Head is not available, employee should report the accident, incident, injury or near miss to Human Resources. All workplace accidents, incidents, injuries and/or near misses will be investigated.

Employees who suffer a workplace injury, no matter how minor, should obtain prompt medical attention. In this regard, employees may be required to seek treatment from a medical provider selected by the County or its Workers Compensation carrier. Employees are expected to abide by any post-accident work restrictions and attend any follow-up treatment, examinations or physical therapy. Failure to do so may result in the injury not being covered by the County's Workers Compensation carrier. Floyd County will make all reasonable effort to accommodate any work restrictions issued. If a work-related injury requires you to be absent from work or to incur medical costs, you must contact Human Resources for the appropriate forms to be completed and processed for Workers Compensation.

Employees are able to report any workplace accident, incident, injury or near miss incident free from reprisal, harassment or retaliation. In this regard, Floyd County has a zero tolerance policy against retaliation for reporting any accident, incident, injury or near miss or for requesting or initiating a Workers Compensation benefit. Any employee who believes they have been retaliated against should report the matter to the employee's Elected Official/Department Head or Human Resources.

Employees involved in a workplace accident, incident, injury or near miss will be required to submit to a drug and/or alcohol test where the County reasonably, and in good faith believes, that drugs and/or alcohol may have been a contributing factor.

## 12.2. APPEARANCE OF WORK AREAS

Floyd County expects employees to keep work areas, meal areas and restrooms neat and clean. These qualities promote health, productivity, safety and good morale. Any employee who does not adhere to these standards will be subject to corrective action.

## 12.3. SMOKING, VAPING AND TOBACCO USE

To protect and enhance indoor air quality and contribute to the health, safety and well-being of all County employees and visitors, Floyd County is a smoke and tobacco free work environment. Accordingly, employees may not smoke or otherwise use cigarettes, pipes, cigars, chewing tobacco, vaping, e-cigarettes or other tobacco related products while on the job, performing job-related functions, interacting with the general public or representing the County.

This workplace Smoking, Vaping and Tobacco Use Policy prohibits tobacco use; smoking and/or vaping in all County owned, leased or operated buildings and facilities within eight feet (8') from any building entrance. This includes, all common work areas, conference and meeting rooms, private offices, courtrooms, elevators, hallways, employee breakrooms, stairwells and restrooms. In addition, employees are not allowed to use tobacco, smoke or vape while operating a County owned and/or leased vehicles or equipment. The use of tobacco products, smoking and/or vaping may only take place in designated areas.

This workplace Smoking, Vaping and Tobacco Use Policy applies equally to all employees, contractors, Elected Officials, Department Heads, visitors and members of the public. Violations of this workplace may result in discipline action.

## 12.4. WEAPONS (NON-LAW ENFORCEMENT EMPLOYEES)

Indiana law permits employees to keep lawful firearms and ammunition in their locked cars on County property out of plain sight such as in the trunk or glove compartment. In this regard, guns must be legally owned by the employee and the employee must meet all applicable licensing requirements.

Subject to the foregoing, employees may not carry on their person, bring into Floyd County Government buildings or possess in County vehicles, any firearm unless the employee applies for and obtains permission from the County Commissioners in accordance with County Resolutions. Accordingly, for an employee to obtain permission to carry a concealed or open carry firearm, the employee must:

1. Obtain written approval from the employee's Elected Official/Department Head or be an Elected Official/Department Head who applies in writing to the Commissioners;
2. Hold a valid, current license in the State of Indiana to carry such a firearm, if applicable;
3. Successfully complete a firearm training program approved in advance of the application by the Commissioners and successfully complete any follow up training required by such training program; and

4. Demonstrate to the satisfaction of the Commissioners the employee's need to carry.

In addition, except as otherwise noted, no person may bring into Floyd County Government buildings or possess in County Government vehicles any weapon or instrument of violence. Weapons or instruments of violence means any instrument of offensive or defensive combat which may include, knives, switchblades, or similar items.

Any employee who enters any Floyd County Government building consents to a search by metal detector or other reasonable means. Employees waive any claims they may have to be free from any unlawful search and/or seizure for any firearm or other weapon or instrument of violence by entering any County Government building, property or vehicle.

This policy does not apply to law enforcement officers with arrest authority employed by a unit of government while on active duty or to persons who have received written permission to carry a concealed or open carry firearm in accordance with County Resolutions.

## 13. USE OF COUNTY PROPERTY

### 13.1. PERSONAL USE OF COUNTY RESOURCES (MAIL, FACILITIES, EQUIPMENT AND VEHICLES)

Personal use of County facilities, vehicles, mail system and equipment is prohibited, unless expressly authorized by the County Commissioners. This policy applies to all employees and it restricts the personal use of facilities including bulletin boards, vehicles, equipment including telephones, fax machines and computers. The mail system (stationery, stamps, postage meters, fax machines or other equipment/supplies) is reserved for County business purposes only. County facilities may be used for civic and community events with prior approval.

Under this Policy, County employees are prohibited from using and loaning County vehicles, materials, tools, equipment, and labor for personal or private use regardless of whether it is during work or non-work time. This prohibits any employee from performing private work for him or herself, another employee, or a non-employee.

Employees are responsible for all County property used or issued to them or in their possession. When using County property, employees are expected to exercise care, perform required maintenance and follow all operating instructions, safety standards and guidelines. Employees should notify their 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.

Upon separation from employment with the County, all Floyd County employees are required to return any/all County property to their Elected Official/Department Head, including, but not limited to, any keys, ID badges, computers, digital information owned by the County in any form, cell phones, computers, iPads, radios, office supplies or other property owned by the County.

## 13.2. USE OF TELEPHONES/CELL PHONES AND TEXT MESSAGING

Personal use of County telephones, personal cell phones and/or text messaging at work or during work hours is prohibited unless approved by your Elected Official or Department Head, except in the case of an emergency. Excessive phone /cell phone use or text messaging during work hours may result in discipline action.

Employees are prohibited from using cell phones or other personal devices while operating a County vehicle. Employees are permitted to use a cell phone while driving only if the vehicle is equipped with a "hands free" cell phone system.

Employees who do not have a "hands free" cell phone system should park in a safe area before making or receiving calls, texting, emailing or while otherwise using a cell phone.

Employees are not allowed to use their personal cell phone, smart phone, camera or other personal recording device to video or record during work hours or while in any County Government building or while on County Government property unless authorized by the Floyd County Commissioners.

In cases where an employee is provided a cell phone at the County's expense, employees may not use for personal use, store personal phone numbers or other personal information on the telephone and should use the phone for county business only. Should an employee incur cell phone fees and/or charges in excess of the normal monthly fee due to personal use, the employee will be responsible for these charges. When using the County's phone system, employees are to use professional and friendly telephone etiquette when dealing with the public. Always be courteous and professional.

Employees will make all reasonable effort to keep phone lines clear for business calls. Employees should not accept collect calls or make long distance calls unless it is work-related and approved by their Elected Official or Department Head.

## 14. COMPUTERS, E-MAIL, SOCIAL MEDIA AND THE INTERNET

### 14.1. USE OF INFORMATION SYSTEMS

Computers, computer files, networks, hardware, and software are Floyd County property intended for County business use only. To retain privileges of network access, each user of the County's computer and/or information systems is expected to meet certain responsibilities and honor certain limitations. Any network traffic existing in the County is subject not only to provisions of this policy but also to the acceptable use policies of any network through which it flows. Employees should immediately report any violation of this policy to their Elected Official/Department Head who will immediately notify the IT Director. Questions relating to these policies should be directed to the employee's Elected Official/Department Head who will contact the IT Director.

### 14.2. SYSTEM SECURITY

Employees are responsible for the use of their accounts and security of their passwords. Employees may not give anyone access to his/her account, or use a County computer account assigned to another user. The only exception would be to share user name with an employee of the IT Department for support



and maintenance. A user must not attempt to obtain a password of another employee. If an employee suspects someone knows his/her password, the employee should contact their Elected Official/Department Head and the IT Director immediately.

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

Violations of this policy will result in disciplinary action up to and including termination.

### **14.3. SOFTWARE LICENSES**

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

Employees should immediately report violations of this policy to their Elected Official/Department Head. County employees who make, acquire, or use unauthorized copies of computer software are violating federal copyright law and will be subject to disciplinary action.

### **14.4. DATA BACKUP**

In order to provide users with a reliable and secure means of storing and saving work related data, the County IT Department has implemented network shared folders. By saving work related data to the network shared folders, the County IT Department can help ensure the confidentiality, integrity and availability of the data. Any data stored or saved to local drives or an external media device is NOT protected by the County IT Department. No assurance for reclaiming lost work related data stored to local drives can be offered by IT Department. Any work related data stored or saved to a local drive is done so at the user's own risk. All files must be stored in shared drives to insure nightly data backup. Files stored on your C drive are not backed up. Contact the IT Department if you have any questions regarding this policy.

### **14.5. PROHIBITED USE INFORMATION TECHNOLOGIES RESOURCES**

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

Employees should not deliberately perform acts that will impair the operation of electronic equipment, peripherals, other devices or networks. This includes, but is not limited to, tampering with components of a local area network (LAN) or the high-speed network, otherwise blocking communication lines, or interfering with the operational readiness of a computer.

Employees cannot download or install on any of the computers or network system of the County any unauthorized computer program or data or otherwise download, install or use any program that could result in damage to the County's computer and/or network system. This includes, but is not limited to, the programs known as computer viruses, such as "Trojan horses" and "worms".

Violations of this policy will result in disciplinary action up to and including termination.

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

Employees access the County's internet and e-mail to perform their job duties. Accordingly, the County's internet and e-mail system is to be used for County business use only. Where the misappropriation of the County's Internet and E-Mail systems, including without limitation, copying or downloading protected information, transferring or sending inappropriate or illegal content and/or accessing inappropriate websites, violates federal, state or local laws, the offending employee will be referred to the appropriate legal authorities.

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

Employees should immediately report any violation of this policy to their Elected Official/Department Head and/or the IT Director.

#### **14.7. INTERNET USE & ACCESS**

Access to the internet is provided for business related purposes only. The internet is a worldwide network of computers containing millions of pages of information and many diverse points of view. Due to its global nature, users of the internet may encounter material that is inappropriate, offensive, and in some instances, illegal. The County cannot control the availability of this information or completely restrict access to it. Employees may only access the internet through an approved internet firewall. Accessing the internet directly, by modem or other connection device, is strictly prohibited unless such access is approved and installed by system managers designated by the County.

All information stored on County computers, including internet use history, is the sole and exclusive property of the County. Therefore, the County may access all such information at any time at its sole discretion with or without notice to County employees. Employees have no privacy right or interest in any electronically stored information on County computers including internet use information and/or internet search histories.

#### **14.8. DOWNLOADING FROM THE INTERNET**

All material downloaded from the internet or from computers or networks that do not belong to the County MUST be scanned for viruses and other destructive programs before being placed onto a County computer or network system. Do not attempt to install free software downloaded from the internet

and/or software brought in from home. Other prohibited examples include iTunes, Coupon Printer for Windows, Screen Savers, Internet Explorer Toolbars, Games, etc. All employees are expected to follow the instructions of the IT Department for proper scanning and/or downloading.

Employees should not store personal files on County equipment. This includes but is not limited to music, pictures or videos. Any personal files found stored on County equipment will be removed without warning and will not be recoverable.

Employees are responsible for the material they review and download on the internet.

#### **14.9. PROHIBITED USES OF THE INTERNET**

Sending, receiving, displaying, printing, or otherwise disseminating material that is fraudulent, harassing, illegal, embarrassing, sexually explicit, offensive, obscene, intimidating, confidential or defamatory is prohibited. Employees encountering such material should report it to their Elected Official/Department Head immediately.

Employees may not use County internet system for commercial or personal advertisements, solicitations, promotions, viruses, political material or any other unauthorized personal use. Employees must comply with all software licenses, copyrights, and all other federal, state, and local laws governing intellectual property and online activity.

#### **14.10. REPORTING CHILD PORNOGRAPHY**

Any employee who witnesses child pornography being viewed or distributed on any County owned device are responsible for immediately reporting to his or her Elected Official/Department Head. This also applies to employee-owned devices which are brought and/or used on County property. The Elected Official/Department Head will immediately inform local law enforcement and the Human Resources Department who will take prompt appropriate remedial action. Personnel excluded from this policy include the Prosecutor's Office, the Sheriff's Department and other limited personnel involved in the investigation and prosecution of these illegal acts.

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

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

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

#### **14.11. ELECTRONIC MAIL (E-MAIL)**

Employees should exercise care when drafting e-mail communications. Employees should not reveal any personal information when drafting e-mail, such as home address, home phone number, or phone numbers of other individuals. Employee's personal signature with all e-mail must use County contact information only. The County e-mail system is subject to public records laws and e-mails to and from County employees may be deemed public records. Employees should not conduct County business from private email accounts or via text messages on private phones.

#### **14.12. NO EXPECTATION OF PRIVACY IN THE COUNTY'S COMPUTERS OR NETWORK SYSTEMS**

The County maintains the right to monitor any and all aspects of its computer system, including, but not limited to, monitoring sites employees visit on the internet, chat groups, instant messaging, news groups blogs, reviewing material downloaded or uploaded by employees, and reviewing e-mail sent and received by employees. Employees do not retain any right to privacy in any documents, messages, or images they create, store, send or receive on the County's computer or network system under the Electronic Communications Privacy Act or any other federal, state, or local law.

#### **14.13. SOCIAL MEDIA USE AND GUIDELINES**

The role of technology in the workplace is constantly expanding and now includes social media communication tools that facilitate interactive information sharing, interoperability, and collaboration. Commonly used social media Web sites, include Facebook®, Twitter®, YouTube®, Blogger, and LinkedIn®, have large, loyal user bases and are an increasingly important outreach and communication tools for government entities from the federal to the local level.

County departments should take care to choose the types of social networks that make the most sense for their type of information and give emphasis to tools that provide more information across multiple outlets to the broadest audience. All department communication tools should be used in ways that maximize transparency, maintain the security of the network, and are appropriately professional. Social media is no exception. Floyd County has an overriding interest in deciding what is "spoken" on behalf of the County on social media sites. As such, the Floyd County IT Department will regulate access to all authorized social media outlets. In addition, social media users should be aware these types of communications are considered public records and, consequently, must be kept for a certain period of time in compliance with the public records law.

#### **14.14. SEPARATE PERSONAL & PROFESSIONAL ACCOUNTS**

Employees should be mindful of blurring their personal and professional lives when administering social media sites on behalf of the County. While employees are permitted to have personal social networking accounts, these accounts must remain personal in nature. Employees should not speak for or on behalf of the County when utilizing social media. Employees may not post anything in the name of the County or make statements which could reasonably be attributed to the County or any Elected Official.

Employees should refrain from rendering opinions or political views on behalf of the County or any Elected Official. Similarly, employees who appear in a video commenting on County issues or policies should preface their comments by making it clear that the employee is not speaking on behalf of the County and that any opinions reflected therein do not reflect the views of the County or any Elected Official. In addition, employees should never use their county e-mail account or password in conjunction with a personal social networking site.

County employees should not post communications which may constitute knowingly false or malicious comments, discriminatory remarks, sexual or racial harassment, hostility based on age or disability, threats of violence, sabotage or other similar or related unlawful conduct. Employees should not post communications which may divulge confidential information. This policy applies to all County employees.

#### **14.15. SOCIAL MEDIA GUIDELINES**

Floyd County encourages employees who use social media to follow the below guidelines:

1. Do not post any comment or picture involving an employee, volunteer, department or other County entity without their express consent.
2. If an employee posts any comment about the County, the employee must clearly and conspicuously state that he/she is posting in their individual capacity and that the views posted do not represent the views of the County.
3. Unless given written consent, an employee may not use the County's logo or any organizational material in their posts.
4. All postings on social media must comply with the County's policies on confidentiality and disclosure of proprietary information.
5. Do not link to the organization's website or post any department material on a social media site without written permission from the employee's Elected Official/Department Head and/or the County Commissioners.
6. Employees are responsible for what is written or presented on social media. The posting party can be sued by other employees or any individual that views the social media posts as defamatory, harassing, libelous, or creating a hostile work environment.
7. All organizational policies that regulate off-duty conduct apply to social media activity including, but not limited to, policies related to illegal harassment, code of conduct, non-discrimination, and protecting confidential and/or proprietary information.
8. When creating social media accounts which require individual identification, County employees should use their actual name and should not communicate or imply any affiliation or relationship with the County.
9. The County's policy on Use of Information Technologies, Internet and E-Mail apply to social media use at work, including the County's policy regarding personal use of County computers.

#### **14.16. USING SOCIAL MEDIA AT WORK**

Employees should refrain from using social media while on work time or while using Company equipment/computers, unless it is work-related and authorized by your Elected Official/Department Head. Employees should not use their County provided e-mail address to register on social networks, blogs or other online tools utilized for personal use.

## 14.17. COUNTY SOCIAL MEDIA COMMUNICATIONS

Any social media site created on behalf of a department of Floyd County Government must be approved/regulated/authorized by the County Commissioners with input from the IT Department.

All use of social networking sites by County Governmental entities should comply with all state, federal, and local laws, regulations and policies including all information technology security policies. This includes the County acceptable use policies and any applicable Records Retention and Disposition Schedules or policies, procedures or standards. All usage should be governed by these policies as well as the guidelines in this document.

All County Social Media Communications and/or postings should remain professional in nature and should always be conducted in accordance with the department's communications policy, practices and expectations. Employees must not use the County's social networking accounts or sites for political purposes, to conduct private commercial transactions, or to engage in private business activities.

Floyd County generally uses social media to: 1) disseminate time-sensitive information as quickly as possible (example: emergency information); and 2) to publicize the County's services to the residents of the County. Wherever possible, content posted to the County social media accounts or sites will also be available on the County's website. Wherever possible, content posted to Floyd County social media sites should contain links directing users back to the County's website for in-depth information, forms, documents or online services necessary to conduct business with the County.

Employees using social media to communicate on behalf of a County department should be mindful that any statements made are on behalf of County government; should use discretion before posting or commenting. Once these comments or posts are made they can be seen by anyone and may not be able to be "taken back." Consequently, communication should include no form of profanity, obscenity, or copyright violations. If an employee is uncertain about the appropriateness of a social media posting, check with the Department Head.

In addition, confidential or non-public information should not be posted. Employees should refrain from postings content that contains an opinion or otherwise commenting on areas outside of the employee's department or area of expertise.

There should be great care and consideration when communicating by way of social media. In this regard, County employees, Elected Officials and/or Department Heads must not knowingly communicate inaccurate or false information. All reasonable efforts should be made to provide accurate and factual information.

County employees, Elected Officials and/or Department Heads should not use the County's social media accounts to post or disseminated political views or personal opinions.

When using the County's social media accounts, County employees, Elected Officials and/or Department Heads should conduct themselves according to the highest ethical standards.

## 14.18. PUBLIC RECORDS LAW & RETENTION

Content maintained on social media related to County business, including a list of subscribers and posted communication, is a public record. The Department maintaining the site is responsible for responding completely and accurately to any public records request for public records on social media. Content related to County business will be maintained in an accessible format and so that it can be produced in response to a request.

Wherever possible, social media and/or web posting shall clearly indicate that any article and other content posted or submitted for posting are subject to public disclosure. Users shall be notified that public disclosure requests must be directed to the relevant departmental public disclosure officer.

## 14.19. RETALIATION IS PROHIBITED

Floyd County prohibits taking negative action against any employee for reporting what they believe is a possible violation of this policy or for cooperating in any investigation into a possible violation of this policy. Any employee, supervisor, Elected Official or Department Head who retaliates against another employee for reporting or participating in any investigation related to a violation of this policy will be subject to discipline up to and including termination.

## 14.20. SAVINGS CLAUSE

This social media policy is not intended to restrict or prohibit communications or activity by or between employees which may be protected, concerted activity pursuant to Section 7 of the National Labor Relations Act or otherwise to prohibit employees from communicating or sharing concerns concerning working conditions or other communications or conversations between County employees regarding terms and conditions of employment such as wages, work schedules and job security or other matters of workplace concern.

# 15. VEHICLES AND EQUIPMENT

## 15.1. DRIVING AND VEHICLE USE POLICY

### Use of Personal Vehicles

**Employees who use their personal vehicles for work-related activities directly related to County business will be reimbursed mileage. Employees must complete and timely submit the appropriate expense/mileage reimbursement form to be reimbursed. Please see the County Travel Policy, County Resolution and County Code for further information and requirements.**

Employees who use their personal vehicles for work-related activities directly related to County business must maintain an appropriate insurance coverage and must be prepared to provide proof of insurance upon request.

## **Traffic Violations**

Employees are responsible for any traffic citation received when driving on County Government business, whether while driving the employee's own vehicle or a vehicle furnished by the County.

## **Valid Driver's License**

While driving on County Government business, whether driving the employee's own vehicle or a vehicle furnished by the County, the employee must have and maintain a current and valid driver's license. When driving a vehicle which requires a specialty license or certification such as a Commercial Driver's License (CDL) or Chauffeur's License, the employee must possess the appropriate license or certification.

## **Driving Without a License**

Employees who drive on County Government business, whether driving the employee's own vehicle or a vehicle furnished by the County, will periodically be required to verify their driving record and the status of the employee's driver's license through the Bureau of Motor Vehicles. In this regard, employees will authorize Floyd County Government to obtain a BMV report yearly or upon request. If you drive a vehicle on behalf of the County without a valid driver's license, you will be subject to disciplinary action.

## **Revoked or Suspended Driver's License**

If your job requires you to drive on Floyd County Government business and your driver's license, CDL, Chauffeur's License or other required license or certification is revoked, suspended or restricted for any reason, you must report the change in driving privileges to your Elected Official/Department Head immediately. If you voluntarily report the suspension, revocation, or restriction of your driver's license, depending on the circumstances, the County may attempt to transfer you to an open position that does not involve driving. However, the County is in no way obligated to transfer you to another position or obligated to create a new position. If the employee is transferred to job with a different or lower pay rate, the employee will be paid the rate of that position. In lieu of transfer, employees may be placed on an unpaid leave of absence or terminated at the sole discretion of Floyd County Government.

There are special policies and rules for employees of the Floyd County Highway Department and Sheriff's Department. To the extent any of those policies or rules conflict with the terms and conditions of this policy, the policies and rules of the Highway and/or Sheriff's department will control.

## **Use of County Vehicles**

County vehicles are property of the County and cannot be used by employees for any reason other than County business. Floyd County vehicles are a designated no smoking area. Accordingly, employees are not allowed to smoke, vape or use smokeless tobacco while driving a County vehicle. Employees will not transport drugs, alcohol or other contraband while operating a County vehicle. Employees may not possess a weapon or firearm while operating a County vehicle. (Merit Deputies are allowed personal use of their assigned vehicles under specific conditions outlined in the policy manual of the Sheriff's Office).



Law enforcement officers will make minimal use of County vehicles that are assigned as take-home vehicles for reasonable and limited personal transportation within the County. During such use, the officer will respond to emergency situations when requested by Dispatch. The officer will not substantially use a County vehicle in his or her business pursuits, or to perform another job, security at public events notwithstanding. The Sheriff will monitor use of vehicles to assure compliance with this policy and report use to the Floyd County Commissioners.

Except for official County business, or as provided in any special policies or procedures that supersede this policy, County owned vehicles will not be driven outside the County, unless authorized by the Sheriff or Floyd County Commissioners. On-call public safety employees can use their vehicles in an adjoining County while in on-call status.

It is the obligation of all County employees to report the occurrence of any criminal behavior involving the use of County vehicles such as operating a county vehicle while under the influence of drugs or alcohol. Failure of an employee to report such incidents of criminal behavior to the employee's Elected Official or Department Head would be subject to disciplinary measures.

Elected Officials and/or Department Heads are responsible to ensure each vehicle/equipment operator in their department possesses a current State Driver's License for the class of vehicle that he or she is required to operate and is properly trained to operate their assigned vehicles/equipment. Orientation and training required for operators of special use vehicles, construction equipment and material handling equipment will be conducted and recorded by the user department.

Employees operating a Floyd County vehicle are required to comply with all applicable Federal, State and local laws, rules, regulations and ordinances including, without limitation, all Federal and State Department of Transportation rules and regulations. Employees operating a County vehicle will always wear a seat belt and comply with all traffic laws and speed limits.

Employees operating a County vehicle are prohibited from using a cell phone/smart phone while driving and are required to comply with the Floyd County Cell Phone policy.

### **County Vehicle Conditions and Restrictions**

Any employee of Floyd County who is required to operate a County vehicle in the course of their employment is subject to the following conditions and restrictions:

1. Periodic record checks at the Bureau of Motor Vehicles at least annually.
2. Use of seat belts by all occupants.
3. Termination, reassignment or other appropriate personnel action in the event of license revocation, suspension or traffic offense conviction such as Driving Under the Influence or Driving While Intoxicated.
4. Immediately report any condition that adversely affects his or her ability to operate such vehicle(s) and/or equipment.
5. Able to meet insurability standards/requirements of Floyd County liability insurance provider.
6. County employees must use assigned County vehicles for the purpose(s) authorized and must not permit unauthorized passengers in County vehicles.
7. Reimbursement for necessary emergency road service and repairs, parking, and highway-related tolls requires appropriate receipts for reimbursement.
8. County-owned vehicles will not be driven out of the County unless authorized as being used for official County business.

9. Employees are required to notify their supervisor if a County vehicle appears to be damaged, defective or in need of repair. Prompt reporting of damages, defects and the need for repairs could prevent deterioration of the vehicle and possible injury to employees or others.

### **Accident Scene Procedure**

Vehicle operators involved in any type of accident are required to follow the below procedures:

1. Stop immediately.
2. Call 911 or an appropriate police department. Call for an ambulance, if necessary.
3. Assist injured parties but do not move them or the vehicles unless lives are in danger or otherwise instructed to do so by proper police authority.
4. Write down all pertinent facts such as the other driver's name, address, telephone number, license plate number, driver's license number, and name of insurance company and policy number, name, address, and telephone number of any injured party or witness.
5. Take pictures including: license plate(s) of other vehicle(s) that are or seem to be involved in the accident, damage to any/all vehicles and property.
6. Do not admit any fault or make any oral or written statements but give your name, address, telephone number, etc., as required.
7. Notify your supervisor and submit a written report as soon as possible.
8. Obtain any case numbers or accident report numbers assigned by investigating police officers or sheriff's deputies.
9. Stay at the scene of the accident until authorized to leave by proper authority.
10. DO NOT offer any information or answer any questions except as directed by a law enforcement officer.
11. Submit to any required drug or alcohol test as set forth in the County's Workers Compensation Incident policy.

### **Distracted Driving**

Floyd County is committed to employee safety, and for this reason firmly prohibits all behavior that distracts employees while they are operating a county vehicle. General guidelines for behavior while driving are as follows:

1. Use of cellphones while driving is strictly prohibited including, phone calls, text messaging, email, use of Internet, GPS and camera.
2. Drivers should refrain from reaching for or holding a mobile or cellular phone for conducting any voice communication or dialing while driving.
3. Use of electronic devices, including laptops, PDAs, or pagers while driving is strictly prohibited.
5. Voicemails may be listened to and calls may be made only when stopped or pulled off the road.
6. Drivers who are required to use a mobile phone to perform their job duties while driving may do so only by utilizing the hands-free system technology available.

### **Driving While Impaired Prohibited**

No employee is permitted, under any circumstances, to operate a County vehicle or personal vehicle for County business when any physical or mental impairment causes the employee to be unable to drive

safely. This includes, circumstances in which the employee is temporally unable to operate a vehicle safely or legally because of lack of sleep, illness, medication or is intoxicated.

## 16. PERSONAL CONDUCT

### 16.1. ATTENDANCE POLICY

Regular attendance is an essential function of your job. Employees are expected to be at their work station ready to work at the beginning of their assigned shift and employees are expected to remain at work until the end of their assigned shift, except for approved breaks and meal periods.

Employees who are unable to report to work or who arrive late should notify their Elected Official/Department Head or their designee directly of such absence/lateness and state the reason(s) at least thirty (30) minutes prior to the start of their scheduled shift or at a time established by the Elected Official/Department Head so arrangements can be made to prepare for your absence/lateness. Public Safety employees are required to notify their Elected Official/Department Head of any absence/lateness at least two (2) hours prior to the start of their scheduled shift. Notifying a co-worker or leaving a voice message, a text message, or an email is not acceptable. If you are unable to provide the appropriate notice yourself, you must have someone provide notice on your behalf. If you know in advance that you will be absent, late or need to leave early, you are required to request this time off in advance directly from your Elected Official/Department Head.

Employees who do not properly give notice of their absence/lateness, who fail to provide documentation supporting any absence/lateness upon request, who are habitually absent/late or who otherwise display a pattern of poor attendance, will be subject to disciplinary action.

If you are absent because of illness or other serious health condition for three (3) or more consecutive work days, Floyd County may request that you submit written documentation from your doctor or health care provider verifying your illness or need for time off. If you are absent five (5) or more work days because of illness or other serious health condition, you will be required to provide written documentation from a doctor or health care provider that you have been released from medical care and are able to return to work with or without work restrictions.

Employees absent without notification for three (3) or more days may be deemed a “no call – no show” and will be deemed to have abandoned his/ her job and will be subject to termination.

Any request for a leave of absence must be in writing and submitted to the employee’s Elected Official/Department Head or other designee. Any such request must be accompanied by all required documentation.

The Elected Officials/Department Heads has the responsibility to monitor employee attendance and enforce this policy.

### 16.2. EMPLOYEE CONDUCT AND APPEARANCE

The primary purpose of County is to serve the public. Employees are expected to be prompt, efficient, and courteous in dealing with the public, whether directly or indirectly. Dress, grooming, and personal

cleanliness standards contribute to the morale of all employees and reflects a positive image of Floyd County Government. Accordingly, we expect you to use good judgment and maintain high standards in your personal cleanliness and attire. All employees should exercise sound business judgment with regard to personal appearance, dress and grooming to enable you to be effective in performing your duties.

Your Elected Official/Department Head may establish specific guidelines for your appearance and dress and has the sole authorization to determine an employee's appropriate appearance including suitable dress as well as the display of piercings and tattoos. Safety and protective items may also be required in some areas. Floyd County Government reserves the right to determine whether particular attire is appropriate and may instruct you to change if attire is deemed inappropriate. Employees will not be compensated for the time away from work to change attire.

Employees should not wear or bring into the workplace natural or artificial scents, including perfumes, colognes, lotions, skin creams, essential oils and similar items that may cause offense or an allergic reaction to others.

Consideration will be given to cultural and religious beliefs of the employee in the implementation of this policy.

Elected Officials/Department Heads and Human Resources will be responsible for answering questions and resolving issues related to this policy on a case-by-case basis to ensure unique circumstances are appropriately considered and an environment of mutual cooperation is maintained.

## **17. DUTY TO REPORT ARRESTS, CONVICTIONS AND GUILTY PLEAS**

Employees are required to notify their Elected Official/Department Head and Human Resources in writing no later than the employee's next regularly scheduled work day following any arrest, conviction or entry of a guilty plea for any criminal offense. This reporting obligation includes drug or alcohol-related offenses but does not apply to traffic tickets or citations. Failure to report under this policy may subject the employee to discipline action.

Employees who are required to possess a valid Indiana Commercial Driver's License ("CDL") must maintain a current valid CDL at all times during their employment with Floyd County. CDL Employees who have their CDL suspended or revoked, whether temporarily or permanently, as a result of any arrest or conviction, connected to alcohol-related offense, DWI, DUI or operating while intoxicated, regardless of when the offense occurred during or after work hours, may be subject to disciplinary action.

An employee who is arrested for any misdemeanor or felony, whether the arrest happened while the employee was on duty or not, may be suspended pending an administrative investigation and/or the disposition of any charges filed against the employee. The investigation will be used to determine if the employee is in violation of any County rule or policy and to otherwise determine if disciplinary action is warranted.

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

## 18. VISITORS IN THE WORKPLACE

### 18.1. NON-BUSINESS/SOCIAL VISITS TO EMPLOYEES IN THE WORKPLACE

Floyd County employees are expected to give their full attention to conducting County business and serving the citizens of the County. Personal visits by individuals not employed by the County should be limited. While personal visits are not prohibited, their frequency and duration should be limited as to not interfere with on-going work or distract fellow employees.

Visitors in the work area must be escorted while in County facilities and work areas. The employee will be responsible for the acts of his/her visitors in the workplace.

## 19. CONFLICT OF INTEREST

Floyd County follows Indiana law regarding conflicts of interest. Employees must avoid any interest, influence or relationship which might conflict or appear to conflict with the best interests of Floyd County Government. A conflict of interest includes circumstances where an employee knowingly or intentionally derives a profit or other benefit in connection with performing their duties as a County employee. Employees must avoid any situation in which the employee's loyalty may be divided and promptly disclose any situation where an actual or potential conflict may exist.

Employees are encouraged to maintain good relations with vendors, suppliers and others with which the County does business. Accepting gifts or gratuities is contrary to the public interest and could create a conflict of interest. Employees should not accept gifts, gratuities, favors, services, entertainment, food or drink from any person, business, or organization which conducts business with or intends to conduct business with the County without approval from the employee's Elected Official/Department Head or the County Commissioners.

Other examples of potential conflict situations may include:

1. Having a financial interest in any business transaction with Floyd County Government.
2. Owning or having a significant financial interest in, or other relationship with, a County Government competitor, customer or supplier.
3. Accepting gifts, entertainment, or other benefit of more than a nominal value (\$50.00 or less) from a County competitor, customer or supplier.
4. Associating on a personal level with convicted felons or recently released former County prisoners or individuals under house arrest where there is no prior relationship.
5. Engaging in activities which result in an actual or potential conflict of interest violates County policy and relevant provisions of Indiana Law may result in discipline action as well criminal prosecution.

Employees who believe they will or have engaged in activity which may result in a conflict of interest should disclose the potential conflict to his/her Supervisor or Elected Official/Department Head and immediately remove themselves from negotiations, deliberations, or votes involving the conflict.

Any questions concerning the Conflict of Interest Policy and an employee's duty to disclose any potential conflict of interest will be directed to the employee's Elected Official or Department Head.

## 19.1. OUTSIDE EMPLOYMENT

Full-time employees of the County are expected to make their job with the County their primary employment. Outside work must not interfere with your work schedule or your ability to properly perform your job duties. All employees must work their required work schedule regardless of any existing outside work commitment, additionally an employee's outside work cannot be considered an excuse for poor job performance, poor attendance, refusing to travel, refusing to work overtime or to change the employee's work schedule.

Employees of the County are not permitted to perform work, whether as an employee or volunteer, in two separate positions within the County whether in the same or different departments without the prior consent of the County Commissioners. County employees are not permitted to serve on any County Board for which the employee is compensated. Conversely, it will not be a policy violation for a Floyd County employee to serve on a County Board where the employee is paid a stipend/flat fee or on a volunteer basis.

Employees who are working a second job should notify their Elected Official/Department Head or Immediate Supervisor. If the County believes an employee's second job would interfere with his/her employment, compromise the employee's performance or otherwise create a conflict of interest, the employee will be asked to resign either his/her employment with the County or with the employee's outside employer.

Floyd County employees should avoid outside employment, business ventures or contractual relationships which create a conflict of interest or creates an appearance of impropriety. Outside employment creates a conflict of interest if it has an actual or potential adverse impact on the County or otherwise portrays the County in negative light. Whether an employee's outside employment, business venture or contractual relationship constitutes a conflict of interest will be determined by the County in its sole discretion. Employees contemplating engaging in outside work or other ventures may unknowingly violate this policy and must promptly discuss their situation with their Elected Official/Department Head, Immediate Supervisor or Human Resources.

Whenever an employee's outside business activities are directly or indirectly linked to the County in a business relationship such as vendor, supplier, contractor, or independent subcontractor, the employee must file a conflict of interest statement with the County Clerk with copies provided to the Auditor, the State Board of Accounts and Human Resources. Refer to the County's Conflict of Interest Policy included in this Handbook.

## 19.2. SOLICITATION/DISTRIBUTION

Only official County business should be conducted on Floyd County property. In an effort to promote a professional and collegial workplace and prevent work disruptions, Floyd County employees may not solicit or distribute literature or other any printed material in the workplace during work time.

"Solicitation" under this policy includes, any activity which requests an employee to give, pay or pledge money for any cause for any reason. Solicitation can include, collecting funds, requesting contributions including political contributions, fundraising, selling merchandise, soliciting or selling memberships, promoting one's personal business, gathering employee signatures, signing petitions, promoting certain religious beliefs, promoting a political cause or agenda, or promoting a political campaign or candidate.

It will also be a violation of this policy for any Floyd County employee to distribute literature or any other printed material, advertisements, circulars, forms, books or religious materials on Floyd County property or in work areas. In addition, employees may not solicit for any purpose or circulate any printed material or literature in non-work areas during work time concerning matters other than those directly related to County business.

Use of Floyd County facilities and equipment, including phones, computers, computer network systems, email, internet, mail system (stationery, stamps and postage meters or other equipment/supplies) and fax machines are reserved for County business purposes only. Accordingly, County facilities or equipment may not be used for any type of solicitation or distribution without prior approval by the County Commissioners. Additionally, County bulletin boards are reserved for official County communications and business only. Accordingly, it is a violation of this policy to post written or printed non work related material on any Floyd County bulletin board.

Non-employees of Floyd County, including, vendors, suppliers, sales people, fundraisers, dealers, insurance agents or their representatives are strictly prohibited from soliciting, distributing or selling to County employees on County property without obtaining prior approval of the County Commissioners. Such requests will be considered if a list of all persons who will be present, the nature of the visit and the designated date and time of the visit are presented. All solicitation and distribution activity by non-employees must be on non-work time and in non-work areas designated by the County and must not adversely affect the operations of Floyd County Government.

## 20. SECURITY OF PREMISES

Floyd County's goal is to maintain a work environment free of illegal drugs, alcohol, explosives, or other dangerous materials. The County prohibits the control, possession, transfer, sale or use of these materials on its premises. The County requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices are provided for the convenience of the employees but remain the sole property of the County. Accordingly, these storage areas, and any articles found within them, can be inspected by a representative of the County at any time, either with or without prior notice with just cause.

## **20.1. IDENTIFICATION AS A COUNTY EMPLOYEE**

A Floyd County Government employee identification badge (ID badge) will be issued to each employee, Elected Official and Department Head through the Floyd County Sheriff's Department. Obtaining a County ID badge will be coordinated by the employee's Elected Official/Department Head or Human Resources.

The ID badge must in your control at all times while working inside a County-owned or leased buildings, driving any County vehicle, while working outside of County buildings or while on County business to identify you as a Floyd County employee.

Loss of the ID badge should be reported immediately to your Elected Official/Department Head who will coordinate a replacement through the Sheriff's Department. ID badges must be returned upon separation from employment with the County.

Elected Official/Department Heads will be responsible for enforcing this policy.

## **20.2. CONFIDENTIALITY/REQUESTS FOR INFORMATION**

In performing your job duties, employees may have access to information which Floyd County Government considers confidential. Employees who maintain or have access to this information as part of their job responsibilities are expected to treat this information as confidential and not discuss or disclose except as may be necessary in connection in performing your job. All information regarding employees' medical records or health status will be kept in separate files and will be treated as confidential by those with access to this information. Unauthorized use or disclosure of Floyd County confidential information may subject an employee to disciplinary action as well as possible criminal and civil penalties. This Confidential Information policy does not prohibit disclosures or communications protected by the National Labor Relations Act.

Employees should consult with their Elected Official/Department Head before releasing information, which could be confidential or privileged by law. It is a violation of state law for a public servant to knowingly or intentionally disclose information classified as confidential.

## **21. OTHER POLICIES AND PROCEDURES**

### **21.1. TRAVEL REIMBURSEMENT POLICY SUMMARY**

Floyd County reimburses employee expenses incurred in travel that is required to perform your official duties as a County employee. Below is a summary of the County's Travel Reimbursement Policy.

Employees must attempt to keep travel costs to a minimum. In order to maintain proper oversight on travel and travel related expenses, all official travel must be properly authorized, reported and reimbursed pursuant to this Policy.



All business travel expenses must be for “authorized travel” only and approved in advance by your Department Head/Elected Official. “Authorized travel” means any travel by a County employee or County Elected Official for the purpose of official County business.

Reimbursement will be made for actual expenses incurred only. Personal expenses will not be paid by the County. In this regard, travel expenses must be incurred directly by the employee. Where an employee, such as a Department Head, pays the expenses for other authorized employees, reimbursement requests and receipts should include the name of each employee who incurred the expenses.

All travel claims must be submitted in accordance with the pre-approved authorization. When an employee combines business and personal travel, the employee will not be considered to be in travel status during the personal portion of the trip when it is not reasonably necessary for business. The employee will be responsible for paying any increase in costs associated with personal travel.

All out-of-State travel must be pre-approved by your Department Head/Elected Official before any reservations are made. No airline tickets and associated travel arrangements should be secured until approved. Reimbursement for meals will not exceed the maximum amount per day as set forth in County ordinance. Employees will use County owned vehicles for authorized travel when available and are not subject to mileage reimbursement. Employees who use personal vehicles for authorized travel in the course of conducting County business will receive mileage reimbursement at the rate equivalent to State employees which is subject to change at the discretion of the County.

Travel reimbursement claims should be submitted to the Auditor immediately upon completion of the trip. A claim that is not submitted within sixty (60) days may result in a denial of the claim. For reimbursement of travel expenses, the following must accompany the claim voucher:

1. Original itemized receipts (name of vendor, breakdown of items/services purchased);
2. Name of payee, amount paid, date of payment, purpose of payment;
3. Registration Certification (if applicable) or Agenda/Brochure/Email description;
4. Mileage validation if applicable (odometer readings/Google Maps/MapQuest, etc.).

County credit cards are available to use and controlled by Floyd County Ordinance, FCO2020-01. Credit cards are never to be used for personal purchases. An employee will be responsible for income taxes for applicable travel expenses in accordance with the Internal Revenue Service guidelines.

This Travel Reimbursement Policy Summary is for informational purposes only and should not be the sole basis on which to plan, request, or submit claims for travel reimbursement. The complete Travel Policy, as set forth in County Resolution, FCO 2013-VII. Any updates to the policy, should be referenced prior to incurring any expenses on official County business for which reimbursement may be sought. Employees should review this policy, County Resolution and be familiar with the travel reimbursement requirements and rules prior to making travel arrangements which reimbursement will be sought.

## 21.2. DRUG-FREE WORKPLACE

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

Floyd County maintains a drug-free workplace in accordance with the Drug-Free Workplace Act of 1988 and the State of Indiana Drug-Free Workplace Executive Order No. 90-5 of 1990.

Failure to comply with this law could jeopardize government funds received by the County. Any employee who is convicted of a drug or alcohol related crime arising out of conduct or activities while on official County business, or when serving as a representative of the County, must notify the County within five (5) days of the conviction. Floyd County is required to notify the appropriate government funding agency within ten (10) days of the conviction.

The unlawful manufacture, possession, distribution, purchase, sale, use, or being under the influence of alcoholic beverages or illegal drugs while on the employer's property, while attending business-related activities, while on duty, or while operating a vehicle owned by the County is strictly prohibited and will lead to disciplinary action, including suspension without pay or discharge.

Employees who voluntarily seek professional assistance in overcoming drug or alcohol problems should contact Human Resources for information regarding the benefits potentially available under the employee medical benefit plans and any possible referral sources.

Employees may use physician-prescribed medications for their intended purpose and in the prescribed dosage, provided the uses of such drugs do not adversely affect job performance or the safety of individuals in the workplace.

Employees may keep on County premises prescription drugs when prescribed by a medical provider. The County reserves the right to request and be provided a copy of any drug prescription. Employees may possess over-the-counter medications while on County premises as needed. Employees who operate vehicles or equipment in the course of their employment must notify their Elected Official/Department Head of such prescriptions or over-the-counter medications which may impair safety, judgment, or performance.

#### **DRUG TESTING FOR EMPLOYEES NOT COVERED BY CDL POLICY**

Floyd County is committed to providing a safe, efficient, and productive work environment for all employees. In keeping with this commitment, employees and job applicants may be requested to submit to drug or alcohol testing. Results of any drug testing will remain in the employee's confidential medical file.

#### **REASONABLE SUSPICION**

An employee may be requested to submit to a drug or alcohol test when the Elected Official, Department Head or other supervisor has reasonable suspicion that the employee has used alcohol or drugs, is under the influence, or is otherwise impaired while at work with the County. In this event an employee will be requested to submit to a drug or alcohol test, the Elected Official, Department Head, or supervisor will complete the **appropriate form to be provided by Human Resources** setting forth the observations leading to the determination of reasonable suspicion including, but not limited to, the following:

1. Observed drug or alcohol use or containers traditionally used for drugs or alcohol;

2. Observed 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;
3. Abnormal or erratic behavior by the employee; or
4. Information provided by reliable or credible sources of the above.

## **RANDOM TESTING**

Employees who drive non-CDL County vehicles may be randomly tested for both drugs and alcohol.

## **POST-ACCIDENT TESTING**

Post-accident drug and alcohol testing will be required when an employee is involved in an accident on County property or while operating County equipment or vehicles in the course of County business which results in either: 1) the death or injury of a County employee or member of the general public; 2) damage to public or private property and/or equipment; or 3) the driver receives a citation for a moving violation operating a vehicle or equipment owned by or leased by the County.

The County reserves the right to order post-accident drug/alcohol tests as it deems appropriate where the County has a reasonable belief that drugs or alcohol may have been a contributing factor in the accident/incident.

## **FEDERAL MOTOR SAFETY REGULATIONS/COMMERCIAL DRIVER'S LICENSE DRUG & ALCOHOL POLICY**

This policy applies to all employees who are required to hold a commercial driver's license in order to operate a vehicle or equipment as part of his/her employment with Floyd County.

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

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

In complying with these regulations, **the County has instituted a comprehensive controlled substance and alcohol testing**, training, and record keeping program for employees in positions that have been classified as safety sensitive. In accordance with DOT/FHWA regulations, included in this classification of safety-sensitive positions are all positions which require an employee to operate a commercial motor vehicle and/or hold a commercial driver's license.

Information concerning the specific provisions of this policy is provided in Federal Motor Carrier Safety Regulations/Drug & Alcohol Policy.

Training concerning this policy will be provided to all employees and supervisors of employees holding safety sensitive positions.

### 21.3. POLITICAL ACTIVITY

Floyd County employees will not be required to participate or financially support in any political campaign or party activity during or after regular work hours. Accordingly, candidates for elected office will not directly or indirectly coerce or advise any county employee or Department Head to pay, lend or contribute anything of value to a party, committee, organization, agency, candidate for political purposes.

This policy includes threats or coercion by Elected Officials/Department Heads or political party officials. Employees who decide to run for elected office must ensure their candidacy does not interfere with their current job duties or responsibilities as a County employee.

County-owned equipment will not be used to generate, copy or reproduce campaign materials. County vehicles will not be used to distribute campaign materials or display political advertising such as bumper-stickers or signs. County phones or fax machines will not be used for campaign purposes and employees will not use County computers or email system to promote or oppose a political candidate or organization.

County employees are prohibited from using their County position to assist in political campaigns and employees will not engage in campaigning or participate in any election activity during regular work hours such as circulating petitions, soliciting votes or monetary contributions, fundraising or any other political activity that is not considered part of the employee's normal job duties.

Employees and Elected Officials will not use their title, office or position for political purposes, while engaging in political activity or in support of candidate for public office. Moreover, employees or Elected Officials should not wear their official uniform or insignia during a political event, political fundraiser or otherwise while engaging in political activity. Questions regarding this policy should be directed to Human Resources.

### 21.4. DISCIPLINE AND TERMINATION

The purpose of these policies is to give employees guidance regarding the County's standards, requirements and expectations, which are not covered elsewhere in the Handbook. Work rules described are not all-inclusive and the omission of a specific policy prohibiting a particular kind of conduct does not mean the conduct is acceptable to the County.

It is also the purpose of these policies to describe the County's general philosophy concerning discipline and termination. Each discipline or termination situation presents a unique set of circumstances that will be reviewed and decided on its individual facts and in the context of the surrounding circumstances.

THIS DISCIPLINARY POLICY IS NOT INTENDED TO CREATE A CONTRACT BETWEEN THE COUNTY AND ITS EMPLOYEES. FLOYD COUNTY MAY CHANGE THIS POLICY WITH OR WITHOUT NOTICE.

## **WORK RULES AND DISCIPLINE**

Our hope that your working relationship with Floyd County will be mutually beneficial. However, your employment will continue only as long as you are satisfied with Floyd County and the County is satisfied with your performance. Just as you may resign at any time, Floyd County may terminate your employment at any time. The County cannot promise continued employment or employment for a specific period of time and all employment with Floyd County is "At-Will", meaning either you or the County may terminate the employment relationship at any time, with or without cause or reason subject to applicable law.

We expect all employees to follow our established policies, procedures and rules and to act in a professional manner at all times. Floyd County expects employees to perform their assigned duties in an efficient, effective and competent manner. Occasionally, there may be employees who perform at an unsatisfactory level, violate policy or behave inappropriately.

Discipline may include, verbal counseling /warning, written warning, performance improvement plan, reassignment, demotion, decrease in pay, suspension or discharge. Floyd County will try, when appropriate, to provide employees with reasonable opportunities to correct deficiencies. The County uses a progressive discipline system, although there is an understanding that some situations warrant immediate termination. The County has sole and exclusive discretion to issue discipline it deems appropriate given the particular circumstance.

By accepting employment with Floyd County, you have a responsibility to the County and your fellow employees to adhere to certain rules of behavior and conduct. The purpose of these rules is to create a clear understanding of what conduct is expected. All employees are to conduct themselves in a professional manner. Employees who do not follow the County's standards of conduct may be subject to discipline up to and including termination.

Grounds for disciplinary action may include but are not limited to: violations of State or Federal law, incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public or fellow employees, violation of County policies, departmental work rules, poor attendance, excessive lateness and/or absences, failure to follow safety rules and procedures and regulations, neglect of duty, criminal act or other failure of good behavior. This list is not exhaustive. Occurrences of any of these violations may result in discipline up to and including termination. There may be other conduct not listed which will warrant discipline/termination. If you have questions concerning any work or safety rule, or any of the unacceptable activities listed, please see your Elected Official/Department Head or Human Resources for clarification or explanation.

Each Elected Official/Department Head has the authority to issue Departmental Rules pertaining to expected employee conduct and behavior consistent with this Handbook. Further they have the ability to determine and establish appropriate discipline.

All Floyd County officers, employees and special appointees will comply with the rules published by the State of Indiana for State Officers, Employees and Special Appointees.

When an employee is terminated, the Elected Official/Department Head will immediately notify Human Resources for purposes of removal of the employee from the County Payroll System.

## 21.5. WORKPLACE VIOLENCE

Floyd County Government provides a safe and respectful workplace for all employees. To ensure a safe workplace and to reduce the risk of violence, all employees should review and understand all provisions of this workplace violence policy.

### **PROHIBITED CONDUCT**

Floyd County Government does not tolerate any type of workplace violence committed by or against employees. Accordingly, threats, threatening behavior, acts of violence, or any related conduct which disrupts the work performance will not be tolerated.

This list of behaviors provides examples of conduct that is prohibited and is not intended to be all inclusive:

- Intimidation, stalking or engaging in action intended to frighten, coerce or induce duress.
- Threatening remarks or behavior including expression of intent to cause physical or mental harm.
- Physical contact whether or not resulting in physical injury or damage to property.
- Displaying aggressive or hostile language or behavior that creates a reasonable fear of injury to another person or causes emotional distress.
- Intentionally damaging property including Floyd County property or the property of another employee.
- Possessing a weapon while on County property or while conducting County business except as permitted in County Resolution.
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

Threatening behavior or acts of violence conducted outside of County property but directed toward the County, its Elected Officials or employees, or the general public constitutes a violation of this policy including threats made via phone, social media, fax, mail, email, or any other method of communication.

### **REPORTING REQUIREMENT**

Any employee who believes they are the recipient of or witness to threats, threatening behavior, acts of violence or any similar conduct should immediately report this to their Elected Official/Department Head or Human Resources. Reports can be made anonymously and all reported incidents will be investigated. Reports or incidents warranting confidentiality will be handled as confidentially as possible and information will be disclosed to others only on a need-to-know basis. Floyd County Government will actively intervene at any indication of a possibly hostile or violent situation.

Any person who makes threats, exhibits threatening behavior or engages in violent acts may be immediately removed from the premises. Violations of this policy will lead to disciplinary action up to and including termination of employment and may also result in arrest and prosecution. Non-employees engaged in violent acts on the County premises will be reported to the proper authorities and fully prosecuted.

## **RISK REDUCTION MEASURES**

### **Hiring**

Human Resources will take reasonable measures to conduct background investigations to review candidates' background and to reduce the risk of hiring individuals with a history of violent behavior.

### **Safety**

**Floyd County Government conducts annual inspections** of the premises to evaluate and determine any vulnerabilities to workplace violence or hazards. Necessary corrective action will be taken to reduce all risks.

### **Identifying Dangerous Situations**

Floyd County Government does not expect all employees to be skilled at identifying potentially dangerous persons, employees should watch for individuals who display signs of dangerous behavior including:

- Discussing or being exceedingly preoccupied with weapons or bringing them to the workplace when not job related.
- Displaying overt signs of extreme stress, resentment, hostility or anger.
- Making threatening remarks.
- Showing sudden or significant deterioration of appearance or performance.
- Displaying irrational or inappropriate behavior.

### **Handling Dangerous/Emergency Situations**

Employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm and notify their Elected Official/Department Head and/or security personnel. In emergency situations, employees should call 911. Employees who act in good faith by reporting real or implied violent behavior violations of this policy will not be retaliated against.

Any employee who is a part of a protective or restraining order is required to provide their Elected Official/Department Head with a copy of the order. The County will take reasonable steps to comply with the order.

## **21.6. ETHICAL RULES**

Floyd County officers, employees, and special appointees will comply with the rules endorsed by the State of Indiana for the State Officers, Employees, and Special Appointees.

## **21.7. MEDIA CONTACT**

All media inquiries should be directed to the President of the County Commissioners. Accordingly, Floyd County employees and non-elected Department Heads should not speak to the media on behalf of the County without first obtaining prior authorization from the President of the County Commissioners.

## **22. EMPLOYMENT TERMINATION**

### **22.1. AT-WILL EMPLOYMENT**

Employment with the County is AT-WILL, either the employee or the County may terminate the employment relationship, with or without cause, at any time.

### **22.2. VOLUNTARY RESIGNATION**

Floyd County requests that employees who voluntarily separate their employment give at least two (2) weeks written notice to their Elected Official/Department Head. This will assist with the transition of work and provide the County an opportunity to initiate a replacement.

Upon notice of voluntary resignation submitted by the employee, the employee's Elected Official/Department Head may elect not to have the employee continue to work for the entire duration of the notice period.

Employees who voluntarily resign while in good standing with the County and are "reinstated" within three (3) months following the effective date of the resignation will have their health benefits reinstated immediately and their original start date will be used to compute paid time off which will be earned on the employee's next anniversary date (i.e. original date of hire).

### **22.3. RETIREMENT**

Voluntary employment separation initiated by the employee meeting established state and/or County retirement criteria, such as age and length of service. Floyd County requests a minimum four (4) week notice from employees who intend to retire. This helps with the transition of work and provides the County time to start the replacement process.

### **22.4. POST-TERMINATION/SEPARATION PAY, BENEFITS AND PROCEDURES**

Employees will receive their final pay for all work performed through the employee's last day worked in accordance with applicable state law. The employee's termination/separation date for an employee is considered the last date of active employment. Active employment, for the purposes of this policy, would be the last day the employee reported to work.

Employees may not utilize vacation, sick or personal paid time off or other paid leave to extend their time of employment past their last work day. Any earned and/or unpaid paid time off leave will be administered in accordance with the respective policy. Employees should contact Human Resources for information regarding any benefit questions including whether the employee qualifies for COBRA continuing healthcare coverage.

Upon separation, employees must return any and all County property including, computer equipment, keys (and copies), key fobs, ID badge or credit card. Employees will be responsible for any lost or damaged items.



Prior to an employee's departure, an exit interview may be scheduled with Human Resources. Exit interviews are scheduled at the time of employment separation to afford an opportunity to discuss issues and employee benefits, return of County-owned property, reason for resignation and work environment. Suggestions, complaints and questions may also be expressed. Human Resources will follow up with the Elected Official/Department Head to review the exit interview for possible improvements that can be made to the position or department.

#### **22.5. DISCHARGE**

Involuntary employment termination initiated by the County.

#### **22.6. LAYOFF/REDUCTION IN FORCE (RIF)**

Involuntary employment termination initiated by the County for non-disciplinary reasons, which may include lack of work, lack of funds or projected lack of funds, job elimination and/or department reorganization.

#### **22.7. POST-EMPLOYMENT REFERENCES**

All employment reference checks requested by outside employers of current or former County employees should be forwarded to the payroll clerk in the Auditor's Office or Human Resources. No other Floyd County employee should provide a verbal or written reference for any current or former County employee. Responses to reference check inquiries will confirm dates of employment, wage rate and current /last position held. No other information will be released without a signed authorization from the current/former employee. Human Resources will not provide reference or employment information other than the information provided as specified in this policy; however, County will fully comply with all provisions of Indiana law regarding the release of information.

### **23. OPEN DOOR POLICY AND COMPLAINT RESOLUTION**

Employees are encouraged to bring any questions regarding policies or administration to the attention of their Elected Official/Department Head. Employees may also bring any policy or administration questions to Human Resources after consulting with their Elected Official/Department Head.

The County is concerned with any situation affecting the employment relationship. While it is inevitable that problems and misunderstandings may occur, we are committed to correcting any condition or situation that may cause unnecessary conflict. Therefore, the County encourages employees to voice their opinion or express dissatisfaction concerning unfair treatment or the administration of any County rule, policy or plan. Floyd County employees are free to raise any question or complaint without prejudice or fear of retaliation.

If the employee's immediate supervisor is the source of the problem or if the matter is not satisfactorily resolved, the employee should bring the matter to the attention of the employee's Elected Official/Department Head. If the employee's Elected Official/Department Head is the source of the

problem or if not satisfactorily resolved, the employee should bring the matter to the attention of Human Resources.

Not all concerns will be resolved to everyone's satisfaction. However, Floyd County will make all reasonable effort to resolve situations in the best interest of the parties involved.

## 24. DEFINITIONS

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

**Anniversary Date** - Your date of hire is your anniversary date. Your anniversary date is used to compute various conditions and benefits described in this Handbook.

**Attendance** - the action or state of regularly reporting to or being present at work at the beginning of your scheduled shift.

**At-Will Employment** - An employer has the right to terminate an employee at any time and for any (or no) reason. It also means that the employee has the right to terminate his or her own employment at any time and for any (or no) reason.

**Board Members** - A board member is an elected or non-elected person that sits on any county appointed board. For example, elected board members would include the Board of Commissioners and the County Council; non-elected board members would include the Soil and Water, Plan Commission, etc.

**Chief (First) Deputy to Elected Officials** - Elected Officials may appoint a First Deputy or Chief Deputy who will serve at the will of their Elected Official. **This position is authorized to perform the official duties of the Elected Official and is subject to the same rules, regulations and penalties as the Elected Official.**

**Confidential Matters** - Discussing or revealing confidential information with individuals outside or within Floyd County who are not authorized or have a need to know such information.

**Continuous County Employment** - Refers to a term of employment with the County which has been uninterrupted and during which the employee has not ceased employment with the County for any period of time.

**County or Floyd County Government** - Refers to all divisions of Floyd County Government as well as the Floyd County court system. The term includes the offices of the Assessor, Auditor, Board of Commissioners, Clerk, Coroner, Council, Courts, Prosecutor, Recorder, Sheriff, Surveyor, Treasurer and all other County offices.

**Criminal Activity** - Being convicted of or pleading guilty to a crime that reflects unfitness for the job or constitutes a threat to the safety or wellbeing of Floyd County or its employees, customers, or property or failing immediately to report an arrest, conviction, or guilty plea for any criminal conduct. Arrest for

conduct may also result in an unpaid suspension of job duties or discharge based on the County's independent investigation.

**Date of Termination** - Refers to the last date the employee actually physically worked for the County. Vacation or benefit leave may not be used towards determination of an employee's date of termination.

**Floyd County Board of Commissioners** - The Commissioners are the custodians of the employee policy and benefits of the county. Counties have three Commissioners, one from each district in the county and are the Legislative Authority for the County by State Statute.

**Floyd County Council** - The Council has the ultimate decision-making power regarding fiscal matters. The Council (Fiscal Authority for the County per State Statute) has authority to view or review fiscal matters, determine proper policy, and set priorities for the allocation and expenditure of county funds.

**Department Head** - A Department Head is a non-elected person or elected person who is placed in charge of a department. This person, if non-elected, is generally not required to live within the county in which they work.

**Dependent** - Someone who relies on others for support. A dependent can be a child, spouse, parent, etc. This person can rely on someone for financial, health, or other reasons.

**Detrimental Behavior** - Unlawful or improper statements about other employees or Floyd County practices that affect the County's reputation and goodwill or that of other employees.

**Dishonesty** - Falsifying, altering, or omitting information on an employment application, time record, or any other Floyd County record; giving false information to management personnel or concealing defective or erroneous work, damage, or other matters that may affect the County's services to the public and/or reputation (excluding matters arising under the National Labor Relations Act).

**Drugs and Alcohol** - Violating Floyd County's and/or the Federal or State Department of Transportation's Drug and Alcohol Abuse Policy.

**Elected Official** - An Elected Official is someone who is 'voted' into office by residents of the county and is responsible for the operation of the office for which he/she is elected. An Elected Official is required to live in the county in which they work.

**Employee** - Refers to a person employed by the County including appointed Department Heads, board members and supervisors. The term does not include Elected Officials.

**Equal Employment Opportunity/Anti-Harassment** - Floyd County's Equal Employment Opportunity/Anti-Harassment Policy.

**Excused Tardiness/Absenteeism** - The act of being late or having an unscheduled day off with approval.

**Exempt Employees** - An individual who is exempt from overtime provisions of the Fair Labor Standards Act (FLSA) because of his or her classification and meets the specific criteria for the exemption. With some limited exceptions, exempt employees must be paid on a salary basis. The County abides by State and Federal laws in regards to this.

**Failing to Remain Alert** - Failing to remain alert at all times while on duty.

**Failure to Cooperate** - Failing or refusing to cooperate in an investigation conducted by Floyd County (excluding issues arising under the National Labor Relations Act).

**Fighting** - Verbal or physical fighting, baiting, or other behavior that instigates fighting or other conduct that violates Floyd County's Workplace Violence Policy, if any.

**First Deputy or Chief Deputy** - This person is assigned by the Elected Official/Department Head. This person can work in place of the Elected Official/Department Head when needed.

**Full-Time Employee** - Any current employee who works 35 or more hours in a work week.

**Hourly** - An individual who receives an hourly wage for work performed. Generally, such individuals, because of the method of payment, are classified as Non-Exempt and are subject to the overtime provisions of the FLSA.

**Human Resources (HR)** - The department designated by the Board of Commissioners to manage the recruitment and employment process, benefit administration and employee relations. HR handles the onboarding and other matters in relation to new or previous County employees.

**Insubordination** - Failing to follow or comply with instructions, policies, department standards or work orders in a timely manner.

**Intern** - A student or other trainee who may or may not be paid to gain work experience.

**Mishandling Employer Property** - Mishandling, misusing, stealing or improperly accounting for Floyd County money, funds, or property.

**Non-Compliance with Laws/Regulations** - Failing to comply with local, state and federal laws and/or regulations.

**Non-Exempt Employees** - An individual who is not exempt from the overtime provisions of the FLSA and is therefore entitled to overtime pay for all hours worked beyond 40 in a workweek (as well as any law enforcement overtime provisions). Non-Exempt employees are generally paid on an hourly or other basis. The County abides by State and Federal laws in regards to this.

**Open Door Policy** - A communication policy in which an Elected Official/Department Head leaves their office door "open" in order to encourage openness and transparency with employees.

**Part-Time Employee** - An individual who, as a condition of employment, is generally scheduled to work 28 or fewer hours in a week. These employees are not eligible for benefits.

**Poor Attendance** - Engaging in a pattern of absenteeism/tardiness/leaving early/taking unauthorized or extended breaks.

**Poor Performance** - Failing to produce quality and timely work or meet performance expectations.

**Paid Benefit time off** - Any paid time off which may include sick, personal, vacation, or comp time for eligible employees.

**Public and Co-Worker Relations** - Treating the public or fellow employees positively and with respect; having proper and professional interactions or communications with Elected Officials/Department Heads; appropriate use of property belonging to a co-worker or the public; or otherwise engaging in conduct that supports Floyd County's goals and objectives.

**Safety** - Both physical and psychological safety means having a workplace that is reasonably free from danger to all employees and visitors and actively preventing (in accordance with the County policies and practices) the workplace from becoming unsafe.

**Salary** - An individual who receives the same pay from week to week regardless of how many hours he / she works. Exempt employees must be paid on a salary basis, as discussed above.

**Seasonal/Temporary Employee** - Any employee who works as many hours as needed a week but only works for the County for a 3-7 month period. This can be a part-time or full-time position.

**Supervisor** - The person who is in charge of specific tasks or areas within a department. This may or may not be the Elected Official/Department Head.

**Tardiness** - The act of being late without prior approval.

**Unauthorized Use of Employer Time/Property** - Using Floyd County time or property for non-work related activities such as gambling, soliciting, using the Company's electronic communications systems, etc.

**Unexcused Tardiness/Absenteeism** - The act of being late or having an unscheduled day off without prior approval.

**Work Week** - The number of days and hours an employee is scheduled in a week. This will vary between departments and schedules.

## EMPLOYEE HANDBOOK ACKNOWLEDGMENT

I hereby acknowledge that I have received and read this Employee Handbook (“Handbook”) of Floyd County Government and understand and agree that it is my responsibility to comply with the rules, policies and procedures contained herein.

I understand that this Handbook and all other written materials provided to me are intended for informational purposes only. Neither this Handbook or any other County rule, procedure, practice or communication is intended to create an employment contract or a guarantee of employment for a specific duration or term. I further understand that no employee or representative of the County, including any Elected Official or Department Head, has the authority to enter into any agreement for employment for any specified period of time or to make a guarantee concerning the terms or conditions of employment or make any agreement contrary to the foregoing.

I understand this Handbook replaces and/or supersedes all other previous Handbooks and/or policies. I understand that the policies and benefits, both in this Handbook and those communicated to me in any other fashion, are subject to interpretation, review, removal, modification or amendment by County Commissioners at any time without notice.

I further understand that I am an at-will employee and that neither this Handbook nor any other communication is intended to modify or alter the “at will” employment relationship. Accordingly, I acknowledge and understand that my employment may be terminated by me or the County “at will”, at any time with or without cause, reason or notice.

---

Employee’s Name in Print

---

Signature of Employee

---

Date Signed by Employee

**TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE**