

# **1. PERSONNEL POLICIES HANDBOOK**

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

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

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

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

No employee handbook can anticipate every circumstance or question about policies. As the County continues to grow, the need may arise to change policies described in the handbook. Switzerland County therefore reserves the right to revise, supplement, or rescind any policies or portion of the policies from time to time as it deems appropriate, in its sole and absolute discretion. Employees will, of course, be notified of such changes as they occur. Employees will be required to review changes electronically and sign an acknowledgement form at the time of the revisions. All acknowledgement forms will be maintained in the employee's personnel file.

Discrepancies between summary policies such as insurance policies, and actual terms shall be governed by the actual terms of the underlying, more detailed plan documents. Any questions regarding summaries of their underlying policies and procedures, if applicable, and any discrepancies between them should be directed to your elected official/department head.

## **1.2 EXCEPTIONS AND SPECIAL CONDITIONS**

Switzerland County's employment practices and policies will apply equally to all employees, of all departments, unless exempted by law, contract, or the terms of a policy.

Where federal and state laws or regulations supersede Switzerland County policies, employees will be instructed to observe the requirements of these state and federal laws. All elected officials are excluded from the provisions of these County personnel policies except as noted.

### **1.3 "SWITZERLAND COUNTY" DEFINED**

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

### **1.4 PERSONNEL ADVISORY COMMITTEE**

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

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

The Switzerland County Personnel Advisory Committee shall serve yearly and be comprised of three (3) members. The members of the Personnel Advisory Committee shall be one (1) County Commissioner (appointed by the County Commissioners), one (1) member of the County Council (appointed by the County Council), and the Human Resources Director. If the County does not have a person designated as the Human Resources Director then the County Administrator shall serve as member, otherwise the County Administrator shall serve as an ex-officio member. If the County does not have a person designated as the Human Resources Director and does not have a County Administrator then the Council will appoint one additional Council member to serve until such time as a Human Resource Director or County Administrator is appointed. The Auditor or Auditor's Payroll Deputy shall be the Committee Secretary by virtue of the position.

### **1.5 EQUAL EMPLOYMENT OPPORTUNITY**

It is the policy of the County of Switzerland to provide equal opportunity in employment to all employees and applicants for employment and to prohibit discrimination in

employment because of race, creed, religion, color, gender, sexual orientation or gender identity, age, national origin, disability, military status, or any other classification protected under applicable law.

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

## **1.6 MANAGEMENT RIGHTS**

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

1. The right to direct the work of its employees.
2. The right to establish policy.
3. The right to maintain the efficiency of public operations.
4. The right to design and implement safety programs for employees.
5. The right to design and implement job training for employees.
6. The right to determine what services shall be rendered to the public.
7. The right to determine job content and job descriptions.
8. The right to determine and implement objectives and goals of the County.
9. The right to establish, allocate, schedule, assign, modify, change, and discontinue County operations, work shifts, and working hours.
10. The right to establish, change, and discontinue work standards.
11. The right to hire, examine, classify, train, transfer, assign, and retain employees; suspend, discharge, or take other disciplinary action against employees in accordance with applicable law and to relieve employees from duties due to disciplinary reasons or other legitimate reasons; and make promotions and demotions.
12. The right to change, modify, and alter the composition of the work force.
13. The right to determine, establish, and implement policies for the selection, training, and promotion of employees in accordance with applicable law.
14. The right to establish, implement, modify, and change procedures and policies for the safety, health, and protection of County property and personnel.
15. The right to adopt, modify, change, enforce, or discontinue any existing rules, regulations, procedures, and policies.
16. The right to establish, select, modify, change, or discontinue equipment, materials, and the layout and arrangement of equipment.
17. The right to determine the size and character of inventories and their disposal.

18. The right to control the use of property, machinery, inventories, and equipment owned, leased, or borrowed by the County.
19. The right to determine the location, establishment, and organization of new departments, divisions, subdivisions, or facilities thereof, and the relocations of departments, subdivisions, locations, and the closing and discontinuance of same; and
20. The above enumeration of management rights is not inclusive of all such rights and all rights granted the County by constitution, statute, charter, ordinance, or in any manner are retained by the County.

## **1.7 PRODUCTIVE WORK ENVIRONMENT**

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

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

Switzerland County employees must cooperate and align with the County in its compliance with the Immigration Reform and Control Act of 1986 and in verifying employment eligibility. New employees shall complete an I-9 form and show proof of identity and employment eligibility within the first three (3) days of employment. Applicants who refuse to or are unable to supply the documentation necessary to prove that they are American citizens or aliens authorized to work in this country will be dropped from consideration for the position. I-9 forms are maintained by the Human Resource Director's Office.

Former employees who are rehired must also complete the I-9 form if they have not completed an I-9 with the County within the past three years, or if their previous I-9 is no longer retained or valid. Employees with questions or seeking more information on immigration law issues are encouraged to contact the Human Resources Director. If the County does not have a person designated as the Human Resources Director then the employee should contact their Department Head, the County Administrator and/or the County Attorney. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

## **1.9 E-VERIFY**

The Human Resource Director shall administer the **e-verify enrollment** of all County new-hires; and shall ensure that appropriate forms are properly completed and retained as require by law.

## **2. EMPLOYMENT POLICIES**

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

### **2.1 RECRUITMENT**

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

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

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

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

### **2.2 EMPLOYMENT APPLICATIONS**

All applicants for all positions are required to complete a Switzerland County Employment Application. Prospective employees may only complete and submit a job application in conjunction with a posted position. This standardized job application form shall be submitted to and maintained by the Human Resources Office or the County Administrator. The Human Resources Office or the County Administrator shall provide elected officials/ department heads with copies of all submitted applications.

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

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

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

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

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

Applications will be retained in active files for forty-five (45) days, or for the duration of applicant recruitment lists when used. Applications shall be returned to the Human Resources Office or the County Administrator prior to hiring or being placed on the County payroll. All newly hired employees shall report to the Human Resource Director's or the County Administrator's office to submit documents necessary for compliance with federal, state, and local law and for enrollment in any eligible benefit programs and to complete new hire onboarding. If a Human Resources Director or County Administrator is not available the employee should report to the Auditor's office.

By complying with these requirements, the goal is to align with the FLSA as well as Title II of The Americans With Disabilities Act (ADA), ADA, and ADEA in the entirety as written

### **2.3 APPLICANT TESTING**

Applicant tests including, but not limited to, basic skills written tests, mechanical or physical agility, drug/alcohol testing, and psychological tests may be used by the County in the selection process for certain positions. Such tests are to be related to the requirements of the position. The County Commissioners must approve the use of any tests for prospective employees.

### **2.4 PRE-EMPLOYMENT INTERVIEWS**

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

The Human Resources Department is available to assist and advise in the selection process through conducting pre-employment interviews upon request.

### **2.5 CONDITIONAL OFFER OF EMPLOYMENT**

Applicants selected for employment by the Department Head / Elected Official may receive a conditional offer of employment conditioned on the successful completion of all established prerequisite requirements of the position, which may include passing medical, physical, and mental examinations or requirements. All applicants receiving a conditional offer of employment shall be required to pass a criminal background check. Positions in which an employee will be required to handle County money are subject to mandatory credit checks before the offer of employment will be issued. Any employee required to operate a County vehicle will be required to pass a motor vehicle check and drug/alcohol screening prior to the offer of employment being issued.

Applicants who receive a conditional offer of employment are not employees of the County unless they receive an official letter of employment. Switzerland County may withdraw the conditional offer of employment at any time for any reason, except as otherwise prohibited by law.

## **2.6 OFFER OF EMPLOYMENT**

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

The Offer of Employment will outline:

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

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

The Offer of Employment shall be signed by the applicant, authorized official, and the Human Resource Director before the applicant is considered an employee of Switzerland County. The Offer of Employment form will be maintained by the elected official, department head or their designee, and the Human Resource Director. The offer letter will be stored in the employee's personnel file as required and is best practice.

## **2.7 MEDICAL EXAMINATIONS**

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

After a conditional offer of employment has been extended, applicants may be required to undergo a pre-employment medical examination by a health professional of the County's choice, at the County's expense. (Refer to forms "Conditional Offer of Employment" and "Medical Review.")

Employees shall be required to submit to fitness for duty evaluations prior to returning from military leave as outlined in section 4.5 of the handbook or employee illness or injury leave under the Family and Medical Leave Act (FMLA), or to meet terms and conditions associated with performing job duties. Applicants for safety sensitive positions shall be required to submit to a drug test prior to being hired by the County as described in section 5.8.2 of the handbook.

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

## **2.8 EMPLOYMENT CATEGORIES**

It is the intent of the County to clarify the definitions of employment classifications; therefore, employees understand their employment status and benefit eligibility. Each employee is assigned to one of the following employment categories. **Any changes to an employee's employment category shall be in writing. No change in employment status is to be construed or inferred without written notification.**

**REGULAR FULL-TIME** employees are those who are not in a part-time status and who are regularly scheduled to work the County's full-time schedule of at least thirty six (36) hours per week. They are eligible for the employer's benefit package subject to the terms, conditions, and limitations of each benefit program. Regular full-time employees include exempt and non-exempt classifications. The County Council sets full-time compensation rates annually for all positions.

**FULL TIME AFFORDABLE CARE ACT** employees are those who are not in a part time or temporary status and who are regularly scheduled to work at least thirty (30) hours or more per workweek. These employees are eligible for legally mandated benefits such as Worker's Compensation, Social Security benefits, and certain County benefits such as Health Insurance subject to the terms, conditions, and limitations of each benefit program. Affordable Care Act employees are not eligible for any other County benefits provided.



**PART-TIME** employees are those who are not assigned to a regular full-time position and who work an average of less than twenty-nine (29) hours per week. While they do receive all legally mandated benefits (such as workers' compensation and Social Security benefits), they are ineligible for the County's other benefit programs. The County Council sets the part-time compensation rates annually for all positions.

**TEMPORARY** employees are those who are hired as interim replacements to temporarily supplement the workforce, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration and may work a schedule up to or exceeding forty (40) hours during a work week.

Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until notified of a change. While temporary employees receive all legally mandated benefits (such as workers' compensation and social security), they are ineligible for all of the County's other benefit programs.

It is the policy of the County that a Temporary employee who works for (120) days in a calendar year shall not be rehired by the County without a minimum of six (6) months separation period between temporary engagements.

### **2.8.1 Highway/Soil and Water Conservation**

A full-time Highway and Soil and Water Conservation department employee is defined as an employee working forty (40) hours per week. An employee's position must be established by the Commissioners and County Council and paid at the rate set forth in the salary ordinance.

A part-time Highway department employee is defined as an employee working less than forty (40) hours per week. An employee's position must be established by the Commissioners and County Council and paid at the rate set forth in the salary ordinance.

### **2.8.2 Courthouse/Heath Department Nurse Managed Clinic/Purdue Extension**

A full-time employee is defined as an employee working thirty-six (36) hours or more per week. An employee's position must be established by the Commissioners and County Council and paid at the rate set forth in the salary ordinance.

A part-time employee is defined as an employee working less than thirty-six (36) hours per week. An employee's position must be established by the Commissioners and County Council and paid at the rate set forth in the salary ordinance.

### **2.8.3 Volunteers**

Switzerland County residents inquiring about volunteer opportunities shall be directed to the Human Resources Office or the County Administrator's Office for information and to complete the volunteer acknowledgment form.

### **2.8.4 Part time to Full time Status**

Employees transferring from a Part-time or ACA Full-Time status to a Regular Full-time position will be notified in writing with their new hire date for calculation of benefits, and benefits eligibility summary. The employee's new hire date for calculation of PTO purposes will be the date the employee physically begins work in the full-time position.

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

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

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

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

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

Requests by elected officials/department heads for reference, background, and/or credit checks on applicants should be directed to the Human Resources Director or the County Administrator.

## **2.10 PERSONNEL FILES**

The employment selection procedure shall be documented and recorded and shall remain strictly confidential. Accurate personnel records shall be kept on file for each employee for a period of not less than seven (7) years and archived/maintained by the County for not less than ten (10) years after termination of employment and should be used to substantiate and support the employment decision in the event of inquiry.

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

1. **Personnel File:** Each employee's personnel file shall contain the employee's employment application/resume, emergency information sheet, employment data information sheets concerning history of employment, documentation of performance and salary increases, education accomplishments, records of training, and handbook acknowledgment form, offer letter, all other new hire onboarding paperwork, and shall be maintained in the Human Resource Director's Office. Certain documents in this file shall be deemed confidential and released only to persons on a need-to-know basis.
2. **Administrative File:** The administrative file shall contain disciplinary records, and other documentation concerning disciplinary actions, including grievance, absences, tardiness, and other related data.

This confidential file shall be deemed exempt under the Indiana Public Records Law. This file shall be maintained by the elected officials/department heads, with copies provided to the Human Resource Director's Office.

3. **Confidential Medical File:** The employee's confidential medical file shall contain all medical information, insurance enrollment forms retirement enrollment forms, beneficiary forms, including disability information, ADA accommodations, workers' compensation documents, results of alcohol and drug tests, and other medical related information. This confidential file shall be deemed exempt under the Indiana Public Records Law. This file shall be maintained by the Human Resource Director's Office.
4. **Commercial Driver's License Records:** The Highway Department shall maintain CDL records according to the Federal Highway Administration requirements. This file shall be updated each calendar year.
5. **I-9 File:** The I-9 file shall contain the I-9 forms. This file shall be maintained in the Human Resource Director's Office. At their discretion, the Human Resource Director may choose to maintain a confidential I-9 binder for the purpose of streamlining I-9 storage and auditing functions.

## 2.11 ACCESS TO PERSONNEL FILES

Access to confidential personnel files shall be limited to the employee, the elected official/department head of the employee, the County Auditor, County Attorney, Human Resources Director, and other persons authorized by the County Attorney on a need-to-know basis. The Human Resource Office shall not provide any information pursuant to a

subpoena or court order sooner than ten (10) calendar days after the date of receipt. Within five (5) calendar days of the receipt of the subpoena, the County Attorney shall notify the affected employee(s) of the subpoena to permit the employee(s) to seek any appropriate judicial relief.

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

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

## **2.12 PERSONAL INFORMATION CHANGES**

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

Employees requesting a change in their payroll withholding or voluntary deductions shall make the request in person in the Auditor's Office or in the time keeping system of the county via their employee portal. No changes will be accepted through any other names.

## **2.13 ORIENTATION/EXIT INTERVIEWS**

Elected Officials/department heads are encouraged to conduct an informal orientation to familiarize a new employee with the County. In alignment with IC S 5-11-1-27, each new hire will be trained on the County's Internal Control Protocol as part of orientation as well as onboarding with the Human Resource Director. Once employed by the County, the employee will receive an electronic copy of the Switzerland County Personnel Policies Handbook and any applicable workplace rules, including the drug-free workplace policy. It is the responsibility of the employee to read and understand the Personnel Handbook. Each employee shall print and sign the Employee Acknowledgment form; periodic updates will also be acknowledged.

Upon termination of the employment relationship with an employee, an exit interview should be scheduled with the Human Resources Director, the County Administrator, or the department head. The elected official/department head shall notify the Auditor and Human Resources Director of employee terminations. Upon termination, employees are

directed to contact the Human Resources Office, the County Administrator, or the County Attorney regarding compensation and the status of any County benefits. It is recommended that before any termination, each department head / elected official consult with the Human Resources Director, the County Administrator, and/or the County Attorney to ensure alignment with county, state, and federal guidelines and regulations.

## **2.14 PERFORMANCE EVALUATION**

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

Formal performance evaluations shall be conducted on an annual basis and submitted prior to budget hearings.

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

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

An employee may hold a job with another organization as long as they, in the opinion of the Elected Official/Department Head, satisfactorily performs their job responsibilities with the County. Employees should consider the impact that outside employment may have on their ability to efficiently perform their work, as well as any conflicts of interest that may arise. All employees will be judged by the same performance standards and will be subject to the employer's scheduling demands, regardless of any existing outside work requirements.

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

If the County determines that an employee's outside work interferes with performance or the ability to meet the requirements of the County as they are modified from time to time, the employee may be asked to terminate the outside employment if they wish to remain employed with the County.

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

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

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. Conflicts of interest are defined by Indiana Code 36-1-20.2 which may, under some circumstances, prohibit a transaction or require written disclosure and approval before a contract or transaction is entered. The County will follow the state statute regarding conflicts of interest. Employees may refer questions about actual or potential conflicts to the Clerk's office.

## **2.16 REQUESTS FOR INFORMATION**

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

## **2.17 LAYOFF AND RECALL**

Switzerland County maintains the right to manage and adjust its workforce. Examples of reasons when a reduction might occur include, but are not limited to:

1. Lack of work.
2. Lack of funds or projected lack of funds.
3. Job abolishment; and/or
4. Reorganization.

Whenever a reduction is necessary, the County will determine the classifications in which the layoffs shall occur and the number of employees to be laid off in each department. Determinations on which employees will be laid off will include considerations of employee performance evaluations, employee qualifications, length of continuous

service, and operational needs of the County. Compensation for an employee separated due to a layoff will be made on the next scheduled payday. The final check will include accrued and unused PTO time, as appropriate.

Each recalled employee shall be allowed ten (10) calendar days from the date of receipt of a certified letter explaining the recall to return to work. Any recalled employees needing more than ten (10) days to report to work must have written approval from their elected official/department head. Any employee accepting or declining reinstatement to the same classification from which the layoff or displacement initially occurred shall be removed from eligibility for further recall.

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

In the event that a full-time employee is elected to a full-time Switzerland County elective office they shall be compensated for any accrued and unused PTO as outlined in the PTO policy. Also, if such elected official returns to a non-elective full-time position their time in elective office shall count as years of service for the purposes of determining the amount of eligible PTO, longevity, or other benefits based on years of service with the County.

## **2.19 NEPOTISM**

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

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

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

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

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

An elected official or department head that is in violation of this policy may be subject to penalties for perjury which is a level 6 felony with up to three (3) years prison sentence. The County's failure to adopt policies under Indiana Code 36.1.20.2 (Nepotism) will result in the Department of Local Government Finance not approving the County's budget or any additional appropriations for the ensuing calendar year until the State Board of Accounts certifies the County is in compliance.

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

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

A volunteer firefighter may not assume or hold a position on the executive, legislative, or fiscal body of the County if the County receives fire protection services from the department in which the volunteer firefighter serves. Fire protection services provided under mutual aid agreements are excluded. An employee or volunteer who assumes or holds an elected office on January 1, 2013 may continue to hold the office and be employed by the County or serve as a volunteer firefighter until the expiration of the term of office.

## **2.21 CONTRACTING WITH THE COUNTY**

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

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

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

An elected official that is in violation of this policy may be subject to penalties for perjury which is a level 6 felony with up to three (3) years prison sentence. The County's



Switzerland County  
Personnel Policies Handbook  
Revised 11-20-23

failure to adopt policies or failure to include a statement in the R-100 Personnel Report under Indiana Code 36-11-21 (Contracting with a Unit) will result in the Department of Local Government Finance not approving the County's budget or any additional appropriations for the ensuing calendar year.

### **3. SALARY ADMINISTRATION**

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

#### **3.1 NORMAL WORKWEEK**

The normal workweek begins on 12:01 a.m. on Saturday and ends at 12:00 midnight on the following Friday.

#### **3.2 WORK HOURS**

**Courthouse, Extension, Soil & Water, Health Department, and Nurse Managed Clinic:** Beginning February 1, 2023 and for the calendar year of 2023 the following work hours are established:

Beginning January 1, 2024 the following work hours are established: Monday – Friday 8:00 a.m. to 4:30 pm. A normal week’s work will consist of forty (40) hours per week. Employees shall have a thirty minute or ½ hour unpaid meal period each workday.

**Highway:** 7:00 a.m. to 3:30 p.m., with one-half (1/2) hour unpaid lunch time.

**SCER:** All full-time SCER employees’ work week is defined as two (2) twenty-four (24) hour shifts or (2) days per week. The hours scheduled for full-time EMS employees includes a total of 48 hours in a single week.

##### **3.2.1 Lactation Support**

Switzerland County shall provide for reasonable paid breaks for employees to express breast milk for their infant child for one (1) year after the child’s birth each time such employee has need to express the milk. The break time must, if possible, run concurrently with any break time already provided to employees. The County is not required to provide break time under this section if providing break time would unduly disrupt the operations of the County. It is the responsibility of the employee to inform their supervisor of this need.

Switzerland County shall make reasonable efforts to provide a room or other location, other than a toilet stall, in close proximity to the work area, where employees can express their breast milk in privacy during any period away from their assigned duties which is shielded from view and free from intrusion from coworkers and the public.

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

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

- a) The expressing of employees' breast milk; or
- b) The storage of expressed milk.

### **3.3 JOB DESCRIPTIONS**

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

New job descriptions or any modifications to existing job descriptions shall be submitted to the Human Resources Department, County Administrator, or County Attorney for approval by the County Council.

### **3.4 COMPENSATION**

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

The supervising elected official, or administrator may make suggestions about salary compensation and other pay system concerns; however, the final decision regarding compensation levels rests with the Switzerland County Council. Switzerland County Council adopts an annual salary ordinance establishing pay rates for all County positions, except as provided by law.

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

### **3.5 WAGE POLICY**

Employees violating the Paid Time Off (PTO) policy of the County shall be penalized as follows:

- A. Unauthorized time away from work shall be subtracted from existing PTO.
- B. If employees paid an hourly wage have no existing leave time as described above, unauthorized time from work shall be deducted from their wages.
- C. For employees paid at a salary rate with no existing leave time as described above, the penalty shall be computed by the normal work hours in a year divided into the gross annual salary to determine the hourly rate of pay.
- D. The wages of an elected official cannot be deducted, as set by law.

Additional disciplinary actions may be taken for violations of the PTO policy, up to and including termination of employment with Switzerland County.

### **3.6 FLSA TIMEKEEPING**

Accurately recording time worked is the responsibility of every employee. 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.

All employees must accurately record the time they begin and end work each day by utilizing the county's time and attendance system, ADP. They must also record the hours of any departure or absence from work for personal reasons via the county's time and attendance system, ADP. Overtime work must always be approved before it is performed and an unencumbered balance must exist in the budget for that department for overtime purposes. Elected Officials/Department Heads are responsible for monitoring PTO balances per employee via the county's time and attendance system, ADP. At the end of every calendar year, the employee and Elected Official/Department Head shall be required to sign the summary in acknowledgement of agreeing to the remaining balances. The summary document will be kept in the employee's personnel file stored in the Human Resource Director's office.

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

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

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

3. Birth date if younger than 19;
4. Sex and occupation;
5. Time of day of week when employee's workweek begins, hours worked each day, and total hours worked each workweek;
6. Basis on which the employee's wages are paid;
7. Regular hourly rate;
8. Total daily or weekly straight-time earnings;
9. Total overtime earnings for the workweek;
10. All additions to or deductions from the employee's wages;
11. Total wages paid each pay period; and
12. Date of payment and the pay period covered by the payment.

### **3.7 INDIANA TIMEKEEPING REQUIREMENTS**

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

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

Every employee is responsible for accurately recording their time worked via the county time keeping system.

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

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

### **3.8 WORK TIME RESTRICTED**

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

### **3.9 ROUNDING**

Time is to be recorded to the quarter hour, using the seven (7) minute rule (i.e. leeway of seven [7] minutes before and seven [7] minutes after scheduled start and stop times). All employee work commenced more than seven (7) minutes before the start time work hour

will be paid on a quarter hour schedule; all employee work continued more than seven (7) minutes after the end of the last work hour will be paid on a quarter hour schedule.

### **3.10 MULTIPLE POSITIONS**

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

### **3.11 TIMESHEETS**

It is the responsibility of all employees, except elected officials, to properly record the time that they have worked during a payroll period. Any used PTO or any other approved leave must be listed where indicated. At the end of the reporting period, the employee will sign the timesheet, verifying its accuracy via the county's time keeping system, ADP.

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

Elected Officials/Department Heads are responsible for maintaining and monitoring balances of PTO per employee in the county time keeping system, ADP. At the end of every calendar year, the employee and Elected Official/Department Head shall be required to sign the summary in acknowledgement of agreeing to the balances.

If corrections or modifications are made to a timesheet, both the employee and the elected official/department head should verify the accuracy of the changes in the county time keeping system. Should an employee fail to initial such a timesheet the record shall be submitted by the elected official/department head with an acknowledgment that the employee has reviewed the modification. Failure by an employee to submit a timesheet or follow protocol within the county's time keeping system when required or submitting a falsified timesheet may result in disciplinary action.

For detailed instructions on how and when to complete timesheets, employees should consult with their elected official/department head, Human Resources Director, or the County Auditor.

#### **3.11.1 Time Records**

Time records for all part-time and full-time employees in the Courthouse shall be recorded and kept via the county time and attendance system by the supervisor in charge and payroll vouchers shall be submitted to the County Auditor's Office each pay period.

### **3.12 PAYDAYS**

Employees are paid bi-weekly on every other Friday by direct deposit. Paychecks are issued by the County Auditor. Paychecks compensate employees for work performed in the pay period immediately proceeding the day that the check is issued.

In the event that a regularly scheduled payday falls on a holiday, pay will be direct deposited on the next business day.

### **3.13 PAY CORRECTIONS**

Switzerland County takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck, and that employees are paid properly on the scheduled payday. The County prohibits improper deductions from wages. Any employee who thinks that they have had incorrect deductions from their paycheck or was not paid the proper amount should give notice on the day of receipt of such pay or any day thereafter, in writing, to their department head with a copy of the notice sent to the Auditor's Office.

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

### **3.14 PAY DEDUCTIONS/GARNISHMENTS**

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

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

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

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

When decreed by court order of state law, including past due taxes, the County will deduct an amount determined by the Court or the state from the gross wages of the employee.

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

Employees requesting a change to their payroll withholding or voluntary deductions shall make the request in person in the Auditor's Office or in person through their Elected Official/Department Head. No changes will be accepted through other names.

### **3.15 OVERTIME COMPENSATION**

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

Employees holding **NON-EXEMPT** positions are entitled to overtime pay or compensatory time off under the specific provisions of federal and state laws. All positions within the County except those listed under Exempt or Excluded are considered Non-Exempt and are entitled to overtime pay.

Employees holding **EXEMPT** positions are excluded from specific provisions of federal and state wage and hour laws and are not entitled to overtime compensation. Exempt employees must maintain time keeping records to satisfy Indiana statutes governing public sector employers.

Employees holding **EXCLUDED** positions include elected officials, their policymaking appointees, and their personal staff and legal advisors. These employees are not covered by the FLSA and are not eligible for or entitled to receive overtime compensation or compensatory time off. Excluded employees except for elected officials must maintain time keeping records to satisfy Indiana statutes governing public sector employers. Elected Official positions within the County are considered Excluded and are not entitled to and shall not receive FLSA overtime compensation.

Switzerland County recognizes the highway and transportation department as a vital part of the infrastructure of the entity. Due to the nature of the duties performed and in acknowledgement of the unpredictability of the weather and response hours necessary by the highway and transportation, the following carve



out option for compensatory pay has been made for the Highway and Transportation Department employees.

As a provision of this handbook, Highway and Transportation employees will be allowed to accrue up to 80 hours of compensatory time during a calendar year. After accruing 80 hours of compensatory time, monetary compensation is required. Employees must agree to the receipt of compensatory time in lieu of overtime pay. The calculation of compensatory time is based on actual hours worked. Paid leave time off such as holidays, vacation days, sick days, compensatory time, or personal days shall not count as hours worked for the purpose of calculating overtime.

Compensatory time may be used in 1-hour increments and must be taken / used / paid within one calendar year from the accrual date. No compensatory time is available for roll over. An employee should be allowed to use his or her compensatory time within a reasonable period upon making a request unless doing so would unduly disrupt the County's operations.

A proper request must be submitted and approved by the Highway Superintendent. The Highway Superintendent Department shall maintain an accurate and current record of all accrued compensatory time utilizing the county's timekeeping system.

Employees who transfer from the highway and transportation department office to another County department shall exhaust any accrued compensatory time or be compensated for any accrued compensatory time prior to the transfer to the new office or department.

### **3.15.1 Overtime**

In the event that an elected official/department head requires a non-exempt employee to work overtime with prior approval and appropriation by the County Council, such employee shall be granted overtime compensation in the form of monetary reimbursement at the rate of one hour for each hour worked for the additional hours up to forty (40) and one and one-half (1 ½) times the amount of hours worked in excess of forty (40) hours in a workweek. Overtime monetary reimbursement is based on actual hours worked in combination with approved PTO. Time off for bereavement leave, jury duty, and paid holidays shall not be considered hours worked for calculating overtime.

#### **3.15.1(A) Overtime calculations examples**

- (1) A Courthouse employee works a schedule of 36 hours per week. Per policy, the employee has scheduled a PTO day off ahead of

time with their Department Head/Elected Official for Friday. On Monday the employee has to stay over 3 hours.

Employees time record:

Monday 10 hours worked  
Tuesday 8 hours worked  
Wednesday 7 hours worked  
Thursday 7 hours worked  
Friday 7 hours PTO used

Actual hours worked: 32 hours  
Actual PTO hours used: 4 hours

Due to the additional hours worked on Monday, the employee's PTO hours is reduced to 4 hours, and the employee is compensated for 36 hours at straight time.

- (2) An employee in the Courthouse works a schedule of 36 hours per week. The employee is called for jury duty and misses 4 hours on Thursday. The employee comes in to work at noon on Thursday and works 7 hours.

Employees time record:

Monday 7 hours worked  
Tuesday 8 hours worked  
Wednesday 7 hours worked  
Thursday 7 hours worked  
Friday 7 hours worked

Actual hours worked: 36 hours

The employee is not entitled to overtime compensation because they did not physically work more than their scheduled 36 hours. The employee will be monetarily compensated for all hours physically worked (36 hours) and will receive monetary compensation for serving jury duty as specified in the policy.

- (3) A Health Department employee works a schedule of 36 hours per week. On Wednesday, they have an evening Health Board meeting scheduled for 2 hours. To avoid overtime pay, the Department Head has arranged for the employee to arrive 2 hours late on Thursday morning.

Employees time record:  
Monday 7 hours worked  
Tuesday 8 hours worked  
Wednesday 9 hours worked  
Thursday 5 hours worked  
Friday 7 hours worked

Actual hours worked: 36 hours

The employee is not entitled to overtime compensation because they did not physically work more than their scheduled 36 hours.

### **3.15.2 Overtime Approved in Writing**

All overtime compensation shall be approved in writing by the employee's supervisor at the time it is granted. The elected official/department head is required to receive approval and appropriation from the County Council prior to assigning overtime work. A copy shall be maintained in the department of the employee with a copy provided to the Auditor's Office to be placed in the employee's personnel file.

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

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

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

## **3.16 EMERGENCY CLOSING**

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

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

If an employee is required to work at a closed facility, the employee shall be additionally compensated for all such hours worked at their normal rate of pay. For example: if an employee's facility is officially closed by County Commissioners prior to the start of the

workday the employee will receive monetary compensation for their regular shift and will also be compensated for all hours required to work (double time). Such work must have prior approval by the County Commissioners.

Any employee who reports to work and their work facility is later closed due to an emergency after their arrival shall be paid for a full workday without being penalized by use of PTO or making up this time within the pay period.

However, if a full-time employee does not report to work on a day in which the facility is later closed, time missed will be charged PTO. If a part-time employee cannot report to work, time missed will not be paid.

### **3.17 HEALTH PANDEMIC EMERGENCY CLOSING**

When a health pandemic has been declared by the State of Indiana, County Commissioners may alter, modify, and suspend necessary procedures recommended by the County Health Department, the Indiana State Health Department, and Centers for Disease Control.

The County Commissioners will consider all guidelines and directives provided by the County Health Department, the Indiana State Health Department, and Centers for Disease Control to determine facility closures.

When County facilities are officially closed by the County Commissioners for health pandemic conditions, the time off from scheduled work will be paid to all full time employees affected by the facility closing.

The County Commissioners will identify essential employees that will be required to work or telecommute during the health pandemic emergency closing. Essential employees will be determined based upon the circumstances of each health pandemic. Essential employees that are required to work will receive straight time pay.

During any health pandemic emergency closure, the County Commissioners will establish restricted travel policies, meeting protocols, and health precautions for employees and facilities. The County Commissioners may establish protocols to reduce employee exposure to the public.

### **3.18 TEMPORARY REMOTE WORK POLICY**

In the event of a health pandemic or FMLA qualifying condition, the County may require essential employees to temporarily perform County job duties remotely to ensure continuation of office/department essential services. Elected Officials/Department Heads are required to develop a temporary remote work plan that specifies work hour expectations, assignments, and timeline completion of specific duties prior to authorizing remote work.

### **3.19 EMPLOYMENT TERMINATION**

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

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

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

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

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

All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee so chooses. The employee should contact the Human Resources Department, the County Administrator, or the County Attorney for information regarding any benefits that may be continued and of the terms, conditions, and limitations of such continuance.

Prior to an employee's departure, an exit interview may be scheduled with the Human Resources Director or the department head.

### **3.20 RETURN OF PROPERTY**

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

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

## **4. EMPLOYEE BENEFITS**

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

### **4.1 PAID TIME OFF (PTO)**

*\* This Policy replaces any and all previous vacation, personal leave, and sick leave policies\**

Switzerland County provides Paid Time Off (PTO) benefit to eligible regular full-time employees. Full time affordable Care Act (FTACA), temporary employees, or part-time employees are not eligible to accrue Paid Time Off (PTO) benefits.

The PTO benefit combines previous vacation, personal, and sick leave days into one leave benefit. The purpose of PTO is to provide employees with the opportunity to utilize time away from work without the loss of compensation. For the year 2024 only, existing unused sick hours will be frozen as of December 31, 2023, and employees will have until December 31, 2024 to use any unused frozen sick hours pursuant to the prior Personnel Policy. Beginning January 1, 2025, all unused frozen sick hours will be forfeited.

The PTO benefit is an inclusive time off program intended for use in connection with vacation, short-term injuries and illnesses, personal business, family issues, and other needs which may require time off from work. PTO does not include paid time off for holidays or funeral leave.

All PTO must be requested and approved by the Elected Official or the Department Head a minimum of one week in advance prior to an absence. Exceptions may include requests for leave due to an unforeseen illness or injury.

Requests will be approved based on a number of factors, including, but not limited to departmental seniority, performance and conduct. The Elected Official or Department Head reserves the right to deny PTO requests that may have an adverse effect on its operations or impacts staffing needs in order to meet business necessities.

Employees who are unable to report to work due to an illness or injury should notify their Elected Official/Department Head before the scheduled start of their workday. A supervisor may require proof of illness or emergency when an employee uses unscheduled PTO.

Following a leave of absence of three (3) scheduled work shifts or more for an injury or illness, an employee shall provide a physician's certification validating the necessity of the leave that they may safely return to work in the form of a release.

Employees may take up to a 30 day leave of absence due to hardship created if the leave is not taken. The leave of absence must be approved by the Supervisor, Department Head / Elected Official, and Human Resource Director. Leave of absence may not be taken in lieu of FMLA and must be taken unpaid if no PTO balance is available. PTO must be used if balance is available.

When an employee is absent for a qualifying event under the Family and Medical Leave Act, they must follow procedures and provide all documents as required by County policy.

Subject to the minimum notification requirements listed above each Elected Official/Department Head may establish a different policy regarding requests for PTO, including how far in advance leave must be requested; whether requests must be in writing or on a particular form; who is authorized to grant requests for leave; how decisions will be made when multiple requests are made for the same time period; and whether PTO may be used to make up for a late arrival or early departure.

Such policy must be in writing, distributed to each employee, posted in the workplace and uniformly followed. Any exceptions for department specific policies regarding the notification guidelines for absences must be approved by the Board of Commissioners.

An unexcused absence or absences may necessitate disciplinary proceedings which may include an oral or written reprimand, an unpaid suspension(s) and/or termination of employment.

Employees with a PTO balance may not opt to take excused absences without pay in lieu of PTO for purposes of saving accrued PTO time. Employees with insufficient PTO time to cover requested periods of time off will not be granted excused time off. Employees will not be allowed to have a negative PTO balance.

An employee using PTO for their own illness, injury or health condition shall not engage in outside employment during the period of leave.

Employees may not borrow against their unearned PTO account; therefore, no advance leave will be granted. Employees will not be allowed to have a negative PTO balance.

In the event that a holiday falls while an employee is utilizing PTO, the employee will not be charged PTO hours for that holiday. When an employee uses unscheduled PTO on the last scheduled workday immediately preceding a holiday or the first scheduled workday immediately following a holiday the employee shall forfeit pay for the holiday unless they provide proof of illness or other emergency.

Eligible regular full time employees accrue PTO hours based on their years of service in accordance with an accrual schedule outlined below. New employees will begin to accumulate time at the first pay period, however new employees must complete ninety (90) days of employment before they may use accrued PTO.

40 Hour Work Week

<b>Years of Service on Anniversary Date</b>	<b>PTO (Hours)</b>	<b>Accrual (per pay period @ 26 pay periods)</b>
0	80	3.08
1	160	6.15
2	160	6.15
3	160	6.15
4	160	6.15
5	200	7.69
6	200	7.69
7	200	7.69
8	200	7.69
9	200	7.69
10	240	9.23
11	240	9.23
12	240	9.23
13	240	9.23
14	240	9.23
15+	280	10.77

All full-time SCER non-exempt employees fall under the 40-hour work week PTO schedule as outlined above. When requesting PTO, the overtime rate and hours will not be included in the overtime compensation calculation because PTO is classified as non-working hours. For example, if an SCER employee selects to take (1) week of PTO (2 days) they will receive 40 hours of straight time compensation.

For the calendar year of 2024 only, employees may carry over all accrued and unused vacation time to use during the calendar year of 2024. The carried over vacation time will be considered PTO time and lose its identity as vacation time. Each day of vacation time will be considered eight (8) hours of PTO time. Accrued and unused vacation time shall include any vacation time the employee carried over from 2022 to 2023, vacation time awarded to the employee on their anniversary date in 2023, and prorated vacation time for time accrued from their anniversary date in 2023 through December 31, 2023.

Example: If a fourth (4<sup>th</sup>) year employee carried over five (5) vacation days from 2022 to 2023, earned ten (10) vacation days on their anniversary date of July 1, 2023, and did not



use any vacation days in 2023, then the employee would carry over five (5) vacation days from the past carryover, ten (10) vacation days earned in on July 1, 2023, and five (5) prorated vacation days for days earned from July 1, 2023 through December 31, 2023, for a total of twenty (20) vacation days or one hundred and sixty (160) PTO hours.

Employees will also accrue additional PTO time based on the schedule above. For the calendar year 2025 and each subsequent year, employees may carry over from past years a maximum of eight (80) hours of PTO. Beginning January 1, 2025, employees who are at the maximum accrual for PTO hours on December 31 of each year shall not be eligible to receive additional PTO hours until their balance is below eighty (80) hours.

PTO will be credited and deducted on a payroll basis. PTO can be used in increments of one (1) hour or more.

Pay for PTO 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 overtime, shift differentials. PTO time will be counted as "hours worked" for the purposes of counting overtime.

Exempt, non-elected employees shall follow the same schedule and guidelines outlined above.

Upon termination of employment, other than for disciplinary actions full-time employees are eligible for reimbursement of accrued and unused PTO up to a maximum of two weeks plus current accrual at time of termination of employment. Employees terminated for disciplinary actions shall not receive reimbursement for accrued PTO.

If an employee separates from County employment and is rehired in less than one (1) year, they will not have any unused PTO that they may have had at separation returned to them, however their previous length of service shall count towards length of service for the purposes of determining the amount of eligible PTO.

## **4.2 HOLIDAYS**

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

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

In observance of each authorized holiday, regular full-time, ACA full-time, and part-time employees will normally be granted the day off from work. Only regular full-time employees shall receive straight-time holiday pay for each authorized holiday. In recognition of the fact that an employee may work on a recognized holiday, the employee

will be paid for the holiday and all time actually worked at two (2) times the regular pay rate.

If a holiday occurs while an employee is on an approved PTO, the holiday will not be charged against their PTO leave. When an employee uses unscheduled PTO on the last scheduled workday immediately preceding a holiday or the first schedule workday immediately following a holiday, the holiday will be unpaid.

### **4.3 FAMILY AND MEDICAL LEAVE (FMLA)**

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

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

#### **4.3.1 Entitlement**

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

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

**4.3.1(A) Serious Health Condition Defined**

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

**4.3.1(B) Chronic, Permanent, or Long-term Health Condition Defined**

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

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

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

**4.3.2 Eligibility**

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

1. Has been employed by the employer for at least 12 months;
2. Has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of leave; and
3. Is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite.

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

concerning the employer's intention to rehire the employee after a break in service.

**4.3.2(A) Intermittent Leave or Reduced Leave Schedule**

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

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

**4.3.3 Employee Notice Requirements**

**4.3.3(A) Foreseeable FMLA Leave**

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

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

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

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

**4.3.3(a) Employee Failure to Provide Notice**

When the need for FMLA leave is foreseeable at least thirty (30) days in advance and an employee fails to give timely

advance notice with no reasonable excuse, the employer may delay FMLA coverage until thirty (30) days after the date the employee provides notice. The need for leave and the approximate date leave would be taken must have been clearly foreseeable to the employee thirty (30) days in advance of the leave.

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

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

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

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

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

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

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

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

**All requests for FMLA leave shall be submitted, in writing on forms prescribed by the County, to the Human Resources Office and the County Auditor to assist the elected official/department head in making a determination for approval. The County Attorney may be contacted for additional assistance. Such requests shall be supported by medical certification on FMLA forms prescribed by the County.**

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

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

#### **4.3.4 Employer Notice Requirements**

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

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

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

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

##### **4.3.4(B) Designation Notice**

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

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

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

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

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

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

#### **4.3.5 Certification**

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

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

Switzerland County shall provide an employee with the appropriate certification form at the same time the County provides an employee with form **WH-381 (Notice of Eligibility and Rights & Responsibilities)**. The County shall use Department of Labor forms as follows: **WH-380-E (Employee's Serious Health Condition)** or **WH-380-F (Family Member's Serious Health Condition)**.

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

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

**4.3.5(A) Complete and Sufficient Certification**

The employee must provide a complete and sufficient certification to the County. The County shall advise an employee whenever the County finds a certification incomplete or insufficient and shall state in writing what additional information is necessary to make the certification complete and sufficient. The employee shall have seven (7) calendar days to fix any such deficiency.

If the deficiencies specified by the County are not fixed in the resubmitted certification, the County may deny the taking of FMLA leave, in accordance with Federal law.

**4.3.5(B) Clarification and Authentication**

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

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

**4.3.5(C) Second and Third Medical Opinion**

The County reserves the right to require a second medical opinion from an independent medical provider. The County shall pay for the second opinion, including reasonable "out-of-pocket" travel expenses, and shall designate a provider who is not an employee of the County. If the two (2) opinions conflict, the County shall pay for a third opinion, including reasonable "out-of-pocket" travel expenses.



The opinion of the third provider is final and binding on both the County and the employee.

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

**4.3.5(D) Recertification**

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

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

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

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

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

**4.3.5(E) Fitness-for-Duty Certification**

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

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

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

#### **4.3.6 Calculation of FMLA Leave**

For purposes of calculating employee entitlement for a subsequent FMLA leave, the "twelve (12)-month period" is measured forward from the date when the employee's previous FMLA leave began. For example, under this method an employee is entitled to twelve (12) weeks of leave the first time FMLA leave is taken (e.g., March 7, 2022); the next twelve (12)-month period would begin the first time leave is taken after completion of that twelve (12)-month period ending on (March 6, 2023).

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

An employee must use any accrued PTO for any part of the twelve (12) week period of such leave under the County's FMLA policy. Any holiday that occurs during an FMLA leave shall be paid.

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

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

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

##### **4.3.6(B) Health Benefits**

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

the employee to reimburse the employer the amount it paid for the employee's health insurance premium during the leave period.

#### **4.3.7 Employee Reinstatement**

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

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

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

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

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

#### **4.3.8 Military Family Leave Entitlements**

The National Defense Authorization Act for FY 2008 and 2010 (NDAA) amended the FMLA to allow eligible employees to take up to twelve (12) weeks of job-protected leave in the applicable twelve (12)-month period for any "qualifying exigency" arising out of the covered active duty or call to covered active duty status of a spouse, son, daughter, or parent. The NDAA also amended the FMLA to allow eligible employees to take up to twenty-six (26) weeks of job-protected leave in a "single twelve (12)-month period" to care for a covered servicemember with a serious injury or illness. These types of FMLA leave are known as the Military Family leave entitlements.

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

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

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

Employees seeking to use Military Caregiver leave **must** provide thirty (30) days advance written notice of the need to take such leave for planned medical treatment for a serious injury or illness of a covered servicemember. If leave is foreseeable but thirty (30) days advance notice is not practicable, the employee must provide notice as soon as practicable – generally, either the same or next business day.

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

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

Generally, it should be practicable to provide notice for unforeseeable leave within the time prescribed by the County’s usual and customary notice requirements. Please see section “Requesting FMLA Leave” above.

#### **4.3.8(B) Entitlement**

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

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

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

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

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

The term “covered active duty” means, in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country or

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

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

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

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

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

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

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

Qualifying exigencies include the following:

1. **Short-notice deployment:** Issues arising from a covered military member's short notice deployment (i.e., deployment on seven [7] or less days of notice) for a period of seven (7) days from the date of notification;
2. **Military events and related activities:** Events and activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of a covered military member;
3. **Childcare and related activities:** Certain childcare and related activities arising from the covered active duty or call to covered active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the covered active duty or call to covered active duty of the covered military member;
4. **Financial and legal arrangements:** Making or updating financial and legal arrangements to address a covered military member's absence;
5. **Counseling:** Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the covered active duty or call to covered active duty status of the covered military member;
6. **Rest and recuperation:** Taking up to fifteen (15) days of leave to spend time with a covered military member who is on short-term temporary, rest, and recuperation leave during deployment;
7. **Post-deployment activities:** Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period

of ninety (90) days following the termination of the covered military member's covered active duty status, and addressing issues arising from the death of a covered military member; and

8. **Additional activities:** Any other event that the employee and County agree is a qualifying exigency.

#### **4.3.8(a) Certification**

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

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

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

#### **4.3.8(b) Verification**

If an employee submits a complete and sufficient certification to support their request for leave because of a qualifying exigency, the County shall not request additional information from the employee. However, if the qualifying exigency involves meeting with a third party, the County shall contact the individual or entity with whom the employee is meeting for purposes of verifying a meeting or appointment schedule and the nature of the meeting between

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

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

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

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

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

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

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



condition, or to care for a covered servicemember with a serious injury or illness.

**4.3.8(b) Next of Kin Defined**

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

**4.3.8(c) Designating Leave**

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

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

**4.3.8(d) Certification**

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

The County, if appropriate, shall seek authentication and/or clarification of the certification as stated above in the

County's FMLA policy. However, second and third opinions and recertifications, as outlined above in the County's FMLA policy, are not permitted for leave to care for a covered servicemember.

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

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

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

#### **4.3.8(e) ITOs and ITAs Certification**

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

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

If an employee will need leave to care for a covered servicemember beyond the expiration date specified in an ITO or ITA, the County shall request that the employee have an authorized health care provider complete the Department of Labor form **WH-385 (Serious Injury or Illness of**

**Covered Servicemember**), as requisite certification for the remainder of the employee's necessary leave period.

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

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

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

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

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

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

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

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

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

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

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

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

## **4.5 MILITARY LEAVE**

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

### **4.5.1 Annual Training**

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

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

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

#### **4.5.2 Active Duty/Enlistment**

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

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

USERRA also requires that returning eligible employees be granted seniority and benefits at the same level as if the employee had not left employment for service. Benefit time will continue to accrue while an employee is on military leave. Additionally, service members may (but are not required to) use PTO while performing military duty.

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

Upon returning from a military leave of absence, an employee will be reinstated to a Switzerland County position provided the employee is discharged from military status under honorable conditions and makes a request for reinstatement within thirty (30) days after release from active duty, or one (1) year after release from hospitalization due to military accident. The employee must also be qualified to perform the essential functions of the position for which they are being reinstated and shall be required to provide medical release forms from the military.

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

#### **4.5.3 Military Family Leave**

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

Eligible employees may take leave during either the thirty (30) days before active duty orders are in effect or during the period in which the person ordered to active duty has their orders terminated. Military Family Leave may not exceed a total of ten (10) working days annually. Employees must notify their elected official/department head thirty (30) days in advance of the days they intend to take Military Family Leave, unless the person ordered to active duty receives deployment orders less than thirty (30) days in advance.

Switzerland County may require verification of the military orders in order to approve Military Family Leave.

Military Family Leave is unpaid and employees are responsible for paying their own benefits while on such leave. An employee may choose to substitute any earned PTO available to the employee for any part of the ten (10) day period of Military Family Leave.

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

#### **4.6 FUNERAL LEAVE**

If a regular full-time employee wishes to take time off due to the death of a relative, the employee should notify his/her elected official/department head immediately. ACA full-time and part-time employees are not eligible for funeral leave.

A maximum of three (3) consecutive and congruent working days with pay will be allowed for death of a relative. For purposes of this policy, “relative” is defined as: father, mother, sister, brother, spouse, child, grandparent, grandchild, mother-in-law, father-in-law, aunt, uncle, niece, nephew, or any other relative living in the employee’s household. Funeral leave applies to blood relatives as well as relationships through marriage (i.e. half-blood, step, in-law.)

Any employee may with the Elected Official’s or Department Head’s approval use any accrued and available PTO time for additional time off as necessary. Funeral leave pay is calculated based on the base pay rate at the time of absence.

Funeral leave must commence within seven (7) calendar days of the death of the immediate family member or relative, or must be taken concurrent with the funeral services, or memorial service for the relative and must be taken consecutively; any exceptions shall be approved by the elected official/department head. The employee’s Elected Official or Department Head may ask the employee to provide a copy of the obituary to be retained with the Employee’s Service Record.

#### **4.7 JURY DUTY AND COURT APPEARANCES**

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

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

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

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

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

If an employee has been subpoenaed or otherwise requested to testify as a witness by the County, they will receive full pay for the entire period of witness duty.

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

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

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

#### **4.8 WORKERS' COMPENSATION**

Switzerland County provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period. While on workers' compensation disability, employee benefits

shall accrue. Employee income received while on leave under this policy shall not exceed wages the employee would have normally received pre-major illness in-line-of-duty leave.

Any employee who sustains a work-related injury or illness should inform their elected official/department head **immediately** and the elected official/department head shall inform the Human Resources Director, the County Administrator, or the County Attorney.

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

If the employee has a life threatening condition, they should proceed directly to the nearest hospital or medical facility.

**Employees should contact their elected official/department head to obtain information and forms regarding filing workers' compensation claims.** Medical certifications are required. Once completed, all such forms are to be filed directly with the insurance carrier.

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

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

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

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

Neither the County or the insurance carrier will be liable for the payment of workers' compensation benefits or major illness/injury in-line-of-duty leave pay for off-duty



injuries or illnesses that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored or not-sponsored by the County.

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

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

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

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

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

## **4.9 EMPLOYEE INSURANCE**

### **4.9.1 Health, Dental, and Life Insurance**

Employees working full-time hours an average of at least thirty (30) hours per week will be eligible to participate in the health insurance plan offered by Switzerland County. Additional dental and life plans are offered to employees working a regular full-time schedule of at least thirty six (36) hours per week. Part-time employees are not eligible.

### **4.9.2 Social Security**

Switzerland County employees are covered by Social Security. The County contributes to the Social Security Program on behalf of employees.

### **4.9.3 Unemployment Compensation**

Employees of Switzerland County, except for elected officials, are paid unemployment compensation benefits under the state program when the employee meets the requirements for unemployment compensation. Switzerland County pays the cost of this benefit.

### **4.9.4 Education and Training**

When Switzerland County requires employees to participate in training programs, all training costs are paid or reimbursed by the County. The

time an employee spends away from work to attend a training program is considered work time except regular non-working time such as overnight hours. Authorization to attend professional seminars and certification courses are decided on a case-by-case basis by supervisors, within the constraints of the training and education budget.

Employees will be required to sign a tuition reimbursement payback program form for training in which the County has paid for entirely.

#### **4.10 WELLNESS PROGRAM**

To promote healthy living, Switzerland County contracts with MedBen to provide a wellness program for County employees who elect medical insurance. Contact MedBen at 1-800-686-8425 with questions regarding this program.

If County employees do not elect MedBen medical insurance, the Health department is available to administer vaccines and check blood pressure. Annually the Health Department in conjunction with Lifeline Screening sponsors a heart healthy awareness event at the Technology & Education Center.

Contact the Human Resources Director, the County Administrator, or the department head with questions regarding this program.

#### **4.11 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY (HIPAA)**

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

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

All County HIPAA inquiries shall be directed to the County HR Director.

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

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

A person employed by Switzerland County, enrolled in the employee health plan, can choose to continue the insurance coverage if their position is lost due to reduction in

hours or termination of employment. The spouse of an employee can choose to continue the coverage at their expense in the case of the death of the employee, termination of the employee, divorce or legal separation from spouse, or if the spouse qualifies for coverage under Medicare. Similar circumstances would permit the child of a separated employee to continue coverage.

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

#### **4.13 DEFERRED COMPENSATION**

Switzerland County offers a voluntary deferred compensation program to eligible employees. Employees interested in participating should contact the Human Resources Director, the County Administrator, or the County Attorney.

## **5. WORKING CONDITIONS**

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

### **5.1 SAFETY**

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

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

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

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

### **5.2 BLOODBORNE PATHOGENS**

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

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

for all County employees and is located in the Human Resources Office, the County Administrator Office, or the County Auditor's Office.

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

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

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

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

### **5.4 USE OF CELLULAR/MOBILE PHONES**

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

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

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

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

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

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

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

Should an employee need to make or receive a business call while driving, they should locate a lawfully designated area to park and make or receive the call.

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

## **5.5 USE OF INFORMATION TECHNOLOGIES**

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

### **5.5.1 System Security**

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

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

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

### **5.5.2 Software Licenses**

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

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

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

### **5.5.3 Data Backup**

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

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

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

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

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

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

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

Employees may be provided access to the internet and e-mail to assist them in the performance of their duties and such access is intended for business use. Violations of this policy may result in disciplinary action, up to and including termination. Violations of federal, state, or local laws resulting from the use of County information technologies will result in referral to the appropriate legal authorities. To ensure compliance with this policy, computer and e-mail use may be monitored.

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

Employees should immediately report any violation of this policy to their elected official/department head. Questions concerning these policies should be directed to the employee's elected official/department head, the Information Technologies Vendor, and/or Human Resources Office or County Attorney.

### **5.6.1 Internet Access**

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

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

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

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

### **5.6.2 Downloading From the Internet**



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

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

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

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

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

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

### **5.6.4 Prohibited Uses of the Internet**

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

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

Due to export restrictions, programs or files containing encryption technology are not to be placed on the internet or transmitted in any way outside the United States without prior written authorization from Switzerland County. Employees

must comply with all software licenses, copyrights, and all other federal, state, and local laws governing intellectual property and online activity.

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

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

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

## **5.7 SOCIAL MEDIA POLICY**

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

### **5.7.1 General Guidelines**

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

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

Given the growing popularity of online media, Switzerland County has developed a series of guidelines to assist its employees when engaging in such forums and

discussions.

The guidelines are intended to assist employees both when participating personally as well as when acting on behalf of the County.

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

There are several Switzerland County personnel policies that employees need to consider when posting on social media sites.

Please carefully read these policies contained in other sections of this handbook: the County Equal Employment Opportunity Policy, Productive Work Environment Policy, Request For Information Policy, Use of Information Technologies Policy, Use of Internet and Electronic Mail (E-Mail) Policy, Internet Policy, Cellular/Mobile Phones Policy, Harassment/Hostile Work Environment Policy, Business Ethics and Conflict of Interest Policy, Solicitation/Distribution Policy, Political Activity Policy, Workplace Violence Policy, and the Confidentiality Policy.

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

### **5.7.3 Be Respectful**

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

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

### **5.7.4 Be Honest and Accurate**

Make sure you are honest and accurate when posting information and news, and if

you make a mistake, correct it quickly.

Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the County, fellow co-workers, County vendors, or the public.

### **5.7.5 Restrictions**

- a. Do not post confidential or propriety information about the County, co-workers, County vendors, or the public. Never violate federal law such as HIPAA (Health Insurance Portability and Accountability Act).

Employees who share confidential information are subject to disciplinary action, up to, and including termination.

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

### **5.7.6 Respect Time and Property**

The County's computers and time on the job are reserved for work-related business. Employees may use personal cellular/mobile phones during break periods, including meal breaks in locations that do not pose a disruption to others.

Employees using cellular/mobile phones during office hours will be subject to appropriate disciplinary action up to and including termination.

### **5.7.7 Think Twice Before Posting**

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

### **5.7.8 Know That the Internet is Permanent**

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

### **5.7.9 Social Media Accounts of Public Officials**

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

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

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

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

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

- *Contains profanity, obscenity, vulgarity, nudity, or sexual content;*
- *Advertises or promotes private business ventures, services, or products;*
- *Advocates or depicts illegal activities;*
- *Is spam;*
- *Promotes or fosters discrimination on the basis of race, national origin,*

*color, age, religion, gender, marital status, status with regard to public assistance, disability, or other type of group;*

- *Contains personal attacks of any kind;*
- *Campaigns for public office or promotes a political organization or candidate;*
- *Infringes on copyrights or trademarks;*
- *Contains computer viruses or may disrupt, damage, or restrict the use of any computer software, hardware, or telecommunications equipment;*
- *Jeopardizes the safety of Switzerland County personnel, or the conduct of operations or investigations; and*
- *Comments that are inappropriate, unrelated to the topic, excessively repetitive, and/or considered disruptive.*

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

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

## **5.8 DRUG-FREE WORKPLACE**

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

In accordance with The Drug-Free Workplace Act of 1988, and the State of Indiana Drug-Free Workplace Executive Order No. 90-5 of 1990, the County must maintain a drug-free workplace. Failure to comply with the law could jeopardize government funds the County receives. The unlawful manufacture, possession, distribution, transfer, purchase, sale, use, or being under the influence of alcoholic beverages or illegal drugs while on the employer's property, while attending business-related activities, while on duty, or while operating a vehicle or equipment leased or owned by the County is strictly prohibited and may lead to disciplinary action, including suspension without pay or discharge. When appropriate, the County may refer the employee to approved counseling or rehabilitation programs.

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

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

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

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

When an employee is prescribed a medication, for a limited period of time, by a physician that has a side effect of drowsiness, the employee shall notify their Elected Official/Department Head. The Elected Official/Department Head may not inquire as to the name of the medication or the diagnosis. The Elected Official/Department Head shall work with the employee to modify the job duties for the duration the employee is prescribed the medication.

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

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

### **5.8.1 Drug Testing**

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

The legal use of CBD oils is permitted, but employees assume all risks associated with such use, and shall be subject to disciplinary action, up to and including termination for testing positive or refusal to submit to drug testing.

**5.8.1(a) Pre-Employment Testing**

Switzerland County will not employ individuals known to use illegal drugs or misuse prescription drugs. All prospective new employees shall be subject to drug and alcohol testing. Offers of employment shall be contingent on passing the pre-employment drug and alcohol screen. Applicants who refuse to complete the test, test positive, or refuse to complete related documentation will not be hired by the County.

**5.8.1(b) Reasonable Suspicion**

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

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

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



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

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

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

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

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

The County Highway Department and the Switzerland County Commissioners recognize the critical and growing problem that alcohol and controlled substances abuse poses to the community. It is the policy of the Switzerland County Highway Department to provide and maintain a safe, healthy, and productive work environment for our drivers. The provisions of this policy are established to address the use and possession of alcohol, Schedule I Controlled Substances, physician-prescribed medications, and over-the-counter medications by employees in positions that have been classified as safety sensitive.

It is also the policy of Switzerland County to comply with and abide by all laws and regulations that have been established by PART 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING of the Federal Motor Carrier Safety Regulations, U.S. Department of Transportation (DOT), and the Federal Highway Administration (FHWA). (website: [ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-382](https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-382))

In complying with these regulations, Switzerland County hereby institutes a comprehensive controlled substance and alcohol testing, training, and record keeping program for employees in positions that have been classified as “safety sensitive” according to federal regulations. In accordance with DOT/FHWA regulations, included in this classification of safety sensitive positions are all positions which require an employee to operate a commercial motor vehicle and/or hold a Commercial Driver's License (CDL). The Highway Superintendent is required to implement this policy and program, including a periodic review of the program to address any problems, changes and/or provisions of it, maintenance of all records required by the federal regulations and determination by the Board of Commissioners on approval of how the program will be accomplished, whether in-house, contracted, or by consortium.

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

Training concerning this policy will be provided to all employees and supervisors of employees holding safety sensitive positions. Employees shall be required to attend such training; and shall be disciplined for failure to do so, up to and including termination.

## **5.9 TOBACCO PRODUCTS**

State law prohibits smoking in any of the County’s places of employment and within eight (8) feet of any public entrance to a County owned building. In keeping with the County’s intent to provide a safe and healthful work environment, smoking in the work place is prohibited except in those locations that have been specifically designated as smoking areas.

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

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

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

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

This policy applies equally to all employees, citizens and visitors; signs are posted in County facilities. The smoking and/or use of tobacco products by employees in County vehicles is prohibited. Violations of this policy may result in a fine and disciplinary action, up to and including termination.

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

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

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

Employees operating County vehicles shall maintain the ability to legally operate assigned vehicles. Employees who operate County vehicles or operate personal vehicles for County business are required to notify their elected official/department head in the event that their driver's license is suspended or revoked. An employee's failure to notify their elected official/department head of a driver's license suspension or revocation is subject to disciplinary action, up to and including termination. Employees who operate a County vehicle or operate a personal vehicle for County business are required to keep a copy of their valid driver's license and proof of insurance on file with the Human Resources Office or County Administrator's Office.

Each occupant of a County or personal vehicle operated for the purpose of County business must wear appropriate seat belts. Each employee is personally responsible for any fines incurred as a result of driving or parking violations. In addition, no employee is permitted, under any circumstances, to operate a County vehicle or personal vehicle for County business when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes, but is not limited to, circumstances in which the employee is temporally unable to operate a vehicle safely or legally because of illness, medication, or intoxication.

County owned vehicles shall not be driven out of Switzerland County unless they are being used for official County business. Exceptions shall be documented by the

department head/elected official. Employees residing outside of Switzerland County shall not be allowed to take a vehicle home.

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

#### **5.11 TAKE HOME VEHICLES**

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

#### **5.12 PERSONAL USE OF COUNTY PROPERTY AND FACILITIES**

To minimize unnecessary expenses, prevent the loss of valuable work time, and prevent lowered morale, personal use of County facilities, vehicles, and equipment is prohibited. This policy applies to all employees and restricts the personal use of County facilities, including bulletin boards, vehicles, and equipment.

#### **5.13 APPEARANCE OF WORK AREAS**

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

#### **5.14 VISITORS IN THE WORKPLACE**

To provide for the safety and security of the employees and the facilities of the County, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.

Authorized visitors will receive directions or be escorted to their destination. Employees are responsible for the conduct and safety of their visitors.

##### **5.14.1 Children in the Workplace**

The presence of children in the workplace with the employee parent during the employee's workday is not allowed and is to be avoided except in emergency situations.

In such emergency situations manager approval is required.

This policy is established to avoid disruptions in job duties of the employee and co-works, reduce property liability, and help maintain the County's professional work environment.

## **5.15 BUSINESS TRAVEL**

Switzerland County elected officials/department heads are responsible for authorizing employee business travel and reimbursement of travel expenses, including overnight lodging, meal costs, and transportation. All such reimbursements are subject to approval and appropriate documentation being submitted to the County Auditor. In all cases, the expense for which an employee seeks reimbursement must have been budgeted in departmental budgets or else specifically approved by the County Council. **Employees must provide original and itemized receipts to receive reimbursement.**

Overnight accommodations are not allowed for meetings within fifty (50) miles of Switzerland County, Indiana, unless authorized by the County Commissioners, excluding statutorily mandated expenses.

Switzerland County shall not pay for a person's meal more than once. This includes, but is not limited to, meals included in registration fees or by hotels in the room charge. If a person in travel status received a meal without charge, then the meal allowance must be reduced. Meal expenses are not allowed for meals during normal duty hours for routine employee duties requiring travel.

Meal allowance and mileage rates are subject to change as approved and adopted by the County Council.

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

### **5.15.1 State Called Meetings**

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

1. Reasonable hotel/motel accommodations;
2. State rate for mileage for using privately owned vehicle in lieu of public transportation; and
3. The County Council shall establish meal allowance rates for individuals attending a meeting.

### **5.15.2 Other Meetings/Job-Related Training**

An employee on authorized official County business requiring overnight accommodations will be reimbursed for:

1. Reasonable hotel/motel accommodations;
2. Bus, taxi, and airport transportation;
3. Air, rail, or bus tickets as lowest possible fare;
4. State rate for mileage for using privately owned vehicle in lieu of public transportation; and
5. The County Council shall establish meal allowance rates for individuals attending a meeting.

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

1. Bus, taxi, and airport transportation;
2. Air, rail, or bus tickets as lowest possible fare;
3. State rate for mileage for using privately owned vehicle in lieu of public transportation;
4. Necessary parking and storage fees; and
5. The County Council shall establish meal allowance rates for individuals attending a meeting.

### **5.16 COUNTY CREDIT CARDS**

In alignment with Switzerland County Ordinance 07.12.2023, The Switzerland County Auditor shall be the designated official responsible for the use and issuance of Switzerland County credit cards. County owned credit cards will be maintained in the Auditor's Office. The Auditor's Office shall maintain an accounting system or log which will include the names of individuals requesting usage of County credit cards, their position, estimated amounts to be charged, fund and account numbers to be charged, and date the card is issued and returned.

County employees may request the use of a Switzerland County credit card for travel related expenses associated with attending conferences, workshops, business meetings, or

other work related expenses. All requests, including name, position, estimated amount(s) to be charged, must be in writing and submitted to the County Auditor. County credit cards are for business use only and shall not be used for personal purchases. Other examples of specifically prohibited uses include the purchase of alcohol and/or movies and entertainment.

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

Payment of County credit cards should not be made on the basis of a statement or a credit card slip only. Credit card payments must be made through the statutory claims process. If interest or penalty is incurred due to late filing or furnishing of documentation by an officer or employee, such interest or penalty shall be the responsibility of that officer or employee.

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

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

## **5.17 POLITICAL ACTIVITY**

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

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

County employees are prohibited from using their county position to assist in political campaigns and from using work hours to engage in political activity. Employees are prohibited from campaigning in any form during office hours. Non-verbal exhibits supporting or opposing a political candidate are prohibited on county premises during work hours including but not limited to, shirts, pins, buttons, pens, and brochures.

## **5.18 INTERNAL CONTROL STANDARDS POLICY**

Indiana Code 5-11-1-27(e) provides that through the compliance guidelines authorized under IC 5-11-1-24 the State Board of Accounts (SBoA) shall define the acceptable

minimum level of internal control standards for internal control systems of political subdivisions, including the following: (1) Control Environment. (2) Risk Assessment. (3) Control Activities. (4) Information and Communication. (5) Monitoring.

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

The Switzerland County Commissioners have adopted the internal control standards as defined by SBoA under IC 5-11-1-27(e). Personnel training of employees shall be evidenced through a certification process. The County Commissioners will be responsible for developing and overseeing the administration of the internal control standards policy, training, and certifications.

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

Apart from the required certification to be filed by the County Auditor, elected officials, appointees, and employees must sign the Internal Control Training Certification form for Elected Officials, Appointees, and Employees as evidence for their training. These certifications are to be maintained by Switzerland County on-site in the personnel file of each employee.



## **6. PERSONAL CONDUCT**

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

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

Every employee must remember that Switzerland County is a tax-supported entity and the citizens of Switzerland County paying those taxes should receive the best possible quality and highest standard of service possible. Public employees should act in a professional manner, using good judgment and courtesy at all times, and should avoid any type of behavior that would even appear illegal or unethical. Employees should carry out their work efficiently, honestly, and with the intention of maintaining good relationships with the public.

Individual employees must be responsible to their supervisor. Work directions and results, measurement of performance, and handling grievances are the responsibility of the supervisor.

Occasionally, someone may give employees directions other than their direct supervisor. In these instances, it is the employee's responsibility to inform the supervisor of the situation.

### **6.2 ATTENDANCE AND PUNCTUALITY**

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

In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, they should notify their elected official/department head at least one (1) hour in advance of the anticipated tardiness or absence, or as soon as possible in the event of an emergency (such as being transported to a hospital for treatment). When providing notification, the employee is to give the reason and the estimated length of absence. Failure to notify the elected official/department head shall subject an employee to disciplinary actions up to and including termination.

Excessive lateness and absence shall be considered to be three (3) occurrences of unexcused absences in a six (6) month period; or three (3) occurrences of lateness in a three (3) month period; or any combination thereof.

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

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

### **6.3 PERSONAL APPEARANCE**

Citizens observe employees of Switzerland County often in the course of their work. As Switzerland County representatives, employees are asked to meet high standards both in the quality of their work and in presenting a professional image to the public. While there is no formal dress code, employees are expected to maintain good physical grooming, have a neat and clean appearance, and display a pleasant disposition to citizens and colleagues.

Uniforms may be required for certain Switzerland County jobs. Employees will be responsible for keeping their uniforms clean and neat.

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

Harassment is a form of employee misconduct that undermines the integrity of the employment relationship. All employees are entitled to work in an environment free from harassment or inappropriate conduct. While it is difficult to define what constitutes illegal harassment under the law, Switzerland County realizes that any type of harassing behavior based on race, color, sex/gender, pregnancy, religion, age, marital status, sexual orientation, gender identity, national origin, disability, veteran status, genetic information, ancestry, or any other category protected by law is inappropriate in the workplace. Therefore, Switzerland County will not tolerate any behavior that creates an intimidating, offensive, or hostile work environment or that interferes with work performance.

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

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

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

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

1. **Physical Harassment:** Physical harassment can come in the form of violence, both physically or to property. This can also be threatening behavior. In its extreme, it can even be termed assault. An employee may be physically abused, such as pushing, punching, or slapping, as well as other kinds of physical abuse. It can also involve a car, for example.

One worker may damage the vehicle by tampering, breaking, scratching, or inflicting other kinds of damages.

2. **Personal Harassment:** The victim may be subjected to unwanted remarks, insults, offensive and derogatory statements. Being constantly put down with condescending statements can all be seen as personal harassment. Personal harassment can also be called bullying.
3. **Discriminatory Harassment:** Discriminatory harassment in the workplace is directed at someone's race, age, sex, or some other form of protected class who is subjected to offensive or intimidating remarks.
4. **Psychological Harassment:** Psychological harassment occurs when a victim is put down, belittled, or has to listen to needless condescending remarks that can affect them. These negative remarks can be aimed at the victim from both a professional as well as a personal level.
5. **Cyberbullying:** Cyberbullying occurs online. Cyberbullying includes making threatening statements to the victim or spreading rumors on social media.
6. **3<sup>rd</sup> Party Harassment:** 3<sup>rd</sup> party harassment occurs with someone who is not a Switzerland County employee. Examples of 3<sup>rd</sup> Party may include suppliers, vendors, and citizens.

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

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

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

Any employee who experiences harassment should contact their elected official/department head immediately. If unresolved, or in the event the harassment is alleged against the elected official/department head, the employee is advised to obtain a harassment complaint form from the **Human Resources Office, the County Administrator Office or the Auditor's Office**. The employee is directed to submit the completed form to the elected official/department head, or in the event the alleged harassment is against the elected official/department head, the completed form is to be submitted to **any County Commissioner, Human Resources Director, or County Attorney**. The best time to register a complaint is immediately after the act occurs.

Any supervisor who has witnessed or becomes aware of the alleged occurrence of harassment or retaliation or receives a complaint of harassment involving a person within that supervisor's purview is required to take prompt corrective action and to report the incident to the Human Resources Director or **County Attorney**. Failure of a supervisor to immediately take corrective action or to report the incident shall constitute misconduct subject to disciplinary action.

### **6.4.3 Description of Misconduct**

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

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

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

County elected officials/department heads and the Human Resources Office or County Administrator have copies of the County harassment complaint form. Employees are directed to obtain, complete, and submit this form to initiate a formal complaint.

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

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

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

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

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

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

Upon completing the investigation of a harassment complaint, the County will communicate its findings to the complainant and the alleged harasser. If the Human Resources Director or the County Attorney, and the alleged harasser's elected official/department head determine that harassment occurred, they will determine appropriate disciplinary action. The complainant will be informed of the disciplinary action to be taken.

In determining whether alleged conduct constitutes harassment, the County will look at the investigative file as a whole and the totality of the circumstances, such as the nature of the conduct and the context in which the alleged incidents occurred. The determination of whether disciplinary action is to be taken will be made from the facts, on a case-by-case basis.

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

Complaints will be investigated by the Human Resources Director or the County Attorney and the appropriate department head or designees retained by the County. In addition, other individuals may be included in reviewing the investigation and outcome at the discretion of the County Attorney.

#### **6.4.8 False Accusations**

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

#### **6.4.9 Sanctions**

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

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

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

The County will maintain a complete written record of each complaint and how it was investigated and resolved. Written records shall be maintained in the **County Human Resources Office, County Administrator, or Count Auditor**, and if disciplinary action was taken, a record shall be maintained in the offender's personnel file.

#### **6.4.11 Prevention**

Prevention is the best policy for the elimination of harassment. Employees shall remain cognizant of harassment to avoid contributing conditions that would encourage such activity. Harassment and hostile work environment violations will result in disciplinary action, up to and including termination of employment.

### **6.5 WHISTLEBLOWER POLICY**

A whistleblower as defined by this policy is an employee of the County who reports an activity that they reasonably believe to be evidence of waste, fraud, abuse, or

mismanagement. The whistle blower is not responsible for investigation the activity or for determining fault or corrective measures. The Board of County Commissioners is charged with these responsibilities.

Examples of illegal or dishonest activities are violations of any law, rule, or regulation, gross mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety.

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

An employee who intentionally files a false report of wrong doing shall be subject to disciplinary action up to and including termination of employment.

Whistleblower protections are provided in two important areas—confidentiality and no retaliatory actions. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, confidentiality is not guaranteed, the identity of the reporting individual may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide the accused individuals their legal rights of defense.

The County will not retaliate against a whistleblower. This includes protection from retaliation in: firing or laying off, demotion, denying overtime or promotion, disciplining, denial of benefits, intimidation/harassment, reassignment affecting prospects of promotion, or reducing pay or hours.

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

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

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

Switzerland County is committed to providing its citizens with qualified staff who possess good character and standards. This policy provides basic safeguards in

maintaining a safe working environment for employees and citizens and in fulfilling this commitment.

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

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

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

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

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

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

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

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

Factors to be used in determining appropriate discipline, which may range from no disciplinary action up to termination of employment, will include the employee's assigned duties and responsibilities, the nature of the offense, sentences imposed, other



convictions/infractions, relevant provisions of Indiana statutes, licensing requirements, risk of recidivism, reasonable inferences about problems with self-control, propensity for violence, honesty, and damage to the reputation of the employee, the employee's department, and/or Switzerland County government.

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

## **6.7 GIFTS OR GRATUITIES**

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

## **6.8 GHOST EMPLOYMENT**

Switzerland County is committed to providing efficient and lawful services to its citizens and to maintaining public trust. Therefore, "ghost employment" is a violation of County policy and of Indiana Code 35-44.1-1-3. Ghost employment is a Level 6 felony.

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

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

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

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

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

Indiana Code 35-44-1-3 states that a person who knowingly or intentionally obtains a pecuniary interest in or derives a profit from a contract or purchase connected with an

action by the governmental entity served by the public servant commits a Level 6 felony, unless a financial disclosure form is approved in advance and filed as required by law.

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

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

#### **6.10 SOLICITATION/DISTRIBUTION**

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

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

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

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

#### **6.11 SECURITY OF PREMISES**

Switzerland County wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the County prohibits the control, possession, transfer, sale, or use of such materials on its premises. However, Ind. Code 34-28-7 allows employees who may lawfully possess a firearm to bring firearms and ammunition onto County property as long as the firearm and ammunition are locked in a glove box or trunk or stored out of plain sight in the employee's personal locked vehicle. This exception does not apply to employees driving or riding in County-owned vehicles where firearms and ammunition are prohibited. Employees of a penal facility (Switzerland County Jail) or other County facilities listed in Ind. Code 34-28-7-2(a) (2) do not have these rights. Except for law enforcement officers, employees working at the Switzerland County Jail shall not bring firearms or ammunition onto County property including in their personal vehicles.

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

Desks, lockers, and other storage devices may be provided for the convenience of employees but remain the sole property of the County. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the County at any time, either with or without prior notice.

## **6.12 WORKPLACE VIOLENCE**

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

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

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

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on County-owned or leased property may be removed from the premises. Additionally, illegal firearms, weapons, and other dangerous or hazardous devices or substances are strictly prohibited on County property without proper authorization as specified in *Section 6.11 Security of Premises of this Personnel Policies Handbook*.

Threats, threatening behavior, or acts of violence executed off County-owned or leased property but directed at County employees or members of the public while conducting

official County business, is a violation of this policy. Off-site threats include, but are not limited to, threats made via the telephone, fax, electronic or conventional mail, or any other communication medium.

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

Employees are responsible for notifying their elected official/department head of any threats which they have witnessed, received, or have been told that another person has witnessed or received.

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

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

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

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

### **6.13 CONFIDENTIALITY**

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

### **6.14 EMPLOYEE CONDUCT**

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

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

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

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

### **GROUP I OFFENSES**

Examples of, but not limited to, the following:

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

### **GROUP I DISCIPLINE**

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

## **GROUP II OFFENSES**

Examples of, but not limited to, the following:

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

## **GROUP II DISCIPLINE**

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

### **GROUP III OFFENSES**

Examples of, but not limited to, the following:

1. Being in possession of or drinking alcoholic beverages on the job.
2. Neglect in the performance of assigned duties or in the care, use, or custody of any County property or equipment. Abuse or deliberate destruction in any manner of County property, tools, equipment, or the property of employees.
3. Punching, signing, or altering other employees' timecards, timesheets, or unauthorized altering of own timecard or sheet.
4. Falsifying testimony or reports when accidents are being investigated, falsifying or assisting in falsifying or destroying any County records, including work performance reports, or giving false information or withholding pertinent information called for in making application for employment.
5. Making false claims or misrepresentations in an attempt to obtain any County benefit.
6. Performing private work on County time or property.
7. Violation of the harassment/hostile work environment policy.
8. Stealing or similar conduct, including destroying, damaging, or concealing any property of the County or of other employees.
9. The use of controlled substances or the sale of controlled substances.
10. Fighting or attempting to injure other employees, supervisors, or persons.
11. Carrying or possession of firearms on County property at any time without proper authorization.
12. Knowingly exposing others to hazardous conditions, such as communicable diseases, which may endanger other employees or the public.
13. Misuse or removal of County records or information without prior authorization.
14. Instigating, leading, or participating in any illegal walkout, strike, sit down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the County's work stations.
15. Dishonesty or any dishonest action. Some examples of what is meant by "dishonesty" or "dishonest action" are as follows: theft, pilfering, opening desks assigned to other employees without authorization, theft and pilfering through lunch boxes, tool kits, or other property of the County or other employees without authorization, inserting slugs in vending machines without paying the proper charge therein, making false statements to secure an excused absence or to justify an absence or tardiness, or making or causing inaccurate or false reports concerning any absence from work. The foregoing are examples only and do not limit the terms "dishonesty" or "dishonest action."
16. Insubordination by refusing to perform assigned work or to comply with written or verbal instruction of supervisors.
17. Disclosure of confidential information.
18. Failure to disclose at the time of employment a past conviction, misdemeanor, and/or felony if reasonably related to the employee's duties or the public trust.

19. Violation of the Drug-Free Workplace policy and/or failure to submit to a blood test, urinalysis, or Breathalyzer examination.
20. Failure to maintain certifications required of the position, such as driver's license.
21. Refusing to provide testimony in court during an accident or any other job related investigation, or during any type of public hearing.
22. Failure to follow safety regulations.
23. Violation of attendance policies.
24. The posting, transmitting, reproducing, and/or dissemination of information (text, pictures, video, and/or audio) to the Internet or any other forum

### **GROUP III DISCIPLINE**

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

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

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

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

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

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

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

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

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

### **STEP 3: Personnel Advisory Committee**

If the complaint cannot be solved satisfactorily, it may be reviewed by the Personnel Advisory Committee upon request by the elected official/department head or employee. The committee's findings and recommendations are advisory and shall be forwarded to the County Commissioners. The Commissioners shall review any findings or recommendations submitted by the Personnel Advisory Committee. The Commissioners will take appropriate actions as deemed necessary.

**STEP 4: County Attorney**

In the event that a complaint involves an elected official, a written letter detailing the alleged employment violation can be directed to the Human Resources Director or County Attorney for investigation. The Human Resources Director and/or County Attorney will take appropriate actions as deemed necessary.

## **SEVERABILITY**

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

## **INDEMNIFICATION**

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

## **ENABLING ORDINANCES**

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

## **AMENDMENTS**

This handbook may be amended from time to time by an Ordinance in substantially the same form approved by the Board of Commissioners of Switzerland County. Any amendments shall be distributed to each department of the County and shall be conspicuously posted for at least ninety (90) days throughout the offices of the County after their passage.

## **EMPLOYEE ACKNOWLEDGMENT FORM**

The Switzerland County Personnel Policies Handbook adopted by the County Commissioners on \_\_\_\_\_, describes important information about employment with Switzerland County. I understand that I should consult the Human Resources Director, the County Administrator, or the County Attorney regarding any questions not answered in the handbook.

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

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

\_\_\_\_\_  
**EMPLOYEE'S SIGNATURE**

\_\_\_\_\_  
**DATE**

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