

ORDINANCE 2013 - 10 -A

HUNTINGTON COUNTY BOARD OF COMMISSIONERS

**AN ORDINANCE AMENDING THE COUNTY OF HUNTINGTON, INDIANA PERSONNEL
POLICIES HANDBOOK**

WHEREAS the County of Huntington, Indiana is an Equal Opportunity Employers, and

WHEREAS it is the intent of Huntington County, Indiana to comply with applicable federal and State of Indiana employment laws and regulations, and

WHEREAS the County of Huntington, Indiana provides Huntington County employees with information about established terms and conditions of employment and employee benefits, and

WHEREAS the Huntington County Commissioners adopted the Huntington County Personnel Policy Handbook on January 11, 2010, and

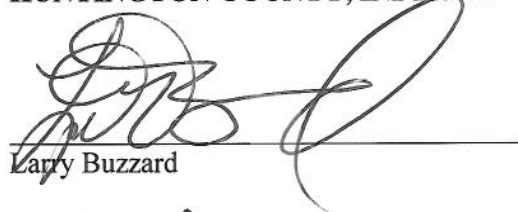
WHEREAS it is necessary to amend personnel policies from time to time.

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED BY THE COUNTY OF HUNTINGTON, INDIANA BOARD OF COMMISSIONERS THAT:

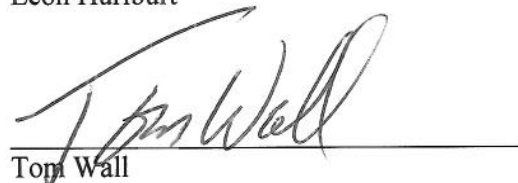
The attached Sections, 2.8, 2.9.1, 3.14, 3.20, 5.8.1, and 5.14, of the County of Huntington Personnel Policies Handbook shall amend, modify and replace Sections 2.8, 3.14, 5.8.1, and 5.14 and adding sections 2.9.1, and 3.20 of the current County of Huntington, Indiana Personnel Policies Handbook adopted January 11, 2010.

The attached Sections, 2.8, 2.9.1, 3.14, 3.20, 5.8.1, and 5.14, of the County of Huntington, Indiana Personnel Policies Handbook are hereby adopted this 29th day of July, 2013; and shall be in full force and effect from and after its passage.

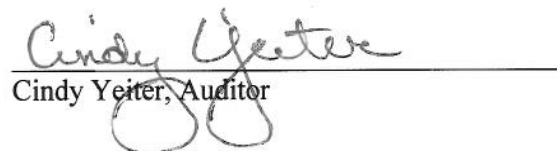
**BOARD OF COMMISSIONERS
HUNTINGTON COUNTY, INDIANA**


Larry Buzzard


Leon Hurlburt


Tom Wall

ATTEST:


Cindy Yeiter, Auditor

Current policy

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. These classifications do not guarantee employment for any specified period of time. **Any changes to an employee's employment category shall be in writing by the hiring authority with copies provided to the Auditor.**

REGULAR FULL-TIME employees are those who are not in a temporary, part-time, or conditional status and who are regularly scheduled to work the County's full-time schedule. They are eligible for the County's benefit package subject to the terms, conditions, and limitations of each benefit program. Regular full-time employees include exempt and non-exempt classifications. The County Council sets the full-time compensation rates annually for all positions.

PART-TIME employees are those who are assigned to a temporary or part-time status and who are scheduled to work less than thirty (30) 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 replacement, to temporarily supplement the work force or to assist in the completion of a specific project

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

2.9 FULL-TIME TO PART-TIME EMPLOYMENT

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

2.10 FULL-TIME TO ELECTED OFFICIAL EMPLOYMENT

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

Proposed policy (corrections in italics)

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. These classifications do not guarantee employment for any specified period of time. **Any changes to an employee's employment category shall be in writing by the hiring authority with copies provided to the Auditor's office and Human Resources.**

REGULAR FULL-TIME employees are those who are not in a temporary, part-time, or conditional status and who are regularly scheduled to work for *the County for a minimum of 30 hours per week*. They are eligible for the County's benefit package subject to the terms, conditions, and limitations of each benefit program. Regular full-time employees include exempt and non-exempt classifications. The County Council sets the full-time compensation rates annually for all positions.

PART-TIME employees are those who are assigned to a temporary or part-time status and who are scheduled to work less than thirty (30) 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 replacement, to temporarily supplement the work force or to assist in the completion of a specific project

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

2.9 FULL-TIME TO PART-TIME EMPLOYMENT

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

2.9.1 CONTINUOUS SERVICE ELIGIBILITY

If an individual who previously worked in the County's employ returns to a full-time position their previous years of full-time employment shall be credited as years of service for the purposes of determining retirement benefits, including PERF vestment, and sick leave.

If an individual previously worked in the County's employ and returns to full-time position less than six (6) months of leaving, he/she may be eligible to request to have their previous time counted as continuous service for the purposes of determining eligible vacation time, longevity, or other benefits based on years of service with the County. The County Commissioners will consider the request and make a determination of eligibility based on reasons for leaving and returning.

Current Policy

3.14 PAY CORRECTIONS

Huntington 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 he/she has had incorrect deductions from his/her paycheck or was not paid the proper amount should give notice on the day of receipt of such pay or any day thereafter, in writing, to his/her 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.

Proposed Policy (corrections in italics)

3.14 PAY CORRECTIONS

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

In addition, any employee who thinks that he/she has had incorrect accrued time deductions (vacation, sick, personal, etc.) made from his/her paycheck must give notice to his/her department head within 30 days of the issuance of the pay stub. The department head must then compare to original timecard. If the department head determines an error is found, it will then be submitted to the Auditor's office for review.

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

3.20 EMERGENCY CALL-BACK PAY

Emergency Call Back

An emergency call back occurs when a nonexempt employee is requested by their department head or elected official to return to work after leaving their worksite following his or her work shift to respond to a work-related emergency which cannot wait until regularly scheduled working hours. Each department should identify those positions and/or employees that are likely to be called back to work in the event of an emergency and the department head / elected official should carefully weigh the costs and benefits of alternatives before authorizing emergency call back pay. Employees may be called back to work for emergencies which require a response on short notice and for which the call back work will serve to:

- Avoid significant service disruption
- Avoid placing employees or the public in unsafe situations
- Protect and/or provide emergency services to property or equipment

When an employee has left the work site and is called back by their elected official, department head or supervisor to work before or after completing the regular work schedule and upon leaving the premises, the employee shall be paid for time actually worked upon return or a **minimum of two (2) hours**, whichever is greater. In accordance with FLSA, travel time from the home location to the primary work site is not compensable.

- If the time on callback is more than the two hours allowed, the employee shall be compensated for the actual time on callback.
- The elected official, department head or supervisor shall determine a reasonable time for which preparation and travel to the worksite shall be compensated.
- Holiday pay and overtime pay shall be received in addition to emergency call back pay, if applicable.
- Time actually worked and, if applicable, travel to a remote worksite from the primary work location, shall be included in hours worked for determining overtime hours.
- The provisions of this policy do not apply when the emergency call back causes the employee to return to work less than one (1) hour in advance of his/her start time.
- Employees whose work continues following the end of the regularly scheduled hours of work will not be considered to be called back.

Current Policy

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.

Subject to limitations imposed by law, a refusal to provide a body substance sample under the condition described below may result in disciplinary action, up to and including discharge. An individual who is involuntarily relieved of duty solely due to drug testing will be paid for time away from scheduled work if the drug test results are negative.

5.8.1(A) Pre-Employment Testing

Huntington 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 his/her employment with the County.

In the event that an employee is requested to submit to a drug test, the elected official, department head, or supervisor shall complete the appropriate form setting forth the observations leading to the determination of reasonable suspicion including the following:

1. Observation of drug or alcohol use;
2. Observation of drugs, alcohol, or containers traditionally used for drugs or alcohol;

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

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

5.8.1(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 one (1) or more of the following:

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

Huntington County has instituted this policy to provide a healthy and safe work environment for its employees and to ensure the safety of the general public. The provisions of this policy are established to address the use and possession of

alcohol, Schedule I Controlled Substances, physician-prescribed medications, and over-the-counter medications by employees in positions that have been classified as safety sensitive.

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

In complying with these regulations, Huntington County hereby institutes a comprehensive controlled substance and alcohol testing, training, and record keeping program for employees in positions that have been classified as "safety sensitive" according to federal regulations. In accordance with DOT/FHWA regulations, included in this classification of safety sensitive positions are all positions which require an employee to operate a commercial motor vehicle and/or hold a Commercial Driver's License (CDL).

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

Information concerning the specific provisions of this policy is provided in Appendix A: Drug and Alcohol Policy for CDL Drivers.

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

5.8.1 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.

~~Subject to limitations imposed by law, a refusal to provide a body substance sample under the condition described below may result in disciplinary action, up to and including discharge. An individual who is involuntarily relieved of duty solely due to drug testing will be paid for time away from scheduled work if the drug test results are negative.~~

5.8.1(A) Pre-Employment Testing

Huntington 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 his/her employment with the County.

In the event that an employee is requested to submit to a drug test, the elected official, department head, or supervisor shall complete the appropriate form setting forth the observations leading to the determination of reasonable suspicion including the following:

1. Observation of drug or alcohol use;
2. Observation of drugs, alcohol, or containers traditionally used for drugs or alcohol;

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

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

5.8.1(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 one (1) or more of the following:

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;
3. *Damage to county owned vehicle or equipment that totals more than \$1000, regardless of fault or other vehicles involved;*
4. *Operating a vehicle or equipment owned by or leased by the County if the driver receives a citation for a moving violation;*
5. 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; or
6. *When the employee has had more than one accident (involving a county owned vehicle or equipment or workplace injury) in less than 6 months;*

The elected official, department head, or supervisor shall transport the individual to be drug screened and/or alcohol tested within one (1) hour of the incident to a County approved testing facility.

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.

5.8.1(D) Random Testing

Random drug testing is required of all employees. Such testing shall be periodic and unannounced, and employee selection therefore shall be by a computer-generated random selection process. All such testing shall, unless impracticable, occur during the employee's normal work hours.

Once notified, the elected official, department head, or supervisor shall be responsible for ensuring the selected employee presents themselves at the County designated testing facility within one (1) hour.

Refusal to Undergo Testing

Employees who refuse to submit to a test are subject to immediate discharge.

Positive Test

If an employee tests positive on an initial screening test, the employee will be temporarily suspended while the confirmation test is being conducted. On receipt of the confirmation test, the employee will be subject to disciplinary action, up to and including discharge. Discipline selected will depend upon a variety of factors, including the prior work record of the employee, the length of prior employment, the prior accident and attendance record of the employee, the circumstances which led to the testing and the proposals by the employee to address the problem.

If the employee's confirmation test results in a negative result, employee will be paid for time suspended and immediately returned to their original position.

Right to Review Records

Employees have a right to obtain copies of all test results from the testing laboratory, or from Huntington County. When the individual disagrees with the test results, the individual may request that the testing laboratory repeat the test using the same sample submitted. Such repeat test shall be at the expense of the

individual, unless the repeat test overturns the original report of the Lab, in which case Huntington County will reimburse the employee for the costs incurred for the retest.

Confidentiality Requirements

All records concerning test results will be kept in medical files which are maintained separately from the personnel file of the employee.

Treatment, Termination or Rehire

Employees who test positive for any drug(s) listed on the disclosure list have two choices. The employee may agree to enter an authorized treatment program approved by Huntington County, and agree to subsequent retesting for a period of two years after returning from treatment, or the employee will be terminated immediately, and will not be considered for rehire until he/she can show that he/she has remained drug free for a period of two years or more.

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

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

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

In complying with these regulations, Huntington County hereby institutes a comprehensive controlled substance and alcohol testing, training, and record keeping program for employees in positions that have been classified as "safety sensitive" according to federal regulations. In accordance with DOT/FHWA regulations, included in this classification of safety sensitive positions are all positions which require an employee to operate a commercial motor vehicle and/or hold a Commercial Driver's License (CDL).

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

Information concerning the specific provisions of this policy is provided in Appendix A: Drug and Alcohol Policy for CDL Drivers.

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

Current Policy

5.14 BUSINESS TRAVEL

- E. **Food costs**, at the maximum rate of twenty-six dollars (\$26.00) per day or thirteen dollars (\$13.00) per half day, per employee, excluding alcohol, will be reimbursed with an itemized dated receipt by the County while on government business, up to a fifteen (15%) percent gratuity on food will also be reimbursed.

Proposed Policy (additions in italics)

5.14 BUSINESS TRAVEL

- E. **Food costs**, at the maximum rate of twenty-six dollars (\$26.00) per day or thirteen dollars (\$13.00) per half day, per employee, excluding alcohol, will be reimbursed with an itemized dated receipt by the County while on government business, up to a fifteen (15%) percent gratuity on food will also be reimbursed.

A full day and half day reimbursement will be defined as the following:

- i. *Overnight travel, reimbursement for day of departure will follow the schedule below:*
 - *If leave before noon: reimbursed up to \$26.00*
 - *If leave after noon: reimbursed up to \$13.00*
- ii. *Overnight travel, reimbursement for day of return will follow the schedule below:*
 - *If return before noon: reimbursed up to \$13.00*
 - *If return after noon: reimbursed up to \$26.00*
- iii. *Same Day Travel as long as travel occurs outside of the County, reimbursement will follow schedule below:*
 - *If leave before 7:30 a.m. and return after 6:00 p.m.: reimbursed up to \$26.00*
 - *If travel is during normal working hours, providing training or trip is longer than 4 hours: reimbursed up to \$13.00.*
 - *If training or trip last less than 4 hours and does not meet either criteria above, no reimbursement is provided.*

