

CITY OF HUNTINGTON, INDIANA
EMPLOYMENT HANDBOOK

Effective Date: January 1, 2023



Office of the Mayor

On behalf of the residents of Huntington, I am thanking each of you for your continued service to our community. Your hard work and dedicated service ensure that our City operates as smoothly as possible in a world full of uncertainty and change. As many of you have heard me recognize before, you are often responding to your neighbors on one of the worst days of their week, month, or even lifetime. Whether it is a house fire, a water main break, a crime, or icy road conditions – you’re there to make sure your neighbors can start to turn things around and get back on track. As my predecessor wrote in a previous version of this letter, “In our work for the City, I am reminded that your worth and my worth as a public servant is measured by the value we add to the quality of life experienced by those who pay our wages, salaries, and benefits.”

This Employment Handbook will help us all understand the privileges and responsibilities of being a member of the “We Serve Huntington” team. In it, you will find topics ranging from labor protections to disciplinary proceedings and everything in between. This is not a contract but it is an attempt to put into policy and procedure the core values we each must strive to demonstrate in our daily work:

- Demonstrating respect
- Being honest
- Choosing a positive attitude
- Proving trustworthy
- Working together as a team

No mayor can be everywhere every day. I need each of you to keep a keen eye on the tasks you’re responsible for and to report items that need attention up the chain of command so they can be addressed. If each of us commits to putting our values into practice in our daily work, then when it is time for each of us to step aside for the next member of the team, we can rest assured that we have left things better than we found them.

It is a privilege to serve alongside each of you,

A handwritten signature in black ink, appearing to read "Richard Strick".

Richard Strick
Mayor of Huntington

SECTION 1- Mission Statement

Simply stated, "We Serve Huntington".

SECTION 2 - Statement to All Employees

2.1 Scope of Application. The policies and provisions contained in this Employment Handbook ("Handbook") shall apply to all City of Huntington ("City") employees to the full extent allowed by law and so long as such policies and provisions do not directly conflict with any applicable policies or requirements contained in one or more of the following which shall control in the following listed order of precedence:

- (a) Preemptive federal and/or state laws and regulations (e.g., FLSA, ADA, FMLA, state statutes pertaining to public safety employees or elected officials, etc.), and
- (b) Preemptive City ordinances approved by the City Common Council, and
- (c) For covered union employees only, contractual requirements expressly set forth in a valid and binding collective bargaining agreement, and
- (d) Policies and provisions formally adopted by City Board of Public Works and Safety either contemporaneously with or after the revision date shown on this Handbook, including but not limited to policies or provisions for commissioned public safety employees.

To accommodate department needs, employees shall also comply with operational policies, practices, and procedures established within their departments by supervisors that are not in direct conflict with the provisions in this Handbook or any of the foregoing listed provisions and which are either outside the scope of this handbook or more stringent or detailed.

2.2 Handbook is not a Contract. This Handbook is intended to provide general guidelines for many of the employment policies and practices of City. It does not contain all of City's policies affecting its employees. This Handbook is not intended to be and does not constitute a contract between City and any of its employees for benefits or for any other purpose.

2.3 Changes or Supplements to Handbook. The provisions of this Handbook have been developed at the discretion of the City Board of Public Works and Safety (referred to elsewhere herein as "City Administration") and, except for its policy of employment-at-will, may be interpreted, modified, suspended, or eliminated in whole or in part, at any time, and with or without notice at the discretion of the City Administration. Changes or supplements to City employment policies and practices may be posted in City Department or furnished with payroll information. Each employee has a responsibility to read the information that is so posted or furnished. Employees may not post material on the bulletin boards without the approval of the City Director of Operations. An up-to-date Handbook and copy of current policies and procedures

is always available at the office of the City Director of Operations or the City Clerk-Treasurer. It is the responsibility of each employee to conform to all current City policies and practices.

2.4 Severability. To the extent that any provision of this Handbook, or the application thereof to any person or circumstance, is determined by a competent authority to be invalid, illegal, or unenforceable for any reason, that provision or part-provision shall, only to the extent required, be deemed to be deleted or modified to conform to applicable legal or contractual requirements, and the remaining provisions shall continue to be fully applicable to the full extent allowed by law.

2.5 At Will Employment. Except to the extent otherwise required by state statute or any separate and valid contract, employment with City is "at will" and can be terminated by either party to the employment relationship at any time and for any reason, with or without cause, and with or without notice. Any oral or written statements, promises, or assurances contrary to the "at will" status of each employee are not binding on City unless expressly and clearly confirmed in writing by the City Administration and may not be relied upon by any employee or job applicant.

SECTION 3 - Discrimination in Hiring and Employment

3.1 Equal Employment Opportunity Statement. It is the policy of City to make equal employment opportunities available to all persons without regard to race, sex (including pregnancy), age, color, religion, national origin, military status, citizenship status, disability, or any other category protected under federal, state or local laws and regulations to the full extent mandated by such laws and regulations regarding workplace discrimination.

This policy includes any applicable federal and state prohibitions against on-the-job harassment of any individual because of race, color, sex (including pregnancy), religion, age, national origin, military status, citizenship status, disability, or any other category protected by law, and applies to all phases of City operations including hiring, placement, promotion, demotion, transfer, recruiting, advertising, treatment while working for City, rates of pay or other forms of compensation, selection for training, and termination of work.

City will take appropriate steps to provide reasonable accommodation upon request to qualified individuals with disabilities so long as doing so does not impose an undue hardship. City will also take appropriate steps to provide reasonable accommodation upon request to employees whose religious beliefs or restrictions create a conflict with City's policies, practices or procedures so long as doing so does not cause an undue hardship. Requests for accommodation should be made to the City Director of Operations.

3.2 Americans with Disabilities Act ("ADA"). In accordance with the ADA, City shall not discriminate against a qualified individual with a disability because of the disability in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation and fringe benefits, job training and other terms, conditions and privileges of employment.

City encourages and invites applicants and employees to identify themselves as individuals with disabilities in order for City to collect and analyze information for satisfaction of ADA requirements and determination of appropriate and reasonable accommodations. Employees who believe they have a mental or physical disability and require reasonable accommodation to perform the essential functions of their job should contact the City Director of Operations. City will then engage in an interactive process with the individual employee to explore possibilities and what can be done by way of accommodation without imposing an undue hardship upon City, as defined by law.

3.3 Genetic Information Non-Discrimination Act ("GINA"). GINA prohibits employers from requesting or requiring genetic information of employees or their family members, except as specifically allowed by this law. To comply with this law, City asks that employees not provide any genetic information when responding to any request for medical information or in applying for any medical leave under the FMLA or otherwise. As defined by GINA, "genetic information" includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

3.4 Family and Medical Leave Act ("FMLA") Statement. City will not: (1) interfere with, restrain, or deny the exercise of any right provided under the FMLA; (2) discharge or discriminate against any person for opposing any practice made unlawful by the FMLA; or (3) discharge or discriminate against any person for his or her involvement in any proceeding under or relating to the FMLA.

Any employee who believes that City has violated his or her FMLA rights should report his/her concerns to the City Director of Operations or the Mayor for investigation and resolution. If the employee's concerns are not resolved in compliance with the law, the employee has the right to file a complaint with the U.S. Department of Labor or bring a private lawsuit against City. FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law that provides greater family or medical leave rights.

3.5 Discrimination/Harassment. City also prohibits any discrimination or demeaning language, characterization or conduct by its employees that may harass, intimidate, insult, ridicule, emphasize or characterize another person because of his/her race, color, religion, national origin, sex, age, disability or any other protected category. While it is impossible to list all types of such harassment, they include:

- Verbal or physical conduct that denigrates or shows hostility or aversion toward an individual or group for any of these reasons;
- Epithets, slurs, or negative stereotyping related to any of these reasons;
- Threatening, intimidating or hostile verbal or physical acts toward an individual or group that relate to any of these reasons; or

- Written or graphic material that denigrates or shows a hostility or aversion toward any individual or group for any of these reasons.

3.6 Sexual Harassment. Also included in City's commitment to provide a workplace free of job-related sex discrimination is a prohibition against sexual harassment. While it is impossible to list all types of sexual harassment, they include unwelcome or unwanted:

- sexual advances, sexual flirtation and requests for sexual favors;
- physical contact of a sexual nature such as touching, pinching, or brushing against the body;
- verbal conduct or remarks of a sexual nature such as sexual innuendoes, suggestive comments, sexual propositions or threats, or jokes of a sexual nature;
- leering, whistling or obscene gestures;
- display of sexually suggestive objects or pictures;
- sexually degrading words used to describe an individual;
- acts of aggression, intimidation, hostility, threats, or unequal treatment based on sex even if not sexual in nature,

when (1) submission to such conduct is explicitly or implicitly a condition of employment, or (2) submission to or rejection of such conduct is used as the basis for employment decisions, or (3) such conduct unreasonably interferes with an individual's job performance, or (4) such conduct creates an unwelcome, intimidating, hostile, abusive or offensive working environment. The prohibition on sexual harassment applies to persons of the same or opposite sex as defined by applicable federal, state or local law.

All of the above provisions relating to equal employment opportunity and discrimination and harassment in Sections 3.1 - 3.6 are for notice purposes and not intended to modify, expand, or dilute the scope or coverage of federal and state prohibitions.

3.7 Complaint Process. Any employee who believes that he or she is a victim of any form of discrimination or sexual harassment should promptly report it to the City Director of Operations. If reporting to the City Director of Operations would be inappropriate, an employee may make such report to the Mayor or City Common Council President. This manner of reporting is required even if the employee has discussed it directly with his or her supervisor or the individual(s) involved.

All complaints of discrimination or sexual harassment will be investigated thoroughly, but with appropriate sensitivity to confidentiality. Investigation of a complaint may include interviewing the complaining party as well as other employees and/or witnesses necessary to obtain sufficient information upon which to make an assessment of the situation. While City will make effort to be sensitive to privacy issues in the course of an investigation, it may be necessary or appropriate to discuss relevant information with appropriate persons on a need-to-know basis. City will take remedial and corrective action that City determines to be appropriate.

3.8 No-Retaliation Policy. It is against City policy to retaliate against any employee for filing a complaint, reporting, or cooperating in the investigation, or offering evidence of a violation of this policy. Any person who takes such retaliatory action shall be subject to disciplinary action, up to and including termination. However, an employee who knowingly provides false or exaggerated information regarding the complaint is subject to disciplinary action.

3.9 Background Checks. After an applicant has completed the employment application process, and in the event the City presents a conditional job offer to the applicant, the applicant may be subject to job-related background checks depending on the nature of the position. Additionally, employees that drive City-owned or leased vehicles may be subject to annual driving records checks.

Applicants and employees must aid City in obtaining any of the above job-related information as requested. Failure to provide adequate assistance, incomplete or false information, or unacceptable investigation results are grounds for rescission or revocation of any offer of employment or disciplinary action up to and including termination.

SECTION 4 - Employee Classifications

4.1 "Regular employee" means any employee who has satisfactorily completed a probationary period, is performing the duties of full-time employment with City, and is not otherwise classified as a probationary, part-time, temporary, or seasonal help.

4.2 "Probationary employee" means any employee hired for full-time employment who has not completed sixty (60) calendar days of employment and who is not otherwise classified as seasonal help or a temporary employee. City has the exclusive right to discipline or terminate probationary employees with or without cause during the probationary period.

4.3 "Part-time employee" means any employee whose regular work schedule is less than thirty (30) hours per week.

4.4 "Temporary employee" means any employee hired for a specific job of limited duration not to exceed thirty (30) working days.

4.5 "Seasonal help" means employees hired from April 1 to December 31 to cover seasonal increases in the workload.

4.6 "Supervisor" means any employee of any City Department who has the authority, in the interests of the City, to hire, transfer outside the job classifications, suspend, layoff, recall, promote, discharge or discipline other employees, or to adjust their grievances, or effectively recommend any of the foregoing, including but not limited to the Superintendent and Assistant Superintendent, sometimes referred to as a department head, of each City Department and any foreman or working foreman in any City Department. The City Mayor and the City Administration also have supervisory authority and may be sometimes referred to herein as "management".

4.7 "Public safety employee" means commissioned employees engaged in law enforcement or fire protection for the City Police Department or the City Fire Department

SECTION 5 - Fringe Benefits

5.1 Fringe Benefits. The term "fringe benefits" include any health, dental, and vision plans; short-term and long term disability plans; paid medical leave days; holiday pay; vacation benefits; and any 457 savings plan offered by City. Public Employee Retirement Fund (PERF) benefits are governed by state law.

5.2 Eligibility for Fringe Benefits. Regular employees are eligible for fringe benefits in accordance with the requirements, conditions, restrictions, contributions, and limitations provided for in this Handbook, City ordinances and policies, and the applicable plan descriptions and policy terms, all of which may be modified or amended from time to time at the discretion of City consistent with applicable law and other legal requirements.

Part-time employees, temporary employees, and seasonal help are not eligible for fringe benefits afforded regular employees.

5.3 Group Plan Descriptions. City may establish retirement plans and group plans for life insurance, accident and sickness insurance, short-term and/or long-term disability, and health insurance for eligible employees and retirees. These plans have the tendency to change frequently and, therefore, will not be detailed in this Handbook. A summary plan description or other information concerning these benefits shall be available for review in the office of the City Director of Operations and City Clerk-Treasurer.

5.4 Change of Employee Status. If an employee is eligible for and enrolled in benefit programs, employees must notify the City Director of Operations immediately whenever there is a change in the following employee information so that benefit programs can be administered:

- Address
- Telephone number
- Number or status of dependents
- Person to notify in case of an accident or illness
- Marital status
- Insurance beneficiary
- Name change
- Military status

SECTION 6-Hours of Work; Unexcused Absences and Tardies; and Exempt Employee Wage Deductions

6.1 Starting Time and Ending Time for Work. The daily and weekly work and the number of hours per day and per week to be worked will be determined by City Administration, elected officials, and authorized department heads appropriate to the circumstances in each City office or department to meet work requirements. Each employee will be at their place of work and ready to work at the established starting time and will work up until the established ending time for work.

All employees are to be at work whenever scheduled. It is the employee's responsibility to advise their supervisor of the reason for any absence, and a supervisor's responsibility to report such information when submitting the time records to the City Clerk-Treasurer. Employees shall advise and obtain permission from their supervisor if they wish to leave during or before the end of any regular work period. An employee who knows they are to be absent should advise their supervisor at least one day before the absence takes place.

6.2 Unexcused Absences and Tardies. An unexcused absence is any absence that is not classified as a tardy and is not excused as provided for in this Handbook. For clarification, leaving work early for any amount of time without excuse (other than written permission from the employee's supervisor) as provided for in this Handbook is an unexcused absence and not a tardy. Also, failure to report to work for mandatory overtime or failure to report to work after accepting overtime is an unexcused absence. Any time late for work is a tardy. Unexcused absences and tardies will be a matter for disciplinary action.

Three (3) days of consecutive absence without calling in will be considered as "quitting without notice" excepting only in rare circumstances where illness or injury prevents that communication from the employee and circumstances are such that phone contact from the immediate family should not be reasonably expected.

6.3 Exempt Employee Wage Deductions. City complies with the salary basis requirements of the Fair Labor Standards Act (FLSA). City does not make improper deductions from the salaries of exempt employees. Exempt employees are non-hourly employees employed in a bona fide executive, administrative, or professional capacity and who are exempt from the FLSA's overtime pay requirements.

There are certain circumstances where deductions from the salaries of exempt employees are permissible. Such circumstances include:

- When an exempt employee is absent from work for one or more full days for personal reasons other than sickness or disability;
- When an exempt employee is absent for one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness;
- To offset amounts received as witness or jury fees, or for military pay; or

- For unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions.

Also, an employer is not required to pay the full salary in the initial or terminal week of employment; for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act; or for penalties imposed in good faith for infraction of safety rules of major significance. In these circumstances, either partial day or full day deductions may be made.

If you are an exempt employee and believe that an improper deduction has been made to your salary, you should immediately report this information to the City Director of Operations. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

SECTION 7 - Holiday and Vacation Pay

7.1 Holidays. Except as otherwise provided for herein, each employee shall receive pay for the following thirteen (13) paid holidays during each calendar year:

New Year's Day	Labor Day
Martin Luther King Day (3rd Mon. in January)	Veteran's Day (Nov. 11)
President's Day (3rd Monday in February)	Thanksgiving Day
Good Friday	Day after Thanksgiving
Memorial Day	Christmas Eve
Juneteenth (June 19)	Christmas Day
Independence Day	

7.2 Rules Governing Holiday Pay. When a holiday falls on a Sunday, the following Monday shall be considered the holiday. When a holiday falls on a Saturday, the prior Friday shall be considered the holiday. If a City designated holiday falls on the employee's scheduled day off, the affected employee shall receive eight (8) hours straight time pay as compensation for the scheduled holiday. An employee who does not work on a scheduled holiday shall receive his regular rate of pay except as elsewhere provided for herein.

Employees shall work the scheduled day before and after a holiday to receive pay for the holiday. Employees not on active payroll (e.g., on unpaid leave of absence, medical leave, layoff, disciplinary suspension, and similar situations) are not eligible for holiday pay.

7.3 Vacations. All vacations shall, for purpose of vacation accrual, use January 1 as the anniversary date for all employees. For existing employees and except as otherwise provided for herein, the following vacation schedule shall apply:

LENGTH OF CALENDER YEAR SERVICE VACATION TIME

Less than one year	Pro rata - not less than one day*
First of January following hire date	5 days
Beginning of 2nd year & through 4 years	10 days
Beginning of 5th year & through 9 years	15 days
Beginning of 10th year & through 14 years	20 days
Beginning of the 15th year	25 days

*Pro rata days of vacation in the first partial year will be equal to the number of weeks or partial weeks to be worked in that partial year divided by 52 and multiplied by 5, with fractions of .5 or greater to be rounded up to the nearest whole day and fractions less than that rounded down.

Notwithstanding the foregoing schedule, any employee who had more than twenty-five (25) days of vacation time in 2013 shall continue to be allowed that amount of vacation, but no more, so long as there is continuous service with City.

7.4 Rules Governing Vacation. An employee terminated for any reason before the end of his or her first full calendar year of employment or for cause or quitting without giving a minimum of two weeks advance written notice shall forfeit all accrued vacation. An employee giving such notice or whose services are terminated by City other than for cause shall receive accrued vacation (and longevity pay, where applicable) on a prorated basis to the date of separation calculated in accordance with the following formula: For vacation, the employee will receive vacation pay for (i) 100% of any unused vacation days carried over from the previous year and (ii) a prorata number of vacation days earned in the year of separation which is calculated as being the number of vacation days the employee is entitled to in the year of separation (excluding days carried forward from the previous year) divided by 365 times the number of days actually worked by the employee in the year of separation (with fractions of .5 or greater to be rounded up to the nearest whole day and fractions less than that rounded down), minus the number of such earned vacation days taken by the employee in the year of separation.

Employees may not receive advance notice of termination except as required by law.

Any employee may carryover from one (1) vacation day up to five (5) vacation days to the following year. Otherwise, vacation is on a "use it or lose it" basis in each calendar year unless approved by the City Administration upon written request delivered by the employee to the Office of the Mayor before December 31. City will not pay for any accrued vacation which is not used or carried forward in accordance with the provisions of this Agreement. Vacation must be taken in at least one (1) day increments except that a Department head, in his or her complete discretion, may allow an employee to take one-half(½) day vacation.

If an employee is not actually at work for the City for any reason (except vacation, holiday, bereavement, and jury duty paid leave) for more than six (6) months in any calendar year, that year will not be counted for vacation accrual purposes. However, upon return to work following an

approved leave, the employee will have continuous employment for accrual of vacation benefits except for that year.

SECTION 8 - Medical Leave

8.1 Paid Medical Leave

8.1.1 Paid Medical Leave Days. On January 1st of each year, each active employee shall receive one and one half (1½) days paid medical leave. Active employees will also accrue additional medical leave time at the rate of one half (½) day per month which is available for use effective the first of the month following such accrual. To be considered an "active" employee for accrual of medical leave purposes, an employee must be actually at work for at least two (2) full days during that month, provided, however, that an employee who was on vacation for an entire month will be considered an active employee for that month if he or she returns to work immediately following the vacation. An employee may accrue no more than fifteen (15) paid medical leave days provided, however, that employees who have accrued more than fifteen (15) medical leave days as of December 31, 2013 shall be allowed to keep that number of medical leave days but will not earn additional medical leave days until their unused medical leave days drop below the 15-day medical leave maximum stated above.

No employee shall be compensated for days not worked due to illness or injury in excess of his/her individual accrued medical leave. Employees will not be paid for unused medical leave days on termination, retirement or otherwise under any circumstances.

8.1.2 Use of Paid Medical Leave. Paid medical leave days shall be used for actual illnesses or injuries that would keep an employee from responsibly performing his or her work for the City and shall not be used as personal time off or for vacation.

Paid medical leave is not allowed in circumstances where the illness or injury was caused by the unlawful use of a controlled substance or alcohol, willful intent to injure one's self or another, or the commission of a felony.

An employee who sustains a work-related injury on the job and is unable to continue performing their duties shall receive his/her regular pay for the remainder of the shift on which the injury occurred without any use of a paid medical leave day.

8.1.3 Notification and Certification Requirements for Paid Leave. Except as otherwise specified by applicable provisions of the ADA or FMLA or Section 8.2:

- (a) The employee shall notify the employee's department head or Supervisor of their absence due to illness at least fifteen (15) minutes after the starting time of his or her shift, except in a verifiable medical emergency. Verification of a medical emergency is the employee's responsibility and must be made by a written licensed health care provider's statement to the department head or

Supervisor within three (3) days of their return to work. If the required notice is not given, the employee will be charged with an unexcused absence without pay for the day missed.

- (b) A medical leave which is three (3) consecutive work days or longer must be supported by a written statement furnished by the employee from a licensed health care provider and delivered to the City within five (5) business days following the day of commencement of the leave. The statement should include the date which the inability to work began and the expected return to work date. If any required statement is not provided, the employee will be charged with an unexcused absence without pay for the days missed.
- (c) Requests to extend any medical leave beyond the expected return to work date specified in (b) above must be in writing and supported by a statement signed by the employee's health care provider and delivered to the City before the expected return to work date. If the return to work date has not been extended as aforesaid and (i) the employee does not return to work on the specified date and (ii) the employee has no available vacation time or paid medical leave days to use to cover the period of absence after the return to work date, then the employee will be treated as having voluntarily quit without notice.

8.2 FMLA and Military Family Medical Leave Entitlements under FMLA.

8.2.1 General. The general notice of rights and responsibilities under the Family and Medical Leave Act is attached as Appendix A.

Eligible employees may be able to take up to 12 weeks of unpaid leave during the Leave Year for the reasons stated in the FMLA Notice (Appendix A). A "serious health condition" is as defined by FMLA. For purposes of this policy, Leave Year is a rolling 12-month period measured backward from the date an employee uses any FMLA leave.

Eligible employees whose spouse, son, daughter, or parent is on covered active duty or call to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

FMLA also includes a special leave entitlement that permits eligible employees to take up to twenty-six (26) weeks of unpaid leave to care for a covered service-member during a single 12-month period. A covered service-member is: (1) a current 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 (2) a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible

employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness*.

Employees who are unable to return to work and have exhausted their FMLA leave entitlement, or who have provided an unequivocal notice of intent not to return to work, no longer have FMLA protections of leave or job restoration or continuation of benefits.

*The FMLA definitions of "serious injury or illness" for current service-members and veterans are distinct from the FMLA definitions of "serious health condition".

8.2.2 FMLA Medical Certification. Medical certification will be required if the leave request is for the employee's own serious health condition or to care for a family member's serious health condition. Failure to provide the requested medical certification in a timely manner may result in delay or denial of the leave until it is provided. Any employee returning from FMLA leave for his/her own serious health condition will need to provide a fitness for duty statement signed by his/her licensed health care provider. An employee failing to provide a fitness for duty statement will not be permitted to resume work until it is provided.

8.2.3 FMLA Leave with Specified End Date. If a medical certification and/or any designation notice has a specified leave return to work or end date, the employee is expected to return to work on the next scheduled workday following that end date. If circumstances change after the end date is specified and it is necessary for the employee to take more leave than originally anticipated, the employee is required to provide the City with notice of the changed circumstance within two (2) business days where foreseeable.

8.2.4 Maintenance of Health Care Benefits. City will maintain health care benefits for the employee while on FMLA leave, but the employee is responsible for paying any normal monthly contribution. If the employee does not return to work at the end of the leave period, the employee will be required to reimburse City for the cost of premiums paid for maintaining coverage during the leave period unless the employee failed to return because of either: (a) the continuation, recurrence or onset of a serious health condition of the employee or a family member, or (b) other circumstances beyond the employee's control in accordance with FMLA regulations.

8.2.5 Spousal Rule for FMLA Leave. If the employee and his/her spouse both work for City, they are both eligible for leave. In cases other than the employee's own serious health condition, the total leave period for the employee and the employee spouse may be limited to 12 weeks total (combined).

8.2.6 Intermittent Leave. It may be medically necessary for some employees to use intermittent FMLA leave. Accordingly, the City will work with employees to arrange reduced work schedules or leaves of absence in order to care for a family member's serious medical condition or their own serious medical condition. Employees using an intermittent or reduced

leave schedule may be required to transfer temporarily to an alternative position which (1) has equivalent pay and benefits, and (2) better accommodates recurring periods of leave.

8.3 Coordination of Paid Leave with Other Benefits.

8.3.1 For all FMLA and non-FMLA qualified leave where the employee does not receive worker compensation or short-term disability benefits for the qualification or waiting period, an employee will be required to utilize unused paid medical leave days and/or unused vacation benefits for the applicable qualification or waiting period, with unused paid medical leave to be used first. An employee may not elect to utilize unused paid vacation or medical leave during the qualification or waiting period if the employee receives worker compensation or short-term disability benefits for that qualification or waiting period. Notwithstanding the foregoing, an employee may, but shall not be required to, preserve up to five (5) days of unused vacation benefits.

8.3.2 An employee may elect to substitute accrued and paid vacation or medical leave for any approved unpaid medical leave provided, however, that (a) in no event shall an employee receive paid vacation or medical leave benefits for days that the employee also receives short-term disability or worker compensation benefits and (b) any paid leave which is used during the time when short-term disability benefits are available shall count toward the maximum period of time established for short-term disability benefits.

8.3.3 All paid leave (medical leave, vacation, or short-term disability) utilized during the period of any FMLA leave shall count against and run concurrently with unpaid FMLA leave.

8.4 Fitness for Duty Certification. Any employee returning from any paid or unpaid medical leave of at least three (3) consecutive workdays will need to provide a fitness for duty certification (with work restrictions, if any) signed by his/her licensed health care provider before returning to work. The fitness for duty certification is required only in respect to the health condition that caused the employee's need for the medical leave. An employee failing to provide such certification will not be permitted to resume work until it is provided.

8.5 Other Applicable City Policies as to Medical Leave.

8.5.1 The medical leave provisions herein are not intended to be, and shall not be, in conflict with rights and responsibilities of both the employee and City under preemptive federal and/or state laws and regulations (e.g., ADA, FMLA, state statutes pertaining to public safety employees or elected officials, etc.) or any valid and binding collective bargaining agreement which shall control to the extent of a conflict. When applicable federal, state, or local laws or regulations require more protection or benefits, the protection or benefits provided by those laws will apply.

8.5.2 Employees will submit to reasonable requests by the City for medical examinations or re-examinations that are job related and consistent with business necessity, and

will cooperate in obtaining any appropriate clarifications reasonably requested by the City with regard to any medical or fitness-for-duty certifications.

8.5.3 Any disputes regarding leave requests or certifications covered by the FMLA or ADA shall be resolved in the manner provided for those laws and regulations.

8.5.4 In light of Section 3.3 regarding GINA, any family medical history information is only required to the extent necessary to make the FMLA medical certification complete and sufficient under FMLA and should not otherwise be provided.

SECTION 9 - Application for Extended Leave of Absence

9.1 Application for Extended Leave. In special circumstance or for medical reasons where an employee anticipates being off work for a period of time in excess of his/her entitlements to FMLA leave, paid medical leave, and vacation time, an employee may request extended leave by submitting a request in writing to the City Director of Operations at least two (2) weeks prior to the exhaustion of such vacation and leave entitlements where the need for the extended leave is foreseeable. Any such request must include the purpose and length of leave requested and, if applicable, medical certification of the expected return to work date, and any other relevant information requested by the City. The request for extended leave may be denied or granted by City after considering applicable legal requirements, the operational needs of City, the length of the request, the indefiniteness or certainty associated with a return to work date, burdens on other employees, uniqueness of employee's work for City, and other reasonable and proper considerations.

9.2 Denial of Application. If extended leave is not granted, the employee may be separated from employment with the City.

9.3 Grant of Application. If extended leave is granted:

9.3.1 During any extended leave, the employee shall not be entitled to accrue any fringe benefits, longevity (where applicable), or other length of service rights (except seniority upon return to work if required);

9.3.2 City shall have the sole options of treating the additional leave as if it were extended FMLA leave or granting the leave without reinstatement rights or health insurance, or setting other conditions to the leave, or any combination of the foregoing, and advise the employee accordingly.

9.3.3 The extended leave which is allowed shall be unpaid provided, however, that (a) if the employee has accrued vacation or medical leave at the commencement of any extended leave, the employees shall be required to first use and exhaust all vacation and medical leave, and compensatory time-off, as part of the extended leave and the remainder of the extended leave shall be unpaid and (b) short-term disability benefits, if applicable, shall be

suspended during any period for which paid leave is used and such paid leave shall count toward the maximum period of time established for short-term disability benefits.

9.3.4 In all cases, the employee shall receive applicable continuation benefits as required by the Consolidated Omnibus Budget Reconciliation Act ("COBRA").

9.3.5 If an employee has not returned to work after the exhaustion of extended leave, and if additional extended leave is not granted, the employee may be separated from employment with City.

SECTION 10 - Bereavement Leave and Paid Parental Leave

10.1 Employees shall receive the amount of pay they would have received on a regular eight (8) hour straight time basis for each day necessarily lost during their normal work week not to exceed three

(3) days to make arrangements for and attend the funeral of a member of their immediate family. This payment shall not be made for any one or more of such three (3) day period, as the case may be, on which the employee would have been absent from work for any other reason.

Immediate family shall be defined as an employee's current spouse, children (including step children), father and mother (including step-parents), father-in-law, mother-in-law, brother, sister, son-in-law, daughter-in-law, or legal guardian, grandparents (including spouse's grandparents) or grandchild. A maximum of two (2) days with pay shall be allowed due to the death of a brother-in-law or sister-in-law.

10.2 Effective January 1, 2023 the City has adopted a Paid Parental Leave Policy set forth in the attached Appendix D. Since this leave policy is introductory, city-wide, and federal/state laws and/or regulations may be forthcoming concerning such benefits for employees in general, the City has sole discretion to amend, modify, or delete this policy in whole or in part, or change its effective date, at any time with or without notice and without necessity of an amendment to this handbook.

SECTION 11 - Military and Jury Duty Leave

11.1 Military Leave. City shall comply with applicable federal and state laws with regard to employees in the military. Contact the City Director of Operations for more information about military leave. The general notice of rights under USERRA is attached to this handbook as Appendix B.

11.2 Jury Duty Leave. Each employee shall be granted leave for jury duty. Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Attendance for jury duty must be verified by the applicable court. Employees are expected to work whenever the court schedule permits. Upon receipt of verification of jury duty pay and the time served, the employee shall be paid for the amount of time served in an amount equal to the difference between the employee's base rate and

work schedule and the jury duty fee paid by the court system.

SECTION 12- Overtime and Compensatory Time Policy; Longevity Pay

12.1 It shall be the policy of City to comply with all state and federal laws and regulations regarding compensation of overtime for all employees covered by the provisions of the Fair Labor Standards Act, as amended ("FLSA").

12.2 To the extent that the City Administration permits qualified non-public safety employees to take compensatory time-off in lieu of overtime, the Compensatory Time Policy set forth in Appendix C shall apply.

12.3 Employees hired after December 31, 2012 are not entitled to longevity pay. Employees hired prior to January 1, 2013 may have a longevity pay element in their compensation package according to City policies, contracts, and ordinances adopted from time to time by the City Administration or the Common Council of the City. If longevity pay is applicable, an employee terminated for cause or quitting without giving a minimum of two weeks advance written notice shall forfeit all unpaid longevity pay. An employee giving such notice or whose services are terminated by the City other than for cause shall receive accrued Longevity Pay on a prorated basis calculated in accordance with the following formula: For longevity, the employee will receive the amount of longevity pay the employee would normally receive in the year of separation divided by 365 times the number of days actually worked in the year of separation, minus any longevity pay already received by the employee in the year of separation.

SECTION 13 - Travel, Meal, Lodging and Telephone Expense Policy

13.1 An employee of City who drives or operates a personal automobile out of City, while employed by City and while engaged in conducting business for City, shall receive the sum equal to the amount currently authorized by the IRS per mile for business deduction for each mile the employee drives. The employee shall travel the most direct available route between destinations. The maximum reimbursement for certain other expenditures shall be as follows:

Meal expense - \$50.00 per diem per employee.

Lodging expenses - \$175.00 per night per room

13.2 An itemized receipt for any expense is required before reimbursement will be considered, except for mileage, and any expense which exceeds the maximum must be pre-approved by the City Board of Public Works and Safety in order to be reimbursed in full.

SECTION 14 - Gifts or Gratuities

The following statutory provisions regarding ethical standards for government officers and employees are as follows:

1. Bribery - LC. 35-44.1-1-2

2. Official Misconduct. - LC. 35-44.1-1-1
3. Conflict of Interest. LC. 35-44.1-1-4
4. Profiteering from Public Service. LC. 35-44.1-1-5

It is important that City employees maintain high ethical standards to promote the principle that public office is a public trust where government is based upon the consent of its citizens who are entitled to have complete confidence in the integrity of their government. The business of the City should be conducted in such a manner so that the general public will have confidence that the conduct of City's business is always conducive to the public good. As such, specific reference and attention shall be given to the Indiana Code of Ethics for the Conduct of State Business contained in 40 IAC - 2 as a guide to City employees. The reference is intended as a guide only and is not meant to unduly restrict or limit the behavior of City employees during the time when they are not on duty. Each employee retains lawful rights and privileges as a private citizen to interests of a personal or private financial nature, and these rights and privileges will be honored to the extent that they are compatible with an individual's public office or employment.

SECTION 15 - Access and Search Policy

Employees acknowledge and are advised that they have no reasonable expectation of personal privacy with regard to items of personal property located on City property in or about offices, desks, lockers, and work areas, and also located in privately owned vehicles, duffel bags, handbags, backpacks, and any other similar item that may be brought onto City property by employees on duty. City has the right to access and search the above-mentioned areas and items in the context of significant security concerns or a reasonable suspicion of individual misconduct which is work-related and for any other legitimate purpose. City's right of access and search in the circumstances described above are unaffected by the presence of locking devices, whether owned by City or the individual.

SECTION 16 - Computer Resource Policy

16.1 Access to and use of City computer resources, including City-owned or licensed computer hardware (including laptops, tablets, and smartphone), software, applications, or information technology systems, social media and social media accounts, e-mail and email accounts, Internet account, and any communication, messaging, texting, or similar accounts or applications using City domain names or City phone numbers or other similar City identifiers ("Computer Resources") is provided to assist City employees to perform their job assignments. Employees are advised and acknowledge that all Computer Resources are the property of City and, as such, employees shall have no reasonable expectation of personal privacy as to information stored in, transmitted by, or received by any of City's Computer Resources.

16.2 Except for incidental and occasional personal use not in violation of the City's policies, access and use of Computer Resources is restricted to City job-related activities. A personal communication through the use of Computer Resources will be treated as any other message (i.e., not confidential) and City retains the right to access and read all communications sent or received

through the use of any Computer Resources at any time without the consent of the user, and with or without prior notice. **Any personal use must contain the following statement: "This is a personal transmission and does not reflect the beliefs or policies of the City of Huntington".**

16.3 Employees may not access or use City's Computer Resources in any way that may be reasonably determined to be insulting, disruptive, offensive, harmful, or to offend or violate community standards. Forbidden transmissions to or from the Computer Resources include but are not limited to: sexually explicit messages, pictures, movies, images, cartoons and/or jokes; unwelcome propositions or "love letters"; ethnic and/or racial slurs; and/or messages that may constitute discrimination, harassment, or retaliation based on sex, race, age, national origin, religious beliefs, disability, or any other category protected under federal, state, or local law.

16.4 Employees who use Computer Resources may not:

- Use or load software on any Computer Resource that has not been authorized by the City for its use.
- Gain or attempt to gain access to, or allow any unauthorized person to gain access to, any portion of City's computer network or system for which the employee or such person has not been issued a valid password and access privilege.
- Send or post information which City or its elected officials regard as confidential.
- Misappropriate City Computer Resources in any form, including but not limited to unauthorized copying of electronic files.
- Duplicate or reproduce City or City vendor software or software manuals in violation of software license agreements.
- Remove any computer equipment, software or documentation from City except in the performance of job duties for the City and with appropriate supervisor approval.
- Refuse to cooperate with a security investigation.
- Access, transmit, or receive information through the use of Computer Resources which could be reasonable determined to offend or violate community standards.

16.5 Computer Resources are subject to periodic unannounced monitoring or inspections for reasons related to security, productivity, and performance management and should be treated like any other shared filing system. All content of Computer Resources, including back-ups, are City records and may be accessed and reviewed at any time by City. Emails, texting, messaging, and all forms of Computer Resource communications are not made confidential even if such communication is password protected.

16.6 Violations of City's Computer Resources Policy will result in disciplinary action which may take many forms, from suspension of access privileges up to and including termination of employment depending on the severity and/or number of the violation(s).

SECTION 17 - Cell Phone Policy

City may issue to, or pay for, individual cellular phones for certain City employees to facilitate efficient City operations, and City employees are required to follow the guidelines listed below regarding cell phone usage during work for their own and others safety:

17.1 All employees are required to be professional and conscientious at all times when using cell phones when conducting City business. Cell phones issued by or paid for by (in whole or in part), City are primarily for City business and shall be governed the same as Computer Resources under City's Computer Resource Policy as well as by safe practices and applicable laws and regulations.

17.2 Employees are expected to make every effort to not exceed the current contracted allowed minutes. Cellular phone bills are reviewed when they arrive. Any employee who exceeds their contracted allowed minutes is subject to additional usage review and/or charges.

17.3 In addition to telephone service, many cell phones or cellular devices offer a host of additional functions and/or services including but not limited to text messaging and digital photography. Any costs incurred for use of such functions outside those covered in the current cellular plan shall be the responsibility of the employee.

17.4 Employees in possession of City equipment, including cellular phones, are expected to protect the equipment from loss, damage or theft. At any time upon request, the employee may be asked to produce the phone for return or inspection. Employees unable to present the phone in good working condition within the time period requested (for example, 24 hours) may be expected to bear the cost of a replacement. Employees will be responsible for repair or replacement of broken and or lost equipment or cell phones. Any accessory equipment purchased, other than that provided by City, will be the responsibility of employee.

17.5 City employees shall not use City-issued cell phones or their own cell phones during work time for personal communications in any form or format except on approved breaks.

SECTION 18 - Vehicle and Equipment Safety

18.1 Employees must observe all local, state and federal safety laws in the use and operation of City vehicles and equipment. If an employee has a question or objection(s) to the safety of a piece of equipment, the employee should notify his or her supervisor.

18.2 City employees are required to wear seat belts when operating any motor vehicle. An employee may not hold or use a telecommunications device in the driver's seat of a City motor vehicle or a personal motor vehicle in use for City business while the motor vehicle is in motion unless the device is used by an employee over the age of 21 in conjunction with hands-free or

voice-operated technology, or unless the device is used by any employee to call 911 to report a bona fide emergency.

SECTION 19 - Drug and Alcohol Policy

19.1 This policy outlines the practice and procedure designed to correct instances of identified alcohol and/or drug use in the workplace. This policy continues to apply to all employees and all applicants for employment of City.

This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely and promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose underlying medical conditions unless directed to do so.

19.2 Definitions.

"Illegal Drug" means a substance whose use or possession is controlled by state or federal law.

"Refusal to Cooperate" means to obstruct the collection or testing process; to submit an altered, adulterated, or substitute sample; to fail to show up for a scheduled test; to refuse to complete the requested drug testing forms; or fail to promptly provide specimen(s) for testing when directed to do so, without a valid medical basis for the failure. Employees who leave the scene of an accident without justifiable explanation prior to submission to drug and alcohol testing will also be considered to have refused to cooperate.

"Under the Influence of Alcohol" means a test result showing blood alcohol concentration (BAC) equal to or greater than .08%.

"Under the Influence of Drugs" means a positive test result for illegal drug use.

19.3 Prohibitions.

19.3.1 Whenever employees are working or are otherwise engaged in City related work, activities, or training on or off City premises (including lunch breaks and rest periods), or are operating any City vehicle, they are prohibited from:

- using, possessing, buying, selling, manufacturing or dispensing an illegal drug (to include possession of drug paraphernalia);
- being under the influence of alcohol or an illegal drug as defined in this policy; and
- possessing or consuming alcohol.

19.3.2 A refusal to cooperate in any required drug or alcohol testing by an employee or applicant is prohibited.

Any violation of any of the above prohibitions subjects an employee to immediate discharge. Failure to pass a drug test or refusal to cooperate with testing by an applicant will result in disqualification of further employment consideration.

19.4 Required Testing. Employees will be subject to drug and/or alcohol testing and investigation under the following conditions:

19.4.1 When, in the informed opinion of City management or supervisors, an employee is using illegal drugs or alcohol on City premises or is exhibiting mannerisms or actions which would lead one to reasonably believe that he/she is under the influence of illegal drugs or alcohol.

19.4.2 After a work-related accident or incident whether or not the accident or incident was reportable under OSHA, where (a) a fatality has occurred, (b) immediate outside medical attention is appropriate for any party involved in the accident or incident, (c) there has been significant damage to a vehicle or property of City, or (d) the employee involved in the accident or incident receives a citation.

19.4.3 If the employee is found in possession of illegal drugs or alcohol during work hours.

19.4.4 Mandated drug testing as required by any state or federal laws, rules, or regulations.

19.4.5 Pre-employment drug testing for all applicants for employment with City before beginning work or receiving an offer of employment.

Employees subject to alcohol testing shall be driven to a City designated and qualified testing facility and directed to provide breath specimens. Applicants and employees subject to drug testing shall be driven to a City designated and qualified facility and directed to provide urine specimens. The testing facility shall make test results available to the City Director of Operations, who shall offer persons with adverse or positive results a reasonable opportunity to rebut or explain the results. Persons with positive illegal drug test results may also ask the City Human Resource Director to have any split sample specimen sent to another qualified facility to be tested at the employee's own expense. Such requests must be made within 72 hours of notice of test results.

Employees will be paid for time spent in alcohol/drug testing and then suspended pending the results of the drug/alcohol test. Should the initial test results prove to be negative the employee will receive back pay for the times/days of suspension.

19.5 Confidentiality. Information and records relating to positive test results, drug and alcohol dependencies and legitimate medical explanations shall be kept confidential to the extent required by law. Such records and information may be disclosed among City management and supervisors

on a need-to-know basis and may also be disclosed where relevant to a grievance, charge, claim or other legal proceeding initiated by or on behalf of an employee.

SECTION 20 - Employee Conduct and Discipline

20.1 For Class A violations listed below, employees shall be subject to discipline as follows:

- First Offense - Written Reprimand
- Second Offense - One (1) Day Suspension
- Third Offense - Five (5) Day Suspension
- Fourth Offense - Subject to Discharge

Any violations of the rules on this list shall be cumulative.

Class A:

1. Gambling, soliciting, distribution of materials, selling of tickets, articles, merchandise, and the like or collection of contributions for any purpose during working hours or upon City property except as is authorized in writing by City.
2. Indecent or immoral conduct or use of abusive language.
3. Loafing or idleness during scheduled work hours, failure to start work at proper time or stopping work before the end of the work period.
4. Entry into restricted areas of City property without authorization other than to perform normal work duties.
5. Refusal to cooperate in the orderly adjustment of a grievance.
6. Making false, vicious, or malicious, defamatory or derogatory statements to or about fellow employees or department heads or Supervisors or making untrue or intentionally misleading statements to a department head or Supervisor, during work hours.
7. Failing to notify department head or Supervisor of absence as required in this Handbook.
8. Public discourtesy and/or socially unacceptable action(s) or remark(s) made and/or engaged in during work hours at City facilities or work sites during periods that require compensation for City work related activities.
9. Smoking or vaping on City property or in unauthorized areas or in City vehicles while working or while on official City business.
10. Excessive use of telephones or cell phones during working hours for personal reasons without permission from the Supervisor.
11. Failure to exercise reasonable care in handling of City tools, equipment, materials, or other property.
12. Failure to immediately report mechanically defective conditions of tools or equipment.
13. Conducting personal business on City work time beyond nominal and infrequent periods of time.

20.2 For Class B violations listed below, employees shall be subject to discipline as follows:

First Offense - One Day Suspension
Second Offense - Subject to a Five (5) Day Suspension
Third Offense - Subject to Discharge

Any violations of the rules on this list shall be cumulative.

Class B:

1. Intentional or knowing falsification or tampering with, removing or misusing any City record, document, report, or application or copies thereof.
2. Recording another employee's work time record, or permitting someone to record your work time record with intent to defraud City.
3. Abuse or deliberate destruction of property, tools or equipment of City or another employee.
4. Intimidating or otherwise abusing other workers while on duty.
5. Fighting on City property while on duty (any employee directly involved, unless that employee's involvement is strictly self-defense).
6. Permitting any person not an employee to enter or ride in City vehicles without authorization of the Department Head, except in case of emergency.
7. Insubordination, refusal to do assigned work, or failure to obey the work orders of a supervisor.
8. Operation of machines, tools or equipment to which an employee has not been specifically assigned by the department head or Supervisor.
9. Reporting to work with a BAC between .04 and less than .08.
10. An act or failure to act, including horseplay, which endangers the safety or lives of others.
11. Failure to wear safety shoes, safety glasses, or hearing protection while assigned to areas designated for use of such safety measures or violation of any established or posted safety regulation and/or warning including, without limitation, safety laws as referenced in Section 18.
12. Unauthorized purchases at City expense.
13. Unauthorized use of City equipment or property.
14. Failure to report illnesses or injuries (which are work-related and reasonably require medical attention) or accidents (which involve property damage) immediately to your supervisor within 24 hours after the end of the employee's work schedule on the day when the incident occurred or misrepresenting the facts regarding such illnesses, injuries, or accidents.
15. Failure to wear a vehicle safety belt in a City-owned vehicle that is so equipped or in a personal vehicle while on City business when the law requires such use.
16. Refusal or failure to provide accurate and timely information relating to spousal eligibility for insurance through the spouse's employer.

20.3 For Class C violations listed below, employees shall be subject to discipline as follows:

First Offense - Subject to Discharge

Class C:

1. Use, possession, sale or distribution of alcohol or illegal drugs on City property or on City time, or reporting for work under the influence of alcohol or illegal drugs in violation of City policy or refusing drug/alcohol testing as described in more detail in Section 21.
2. Stealing City property or having in your possession any property of City (while off-duty) or another employee without proper authorization; or any act or omission involving dishonesty, deception, or fraud that is intended to impose, or results in, significant adverse consequences to the City.
3. Possession of explosives, firearms, or other weapons while on duty or on City property except in the performance of official duties with the express authorization of the Mayor or the City Board of Public Works and Safety provided, however, that, in accordance with IC 34-28-7-2(6), this provision shall not prohibit an employee from possessing a firearm or ammunition that is locked in the trunk of the employee's vehicle, kept in the glove compartment of the employee's locked vehicle, or stored out of plain sight in the employee's locked vehicle.
4. Conviction of any felony (including an admission of guilt or pleading no contest to a felony offense) if, in the discretion of City, the nature of the felony offense and related circumstances poses unreasonable risks to City or its employees or its citizens; or engaging in unethical or official misconduct that is prohibited by a public servant under federal, state, or local law.
5. Willfully destroying or defacing City property or equipment or the property of other employees, or any physical attack on any City employee or other person while on duty as an employee of City.
6. Engaging in discriminatory conduct in violation of state or federal civil rights laws, sexual harassment, or retaliating against an employee who reports discrimination or engages in state or federally protected conduct.
7. Failure of an employee (whose job duties include operating a City vehicle) to immediately provide written notice to the Office of the Mayor of any loss of, or suspension of, his or her driver's license or CDL license, whether intentional or unintentional, and/or the employee's operation of a City vehicle either without a proper license or on a suspended license.
8. Any combination of four (4) violations of Class A or Class B; or any combination of three (3) Violations of Class A or Class B coupled with a 2ND violation of a Class D attendance violation.

20.4. For Class D attendance violations, the rules and discipline shall be as follows: During any twelve (12) month period, employees will be subject to the following disciplinary action for any violation of City's attendance policy (i.e. unexcused absences and or tardies):

- 1st Violation - Written Warning
- 2nd Violation - Three (3) Day Suspension
- 3rd Violation - Five (5) Day Suspension
- 4th Violation - Discharge

Each day of an unexcused absence is a separate violation. City will not double count a tardy toward a charge of unexcused absence. Attendance information shall be made available to employees any time upon request.

20.5 Except for a Class D attendance violation, if no disciplinary action for any employee is instituted within ten (10) working days from the occurrence and of which City should have reasonably had knowledge, said employee shall not be subject to disciplinary action.

20.6 Violations over one (1) year old will not count against the employee's work record for future disciplinary action.

20.7 An employee who is charged with a felony offense, whether the alleged felony conduct occurred on duty or not, may be suspended (with or without pay) by the City pending an administrative investigation and pending the outcome of the criminal proceeding. In the event of a suspension without pay and the outcome does not result in a felony conviction as described herein and the employee has not been discharged and is otherwise eligible to, and does, return to work following such an outcome, the City shall have sole discretion to determine whether or not to award any back pay. The provision of this subsection 6 are in addition to, and shall not in any way limit, all other rights of the City under this Agreement to impose discipline on any employee at any time (e.g., attendance or other violations).

Any suspension determination by the City shall be based upon relevant factors including the nature of the alleged offense and the circumstances or facts related thereto; other relevant laws and regulations, reasonable inferences about problems with self-control or violence; the impact on the work environment or co-workers; and the impact on the employee's ability to adequately function with respect to his/her job duties.

EMPLOYEE RIGHTS

UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees.

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.

BENEFITS & PROTECTIONS

ELIGIBILITY REQUIREMENTS

REQUESTING LEAVE

EMPLOYER RESPONSIBILITIES

ENFORCEMENT

For additional information or to file a complaint:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division





YOUR RIGHTS UNDER USERRA THE UNIFORMED SERVICES EMPLOYMENT AND REEMPLOYMENT RIGHTS ACT

USERRA protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services, and applicants to the uniformed services.

REEMPLOYMENT RIGHTS

You have the right to be reemployed in your civilian job if you leave that job to perform service in the uniformed service and:

- ☆ you ensure that your employer receives advance written or verbal notice of your service;
- ☆ you have five years or less of cumulative service in the uniformed services while with that particular employer;
- ☆ you return to work or apply for reemployment in a timely manner after conclusion of service; and
- ☆ you have not been separated from service with a disqualifying discharge or under other than honorable conditions.

If you are eligible to be reemployed, you must be restored to the job and benefits you would have attained if you had not been absent due to military service or, in some cases, a comparable job.

RIGHT TO BE FREE FROM DISCRIMINATION AND RETALIATION

If you:

- ☆ are a past or present member of the uniformed service;
- ☆ have applied for membership in the uniformed service; or
- ☆ are obligated to serve in the uniformed service;

then an employer may not deny you:

- ☆ initial employment;
- ☆ reemployment;
- ☆ retention in employment;
- ☆ promotion; or
- ☆ any benefit of employment

because of this status.

In addition, an employer may not retaliate against anyone assisting in the enforcement of USERRA rights, including testifying or making a statement in connection with a proceeding under USERRA, even if that person has no service connection.

HEALTH INSURANCE PROTECTION

- ☆ If you leave your job to perform military service, you have the right to elect to continue your existing employer-based health plan coverage for you and your dependents for up to 24 months while in the military.
- ☆ Even if you don't elect to continue coverage during your military service, you have the right to be reinstated in your employer's health plan when you are reemployed, generally without any waiting periods or exclusions (e.g., pre-existing condition exclusions) except for service-connected illnesses or injuries.

ENFORCEMENT

- ☆ The U.S. Department of Labor, Veterans Employment and Training Service (VETS) is authorized to investigate and resolve complaints of USERRA violations.
- ☆ For assistance in filing a complaint, or for any other information on USERRA, contact VETS at 1-866-4-USA-DOL or visit its website at <https://www.dol.gov/agencies/vets/>. An interactive online USERRA Advisor can be viewed at <https://webapps.dol.gov/elaws/vets/userra>
- ☆ If you file a complaint with VETS and VETS is unable to resolve it, you may request that your case be referred to the Department of Justice or the Office of Special Counsel, as applicable, for representation.
- ☆ You may also bypass the VETS process and bring a civil action against an employer for violations of USERRA.

The rights listed here may vary depending on the circumstances. The text of this notice was prepared by VETS, and may be viewed on the internet at this address: <https://www.dol.gov/agencies/vets/programs/userra/poster> Federal law requires employers to notify employees of their rights under USERRA, and employers may meet this requirement by displaying the text of this notice where they customarily place notices for employees.



U.S. Department of Labor
1-866-487-2365



U.S. Department of Justice



Office of Special Counsel



1-800-336-4590

APPENDIX C

Compensatory Time Off Policy

It shall be the policy of the City to comply with all state and federal laws and regulations regarding compensation of overtime for all employees covered by the provisions of the Fair Labor Standards Act, as amended ("FLSA"). This policy shall be distributed to all affected employees and shall form the understanding between the employer and employee regarding compensatory time off. This policy does not contain any contractual rights and may be revised or amended by the City Board of Public Works and Safety ("City BPWS") at any time.

Upon approval of the implementation of compensatory time off in lieu of overtime for employees within a particular department by the City BPWS, compensatory time off to such employees within that department may be granted on a case-by-case basis at the discretion of the department head for the affected department after due consideration of the work and workplace needs of the department but in all cases (1) consistent with this policy and any other policy adopted by the City BPWS and (2) not in contravention with applicable law or any valid collective bargaining agreement to which the City is a party.

Compensatory time off may not be granted to employees within a department that has not been expressly approved for compensatory time off by the City BPWS and may only be granted in lieu of overtime pay.

General Guidelines

1. As used in this policy, "department head" shall refer to the department head for the applicable employee or that department head's designee.
2. Where compensatory time off is granted in lieu of overtime pay, the employee shall be entitled to compensatory time off at the rate of 1½ hours of compensatory time off for each hour of overtime.
3. Accrued compensatory time off may be used by an employee within a reasonable time after his or her request unless to do so would unduly disrupt the City's operations. The department head may manage accrued compensatory time off and require an employee to use accrued compensatory time off within a reasonable time after the department head's direction to do so. In the event a department head denies the use of compensatory time off because it would cause undue disruption, the department head shall, upon request, generate written documentation to support the decision.
4. Under no circumstances may an employee (a) take compensatory time off until the employee has earned compensatory time off or (b) accrue more than 40 hours of compensatory time off.
5. In the City's discretion, the City may elect to payout accrued but unused compensatory time off at any point during the calendar year. In all cases, an employee's accrued but unused compensatory time off balances shall be paid out in full upon separation from employment. Accrued compensatory time off hours will be carried forward from calendar year to calendar year.

APPENDIX D
Parental Leave Policy

Definitions. When used herein: the following terms have the following meanings:

- “child” means a biological child of the employee newly born to the employee or employee’s spouse or domestic partner or a minor child placed for adoption with the employee.
- “domestic partner” means an unrelated and unmarried person who shares common living quarters with an employee and with whom the employee shares child and financial responsibilities.
- “placement for adoption” means the order (i) granting custody pending adoption; or (ii) issuing a domestic or international decree or certificate of adoption, whichever occurs first. Placement for adoption does not include time spent fostering a child prior to the issuance of a decree of adoption nor the adoption of any step-child by a step-parent nor an employee’s adoption of his/her domestic partner’s child.
- “spouse” means a legally married husband or wife.

Policy and Procedure. The purpose of this policy is to provide paid leave to full-time employees so they can spend time with their newborn or child placed for adoption. This policy applies to full-time employees of the City who have been employed by the City for twelve (12) consecutive months and have worked at least 1,250 hours during the 12-consecutive months immediately preceding birth date of a child or the date of an order for placement for adoption of a child:

- (a) Upon the birth of the employee’s child on or after January 1, 2023.
- (b) Upon the birth of a child to the employee’s spouse or domestic partner on or after January 1, 2023.
- (c) Upon placement of a child for adoption with the employee on or after January 1, 2023.

Eligible employees may request and receive up to fourteen (14) consecutive days of parental leave upon the birth of their child or placement of a child with the employee for adoption (“parental leave”). Parental leave will be unpaid except as specifically provided for in this policy.

Parental leave may not be taken intermittently and must be requested and taken in one continuous 14-day period. Any parental leave not taken within the six (6) months after the birth or the placement for adoption or prior to the employee’s separation from employment with the City is forfeited. For clarity, parental leave may only be used for the intended purpose herein and may not be used or extended beyond this 6-month time frame.

The eligible employee will receive pay for any of their normal and regularly scheduled work days/shifts (as determined by the City in its sole discretion) which occur during the continuous 14-day parental leave period in the same manner as if those work days/shifts were taken as vacation leave.

Any request for parental leave must be submitted to the City Human Resources Department on forms provided by the City, together with fully completed FMLA and Short-term Disability paperwork, at least 30 days before the parental leave is taken.

An employee may elect to substitute available paid parental leave days/shifts for any available unpaid FMLA leave. Paid parental leave days/shifts runs concurrently with unpaid FMLA leave for eligible employees who are charged FMLA leave for absences due to childbirth or parenting. Paid parental leave days/shifts which are used during the time when short-term disability benefits are available to the employee shall count toward the maximum period of time established for short-term disability benefits.

Parental leave may not be used for the periods of time for which an employee is receiving vacation, medical leave, or short-term disability benefits. If a City-paid holiday occurs while the employee is on parental leave, the paid holiday will be charged to holiday pay; however, such holiday pay will not extend the continuous 14-day parental leave period.