

# **1. PERSONNEL ADMINISTRATION**

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

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

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

Nothing in this handbook is intended to in any sense constitute a contract of employment or an expectation of continued employment. Knox County is an “At-Will” employer which means the employee may resign at any time and the employer may discharge an employee at any time with or without cause. **This handbook is not a contract of employment.**

No employee handbook can anticipate every circumstance or question about policy. As Knox County continues to grow, the need may arise to change policies described in the handbook. Knox County, therefore, reserves the right to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion. Employees will, of course, be notified of such changes as they occur.

Although we believe the descriptive materials contained in this handbook are accurate, some sections, like insurance, are only summaries. Any discrepancies between these summaries and the terms of the actual plans will be governed by the terms of the underlying, more detailed policies and procedures. Any questions regarding summaries, their underlying policies and procedures, if applicable, and any discrepancies between them should be directed to your elected official or department head. Elected officials or department heads needing clarification on any administration of personnel policies should contact the Board of County Commissioners.

## **1.2 EXCEPTIONS AND SPECIAL CONDITIONS**

These policies and procedures apply to all Knox County employees, except when in conflict with special employment conditions set forth for elected officials or when in conflict with specific statutes of law governing employment relationships.

All elected officials are excluded from the provisions of these County personnel policies except as noted.

**Court Employees:** Knox County Judges are state officials. Although employees of the court receive their pay and benefits from the County, they are judicial branch employees subject to the Code of Judicial Conduct which does not apply to employees who work in positions outside the court system. Due to the fundamental constitutional separation of powers, the Courts may supplement and/or amend portions of the Handbook with the Court's specific provisions. Court employees must confer with the judges to ensure that they are aware of any provisions that maybe supplemented or amended by the Courts.

**Sheriff Employees:** Sheriff Department employees are subject to state and federal guidelines that may conflict with terms of the Handbook and those state and/or federal guidelines shall prevail over contrary terms of the Handbook.

### 1.3 **“KNOX COUNTY” DEFINED**

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

### 1.4 **PERSONNEL ADMINISTRATION COMMITTEE**

The Knox County Board of Commissioners facilitates the implementation of the policies and procedures herein established. They shall meet as deemed necessary to review the administration of County personnel policies, such as monitoring policies and procedures and making revisions, additions and deletions as deemed necessary.

The Knox County Personnel Administration Committee consists of:

- One (1) Commissioner member;
- One (1) Council member;
- County Attorney;
- Auditor;
- Personnel Administrator;
- A representative of the Sheriff's Department;
- A representative of each of the Courts; and
- A representative of the Highway Department.

Elected officials/department heads have responsibility for the day-to-day supervision and operation of their respective offices as prescribed by statute.

## **1.5 EOUAL EMPLOYMENT OPPORTUNITY**

It is the policy of the County of Knox to provide equal opportunity in employment to all employees and applicants. Knox County does not discriminate on the basis of race, color, gender, national origin, religion, age, creed, military status, or disability in employment or in the provision of services or any other classification protected under applicable law.

All position vacancy notices, postings, advertisements, and recruiting literature shall contain the phrase “An Equal Opportunity Employer.”

Any employee with questions or concerns about any type of discrimination in the workplace shall bring these issues to the attention of his/her elected official/department head. Employees may raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to, and including termination of employment.

## **1.6 MANAGEMENT RIGHTS**

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

1. The right to direct the work of its employees.
2. The right to establish policy.
3. The right to maintain the efficiency of public operations.
4. The right to design and implement safety programs for employees.
5. The right to design and implement job training for employees.
6. The right to determine what services shall be rendered to the public and the maintenance procedures, materials, facilities, and equipment to be used.
7. The right to determine job responsibilities.
8. The right to determine, effectuate, and implement the objectives and goals of the County.
9. The right to establish, allocate, schedule, assign, modify, change, and discontinue County operations, work shifts, and working hours.
10. The right to establish, modify, change, and discontinue work standards.
11. The right to hire, examine, classify, train, transfer, assign, and retain employees; suspend, discharge, or take other disciplinary action against employees in accordance with applicable law and to relieve employees from duties due to disciplinary reasons or other legitimate reasons; and make promotions and demotions.
12. The right to determine the size, change, modify, and alter the composition of the work force.
13. The right to determine, establish, set, and implement policies for the selection, training, and promotion of employees in accordance with applicable law.

14. The right to establish, implement, modify, and change procedures and policies for the safety, health, and protection of the County property and personnel.
15. The right to adopt, modify, change, enforce, or discontinue any existing rules, regulations, procedures, and policies.
16. The right to establish, select, modify, change, or discontinue equipment, materials, and the layout and arrangement of equipment.
17. The right to determine the size and character of inventories and their disposal.
18. The right to control the use of property, machinery, inventories, and equipment owned, leased, or borrowed by the County.
19. The right to locate, establish, and organize new departments, divisions, subdivisions, or facilities thereof, and the right to relocate departments, subdivisions, locate and the close and/or discontinue same.

The above enumeration of management rights is not inclusive of all such rights. All rights granted Knox County by constitution, statute, charter, ordinance, or in any manner are retained by the County.

#### **1.7 PRODUCTIVE WORK ENVIRONMENT**

It is a policy of Knox County to maintain a productive work environment. Verbal or physical conduct by any supervisor or employee which in the determination of the Commissioners, harasses, disrupts, or interferes, with another employee's work performance or which creates an intimidating, offensive, or hostile environment will not be tolerated.

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

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

Verification of Employment Eligibility: All applicants must cooperate with the County in its compliance with the Immigration Reform and Control Act of 1986, as amended. Applicants who refuse to supply the documentation necessary (**Employment Eligibility Verification Form, I-9 form**) to prove they are American citizens or aliens authorized to work in this country will not be considered for employment. The County Auditor shall ensure that the I-9 Form is properly completed and retained as required by law, within the first three (3) days of employment. The I-9 form is maintained in the Auditor's office.

The Auditor of Knox County cannot process payroll claims for any employee unless the appropriate forms are completed.

**1.9 E-VERIFY**

The Auditor's office shall administer the **e-verify enrollment** of all County new-hires; and shall ensure that appropriate forms are properly completed and retained as required by law.

**1.10 ELIGIBILITY FOR LOCAL PUBLIC BENEFITS**

All County employees shall complete a **Verification of Eligibility for Local Public Benefits Form** to ensure entitlement to a Federal public benefit as defined by I.C. 12-32-1-2 and State or Local public benefits as defined by I.C. 12-32-1-3. This form shall be administered and retained by the Auditor's office as required by law.

## **2. EMPLOYMENT POLICIES**

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

### **2.1 RECRUITMENT**

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

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

Vacant and new positions, insofar as practicable, shall be afforded employees, subject to ability and job qualifications to be reasonably determined by management. Open and new jobs shall be posted within County facilities for a minimum of seven (7) calendar days and /or until said positions are filled. If the position is not filled within seven (7) calendar days, job information shall be publically posted within County facilities until the opening is filled.

- Information regarding vacancies or new positions shall be publicly posted on bulletin boards
- Located in County work facilities. The County encourages internal promotion and transfer whenever possible.
- At the discretion of hiring officials, based on the urgency and specialization of the job requirements, newspaper and trade journal advertising may be used in recruiting employees.

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

### **2.2 EMPLOYMENT APPLICATIONS**

All applicants are required to complete a County **Application for Employment**, as well as any other forms required for statistical purposes or deemed necessary to process the Application. The Application form shall be maintained in the Auditor’s office. The Employment Application shall request only the information necessary for rational decision making. Only questions specifically related to occupational standards shall be asked.

All applicants must complete the Employment Application in its entirety, providing any requested information in its entirety and accounting for periods of employment and unemployment. The elected official/department head may screen applicants and conduct testing relevant to the skills needed to effectively complete the duties of the position.

Knox County relies on the accuracy of information on the Employment Application, as well as other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the County's exclusion of the individual from further consideration for employment, or, if the person has been hired, termination of employment.

Placement of an Employment Application with the County does not mean that all applicants will be granted an interview by the elected official/department head. However, equal consideration will be given to all applicants based on the qualifications listed for the job. Applications will be retained in active files for forty-five (45) days, or for the duration of applicant recruitment lists when used. Applications shall be returned to the Auditor's office prior to hiring or being placed on the County payroll. Hiring decisions are the sole responsibility of the appointing authority (i.e., elected officials and designated department heads). Elected officials/department heads shall notify the Auditor of all new hires.

### **2.3 APPLICANT TESTING/AGE REQUIREMENT**

Applicant tests including, but not limited to, basic skills written tests, mechanical or physical agility, and psychological tests may be used by the County in the selection process for certain positions. Such tests are to be related to the requirements of the position which includes that applicants be at least 18 years of age. The Board of Commissioners must approve the use of any tests for prospective employees.

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

Pre-employment interviews may be used to gather information and screen applicants for County employment. Initial interviews may be conducted by the officer receiving the application, although the final interview is reserved for the administrative officer making the employment decision.

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

Applicants may receive a conditional offer of employment conditioned on the successful completion of all established prerequisite requirements of the position, which may include passing medical, physical, and mental examinations or requirements, reference and criminal background checks, and driving record requirements. Applicants who receive a conditional offer of employment are not employees of the County unless they receive an official letter of employment. Knox County may withdraw the conditional offer of employment at any time for any reason, except as otherwise prohibited by law.

## 2.6 OFFER OF EMPLOYMENT

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

The Offer of Employment will outline:

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

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

The Offer of Employment shall be signed by the applicant and authorized official and submitted to the Auditor's Office before the applicant is considered an employee of Knox County. The Offer of Employment form will be maintained in the Auditor's Office.

## 2.7 MEDICAL EXAMINATIONS

To help ensure that employees are able to perform their duties safely, medical examinations shall be required prior to hiring, or anytime during the course of employment with the County.

After a conditional offer of employment has been extended, applicants may be required to undergo a pre-employment medical examination by a health professional of the County's choice, at the County's expense. (Refer to forms "**Conditional Offer of Employment**" and "**Medical Review**".) Employees shall be required to submit to fitness for duty medical or psychological evaluations prior to returning from employee illness or injury leave under FMLA, or to meet terms and conditions associated with performing job duties. Applicants may be required to submit to a drug test prior to being hired by the County.

Employees returning from active duty/enlistment military leave shall provide medical certification verifying fitness for performing the essential functions of their County job.

Information on an employee's medical condition or history shall be kept in a confidential medical file that is separate from other employee information. Access to this information will be limited to the employee, elected official/department head, Auditor and designated employees responsible for processing insurance and worker's compensation claims, and the County Attorney.

## **2.8 EMPLOYMENT STATUS**

It is the intent of the County to clarify the definitions of employment status, so employees understand their employment status and benefit eligibility. Any changes in employment status shall be conveyed in writing. No change in employment status is to be construed or inferred without written notification.

**REGULAR FULL-TIME** employees are those who are not in a part-time or temporary status and who are regularly scheduled to work the County's full-time schedule of at least thirty (30) hours or more per workweek. Employees are eligible for the County's benefit package, subject to the terms, conditions, and limitations of each benefit program.

**PART-TIME** employees are those who are not assigned to a full-time, temporary, or probationary status. A part-time employee shall not work more than twenty-eight (28) hours per week, with the exception of mandatory certification training required for the position. However, part-time employees may be required to work additional hours based on staffing and business needs of the County. Part-time employees retain that status until expressly notified of a change. While part-time employees do receive all legally mandated benefits (such as worker's compensation and social security benefits), they are ineligible for all of the County's other benefit programs.

**TEMPORARY** employees are those who are hired as interim replacements to temporarily supplement the workforce, or to assist in the completion of a specific project. It is the policy of the County that a Temporary employee who works (120) days in a calendar year shall not be rehired by the County without a minimum of six (6) months separation period between temporary employment engagements. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until notified of a change. While temporary employees receive all legally-mandated benefits (such as worker's compensation and social security), they are ineligible for all of the County's other benefit programs.

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

To ensure that individuals who are employed by Knox County are well qualified and have a strong potential to be productive and successful, it is the policy of the County to check the employment references and driving records of all applicants who are required to drive a vehicle in the performance of job duties. Information regarding this procedure is contained in the "Employment History and Work Experience" section of the County's Employment Application. Applicants may be subject to criminal background checks and credit checks.

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

copies of past performance records upon request; and must acknowledge receipt in writing.

Requests by elected officials/department heads for reference, background, credit checks and/or drug and alcohol testing on applicants should be directed to the Auditor's office. If a County vehicle will be used by the applicant, a Bureau of Motor Vehicles (BMV) transcript will be requested. **Notice Authorization and Release for Criminal Background Check forms** are available in the Auditor's office.

## **2.10 PERSONNEL FILES**

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

The County shall maintain four (4) separate personnel records concerning the employee's employment history. Those shall be the employee's personnel file, performance file, medical file, and CDL file.

1. **Personnel File:** The employee's personnel file shall contain the employee's employment application, I-9 Form, e-verify, verification of local public benefits, emergency information sheet, employment data information sheets concerning history of employment, insurance enrollment forms, retirement enrollment forms, educational accomplishments, change in address forms and beneficiary forms, and records of training. This file shall be maintained in the Auditor's office. Certain documents in this file shall be deemed confidential and released only to persons on a need-to-know basis.
2. **Performance File:** The employee's performance file shall contain documentation of performance and salary increases, disciplinary records, and other documentation concerning disciplinary actions, including grievances, absences, tardiness, and other related data. This file shall be maintained by the elected official/department head of each office or department with copies of documents affecting compensation or benefits to the Auditor's office.
3. **Confidential Medical File:** The employee's confidential medical file shall contain all medical information, including health insurance, disability information, worker's compensation issues, results of drug tests, and other medically related information. This file shall be maintained in the Auditor's office.
4. **CDL File:** The CDL file is maintained by the Highway Department.

## **2.11 ACCESS TO PERSONNEL FILES**

The information contained in an employee's personnel and performance files shall be available to the employee and elected official and/or department head having direct supervisory control of the employee, Auditor, County Attorney, and County Commissioners. The employee's confidential medical file shall be maintained under the control of the Auditor and shall be available to the employee, County Attorney, and County Commissioners. The Auditor shall not provide any information pursuant to a subpoena or court order sooner than ten (10) calendar days after the date of receipt. Within five (5) calendar days of the receipt of the subpoena, the County Attorney shall notify the affected employee(s) of the subpoena to permit the employee(s) to seek any appropriate judicial relief.

The employee's performance file and confidential medical file shall be deemed personnel records and exempt under the Indiana Public Records Law.

Personnel files are property of the County, and access to the information they contain is restricted, except as provided in IC 5-14-3-1 *et seq.* Access to an employee's personnel file shall be limited to the employee and the elected official/department head to which the employee is directly responsible.

Employees and/or their designated representative who wish to review their own files should contact the Auditor. With reasonable advance notice, employees may review their own personnel files in the County's offices in the presence of an individual appointed by the County to maintain the files.

No information shall be provided to any person concerning the employment of the employee other than job title, salary, and date-of-hire.

## **2.12 PERSONAL INFORMATION CHANGES**

Personal mailing addresses, telephone numbers, number and names of dependents, changes in marital status, individuals to be contacted in the event of an emergency, educational accomplishments, driver's license status and proof of insurance (where applicable), and other such personal information should be accurate and current. Any unreported changes in personal status may impact eligibility under the County's benefit plans. It is the employee's responsibility to convey personal information in written form to their elected official/department head and to the Auditor's office.

## **2.13 ORIENTATION/EXIT INTERVIEWS**

Elected officials/department heads are encouraged to conduct an informal orientation to familiarize a new employee with the County. New employees shall be provided with a copy of the Knox County Personnel Policies Handbook by the Auditor. It is the responsibility of the employee to read and understand the Personnel Policies Handbook.

Each employee shall sign the Employee Acknowledgment form; periodic updates will also be acknowledged.

Upon termination of the employment relationship with an employee, exit interviews should be scheduled with the elected official/department head. At this interview the employee will receive explanation of benefit options available upon termination of the employment relationship.

## **2.14 PROBATIONARY PERIOD**

All new and rehired employees shall be considered probationary employees for the twelve (12) months of continuous employment. At the end of the probationary period, employees shall cease to be probationary employees, unless their probationary status is extended by their elected official/department head. An employee may be discharged at any time during his/her probationary period, or any extension thereof, with or without cause, and without compliance with any of the disciplinary rules or procedures by the County, the elected official/department head, or any other person involved in the discharge of the employee.

The probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The County uses this period to evaluate employee capabilities, work habits, and overall performance.

Probationary employees are eligible for employer-provided benefits, subject to the terms and conditions of each benefit program. Employee should read the information provided for each benefit program for details on eligibility requirements.

## **2.15 PERFORMANCE EVALUATION**

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

Formal performance evaluations should be conducted on employees at the end of their probationary period, before entering full-time status, especially if the probationary period is extended. This allows the elected official/department head and employee the opportunity to discuss the job responsibilities, standards, and performance requirements, in addition to correcting deficiencies and reinforcing strengths and future goals.

Performance appraisals shall be confidential and shall be made available only to the employee appraised, their elected official or department head, and to a prospective elected official or department head if a transfer or promotion is being considered.

The performance of all employees may be evaluated by their department head on an annual basis at minimum. See Appendix C for sample evaluation forms. Performance evaluations and appraisals do not create a contract for employment nor do they create incentive or merit pay opportunities. Employment continues to be at-will.

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

An employee may hold a job with another organization as long as he/she, in the opinion of the County, satisfactorily performs his/her job responsibilities with the County. Employees should consider the impact that outside employment may have on their ability to efficiently perform their work, as well as any conflicts of interest that may arise.

All employees will be judged by the same performance standards and will be subject to the employees scheduling demands, regardless of any existing outside work requirements.

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

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

County employees may not accept financial benefits that would reasonably tend to influence decisions or encourage that employee to disclose confidential County information. Any offers of money, services, benefits, favors, or other possible conflicts should be reported to elected official/department heads and/or the County Commissioners.

If Knox County determines that an employee's outside work interferes with performance or ability to meet the requirements of the position, as it is modified from time to time, or if the County determines that the outside employment is in conflict with its ethics code or other codes of conduct, directly or indirectly applicable to a specific employee, the employee may be required to terminate the outside employment if he or she wishes to remain employed with the County.

Outside employment will present a conflict of interest if it has an actual or potential adverse impact on the County. County employees should file a conflict of interest statement with the County Clerk, State Board of Accounts, and Auditor whenever an employee's outside business activities are directly or indirectly linked to the County in a business relationship, such as vendor, supplier, contractor, or independent subcontractor. The County Clerk and Auditor have forms available for use.

## **2.17 REQUESTS FOR INFORMATION**

In the event the County Auditor is contacted by any person with written consent of the employee, the County Auditor will only release information regarding their position, title, office or department, hire date, and wages. Employees shall not provide employment information about current or former employees to other employers, agencies, or the public. Employees are directed to refer any persons seeking employment information to their elected official or department head.

## **2.18 NEPOTISM**

This section establishes minimum requirements regarding employment of relatives.

### **1) Definitions**

- (a) As used in this section, “direct line of supervision” means an elected officer or employee who is in a position to affect the terms and conditions of another individual’s employment, including making decisions about work assignments, compensation, grievances, advancements, or performance evaluations. The term does not include the responsibilities of the executive, legislative body, or fiscal body of a unit, as provided by law, to make decisions regarding salary, ordinances, budgets, or personnel policies of the unit.
- (b) As used in this section, “employee” means an individual who is employed by a unit on a full-time, part-time, temporary, intermittent, or hourly basis. The term does not include individuals who hold only an elected office. The term includes an individual who is a party to an employment contract with the unit.
- (c) As used in this section, “member of the fire department” means the fire chief or a firefighter appointed to the department.
- (d) As used in this section, “member of the police department” means the police chief or a police officer appointed to the department.
- (e) As used in this section, “relative” means any of the following:
  - 1. a spouse.
  - 2. a parent or step-parent.
  - 3. a child or step-child
  - 4. a brother, sister, step-brother, or step-sister.
  - 5. a niece or a nephew.
  - 6. an aunt or uncle.
  - 7. a daughter-in-law or son-in-law.
  - 8. For purposes of this section an adopted child of an individual is treated as a natural child of the individual.

9. For purpose of this section the terms “brother” and “sister” include a brother or sister by half-blood.

**2) Exceptions**

- (a) An individual who is employed by a unit on July 1, 2012 is not subject to this section unless the individual has a break in employment with the unit. The following are not considered a break in employment with the unit.
  1. Individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, family medical leave, or worker’s compensation.
  2. Individual’s employment with the unit is terminated followed by an immediate re-employment by the unit, without loss of payroll time.
  3. For purpose of this section the performance of the duties of:
    - i. a precinct election officer (as identified in I.C. 3-5-2-40.1) that are imposed by I.C. 3; or
    - ii. a volunteer firefighter;
    - iii. is not considered employment by Knox County.

**3) Individuals who are relatives may not be employed by Knox County in a position that results in one relative being in the direct line of supervision of the other relative.**

**4) This section applies to an individual who:**

- (a) is employed by a unit on the date of the individual’s relative begin serving a term of an elected office of the unit; and
- (b) is not exempt from the application of this chapter under section 2 a.
- (c) an individual may remain employed by Knox County and maintain the individual’s position and rank even if the individual’s employment who violate paragraph “4” of this section.
- (d) an individual described in section 4 d. May not:
  1. be promoted to a position; or
  2. be promoted to a position that is not within the merit ranks, in the case of an individual who is a member of a merit police department or merit fire department; if the new position would violate section “c” of this chapter.

**5) This chapter does not abrogate or affect an employment contract with a unit that:**

- (a) an individual is a party to; or
  - (b) is in effect on the date the individual's relative begins serving a term of an elected office of the unit.
- 6) a sheriff's spouse may be employed as prison matron for the county under I.C. 36-8-10-5 and the spouse may be in the sheriff's direct line of supervision.
- 7) an individual:
- (a) who served as coroner;
  - (b) who is currently ineligible to serve as coroner under Article VI, section 2(b) of the Constitution of the State of Indiana;
  - (c) who, as coroner, received certification under I.C. 36-2-14-22.3; and
  - (d) whose successor in the office of a coroner is a relative of the individual;
  - (e) may be hired in the position of Deputy Coroner and may be in the coroner's direct line of supervision.
- 8) If the Township Trustee's Office is located in the Township Trustee's personal residence, unless the policy adopted under section "3" of this chapter provides otherwise; the Township Trustee may hire only one (1) employee who is a relative. The employee:
- (a) may be hired to work only in the Township Trustee's Office;
  - (b) may be in the Township Trustee's direct line of supervision; and
  - (c) may not receive total salary, benefits, and compensation that exceeds Five Thousand Dollars (\$5,000.00) per year.
- 9) Each elected officer of Knox County shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this chapter. An officer shall submit the certification to the County Commissioners of Knox County no later than December 31 of each year.

## 2.19 **LAYOFF AND RECALL**

Knox County maintains the right to reduce its workforce. Examples of reasons when a reduction might occur include, but are not limited to:

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

#### 4. Reorganization.

Whenever a reduction is necessary, the County will determine the classifications in which the layoffs shall occur and the number of employees to be laid off in each department. Determinations on which employees will be laid off will include employee qualifications, length of continuous service, and operational needs of the County. Compensation for an employee separated due to a layoff will be made on the next scheduled payday. The final check will include vacation and compensatory leave time, as appropriate.

Each recalled employee shall be allowed ten (10) calendar days from the date of receipt of a certified letter explaining the recall to return to work.

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

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

Effective January 1, 2013 Indiana Code 3-5-9 specifies that a County employee is considered to have resigned from employment with the County if the employee assumes the elected executive office of the County or becomes an elected member of the County's legislative or fiscal body.

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

### **2.21 CONTRACTING WITH KNOX COUNTY**

This section is adopted in accordance to the requirements of I.C. 36-1-21 *et seq.*

#### **1) Definitions**

(a) As used in this section, "elected officials" means:

1. the executive or a member of the executive body of the unit;
2. a member of the legislative body of the unit; or
3. a member of the fiscal body of the unit.

(b) As used in this section, "relative" means any of the following:

1. a spouse.
  2. a parent or step-parent.
  3. a child or step-child
  4. a brother, sister, step-brother, or step-sister.
  5. a niece or a nephew.
  6. an aunt or uncle.
  7. a daughter-in-law or son-in-law.
  8. For purposes of this section and adopted child of an individual is treated as a natural child of the individual.
  9. For purpose of this section the terms “brother” and “sister” include a brother or sister by half-blood.
- 2) Knox County may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with:
- (a) an individual who is a relative of an elected official; or
  - (b) a business entity that is wholly or partially owned by a relative of an elected official; only if the requirements of this section are satisfied and the elected official does not violate I.C. 35-44-1-3.
- 3) Knox County may enter into a contract or renew a contract with an individual or business entity described in section 2.20 paragraph two “2” if:
- (a) the elected official files with the unit a full disclosure, which must:
    1. be in writing.
    2. describe the contract or purchase to be made by the unit;
    3. describe the relationship that the elected official has to the individual or business entity that contracts or purchases;
    4. be affirmed under penalty of perjury;
    5. be submitted to the Knox County Commissioners and be accepted by the Commissioners at a public meeting of the Knox County Commissioners prior to final action on the contract or purchase; and
    6. be filed, not later than fifteen (15) days after the final action on the purchase or contract, with the State Board of Accounts and the Clerk of the Knox County Circuit Court.
- 4) That the appropriate agency of Knox County makes a certified statement that the contract amount or purchase prices was the lowest amount or price bid or offer; or
- (a) makes a certified statement of the reasons why the vendor or contractor was selected; and
  - (b) the unit satisfies any other requirements under I.C 5-22 or I.C 36-1-12.

- 5) An elected official shall also comply with the disclosure provisions of I.C. 35-44-1-3, if applicable.
- 6) This section does not affect the initial term of the contract in existence at that time the term of office of the elected official of the unit begins.
- 7) Each elected officer of Knox County shall annually certify in writing, subject to the penalties for perjury that the officer is in compliance with the chapter. The officer shall submit the certification to the Knox County Commissioners not later than December 31 of each year.

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

In the event that a full-time employee is elected to a full-time Knox 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 such elected official returns to a non-elective full-time position his/her time in elective office shall count as years of service for the purpose of determining the amount of eligible vacation time or other benefits based on years of service with the County.

### **3. SALARY ADMINISTRATION**

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

#### **3.1 NORMAL WORK WEEK**

The normal work week for regular, full-time employees shall begin on Monday at 12:01 a.m. and end on the following Sunday at midnight.

#### **3.2 WORK HOURS**

County offices and departments shall observe the hours of work designated and established by the Board of County Commissioners. The regular work hours may be changed by the Board of Commissioners upon one (1) week's notice to each department head. Certain departments may maintain varied work schedules under special employment conditions set forth by governing statutes.

The County Commissioners have scheduled:

Courthouse and Administrative offices: Monday through Friday, 8:00 a.m. - 4:00 p.m. Unpaid lunch breaks, up to one (1) hour, are not considered as hours worked, and are scheduled at the discretion of the elected official/department head.

Sheriff: merit officers and correctional officers work ten (10)-hour shifts; (4) days on, (4) days off.

Sheriff Administrative: Monday through Friday, 8:00 a.m. - 4:00 p.m. or 7:00 a.m. - 3:00 p.m., with one (1) hour unpaid lunch.

Parks: Monday through Friday, 8:00 a.m. - 4:00 p.m., with one (1) hour unpaid lunch break.

Community Corrections: public safety employees work twelve (12) hour shifts; 7:00 a.m. - 7:00 p.m., or 7:00 p.m. - 7:00 a.m., on an alternating schedule of (2) days on, (2) days off; (2) days on, (3) days off.

Community Corrections Administrative: Monday through Friday, 8:00 a.m. - 4:00 p.m., with one (1) hour unpaid lunch break.

Enhanced 911: employees work (3) shifts, (8) hours each shift; 11:00 p.m. - 7:00 a.m., 7:00 a.m. - 3:00 p.m., and 3:00 p.m. - 11:00 p.m.

Highway Work Crew: 7:00 a.m. – 3:30 p.m., Monday - Friday with one-half (1/2) hour unpaid lunch.

Highway Office Manager: 6:30 a.m. – 2:30 p.m., Monday - Friday, with no lunch break.

Highway Mechanics: 7:00 a.m. – 3:30 p.m., Monday - Friday with one-half (1/2) hour unpaid lunch, or 9:00 a.m. – 5:30 p.m., M-F with one-half (1/2) hour unpaid lunch.

Highway Purchasing Agent: 7:00 a.m. – 3:30 p.m., Monday – Friday with one-half (1/2) hour lunch break.

### **3.2.1 Travel Time**

#### **A. Home-to-Work Travel**

Travel to and from home is not work time, even if an employee must travel from a town to an outlying site to get to the work facility. This is true whether an employee works at a fixed location or at different job sites.

#### **B. Out-of-Town Travel**

An employee who is sent out of town for one day will be paid for all travel time.

#### **C. Overnight Travel**

If an employee travels overnight on business and is gone for more than one day, they will be paid for time spent in traveling during their normal working hours on their nonworking days, as well as on their regular working days.

### **3.3 JOB DESCRIPTIONS**

Knox County positions, except those of elected officials, have been described in job descriptions and are maintained in the Auditor's office; and are hereby adopted by reference. Copies of departmental job descriptions are available in each department or office.

New job descriptions or any modifications to existing job descriptions shall be submitted to the County Auditor for approval by the Council.

### **3.4 COMPENSATION**

The Knox County Council adopts an annual salary ordinance establishing pay rates for all County positions, except as provided by law.

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

### **3.5 WAGE POLICY**

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

- a. Unauthorized time away from work shall be subtracted from existing leave time in the following order: accrued compensatory time, vacation days, sick days.
- b. If an employee has no existing leave time as described above, unauthorized time from work shall be docked from his/her wages on an hourly basis.
- c. The wages of an elected official cannot be docked, as set by law.

Additional disciplinary actions may be taken, up to, and including termination of employment with the County.

### **3.6 TIMEKEEPING**

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

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

1. Employee's full name, as used for Social Security purposes, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records;
2. Address, including zip code;
3. Birth date if younger than 19;
4. Sex and occupation;
5. Time of day of week when employee's workweek begins, hours worked each day, and total hours worked each workweek;
6. Basis on which the employee's wages are paid;
7. Regular hourly rate;

8. Total daily or weekly straight-time earnings;
9. Total overtime earnings for the workweek;
10. All additions to or deductions from the employee's wages;
11. Total wages paid each pay period; and
12. Date of payment and the pay period covered by the payment.

IC 5-11-9-4 requires that public sector employees maintain records showing which hours were worked each day by officers and employees. These records are subject to audit by the State Board of Accounts.

Every employee is responsible for accurately recording time worked. Employees should accurately record the time they begin and end their work and the time they begin and end any split shift or departure from work for personal reasons.

Overtime work must always be approved before it is performed.

Employees shall record the use of sick leave, personal leave, vacation leave, Family and Medical leave, or any other type of approved leave on their time records. Failure to record the leave in any status may result in the employee not being paid for the leave. Employee time sheets are to be submitted to the Auditor with payroll vouchers each payroll. Employee time sheets and payroll vouchers are to match and must be signed by the elected official/department head.

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

It is an employee's responsibility to sign his/her time records to certify the accuracy of all time recorded. The elected official/department head will review and initial time records before submitting them for payroll processing. If corrections or modifications are made to the time record, both the employee and the elected official/department head should verify the accuracy of the changes by signing the time record. Should an employee fail to sign such a time record, the record shall be submitted by the elected official/department head with an acknowledgment that the employee has reviewed the modification.

All employees shall be required to complete general payroll form 99A (Employee Service Record) with each day's hours worked for the preceding year and submit to the Auditor by January 15 for the preceding year.

### **3.7 WORK TIME RESTRICTED**

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

### **3.8 ROUNDING**

Time is to be recorded to the quarter hour, using the seven (7) minute rule i.e. (leeway of seven [7] minutes before and seven [7] minutes after scheduled start and stop times). All employee work commenced more than seven (7) minutes before the start time work hour will be paid on a quarter hour schedule; all employee work continued more than seven (7) minutes after the end of last work hour will be paid on a quarter hour schedule.

### **3.9 MULTIPLE POSITIONS**

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

### **3.10 PAYDAYS**

Regular employees are paid a biweekly paycheck every other Friday, except contractual employees.

In the event that a regularly scheduled payday falls on a day off such as a weekend or holiday, employees will receive pay on the last day of work before the regularly scheduled payday. If a regular payday falls during an employee's vacation, the employee's paycheck will be available anytime after the regular scheduled pay day.

### **3.11 PAY CORRECTIONS**

Knox County takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday. In the unlikely event there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the County Auditor and the Department Bookkeeper so corrections can be made as quickly as possible.

### **3.12 PAY DEDUCTIONS/GARNISHMENTS**

The County is legally required to make certain deductions from each employee's paycheck, including federal, state and local income taxes. The County must also deduct social security taxes on each employee's earnings, up to a specified limit called the social security 'wage base.' The County matches the amount of social security taxes paid by each employee.

The County offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover costs to participate in these programs.

When the County is served a writ of garnishment requiring payment of a portion of the employee's compensation, a processing fee, as allowed by law, may be deducted from the employee's pay and retained by the County.

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

Employee is responsible for payment of regularly scheduled payroll deductions for any period that employee does not receive a paycheck or receives a partial paycheck that is insufficient to make the deduction payment.

### **3.13 OVERTIME COMPENSATION/COMPENSATORY TIME**

Each County employee's position is designated as NON-EXEMPT or EXEMPT from federal and state-wage and hour laws.

**NON-EXEMPT** employees, whether hourly or salaried, are entitled to overtime compensation/compensatory time off under the specific provisions of federal and state laws.

**EXEMPT** employees are excluded from specific overtime provisions of federal and state wage and hour laws, and are not eligible for or entitled to receive overtime compensation or compensatory time off.

Employees will be given the opportunity for overtime work assignments when operating requirements or other needs cannot be met during regular working hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Employees (except for the Community Corrections Department) are compensated either in monetary pay or compensatory time-off on an hour-for-hour basis for additional hours worked up to forty (40)-hours per workweek and compensatory time at the rate of one and one-half (1 ½) for all time worked over forty (40) hours in a work week.

Failure to work scheduled overtime or employees who work overtime without receiving prior authorizations from their supervisor may be subject to disciplinary action, up to, and including termination of employment.

#### **3.13.1 Community Corrections Department Overtime**

Community Corrections Correctional Officers scheduling will be done and based on a twenty-eight (28)-day schedule. Any hours worked over the one hundred and seventy-one (171) hours, during the twenty-eight (28)-day period, will be compensated at the rate of one and one-half (1 ½) times the hours worked. When

compensatory time-off is used in place of monetary payment, any hours worked over the one hundred and seventy-one (171) hours, during the twenty-eight (28)-day period, will be compensated with compensatory time off at the rate of one and one-half (1 ½) times the hours worked.

### **3.13.2 Compensatory Time**

Knox County uses compensatory time in place of monetary reimbursement. FLSA compensatory hours shall be awarded at a rate of one and one-half (1 1/2) times the amount of approved hours worked over forty (40) in a week as specified in this policy. Non-FLSA compensatory time for additional hours worked between thirty five (35) and forty (40) will be paid on an hour for hour basis. Earned compensatory time shall be used within six (6) months of the date of accrual; if accrued compensatory time is not used then supervisors may schedule its use.

Calculating compensatory time is based on actual hours worked. Time off on sick leave, holidays, vacation leave, or any leave of absences will not be considered as actual time worked. Use of compensatory time must be determined in advance of submission of the payroll.

### **3.13.3 Maximum Compensatory Time Accrual**

Non-exempt non-public safety employees may accrue two hundred forty (240) compensatory time hours before monetary payment is required; any overtime worked in excess of (240) hours shall be compensated at the rate of one percent (1%) times the straight time hourly rate. Non-exempt, public safety employees may accrue four hundred eighty (480) compensatory time hour; any time worked in excess of (480) hours shall be compensated at the rate of one and one-half (1 ½) times the straight time hourly rate. Employees are encouraged to schedule use of compensatory time as soon as possible to avoid accrual beyond the stated limit. Elected officials/department heads may schedule employees off to use accrued compensatory time.

### **3.13.4 Overtime Approved in Writing**

All overtime compensation or compensatory time shall be approved in writing by the employee's supervisor. Documentation shall be maintained in the department of the employee with a copy provided to the Auditor's Office.

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

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

This policy applies to all non-exempt employees of the County as determined by the County Councils designation of jobs for compliance with the Fair Labor Standards Act. Elected officials and department heads shall provide the Auditor's office with an accurate and current record of all accrued compensatory time simultaneously with the current payroll.

### **3.14 HIGHWAY DEPARTMENT "CALL IN" POLICY**

Highway Department employees who are called to return to work after the regular work shift shall be credited with four and one-half (4 1/2) hours compensatory time for the first three (3) hours of work, even if the actual time is less than three (3) hours. Such time shall count as hours worked for the purpose of calculating overtime. In the event that the Highway Superintendent and/or supervisors advise highway employees that they are likely to be called back to work after their regular work shift to plow snow for example, the employee shall remain fit for duty. An employee's failure to remain fit for duty shall be subject to disciplinary action, up to, and including termination.

### **3.15 EMERGENCY CLOSING**

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

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

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

Due to the nature of work in some County departments, not all departments are eligible for closing even during emergencies. Those departments include Highway department, Sheriff Department, Knox County Central Dispatch department, and Wabash Valley Community Corrections. Additionally, County employees may be asked to work on days when an operation is officially closed. In these circumstances, employees who work will receive their regular pay.

### **3.15.1 Highway Department “Show-up” Policy**

In the event that Highway Department employees "show-up" at the start of their work shift and Highway Superintendent and/or supervisors determine that due to inclement weather conditions, lack of materials or equipment, or any other valid reason that work operations should be suspended, certain employees may be relieved of duty for the remainder of the shift. Such employees shall receive two (2) hours compensatory time for "showing-up" and shall use any accrued compensatory time to be compensated for the remainder of the shift.

In the event that such employees do not have any accrued compensatory time, they may use any accrued vacation time to be compensated for the remainder of the shift. If such employees do not wish to use, or do not have any accrued vacation time, the remainder of the shift shall be unpaid. Each supervisor shall make the decision for their assigned work crew based on available work.

Employees who did not report for work at the start time of their regular shift shall not receive two (2) hours of "show-up" compensatory time.

### **3.16 EMPLOYMENT TERMINATION**

Since employment with the County is “AT-WILL” and based on mutual consent, both the employee and County have the right to terminate employment at any time, with or without cause.

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

**Resignation:** Voluntary employment termination initiated by an employee. Although advance notice is not required, the County requests at least two (2) weeks written notice from the employee.

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

**Layoff:** Involuntary employment termination initiated by the County for non-disciplinary reasons.

**Retirement:** Voluntary employment termination initiated by the employee meeting County retirement criteria, such as age and length of service.

Knox County requires scheduling exit interviews at the time of employment termination to afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the County, or return of County-owned property. Suggestions, complaints, and questions may also be expressed. Exit interviews should be scheduled with the elected official/department head who is responsible for submitting a completed ‘**Exit Interview**’ form to the Auditor.

Employees will receive their final pay in accordance with applicable state law. Employee benefits will be affected by employment termination in the following manner:

All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense, if the employee chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance. **AN EMPLOYEE'S TERMINATION DATE SHALL NOT BE EXTENDED TO GAIN ADDITIONAL PAID OR UNPAID TIME OFF (e.g., SICK DAYS).** An employee's termination date shall always be the last day he/she physically worked in the office, with the exception of employees on FMLA leave.

### **3.17 RETURN OF PROPERTY**

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. All property must be returned by employees on or before their last day of work. Where permitted by law, the County may withhold from an employee's paycheck the cost of any items that are not returned as required. The County may also take all action deemed appropriate to recover or protect its property.

Any wage assignment for payment of property not returned must be executed in writing and signed by both the employee and the County pursuant to current law at the time the assignment is executed. On the date this provision is written, the current statute relating to wage assignments is I.C. 22-2-6.2 which may change or be amended from time to time. See Appendix D for a Wage Assignment form.

## **4. EMPLOYEE BENEFITS**

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

Knox County provides a wide range of benefits to eligible employees. Programs such as social security, worker's compensation, and unemployment insurance cover all employees in the manner prescribed by law. Eligibility for additional benefits depends on a variety of factors, many of which are described elsewhere in this handbook. The County Auditor can identify the programs for which you are eligible.

Many of these benefits are based on eligible years of service. The length of eligible service is calculated on the basis of a "benefit year." For purposes of these policies, a benefit year is a twelve (12) month period which begins with the employee's date of hire or anniversary date.

In addition, should an employee leave the employment of Knox County for a period of time, only to later return to employment with the County, the employee's length of eligible service for purposes of benefits in these policies shall be calculated from the most recent hiring. The employee would not be entitled to any additional or extended benefits based on the prior period or length of employment

### **"Day" defined:**

For purposes of paid leave policies, one (1) day is defined as:

Seven (7) hours for employees working seven (7) hour shifts;  
Eight (8) hours for employees working eight (8) hour shifts;  
Ten (10) hours for employees working ten (10) hour shifts; or  
Eight (8) hours for Community Corrections officers working twelve (12) hour shifts.

### **4.1 VACATION BENEFITS**

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Regular full-time employees are eligible to earn and use vacation time as described in this policy. Years of service are based on full-time continuous employment.

#### **Years of Service Completed**

After (one) 1 year  
After ten (10) years  
After fifteen (15) years

#### **Vacation Earned**

10 Days  
15 Days  
20 Days

After twenty (20) years *	25 Days
After twenty-five (25) years *	30 Days

\* Policy change effective January 1, 2018 and in future years. Eligibility for vacation days is calculated on the employee's service anniversary date.

#### **4.4.1 Terms and Conditions of Vacation**

The length of eligible service is calculated on the basis of a "benefit year." For purposes of this policy a "benefit year" is a twelve (12) month period which begins with the employee's date of hire or anniversary date. An employee shall not earn vacation time until the employee has been employed full-time for a minimum of twelve (12) consecutive months. Employees earn vacation time on their anniversary date each year according to the above schedule.

To take vacation employees should request advance approval (as soon as possible) from their supervisors. Vacation requests will be approved based on a number of factors, including performance, impact on department efficiency, business needs, and staffing requirements.

Upon termination of employment, employees are entitled to payment for the unused balance of their vacation time that was earned on their last anniversary date. Employees who are terminated for disciplinary reasons shall not be entitled to any unused vacation time.

Vacation time shall be used in minimum of one (1) hour increments and must be scheduled in advance and approved by the employee's supervisor.

No vacation shall accrue while an employee is on unpaid leave of absence, except for Family and Medical Leave and Military Leave as specified in this Policy. No temporary employee or part-time employee is eligible to accrue vacation. Vacations may not be taken in advance of being earned.

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

In the event a holiday falls while an employee is on vacation, the employee will not be charged a vacation day for that holiday.

#### **AN EMPLOYEE'S TERMINATION DATE MAY NOT BE EXTENDED TO GAIN ADDITIONAL VACATION TIME.**

As stated above, employees are encouraged to use available paid vacation for rest, relaxation, and personal pursuits. In the event that available vacation is not used by the end of the benefit year, employees will forfeit the unused time.

## 4.2 **HOLIDAYS**

Knox County will grant paid time-off for recognized holidays to all regular full-time employees. Employees who work a holiday shall receive monetary payment or compensatory time for all time worked in addition to pay for the holiday worked. The following departments, except for administrative employees of Knox County, do not receive paid time off for recognized holidays:

Knox County Sheriff's Department  
Wabash Valley Community Corrections Department  
Knox County Central Dispatch Department

Schedules for employees in these departments may require that they work on some of the recognized holidays. However, employees of these departments receive other paid time off in lieu of holiday pay.

Each year the schedule of holidays will be determined by the Knox County Board of Commissioners. The annual holiday schedule is subject to change upon approval of the Board of Commissioners. The Commissioners will publish the list of recognized holidays subsequent to their establishment; this normally occurs during the first meeting in January.

The County will grant paid holiday time off to all regular full-time employees. Calculation of holiday pay will be based on the employees' straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

"Straight-time," or the "base rate pay," is the employee's weekly rate of pay divided by the number of hours the employee is regularly scheduled to work each week.

## 4.3 **SICK LEAVE BENEFITS**

The County provides paid sick leave benefits to all regular full-time employees for periods of temporary absence due to illness or injuries. The Auditor must be provided a report of employee sick days used each payroll period.

Sick leave is defined as absence from duty of an employee because of illness, injury, legal quarantine, medical, dental or optical examination or treatment. Sick leave for all fulltime employees are calculated on the basis of a "benefit year." This is defined as an employee having worked a twelve (12) month period which begins with the employees' date of hire, employees earn one (1) day after it is earned, (i.e., at the end of the month). Eligible employees accrue sick leave benefits at the rate of one (1) day per month or twelve (12) days per year. An employee may accrue sick leave from year to year, up to a maximum of sixty (60) working days. If the employee's benefits reach this maximum, further accrual of sick leave benefits will be suspended until the employee has reduced the balance below the limit.

Paid sick leave may be taken in minimum one (1) hour increments. Anyone requesting sick leave must notify their supervisor before the scheduled start of their workday. Absences of more than five (5) or more consecutive work days will require written notice from an attending physician for proof of illness and its beginning and expected ending dates. Such verification may be requested for other sick leave absences as well and may be required as a condition to receiving sick leave benefits. Before returning to work from a sick leave absence of five (5) calendar days or more, an employee may be required to provide a physician's verification that he or she may safely return to work.

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

Unused sick leave benefits will not be paid to employees while they are employed or upon termination of employment.

The definition of "Sick Leave" does not include an employee's absence for appointments scheduled at the County's Wellness Clinic as long as the employee adheres to the rules and requirements relating to those appointments.

#### **4.3.1 Sick Leave/Emergency Medical Leave Bank**

##### A. Definitions.

**Bank:** An account maintained by the Knox County Auditor containing hours donated by employees for emergency medical leave purposes.

**Employee:** A person considered a full-time employee of Knox County, Indiana.

**Medical Emergency:** A medical condition of an employee or family member that will require the prolonged absence of the employee from duty and will result in a substantial loss of income to the employee because the employee will have exhausted all paid leave available apart from the Leave-Sharing Plan.

**Paid Time Off:** Paid time off is vacation days, sick days, and compensatory time earned. Paid holidays are not considered paid time off for the purpose of this policy.

##### B. Application.

1. An employee requesting to use time from the bank must be experiencing a medical emergency.
2. Employees requesting time from the bank must be a current employee in good standing of Knox County.

3. Every employee requesting time from the bank shall complete an application for emergency medical leave. The application will be available from and turned into the Knox County Auditor. The Knox County Commissioners or their designee will review the application as soon as possible and either allow or deny the application.
4. Before an employee is eligible to receive time from the bank, the employee must have exhausted their PTO, including any compensatory time.
5. An employee may not receive time in excess of seventy (70) hours for a single pay period.
6. If the bank is empty, no applications will be approved.
7. Applicants identity will not be revealed unless requested by the applicant or by court order.

C. Donations.

1. Before an employee may donate hours to the bank, the employee must complete the Medical Emergency Leave Bank Voluntary Donation Agreement which is available from the Knox County Auditor.
2. All donations must come from the paid time off of a current employee in good standing. No employee may donate any sick time within thirty (30) days of that employees scheduled retirement or resignation date or at any time when the employee is suspended from work.
3. No donation of sick time may be made for a period of less than one-half (1/2) day. Donations in excess of one-half (1/2) day must be made in one-half (1/2) day increments.
4. An employee may donate as many hours as they desire to the bank, the hours donated must have been actually earned by the donating employee. No employee may donate future hours to be accrued. An employee may donate as many times per year as they desire. Each donation must be accompanied by A Sick Leave Bank Voluntary Donation Agreement.
5. Once hours have been donated, they will remain in the bank until used. In the event that the hours donated to a specific employee are not used by that employee, the donor may request that the

hours be returned to the donor by completing the Donation Return Application available with the Knox County Auditor.

6. Donors identity will not be revealed without written permission of the donor or a court order.
7. If a recipient employee receives paid leave hours under the policy from a donor employee with a different pay rate, the leave time is converted based on the recipient employee's pay rate, so that the dollar value of the surrendered leave remains the same but leave taken by the recipient employee is always paid at the recipient employee's regular rate of pay. For example, if donor employee is regularly paid \$15 per hour and surrenders 8 hours paid leave to a recipient employee who is regularly paid \$10 per hour, the recipient will receive 12 hours of paid leave, paid at \$10 per hour (8 hours x 15 = 120 value, and 120 value at \$10 per hour equals 12 hours).

D. Voluntary Programs.

Knox County will not make known any employee's eligibility for donated time. It is the responsibility of the potential donor rather than the recipient to initiate the donation process. Potential recipients and their friends are expected to use discretion in soliciting donations. No employee should feel pressured to donate time to a co-worker. Any employee who believes they are being pressured to donate time should immediately contact the Knox County Auditor's Office. All complaints received by the Auditor under this section will immediately be referred to the Knox County Commissioners.

E. Accrual of PTO Time.

Employees using donated time will not be eligible to accrue PTO. In all other respects, donated time will be the same as any other paid time off.

#### 4.4 **MILITARY LEAVE**

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

#### **4.4.1 Annual Training**

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

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

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

#### **4.4.2 Active Duty/Enlistment**

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

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

USERRA also requires that returning eligible employees be granted seniority and benefits at the same level as if the employee had not left employment for service. Benefit time will continue to accrue while an employee is on military leave.

Additionally, service members are able (but are not required) to use accrued vacation or annual leave while performing military duty.

If an employee’s health plan coverage would terminate because of an absence due to uniformed service, the person may elect at his/her own cost to continue the health plan coverage for up to eighteen (18) months after the absence begins, or the period of service, whichever is shorter.

Upon returning from military leave of absence an employee will be reinstated to a Knox County position provided the employee is discharged from military status under honorable conditions, and makes a request for reinstatement within thirty (30) days after release from active duty, or one year after release from hospitalization due to military accident.

The employee must also be qualified to perform the essential functions of the position for which he/she is being reinstated, and shall be required to undergo a medical examination by medical provider(s) paid for by the County.

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

Upon return from military leave, in accordance with current law, the returning employee is entitled to be reinstated in their former position or to a comparable one. Every reasonable effort will be made to return eligible employees to their previous position. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service, such as job seniority rights.

#### **4.5 BEREAVEMENT LEAVE**

Full-time regular employees are entitled to paid bereavement leave for an immediate family member. Knox County defines “immediate family” as the employee’s spouse/partner/significant other, parent, spouse/partner/significant other’s parent, step-parent, spouse/partner/significant other’s step-parent, child, step-child, son-in-law, daughter-in-law, grandparent, grandchild, spouse/partner/significant other’s grandchild, step-grandchild, sibling or sibling-in-law. An employee wishing to take time off for the death of a family member should notify his/her supervisor immediately.

Employees are eligible for up to a maximum of five (5) consecutive regularly scheduled working days, and such days must be in conjunction with the date of the death or the funeral or memorial service.

Full-time regular employees are entitled to one (1) day of paid bereavement leave for the death of an aunt, uncle, cousin, and/or spouse/partner/significant other’s aunt, uncle or cousin.

Approval of bereavement leave will occur in the absence of unusual operating requirements. Employees may, with their supervisors’ approval, use any available paid leave for additional time off as necessary. If necessary, employees can take time off without pay. However, this option will only be granted by obtaining the approval of the employee’s immediate supervisor.

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as bonuses or shift differentials.

## **4.6 JURY DUTY**

The County encourages employees to fulfill their civic responsibilities by serving jury duty when summoned in any state, federal, or local court. All employees who are lawfully required to report to jury duty or to serve as witnesses in any County-related cause of action in court, or to appear before any governmental agency, will be granted leave with pay by the elected official/department head during the absence required for such duty. All County employees, including Sheriff, Highway, and courthouse employees, are also entitled to per diem and mileage for serving on jury duty.

If the serving or appearing in court will adversely affect the delivery of County services to the public, the County Attorney shall seek exemption for the employee from such jury duty.

Employees must show the jury duty summons to their elected official/department head as soon as possible so the elected official/department head may make arrangements to accommodate the employee's absence. The employee is expected to report for work whenever-the-court schedule permits.

If an employee is released from local jury duty with more than half of his/her regularly scheduled shift remaining, the employee is expected to report to work within one (1) hour. The County will continue to provide and accrue all regular benefits for the full term of the jury duty absence.

### **4.6.1 Witness Duty**

Knox County encourages employees to appear in court as witnesses when subpoenaed to do so.

If an employee has been subpoenaed or otherwise requested to testify as witnesses for a purpose arising out of the scope of their employment, the employee will receive paid time off for the entire period of witness duty. Under other circumstances, employees will be granted unpaid time off to appear in court as a witness. Employees may use other applicable paid leave to receive compensation for such absence.

## **4.7 LEAVE OF ABSENCE WITHOUT PAY**

Full-time employees, who have exhausted their twelve (12) weeks of FMLA leave, may be granted an unpaid leave of absence for an FMLA qualifying serious illness or injury. Likewise newly hired full-time employees who do not qualify for FMLA may be granted a leave of absence without pay for the employee's own serious illness or injury as defined by the FMLA. Such leave shall be supported by medical certification.

Such leave shall not exceed sixty (60) days within a "rolling" twelve (12) month period. During such leave, sick, personal, and vacation leave shall not accrue, and the employee shall not receive compensation for designated holidays.

The employee's health insurance shall continue with the County with the employee paying his/her designated portion.

Such leave shall be authorized by the elected official/department head in advance of taking such leave.

If a leave of absence expires and the employee fails to return to work, the employee shall be considered to have voluntarily resigned.

#### **4.8 WORKER'S COMPENSATION**

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

Any employee who sustains a work-related injury or illness should inform his/her elected official/department head immediately and the Auditor's office within twenty-four (24) hours. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

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

Employees should contact the Auditor's office to obtain information and forms regarding filing workers compensation claims. Medical certifications are required. Once completed, all such forms are to be filed by the employee's elected official/department head with the insurance carrier, with a copy forwarded to the Auditor's office.

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

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

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

the delay is due to an inability to obtain the medical information necessary to make a determination as to liability.

Certain injuries are excluded from worker's compensation coverage (e.g. employee intoxication, self-inflicted injuries, failure to use safety appliances, committing a violation of work rules, failing to obey a reasonable written or printed safety rule, knowing failure to perform a statutory duty). Neither the County or the insurance carrier will be liable for the payment of worker's compensation benefits or major illness/injury in-line-of-duty leave pay for off-duty injuries or illnesses that occur during an employee's voluntary participation in any off-duty recreational, social or athletic activity sponsored or not-sponsored by the County.

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

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

During worker's compensation leave employees may be required to submit periodic medical certifications on their serious health condition. Before returning to work, the employee shall provide medical certification from a health care provider verifying that he/she may safely return to work.

Worker's compensation leave is designated as Family and Medical Leave Act (FMLA) leave beginning with the first day of leave if the employee qualifies for FMLA. All such leave time used counts against the employee's twelve (12) week FMLA entitlement.

#### **4.9 EMPLOYEE INSURANCE**

Each employee is directed to the Auditor's office to learn of all benefits upon completion of their orientation interview. The terms and conditions specified in such plans shall govern coverages. Group insurance benefits will continue while an employee is on disability leave or FMLA; however, when in a non-pay status, employees will be responsible for the timely payment of those insurance premiums that are normally deducted from gross pay.

For non-exempt employees who have been employed for more than six (6) months, the employee's full-time status shall be determined by looking back at the prior six (6) months to determine whether during that period the employee worked an average of thirty (30) hours. If the employee is determined to be full-time in the prior six (6) months, the employee will be determined to be full-time in the next six (months) so long as he or she remains an employee. If the employee is determined to not be full-time during the prior six (6) month period, the employee will be determined to be a part-time employee during the next six (6) month period. This cycle will repeat itself as long as the employee remains employed with the County.

For information regarding specific insurance programs, contact the County Auditor.

#### **4.10 BENEFITS CONTINUATION (COBRA)**

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the employer's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the employer's group rates plus, an administration fee.

The County, through a third-party administrator, provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the employer's health insurance plan. The notice contains important information about the employee's rights and obligations.

Specific details regarding eligibility and coverage are available in the Auditor's office.

#### **4.11 INDIANA PUBLIC RETIREMENT SYSTEM (INPRS)**

All full-time and professional contract County employees, except Deputy Sheriffs, who are covered under the Sheriff Retirement Program, are covered by INPRS, a retirement program established and maintained by the State of Indiana. INPRS pays benefits to covered workers or their dependents upon retirement, death, and in certain cases, serious illness or injury. The County contributes a percentage to the pension account. The amount the County contributes varies and is determined actuarially annually. The employee's contributions and accumulated interest credits are refundable when an employee terminates employment prior to being eligible for benefits. INPRS's Employer Financed Pension requires ten (10) years of service to become vested, and is paid by the County based on an employee's length of employment, average salary, retirement option selected and age at retirement.

Questions concerning the program should be directed to: County Auditor's office and/or the Indiana Public Retirement System at One North Capital, Suite 001, Indianapolis, IN 46204.

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

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) has four major administrative requirements for private and government sponsored health plans: portability, nondiscrimination, fraud and abuse, and administration simplification.

Knox County is compliant with applicable HIPAA requirements and standards; and has established guidelines regarding the privacy of individually identifiable health information accordingly. Knox County has designated the County Auditor as the County's "privacy official" who is responsible for developing and implementing privacy policies and procedures; and is the contact person who is responsible for receiving complaints regarding compliance.

All County HIPAA inquiries shall be directed to the County Auditor located in the Courthouse.

#### **4.13 SOCIAL SECURITY/INDIANA UNEMPLOYMENT INSURANCE**

The County matches employee withholding for FICA and pays the full cost of Indiana Unemployment Insurance.

#### **4.14 FAMILY AND MEDICAL LEAVE ACT (FMLA)**

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

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

##### **4.14.1 Entitlement**

Eligible employees are entitled to twelve (12) weeks of paid/unpaid (depending on terms and conditions described below) FMLA leave for the following situations:

1. The birth of a son or daughter, and to care for the newborn child;
2. The placement with the employee of a son or daughter for adoption or foster care;

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

#### **4.14.1(A) Serious Health Condition Defined**

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

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

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

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

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

#### **4.14.2 Eligibility**

An "eligible employee" is an employee of a covered employer who:

1. Has been employed by the employer for at least 12 months;

2. Has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of leave; and

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

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

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

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

#### **4.14.3 Employee Notice Requirements**

##### **4.14.3(A) Foreseeable FMLA Leave**

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

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

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

When planning medical treatment, the employee must consult with the employer and make a reasonable effort to schedule the treatment so as

not to disrupt unduly the employer's operations, subject to the approval of the health care provider.

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

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

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

**4.14.3(B) Unforeseeable FMLA Leave**

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

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

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

**4.14.3(b) Employee Failure to Provide Notice**

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

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

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

**All employee requests for FMLA leave must be submitted, in writing, directly to the elected official/department head. The elected official/ department head shall make a determination of approval or denial of FMLA. Such requests shall be supported by medical certification on FMLA forms provided by the County.**

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

#### **4.14.4 Employer Notice Requirements (§ 825.300 FMLA)**

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

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

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

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

##### **4.14.4(B) Designation Notice**

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

leave within five (5) business days absent extenuating circumstances.

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

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

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

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

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

#### **4.14.5 Certification**

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

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

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

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

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

#### **4.14.5(A) Complete and Sufficient Certification**

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

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

#### **4.14.5(B) Clarification and Authentication**

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

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

identifiable health information of an employee is shared with the County by a HIPAA-covered health care provider.

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

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

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

**4.14.5(D) Recertification**

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

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

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

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

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

#### **4.14.5(E) Fitness-for-Duty Certification**

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

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

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

#### **4.14.6 Calculation of FMLA Leave**

For purposes of calculating employee entitlement for a subsequent FMLA leave, the "twelve (12)-month period" is measured forward from the date when the employee's previous FMLA leave began. For example, under this method an employee is entitled to twelve (12) weeks of leave the first time FMLA leave is taken (e.g. March 7, 2013); the next twelve (12)-month period would begin the first time leave is taken after completion of that twelve (12)-month period ending on (March 6, 2014).

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

An employee shall use any accrued paid sick leave or non-FLSA compensatory time and may use any accrued vacation leave for any part of the twelve (12) week period under the County's FMLA policy. Any holiday that occurs during an FMLA leave shall be paid.

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

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

Intermittent leave shall be calculated in increments of one (1) hour. An employee's FMLA leave entitlement may not be reduced by more than the amount of leave actually taken, except as provided under the Family and Medical Leave Act.

#### **4.14.6(B) Health Benefits**

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

#### **4.14.7 Employee Reinstatement**

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

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

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

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

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

#### **4.14.8 Military Family Leave Entitlements**

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

servicemember with a serious injury or illness. These types of FMLA leave are known as the Military Family leave entitlements.

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

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

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

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

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

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

#### **4.14.8(B) Entitlement**

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

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

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

2. To care for a covered servicemember with a serious injury or

illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

**4.14.8(C) Covered Active Duty Defined**

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

**4.14.8(D) Covered Servicemember Defined**

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

**4.14.8(E) Qualifying Exigency Leave**

6. **Rest and recuperation:** Taking up to fifteen (15) days of leave to spend time with a covered military member who is on short-term temporary, rest, and recuperation leave during deployment;

**4.14.8(D) Covered Servicemember Defined**

The term “covered servicemember” means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired

list, for a serious injury or illness; or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five (5) years preceding the date on which the veteran undergoes such medical treatment, recuperation, or therapy.

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

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

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

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

Qualifying exigencies include the following:

1. **Short-notice deployment:** Issues arising from a covered military member's short notice deployment (i.e., deployment on seven [7] or less days of notice) for a period of seven (7) days from the date of notification;
2. **Military events and related activities:** Events and activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military, military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of a covered military member;
3. **Childcare and related activities:** Certain childcare and related activities arising from the covered active duty or call to covered active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a

non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the covered active duty or call to covered active duty of the covered military member;

4. **Financial and legal arrangements:** Making or updating financial and legal arrangements to address a covered military member's absence;
5. **Counseling:** Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the covered active duty or call to covered active duty status of the covered military member;
6. **Rest and recuperation:** Taking up to five (5) days of leave to spend time with a covered military member who is on short-term temporary, rest, and recuperation leave during deployment;
7. **Post-deployment activities:** Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the covered military member's covered active duty status, and addressing issues arising from the death of a covered military member; and
8. **Additional activities:** Any other event that the employee and County agree is a qualifying exigency.

#### **4.14.8(a) Certification**

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

County once. A copy of new covered active duty orders or other documentation issued by the military shall be provided to the County if the need for leave because of a qualifying exigency arises out of a different covered active duty or call to covered active duty status of the same or a different covered military member.

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

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

#### **4.14.8(b) Verification**

If an employee submits a complete and sufficient certification to support his or her request for leave because of a qualifying exigency, the County shall not request additional information from the employee. However, if the qualifying exigency involves meeting with a third party, the County shall contact the individual or entity with whom the employee is meeting for purposes of verifying a meeting or appointment schedule and the nature of the meeting between the employee and the specified individual or entity. The employee's permission is not required in order to verify meetings or appointments with third parties, but no additional information may be requested by the County. The County also shall contact the appropriate unit of the Department of Defense to request verification that a covered military member is on covered active duty or call to covered active duty status; no additional information may be requested and the employee's permission is not required.

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

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

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

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

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

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

#### **4.14.8(b) Next of Kin Defined**

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

#### **4.14.8(c) Designating Leave**

In the case of leave that qualifies as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition during the "single twelve (12)-month period," the County shall designate such leave as leave to care for a covered servicemember in the first instance. Leave that qualifies as both leave to care for a covered servicemember and leave taken to care for a family member with a serious health condition during the "single

twelve (12)-month period” will not be designated and counted as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition.

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

#### **4.14.8(d) Certification**

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

The County, if appropriate, shall seek authentication and/or clarification of the certification as stated above in the County’s FMLA “regular” policy. However, second and third opinions and recertifications, as outlined above in the County’s FMLA “regular” policy, are not permitted for leave to care for a covered servicemember.

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

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

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

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

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

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

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

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

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

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

#### **4.15 AMERICANS WITH DISABILITIES ACT (ADA)**

It is the policy of Knox County that qualified individuals with disabilities not be excluded from participation in or benefit from the services, programs or activities of the County. It is the policy of the County not to discriminate against a qualified individual with a disability in: job application procedures; the hiring, advancement or discharge of employees; employee compensation; job training, and other terms, conditions and

privileges of employment. It is the intent of the County to comply with all applicable requirements of the Americans with Disabilities Act (ADA).

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

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

Accommodations may not create an undue hardship for the County or other employees. An individual who cannot be reasonably accommodated for a job, without undue hardship, will not be selected for that position. A **Conditional Offer of Employment form** is available for use in the Auditor's office.

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

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

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

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

Employee requests for an accommodation under the County's ADA policy shall be submitted in writing on ADA forms (**Reasonable Accommodation Request form**) available in the Auditor's office. Knox County requires medical certification to support a request of reasonable accommodation on the County's **Medical Review Form** available in the Auditor's office. It shall be the responsibility of the employee to submit such forms in a timely manner.

Knox County reserves the right to require a second medical opinion from an independent medical provider. Knox County must pay for the second opinion. If the two opinions conflict, the County may seek and pay for a third medical opinion that will be final and binding on both the County and the employee.

Based on medical information provided, Knox County will evaluate what, if any, reasonable accommodation may be extended to the employee. A determination for granting or denying a reasonable accommodation will be delayed until medical Certifications are provided by the employee.

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

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## **5. WORKING CONDITIONS**

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

### **5.1 SAFETY**

Establishment and maintenance of a safe work environment is the shared responsibility of the County and employees from all levels of the organization. The County will take all reasonable steps to assure a safe environment and compliance with federal, state, and local safety regulations. All employees should report for work in an alert, fit condition; able to effectively perform assigned position duties.

Employees are expected to obey safety rules and to exercise caution in all their work activities; and shall immediately report any unsafe conditions to their supervisor. Employees need not fear retaliation for reporting safety hazards. Not only supervisors, but employees at all levels of the organization are expected to correct unsafe conditions as promptly as possible. Employees who engage in unsafe work habits, or violate safety standards may be subject to disciplinary action, up to, and including termination of employment.

ALL accidents that result in injury must be reported immediately to their elected official/department head, and to the County Auditor within twenty-four (24) hours or less regardless of how insignificant the injury may appear. Such reports are necessary to comply with laws and to initiate insurance and worker's compensation procedures.

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

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

### **5.2 USE OF COUNTY TELEPHONES, COUNTY MAIL, AND FAX MACHINES**

Personal telephone calls should be limited in frequency and duration. Personal use of telephones and FAX machines for long-distance and toll calls is not permitted, except for emergencies. For any emergency personal use employees shall reimburse the County for all long-distance and/or toll charges.

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

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

### **5.3 USE OF CELLULAR/MOBILE PHONES AND PAGERS**

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

Any cellular/mobile phone issued by Knox County to an employee for business purposes should be turned off during meetings and training courses, except in circumstances where it is absolutely necessary to take an urgent business phone call. In these circumstances, it is courteous to alert others in attendance to the fact that such a call is expected.

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

#### **5.3.1. Use of Cell Phones While Driving**

The use of cell phones while driving may present a hazard to the driver, other employees and the general public. This policy is meant to ensure the safe operation of County vehicles and equipment, and the operation of private vehicles while an employee is on work time conducting County business.

Employees shall adhere to all federal, state or local rules and regulations regarding the use of cell phones while driving.

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

Employees, while driving a classified commercial vehicle, shall not send or read received text messages on personal or County-issued cellular phones.

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

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

Employees, while operating commercial vehicles, as defined by the U.S. Department of Transportation, shall not engage in text messaging under Federal law.

#### **5.4 USE OF COMPUTER AND ELECTRONIC MAIL (E-MAIL)**

Computers, computer files, the electronic mail (e-mail) system, and software are County property, intended for business use. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer and e-mail use may be monitored.

Knox County strives to maintain a workplace that is free of harassment and sensitive to the diversity of its employees. Therefore, the County prohibits the use of computers and the e-mail system in ways that are disruptive, offensive to others, or harmful to morale.

For example, the display or transmission of sexually-explicit images, messages and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, jokes, or anything that may be construed as harassment or showing disrespect to others.

Unnecessary use of electronic communication systems hinders employee performance. Chain letters, jokes, and messages sent to large lists of employees create clutter in computer systems wasting time and space. The receipt and forwarding of messages originating outside the network can expose systems to crippling computer viruses that can unduly hinder the system's performance and/or capacity, as well as waste time in clean-up and repair.

**E-mail may not be used to solicit others for commercial venture, religious or political causes, outside organizations, or other non-County business matters.**

E-mail from or to in-house counsel or attorney representing the County must include the following header on each page: **"ATTORNEY-CLIENT PRIVILEGE/DO NOT FORWARD WITHOUT PERMISSION."**

Users should not alter or copy a file belonging to another user without first obtaining permission from the owner of the file. The ability to read, alter, or copy a file belonging to another user does not imply permission to read, alter, or copy that file.

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

Employees may only use software on multiple machines according to software license agreements. The County prohibits the illegal duplication of software and its related documentation. No licensed software may be installed on Knox County computers that has not been authorized by the County, and/or is not properly licensed to the County.

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

## **5.5 INTERNET POLICY**

Employees may be provided access to the Internet to assist them in the performance of their duties. The computer and other media of electronic and telephonic communications, including, but not limited to, host computers, file servers, work stations, stand-alone computers, laptops, software, and internal and external communication networks, are the property of Knox County and as such, are to be used solely for job related purposes. Personal use of such equipment and software should be limited in frequency and duration.

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

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

- A. Employees are notified that they are responsible for the material they review and download on the Internet.
- B. Sending, receiving, displaying, printing, or otherwise disseminating material that is fraudulent, harassing, illegal, embarrassing, sexually explicit, obscene, intimidating or defamatory is prohibited. Employees encountering such material should report it to their elected official/department head.
- C. Employees may not use County Internet resources for commercial or personal advertisements, solicitations, promotions, viruses, political material, or any other unauthorized personal use.
- D. Employees should exercise the same care in drafting e-mail, communicating in chat groups and posting items to news groups as they would for any other written communication.
- E. Employees may not disseminate County property or confidential information via the Internet.
- F. All material downloaded from the Internet or from computers or networks that do not belong to Knox County MUST be scanned for viruses and other destructive programs before being placed onto the computer system. All employees will be expected to follow the instructions from their supervisor for its scanning process. Any questions

should be referred to the elected official/department head and resolved prior to being placed on the computer system or being used.

- G. Because of export restrictions, programs, or files containing encryption technology are not to be placed on the Internet or transmitted in any way outside the United States without prior written authorization from Knox County.
- H. Knox County will not be responsible for any damages, direct or indirect, arising out of the use of its Internet resources.
- I. Knox County maintains the right to monitor any and all aspects of its computer system, including, but not limited to, monitoring sites employees visit on the Internet, monitoring chat groups and news groups, reviewing material downloaded or uploaded by employees and reviewing e-mail sent and received by employees.
- J. Employees do not retain any right to privacy in any documents, messages, or images they create, store, send, or receive on the computer or the Internet under the Electronic Communications Privacy Act, and any other state or federal law regarding e-mail and Internet use. Employees do not have a personal privacy right in any matter created, received, or sent from the County e-mail system.
- K. Employees must comply with all software licenses, copyrights, and all other state and federal laws governing intellectual property and online activity.

#### **5.5.1 Reporting Child Pornography**

An employee who witnesses child pornography being distributed or residing on County property, computers, networks, or information technologies resources must immediately report such incident to the State Department of Child Services and the County elected officials/department heads. This also applies to employee-owned computers or information technologies resources which are brought and/or used on County property. The employee shall immediately inform their elected official/department head who will take appropriate action and immediately report such issue to the County Commissioners.

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

The managing, producing, sponsoring, presenting, exhibiting, and/or creating of child pornography is a violation of County policy and of Indiana Code 35-42-4-4. Such violation shall result in disciplinary action, including immediate termination. An employee who makes available to another employee a computer, knowing that the computer's fixed drive or peripheral device contains matter that depicts or

describes sexual conduct by a child less than eighteen (18) years of age commits child exploitation as defined by Indiana law.

Questions regarding this policy should be directed to the County Attorney.

## 5.6 **SOCIAL MEDIA AND NETWORKING**

Social media websites (such as *Facebook*, *Twitter*, *YouTube*, blogs, and many others) that allow users to post personal content have become increasingly popular. **The policy applies to all online activities, including social media.** ***In addition to*** the standards of conduct set for County employees, the County has established the following rules governing employees' use of social media and social networking sites:

1. Knox County employees are prohibited from using County computers to access social media sites for personal use. Use of your County e-mail address for social networking (*e.g.*, blogs, *Facebook*, *Twitter*) is not permitted.
2. While engaging in social networking, you must avoid the risk of conflict with official duties and should avoid the appearance of impropriety. This prohibits "friending" or becoming a "fan" of firms or firm representatives conducting business with the County.
3. Do not discuss, post, or leak confidential County information.
4. Do not discuss your job responsibilities for the County on the Internet.
5. Social networking relating to political activities and beliefs is prohibited. This includes posting pictures on a social networking profile that affiliate the employee with a political party or a partisan political candidate, circulating online political petitions, using politically affiliated images on a social networking profile and the like.
6. Maintain professionalism, honesty, and respect. Your on-line dialogue is subject to the same bounds of civility required at work. Employees must comply with laws covering libel and defamation of character. Non-office specific behavior can have ramifications on your employment status (*e.g.*, photographs in compromising or illegal situations).
7. Avoid negative commentary regarding the County. *Any* commentary you post that could reveal an association with the County must contain an explicit disclaimer that states: "These are my personal views and not those of my employer."
8. Comply with all applicable laws in order to avoid litigation and wasting taxpayers' money.
9. Observe security protocol. Employees must take care to avoid doing things that would compromise the security of the County workplace facilities and its personnel. To maintain security, do not post pictures of the County workplace facilities, inside or outside; do not post pictures of County Office or Department events; and do not post pictures of the County's employees or citizens visiting County offices or departments.

The County reserves the right to monitor its employees' use of social media by monitoring its employees' Internet activities. County employees have no right or expectation of privacy in any communication using County computers and/or internal or external networks.

**The County further reserves the right to visit and monitor social media sites to ensure that employees are not violating the handbooks Social Media and Social Networking Policy via County or any other computers, or data devices including employees' own personal computers as a condition of employment if the County has a reasonable belief that an employee has violated this policy or upon a demonstration of just cause.**

**If the County has just cause for believing that an employee has acted contrary to this Policy, the County reserves the right to visit and monitor Social Media sites to ensure that employees are not violating the County's Social Media Policy via County or any other computers, including employees' own personal computers.**

Employees violating this policy shall be subject to disciplinary action up to and including termination of employment.

## **5.7 DRUG-FREE WORKPLACE**

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

The County shall maintain a drug-free workplace in accordance with the Drug-Free Workplace Act of 1988, and the State of Indiana Drug-Free Workplace Executive Order No. 90-5 of 1990. Failure to comply with this law could jeopardize government funds received by the County. Any employee who is convicted of a drug or alcohol related crime arising out of conduct while on official County business, or when serving as a representative of the County, must notify the County within five (5) days of the conviction. The County is required to notify the appropriate government funding agency within ten (10) days of the conviction.

The unlawful manufacture, possession, distribution, transfer, purchase, sale, use, or being under the influence of alcoholic beverages or illegal drugs while on the employer's property, while attending business-related activities, while on duty, or while operating a vehicle or machine leased or owned by the County is strictly prohibited and may lead to disciplinary action, including suspension without pay, or discharge. When appropriate, the County may refer the employee to approved counseling or rehabilitation programs.

If an employee covered by the County's health insurance policy voluntarily seeks professional assistance in overcoming drug or alcohol problems, please contact the

Auditor's Office for more information about the benefits potentially available under the employee medical benefit plans and any possible referral sources.

The County will determine on a case-by-case basis whether assistance will be provided to employees whose health or performance are at risk of deterioration.

Employees may use physician-prescribed medications, provided the use of such drugs do not adversely affect job performance or the safety of the employee or other individuals in the workplace. Employees may keep prescription and over-the-counter-medications on County premises when prescribed by a medical physician or as needed for over-the-counter medications. Employees who operate vehicles or equipment in the course of their employment shall notify their elected official/department head of such drugs and prescriptions which may impair judgment in the performance of job duties and responsibilities.

#### **5.7.1 Pre-Employment Testing**

Knox 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. Applicants will be asked to list any legally prescribed drugs taken at the time of the test and will be asked to provide physician authorization for those drugs.

#### **5.7.2 Drug Testing for Employees not Covered by CDL Policy**

Knox County is committed to providing a safe, efficient, and productive work environment for all employees. In keeping with this commitment, employees and job applicants may be requested to provide body substance samples (e.g. blood, urine, hair, or other body substances) to determine the prohibited use of marijuana, cocaine, opiates, amphetamines, alcohol, barbiturates, and phencyclidine (PCP). Results of any drug testing shall remain in the employee's confidential file.

#### **5.7.3 Reasonable Suspicion**

Knox County is required to test for the use of alcohol and controlled substances upon "reasonable suspicion." Reasonable suspicion is defined to mean that the County believes the behavior, speech, body odor, or appearance of an employee while on duty is indicative of the use of alcohol and/or controlled substances.

The conduct must be witnessed by the supervisor or other designated personnel if so trained. The mere possession of alcohol does not constitute the need for an alcohol test. The witness must have received training in the probable alcohol and drug use by observing a person's behavior. If the behavior is at all questionable, the witness should conduct the alcohol test in order to protect the employee.

Alcohol testing is authorized only if the observations are made during, just before or just after the period of the workday of the employee. A written record shall be made of the observations leading to an alcohol and/or controlled substance test. This record is to be signed by the supervisor who made the observations.

If a reasonable suspicion alcohol test is not administered within two (2) hours following the observations, the witness shall prepare and maintain on file a record stating the reasons the alcohol test was not administered promptly. In addition, if not administered within eight (8) hours, all attempts to administer the test shall cease. A record shall be prepared and maintained stating why the alcohol test was not administered.

Guide to successful reasonable suspicion testing includes:

1. Focus on safety.
2. Verify reasonable suspicion.
3. Isolate and inform the employee.
4. Inquire and observe the employee.
5. Review the findings.
6. Transport the employee to a testing site.
7. Document events.

Prior to the start of work, an employee must report to his/her immediate supervisor, the use of any prescriptions or over-the-counter drugs which may affect job performance or the safety of others. It is the employee's responsibility to obtain from his/her physician a determination as to whether or not the drug could affect job performance.

All information obtained in the course of employment shall be protected as confidential medical information under control of the County Personnel Administrator located in the Auditor's Office. No data concerning this information will be made a part of the employee's personnel file or will be provided to any other party without the direct written consent of the employee.

Failure to sign a release for alcohol and drug testing will be classified as insubordination and the employee shall be terminated as an employee for Knox County, subject to applicable state laws.

Refusal to submit to alcohol and controlled substance testing, as required, will be recorded as a positive test. Refusal to submit to an alcohol or controlled substance test means an employee (1) fails to provide adequate breath for testing without valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with this policy; (2) fails to provide adequate urine for controlled substance testing without a valid medical explanation after he or she has received notice of the requirement for testing in accordance with this policy; or (3) engages in conduct that clearly obstructs the testing process.

Employees testing positive for alcohol (.04 percent or greater) or for a controlled substance shall be prohibited from performing a safety-sensitive function for the County and referred to the Employee Assistance Program (a drug and alcohol assistance program) and become subject to any other County policy dealing with the use of alcohol and controlled substances. The employee is subject to all associated costs.

#### **5.7.4 Post-Accident Testing**

Post-accident testing shall be required when an employee is involved in an accident on County property or while operating County and/or personal equipment or vehicles in pursuit of County business which results in either:

- a. The death or injury of a County employee or member of the general public;
- b. Damage to public or private property and/or equipment or if the employee is issued a uniform traffic citation or a moving violation or is arrested;
- c. Post-accident testing may include screens for both drugs, including prescription drugs and alcohol;
- d. Such test may be ordered by the elected official/department head or the designated employer representative (DER) of any department.
- e. The employee agrees to execute any release needed by the County to obtain the results of such tests.
- f. Failure to take such tests when ordered or failure to release the results of such tests when required will be considered the same as a positive test.
- g. Failure to comply with this policy could lead to termination of employment.

#### **5.7.5 Post-Shooting Testing**

Post shooting testing shall be required when a law enforcement officer in a line-of-duty incident shooting causes death or serious bodily injury to an officer or other persons. Post shooting tests shall include screens for both drugs and alcohol.

#### **5.7.6 Random Testing**

Random testing shall be performed with the same frequency as that of CDL covered employees. Random testing may include screens for both drugs and alcohol. A refusal to submit to a random test will be considered the same as testing positive.

**5.7.7 FEDERAL MOTOR CARRIER SAFETY AND RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION REGULATIONS (Commercial Driver's License and Covered Pipeline Operations Employees Drug and Alcohol Testing')**

This policy shall apply to an employee who *is* required to hold a commercial driver's license in order to operate a vehicle or equipment, and/or an employee who performs operations, maintenance, or emergency response functions on a pipeline as part of his/her employment with the County.

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

It is also the policy of the County to comply with and abide by all laws and regulations that have been established by 49 CFR PART 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING of the Federal Motor Carrier Safety Regulations, U.S. Department of Transportation (DOT); and 49 CFR PART 199 - DRUG AND ALCOHOL TESTING for the Research and Special Programs Administration, DOT. In complying with these regulations, the 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. In accordance with DOT 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 and/or perform operations, maintenance, or emergency response functions on a pipeline.

Information, training, and forms used to administer the provisions of this policy will be provided to all employees and supervisors of employees holding safety sensitive positions.

**5.8 TAKE HOME VEHICLES**

The Internal Revenue Code (IRC) requires the taxable value for the use of County provided vehicles be reported as additional compensation to employees. The County and employee must timely report personal use as a wage. Such reports are processed by the Auditor's office. Law Enforcement vehicles are considered non-personal use vehicles. Law Enforcement Officers are required to use the vehicle for commuting and personal use is incidental to use for law-enforcement purposes. Personal use of County vehicles, other than commuting, for travel outside of Knox County is prohibited (e.g. vacation use).

## **5.9 USE OF EQUIPMENT AND VEHICLES**

County equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. County equipment use shall be limited to County business, any exceptions shall be approved by the County Commissioners or Sheriff in advance of use. When using property, including County telephones, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

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

Employees operating County vehicles or personal vehicles for County business shall maintain the ability to legally operate assigned vehicles. Employees who operate County vehicles are required to notify their elected official or department head in the event that their driver's license is suspended or revoked. Driver's license suspension or revocation is subject to disciplinary action, up to, and including termination of employment.

All employees who drive a County vehicle or use their private vehicle for County business shall have on file in the Auditor's office a copy of a valid driver's license, and proof of liability insurance coverage for their private vehicle used for County business. Failure to comply with this policy is subject to disciplinary action, up to, and including discharge.

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

Except for official County business, or as provided in any special policies or procedures that supersede this policy, County owned vehicles shall not be driven out of Knox County, unless authorized by the elected official/department head. Under no circumstances will any County owned vehicle be driven outside Knox County for the purpose of commuting to and from work. Improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, including discharge.

## **5.10 PERSONAL USE OF COUNTY FACILITIES**

In order to minimize unnecessary expenses, prevent the loss of valuable work time, and prevent lowered morale of cooperative employees, personal use of County facilities, vehicles and equipment is prohibited, unless expressly authorized by the County Commissioners. This policy applies to all employees.

It restricts the personal use of organization facilities, including bulletin boards, vehicles and equipment, computers, and fax machines.

County facilities may be used for civic, and political and community events with prior approval by the Board of County Commissioners.

## **5.11 APPEARANCE OF WORK AREAS**

The County expects the work areas of all employees to be well organized, clean, and attractive. These qualities promote health, productivity, safety, good morale, and customer respect. Employees are responsible for maintaining the cleanliness of non-work areas that are used by employees, such as meal and break areas. This policy applies to all employees.

## **5.12 BUSINESS TRAVEL**

The County is responsible for authorizing employee business travel and reimbursement of travel expenses, including overnight lodging, meals, parking, incidentals, gratuities and transportation. All such reimbursements are subject to approval and appropriate documentation being submitted. In all cases, the expenses for which an employee seeks reimbursement must have been budgeted or else specifically approved by the County Council. Expenses not budgeted or approved will not be reimbursed.

### **5.12.1 Job-Related Training**

In cases where an employee receives job-related training, such as workshops or seminars, and in cases where the training received is required for the performance of job duties, the County may provide either partial or full reimbursement for expenses incurred during the training. The policy does not provide for educational reimbursement for an employee who is enrolled in an education institution for furthering his/her own education. A request for reimbursement must be submitted to the Board of Commissioners for approval **prior to the training**. If granted, reimbursement generally will be withheld pending notice that the course of training was successfully completed.

### **5.12.2 Out-of-State Travel**

Reimbursement for out-of-state travel and subsistence other than that necessary as part of the routine operation of a County department must have prior approval from the elected official/department head, who is responsible for notifying the Auditor. This requirement applies whether the anticipated expenses are budgeted or not. An

example of an activity requiring prior approval would be a special out-of-state seminar or convention. An example of an activity not requiring prior approval would be a prisoner transfer or a brief investigatory trip by the Sheriff's department.

### **5.12.3 State Called Meetings**

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

- a. Reasonable hotel/motel accommodations based on double occupancy where possible.
- b. The mileage rate established by the County Council for using privately owned vehicle in lieu of public transportation. (Usually, one individual per office may claim mileage.)
- c. Meals, parking, incidentals, gratuities, etc.

### **5.12.4 Other Necessary Meetings**

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

- a. Reasonable hotel/motel accommodations.
- b. Bus, taxi, and airport transportation.
- c. Air, rail, or bus tickets as lowest possible fare.
- d. The mileage rate established by the County Council for using privately owned vehicle in lieu of public transportation.
- e. Meals, parking, incidentals, gratuities, etc.

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

- a. Bus, taxi, and airport transportation.
- b. Air, rail, or bus tickets as lowest possible fare.
- c. The mileage rate established by the County Council for using privately owned vehicle in lieu of public transportation.
- d. Necessary parking and storage fees.
- e. Meals, parking, incidentals, gratuities, etc.
- f. Business related telephone calls, with documentation required.
- g. Other necessary expenses with approval of the County Commissioners.

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

### **5.12.5 Mileage Rate**

Employees who are reimbursed for mileage accumulated in the course of conducting

County business shall receive reimbursement at the rate determined by the County Council or at a rate equivalent to that received by state employees.

#### **5.12.6 Other Expenses**

Other expenses incurred by County employees will be reimbursed only if approved by the Board of Commissioners. Employees should submit their requests within a reasonable time before the expense is incurred. Such requests will be dealt with on a case-by-case basis.

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

#### **5.12.7 Reimbursement**

All expenses reimbursed to County employees for business travel will be reimbursed based upon amounts actually expended by the employee. All actual amounts spent by the employee will be documented by filing copies of receipts for those expenditures attached to the claim form submitted to the Knox County Auditor. In the case of meals, no reimbursement will be provided for expenditures in excess of forty dollars (\$40.00) per day.

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

### **5.13 COUNTY CREDIT CARDS**

The Knox County Board of Commissioners adopted Ordinance 2006-10 on March 6, 2006 which details the County credit card policy. Employees issued a County credit card are subject to the terms and conditions of this policy including authorization of credit card users, safeguarding the credit card and account number, maintaining documentation, and ensuring that the card is used only for authorized purchases. The credit card is for business use only and may not be used for personal purchases.

The following credit card policy terms and conditions were adopted in Ordinance 2006-10:

1. Credit Cards may not be utilized by any office of Knox County Government, unless authorization is specifically provided by this Ordinance, or otherwise in writing prior to use, by the Knox County Board of Commissioners.
2. As of the date [March 6, 2006] of this Ordinance, the Board of Commissioners has authorized the Sheriff of Knox County to maintain and use one credit card, the Auditor of Knox County to maintain and use one credit card, the Park and Recreation Department to maintain and use one credit card, and the Knox County Highway Department to maintain and use one credit card. The Board of Commissioners may, in its sole discretion, authorize other County offices to maintain and utilize credit cards in the future, but only with the prior written approval of the Board of Commissioners. In any event, where the maintenance

and use of a credit card is authorized, the credit card must be under the direct control of the elected office holder (as in the case of office of the Sheriff or Auditor), or by the Superintendent (as in the case of the Park Department and the Highway Department). The issuance and use of the credit card shall be the responsibility of such official or Superintendent.

3. Credit cards may only be used for the following purposes:
  - a. The purchase of gasoline and other necessary travel expenses, when approved by the office holder or Superintendent.
  - b. Purchase of necessary supplies where it is not practicable to pay for said supplies with a check.
  - c. Making reservations and confirmations for necessary work-related travel approved by the officer or Superintendent.
4. If the office holder or Superintendent permits an authorized employee to utilize the credit card, then as soon as the purpose for which the credit card was to be used has been accomplished, the card must immediately be returned to the custody of the office holder or Superintendent.
5. The office holder or Superintendent maintaining and utilizing a credit card shall maintain a written and computerized accounting system or log which must include the names of individuals requesting usage of the credit card, their position, the estimated amounts to be charged, the fund and account numbers to be charged, the date the card is issued, and the date the card is returned.
6. Credit cards shall not be used to bypass the accounting system of the department or the County. Purchase must be issued in order to provide the fiscal officer with the means to encumber and track appropriations to provide the County Government with timely and accurate accounting information and monitoring of the accounting system.
7. Supporting documents for all purchases made on credit cards, such as paid bills and receipts must be provided to, and maintained by the elected official or the Superintendent. The credit card statement reflecting the purpose is NOT SUFFICIENT for this purpose. Purchase orders and supporting documents must be maintained by the office holder or Superintendent, and copies provided to the County Auditor, as required.
8. Knox County will pay no interest or penalties incurred due to late filing or furnishing of documentation by an elected official or Superintendent. If credit card interest or penalties are incurred due to late filing or late payment, such penalty or interest shall be the responsibility of the elected officer or Superintendent.
9. Various credit cards are available without payment of annual fees. Accordingly, if a County office seeks to maintain a credit card which charges and annual fee, specific written approval must be obtained from the Board of Commissioners before such annual fees may be paid.

10. Ordinance No. 2-2002 of the Knox County Board of Commissioners has established the fact that credit card or credit card expenses incurred by Knox County Government Offices for lawful purposes is a category designed for a pre-approved or pre-payment procedures. However, as provided by said Ordinance, each payment must be fully itemized and each invoice or bill certified by the County Auditor. The pre-approved or pre-paid claim must be advertised at the next scheduled meeting of the Knox County Board of Commissioners.
11. Failure to comply with this policy shall constitute cause for the Board of Commissioners to revoke credit card privileges to any County Office.

#### **5.14 BLOODBORNE PATHOGENS**

County employees working in high-risk jobs will be offered bloodborne pathogen training and a series of hepatitis B vaccinations for their protection. The County will provide this service at no cost to the employees for those wishing to participate in this program

The Occupational Safety and Health Administration (OSHA) has determined that certain employees in the workplace face a significant risk to bloodborne pathogens due to their job duties (i.e. Sheriff's Deputies, Jailers, Dispatchers, Custodians, Clerks, Highway, Community Corrections, and Health Department employees. To ensure that County employees are aware of occupational exposure to bloodborne pathogens, the County has developed an exposure control plan to minimize or eliminate employee contact with human blood or other bodily fluid which may contain bloodborne pathogens, such as hepatitis B virus and HIV. This control plan is available for use by all County employees and is located in the Auditor's office.

#### **5.15 TOBACCO FREE POLICY**

In keeping with the County's intent to provide a safe and helpful work environment, tobacco use of any kind, including chewing, smoking, and e-cigarette's/vaping in the work place is prohibited while inside County facilities, and County vehicles.

Employees may chew, smoke, or e-cig/vape outside County facilities during designated break times as determined by each department head in compliance with current law, but they are not to stand directly outside facility entrances or subject non-smokers to passive smoke. Signs have been posted for outdoor locations that have been specifically designated as smoking areas, which according to Indiana law must be at least eight (8) feet from facility entrances. Knox County's employee designated smoking areas are well beyond the mandatory eight (8) feet minimum distance from entrances requirement and employees must smoke/e-cig/vape in these designated areas. The County reserves the right to revoke this policy and upon notice to employees declare all County properties to be smoke free. Employees who do not abide by this policy shall be reported to their department head for appropriate discipline. Any violation of this policy is considered a

Group I offense (see Section 6.13). In situations where the preferences of smokers and nonsmokers are in direct conflict, the preferences of nonsmokers will prevail.

This policy applies equally to all employees, citizens, and visitors and signs are posted in County facilities.

#### **5.16 LACTATION SUPPORT**

Knox County shall provide a reasonable paid break time for an employee to express breast milk for her nursing child for one (1) year after the child's birth each time such employee has need to express the milk.

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

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

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

- A. The expressing of employees' breast milk; or
- B. The storage of expressed milk.

#### **5.17 POLITICAL ACTIVITY**

County employees shall not be required to participate, financially or otherwise, in any political campaign or party activity during his/her working hours. This policy includes any threats or coercion by elected officials/department heads or political party officials.

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

County employees are prohibited from using their County position to assist in political campaigns and from using work hours to engage in political activity.

Prohibited in Knox County Government Buildings/Offices is the display or posting of any type of hanging political campaign literature, such as posters, bulletins, or signs.

Allowable in Knox County Government Buildings/Offices are campaign buttons and/or brochures or similar literature. The campaign literature is to be no larger than 4" wide by 9" in

length and shall only be placed in an area as designated by the Elected Official or Department Head so as not to interfere with daily routine.

In accordance with I.C. 3-11-8-7, the Offices of the Recorder and the Clerk of the Circuit Court can no longer display any type of political campaign materials when absentee balloting begins.

Questions regarding this policy should be directed to the elected official/department head.

## **5.18 INDIANA INTERNAL CONTROL STANDARDS POLICY**

Indiana Code 5-11-1-27(e) provides that through the compliance guidelines authorized under IC 5-11-1-24 the State Board of Accounts (SBoA) shall define the acceptable minimum level of internal control standards for internal control systems of political subdivisions, including the following: (1) Control Environment. (2) Risk Assessment. (3) Control Activities. (4) Information and Communication. (5) Monitoring.

IC 5-11-1-27(g) requires that the Knox County Board of County Commissioners must adopt the minimum internal control standards as defined by SBoA.

Additionally, the Commissioners must ensure that employees receive training concerning the internal control standards and procedures adopted by the County.

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

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

Apart from the required certification to be filed by the County Auditor, Elected Officials, appointees, and employees must sign the Internal Control Training Certification form for Elected Officials, Appointees, and Employees as evidence for their training. These certifications are to be maintained by Knox County on-site.

## **6. PERSONAL CONDUCT**

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

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

Employees are expected to maintain high standards of personal appearance, conduct, cooperation, efficiency, and economy in their work. All employees should attempt to correct any faults in their performance which are called to their attention and should also avoid any behavior and actions which conflicts with County policies.

### **6.2 ATTENDANCE AND PUNCTUALITY**

To maintain a safe and productive work environment, the County expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the County. In the rare instance when an employee cannot avoid being late to work or is unable to work as scheduled, he or she should notify the elected official/department head at least one-half (1/2) hour before the time the employee would normally begin the shift or work day.

Supervisors are to keep accurate records on County payroll forms of all employee absences; including designation of whether supervisor notification was provided by the employee.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, including termination of employment.

### **6.3 PERSONAL APPEARANCE**

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image we present to our citizens and visitors. During business hours, employees are expected to present a clean and neat appearance and to dress according to the job requirements.

Consult your elected official/department head if you have questions regarding what constitutes appropriate attire.

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

Any employee found guilty of a felony, if reasonably related to employee job duties or the public trust, is subject to immediate dismissal. An employee charged with a felony or found participating in felonious activity either during work hours or while off duty will be subject to an unpaid leave of absence from work until a court of law establishes innocence or guilt.

Any employee found guilty of a misdemeanor, if reasonably related to employee job duties or the public trust, may be subject to suspension or discharge, including not being legally qualified to operate assigned vehicles or equipment.

Misdemeanors that involve County vehicles/property, or in which the associate behavior reflects poorly upon the employee and/or the County, will be treated similarly.

## **6.5 GIFTS OR GRATUITIES**

Employees are encouraged to maintain good relations with suppliers and others with whom the County may have business dealings. However, the practice of accepting gifts or gratuities may be contrary to the public interest.

Employees shall not accept unreasonable gifts or gratuities from firms, organizations, agents, or other individuals who may or do conduct business with the County in furnishing materials, goods, and services to the County.

## **6.6 GHOST EMPLOYMENT**

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

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

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

Examples of violations of this policy include, but are not limited to, performing work on public property that is not job related, authorizing or receiving payment for time not worked, and authorizing or receiving payment for leave time not authorized by County paid leave policies. Violations of this policy shall result in disciplinary action up to and including termination, in addition to potential prosecution under Indiana Code 35-44.1-1-3.

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

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

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

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

A County employee who knowingly or intentionally obtains a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the County commits a Level 6 felony, unless a financial disclosure form is approved in advance and filed as required by Indiana Code (I.C.) 35-44.1-1-4.

Violation of I.C. 35-44.1-1-4 failure to disclose conflict of interest of employee or member of employee's immediate family having a monetary interest/business interest or deriving a profit in any matter directly related to the employee's official duties and the discharge of those duties. This includes having a personal interest in a business which supplies goods and services to the County.

## **6.8 SEXUAL HARASSMENT/HOSTILE WORK ENVIRONMENT**

Everyone who works for Knox County is entitled to a workplace free from sexual harassment and intimidation. The County is committed to providing a work environment that is free of any type of discrimination or unlawful harassment. The County prohibits any form of sexual harassment and will take corrective action against offenders, including discipline or discharge.

**This policy applies to all Knox County employees.**

### **6.8.1 Definition of Sexual Harassment**

Any request for sexual favors and/or any other unwanted verbal or physical conduct of a sexual nature between employees in the workplace or job-related contacts with citizens or persons outside County employment, constitutes sexual harassment and is prohibited, such as:

1. Unwelcome sexual advances.
2. Physical or verbal conduct of a sexual nature, or joking that is sex-oriented and considered unacceptable by another individual. Examples of conduct of a sexual nature include: flirtations, advances or propositions, verbal abuse of a sexual nature, leering, touching, pinching, assault, or coerced sexual acts, or suggestive, insulting, obscene comments or gestures; written, photo, cartoon,

or electronic displays in the workplace of sexually suggestive objects or pictures. This includes commenting about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" that are clearly unwanted and considered offensive by others, or any other tasteless sexually-oriented comments or actions that offend others.

3. Submission which is expressed or implied as a condition of employment, promotion, or preferential treatment.
4. Printed or electronic display or transmission of sexually explicit images, messages or cartoons is not allowed. Other violations include, but are not limited to, ethnic slurs, racial comments, jokes, or anything that may be construed as harassment or showing disrespect for others.
5. Conduct with implication that has the purpose or the effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment is considered sexual harassment.

This behavior is unacceptable in the workplace itself and in other work-related settings such as business trips and business-related social events.

#### **6.8.2 Reporting A Complaint**

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

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

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

Any supervisor who has witnessed or becomes aware of the alleged occurrence of sexual harassment or retaliation, or receives a complaint of sexual harassment

involving a person within that supervisor's purview is required to take prompt corrective action and to report the incident to the **County Attorney**. Failure of a supervisor to immediately take corrective action or to report the incident shall constitute misconduct subject to disciplinary action.

### **6.8.3 Description of Misconduct**

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

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

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

County elected officials/department heads and the Auditor have copies of the County sexual harassment complaint form. Employees are directed to obtain, complete, and submit this form to initiate a formal complaint.

### **6.8.4 Time Frame for Reporting Complaints**

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

### **6.8.5 Protection Against Retaliation**

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

#### **6.8.6 Investigating the Complaint**

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

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

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

#### **6.8.7 Identification of Investigators**

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

#### **6.8.8 False Accusations**

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

#### **6.8.9 Sanctions**

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

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

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

The County will maintain a complete written record of each complaint and how it was investigated and resolved. Written records shall be maintained in the County Attorney, and if disciplinary action was taken, a record shall be maintained in the offender's personnel file.

#### **6.8.11 Prevention**

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

### **6.9 SOLICITATION/DISTRIBUTION**

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

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

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

### **6.10 SECURITY OF PREMISES**

The County wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the County prohibits the control, possession, transfer, sale or use of such materials on its premises. However, effective on July 1, 2010 Ind. Code 34-28-7 allows employees who may lawfully possess a firearm to bring firearms and ammunition onto County property as long as the firearm and ammunition are locked in a glove box or trunk or stored out of plain sight in the employee's personal locked vehicle. This exception does not apply to employees driving or riding in County-owned vehicles where firearms and ammunition are prohibited. Employees of a penal facility (Knox County Jail) or other County facilities listed in Ind. Code 34-28-7-2(a) (2) do not have these rights. Except for law enforcement officers, employees working at the Knox County Jail shall not bring firearms or ammunition onto County property including in their personal vehicles.

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

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

This is with exception to Court and Sheriff Department evidence rooms or sealed files maintained by the County Clerk or Court Reporters.

## **6.11 WORKPLACE VIOLENCE**

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

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

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

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on County-owned or leased property may be removed from the premises. Additionally, illegal firearms, weapons, and other dangerous or hazardous devices or substances are strictly prohibited from the premises of the County without proper authorization as stated in *Section 6.10 Security of Premises of this Personnel Policies Handbook*.

Threats, threatening behavior, or acts of violence executed off County-owned or leased property but directed at County employees or members of the public while conducting official County business, is a violation of this policy. Off-site threats include, but are not limited to, threats made via the telephone, fax or electronic or conventional mail, or any other communication medium.

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

Employees are responsible for notifying their elected official/department head of any threats which they have witnessed, received, or have been told that another person has witnessed or received. Employees should also report any behavior they have witnessed which they regard as threatening or violent when the behavior is job related or might be carried out on County-owned or leased property or in connection with County employment.

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

If an emergency exists, contact the police department at 911, and notify your supervisor.

If not an emergency, employees should inform their elected official/department head. If the elected official or department head is unavailable or if the nature of the complaint is such that the employee does not believe he/she can discuss it with the elected official/department head, the employee may bring concerns to the County Commissioners.

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

## **6.12 CONFIDENTIALITY/REQUESTS FOR INFORMATION**

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

Occasionally, employees of the County are contacted by outsiders for information about current or former employees, or about the organization's policies, practices or projects. All such requests shall be referred to the elected official or department head.

## 6.13 EMPLOYEE CONDUCT

Employee job performance and personal conduct directly impact Knox County's ability to achieve its mission of public service. Therefore, the following work rules and principles of job performance are adopted as guidelines for monitoring behavior and exercising disciplinary actions. Knox County employees are expected to follow procedures and guidelines set forth by the County and the employee's office/department policies and procedures.

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

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

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

### **GROUP I OFFENSES**

(Examples of, but not limited to the following:)

1. Tardiness or failure to report to duty within a reasonable time after call.
2. Reporting to work clothed or groomed in an unclean or inappropriate manner.
3. Littering or otherwise contributing to unsanitary conditions on County property.
4. Neglect or carelessness in signing in or out.
5. Failure to cooperate with other employees as required by job duties.
6. Distracting the attention of others, unnecessarily shouting, demonstrating, or otherwise causing a disruption on the job.
7. Malicious mischief, horseplay, wrestling, or other undesirable conduct.
8. Unauthorized use of telephone or mail for personal use.
9. Unsatisfactory work or failure to maintain required standard of performance.
10. Unauthorized breaks.
11. Chewing/Smoking/E-Cigarette/Vaping in non-designated areas.

### **GROUP I DISCIPLINE**

<b>First Offense</b>	<b>Oral warning</b>
<b>Second Offense</b>	<b>Written reprimand</b>
<b>Third Offense</b>	<b>Three (3) working days suspension without pay</b>
<b>Fourth Offense</b>	<b>Discharge</b>

## **GROUP II OFFENSES**

(Examples of, but not limited to the following:)

1. Leaving the job or work area during the regular working hours without authorization.
2. Threatening, intimidating, coercing, or interfering with subordinates or other employees.
3. Obligating Knox County for any expense, service, or performance without authorization.
4. Unauthorized sleeping during working hours.
5. Reporting for work or working while unfit for duty.
6. Unauthorized use of County property or equipment.
7. Performing private work on County time.
8. Failure to sign in or out when required.
9. Failure to report for overtime work without good reason after being scheduled to work according to overtime policy.
10. Making or publishing of false, vicious, or malicious statements concerning employees, supervisors, or the County and its operations. Making abusive or threatening remarks to supervisors, other employees, or the public.
11. Refusing to provide testimony in court during an accident investigation, or during any type of public hearing.
12. Giving false testimony during a complaint, investigation, or hearing.
13. Unauthorized posting, removal, or alteration of notices or signs from bulletin boards.
14. Distributing or posting written or printed matter of any description on County premises unless authorized.
15. Unauthorized presence on County property.
16. Disregard of department rules.
17. Discourteous treatment of the public.
18. Excessive absenteeism.
19. Failure to give medical certifications and/or physician's excuse in a timely manner.
20. Failure to notify authorized personnel not later than one-half (1 /2) hour before regular work starting time when unable to report to duty.

## **GROUP II DISCIPLINE**

<b>First Offense</b>	<b>Five (5) working days suspension without pay</b>
<b>Second Offense</b>	<b>Discharge</b>

## **GROUP III OFFENSES**

(Examples of, but not limited to the following:)

1. Being in possession of, or drinking alcoholic beverages, on the job.
2. Neglect in the performance of assigned duties or in the care, use, or custody of any County property or equipment. Stealing, abuse, or deliberate destruction in any manner of County property, tools, equipment, or the property of employees.
3. Punching, signing, or altering other employees time cards, time sheets or unauthorized altering of own time card or sheet.

4. Falsifying testimony regarding accident investigations; falsifying or assisting in falsifying or destroying any County records, including work performance reports; or giving false information or withholding pertinent information in applying for employment.
5. Making false claims or misrepresentations in an attempt to obtain any County benefit.
6. Unlawful or negligent handling of public monies.
7. Using controlled substances without a prescription thereof or selling controlled substances.
8. Fighting or attempting to injure other employees, supervisors, or other persons.
9. Except for authorized employees of the Sheriff's department, carrying or possession of firearms on County property at any time without proper authorization.
10. Knowingly exposing others to hazardous conditions, such as communicable diseases, which may pose a health or safety risk.
11. Misusing or removing County records or information without prior authorization.
12. Instigating, leading, or participating in any illegal walkout, strike, sit-down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the County's work stations.
13. Dishonesty or any dishonest action. Some examples of "dishonesty" or "dishonest action" are theft/pilfering/opening desks assigned to other employees without authorization; theft/pilfering through property of the County or other employees without authorization; and making false statements to justify an absence or tardiness. The foregoing are examples only and do not limit the terms "dishonesty" or "dishonest action."
14. Insubordination by refusing to perform assigned work or to comply with written or oral instruction of the supervisors.
15. An absence of more than one (1) work day without notification of absence.
16. Violating the County's sexual harassment policy.
17. Failure to report accidents, injury, or equipment damage.
18. Disclosure of confidential information.
19. Failure to disclose at time of employment the past conviction of a misdemeanor and/or felony, if reasonably related to the employee's duties or the public trust.
20. Failure to submit to a blood test, urinalysis, or Breathalyzer examination, pursuant to the Drug-Free Workplace Policy.
21. Failure to maintain required certifications required of the position.
22. Failure to follow safety regulations when safety of an employee or others is affected.
23. Refusal to take or failure to pass any examination required for the job, including fitness for duty medical examinations.

### **GROUP III DISCIPLINE**

**First Offense: Any appropriate discipline, up to and including discharge.**

## **7. PROBLEM RESOLUTION**

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

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

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

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

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

An employee should first discuss a complaint with the elected official/department head. The employee should schedule a time to discuss the situation with the elected official/department head and every effort should be expended to resolve the issue satisfactorily at this meeting. The employee should schedule the discussion promptly after the facts giving rise to the complaint occur, but in no event later than ten (10) days after the occurrence unless there is good cause for the delay.

Every effort should be expended to resolve the issue satisfactorily at this meeting.

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

If a complaint cannot be solved satisfactorily by the employee and elected official/department head through discussion; or, if the decision is not satisfactory to the employee, the employee may submit the complaint in writing within ten (10) days of the discussion. The employee may take or send the written complaint to the elected official/department head. Elected officials or department heads are encouraged to give a written response to the complaint within five (5) days.

### **STEP 3: Board of Commissioners (Written Complaint)**

If a satisfactory solution is not reached at Step 2, the Board of Commissioners or their designated hearing officer shall hear the complaint and render a decision within five (5) days of the hearing.

## **SEVERABILITY**

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

## **INDEMNIFICATION**

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

## **ENABLING ORDINANCE**

This Knox County Personnel Policy shall be approved by ordinance passed by the Knox County Board of Commissioners. The Knox County Personnel Policy shall be incorporated by reference in the salary ordinance approved annually the Knox County Council; the terms and conditions set out in the Knox County Personnel Policy shall be deemed as a condition of compensation under the salary ordinance.

## **AMENDMENTS**

This Knox County Personnel Policy may be amended from time to time by an ordinance in substantially the same form approved by the Board of Commissioners of Knox County. Any amendments shall be distributed to each department of the County and shall be conspicuously posted for at least ninety (90) days throughout the offices of the County after their passage. The Personnel Administration Committee shall meet from time to time to review the terms of this policy and to make any recommended amendments.

## **EMPLOYEE ACKNOWLEDGMENT FORM**

The Knox County Employee Handbook describes important information about employment with the County of Knox, and I understand that I should consult the County Commissioners regarding any question not answered in the handbook.

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

I understand the descriptive materials contained in this handbook are only summaries. Any discrepancies between these summaries of local, state, and federal rules, regulations, statutes, codes, policies and associated guidelines and the terms of the actual plans will be governed by the terms of the underlying, more detailed policies and procedures. Any questions regarding summaries, their underlying policies and procedures and any discrepancies between them should be directed through your elected official or department head to the County Commissioners.

Furthermore, I acknowledge that this handbook is not a contract of employment. I understand that nothing in this handbook shall be construed to alter the fact that employees of Knox County are "At-Will" employees. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any subsequent revisions.

\_\_\_\_\_  
**Employee's Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Employee's Name (typed or printed)**

\_\_\_\_\_  
**Employee's Department**