

ORDINANCE 2021-07

GENERAL INFORMATION

The policies and provisions contained in this employment handbook shall apply to all Town of Millersburg ("Town") employees. Except, to the extent that specific procedures or conditions of employment, benefits, and compensation for certain employees are expressly provided for by a local ordinance or department policy approved by the Town Council after the revision date shown on this handbook, preemptive State law, or preemptive federal law which shall control.

Except to the extent otherwise required by State Statute, employment with the Town is "at-will" and can be terminated by either party to the employment relationship at any time, with or without prior notice, and for any reason, with or without cause. Any oral statements, promises, or assurances contrary to the "at-will" status of each employee are not binding on the Town and may not be relied upon by any employee or job applicant. If you believe assurances of employment for a specific time or continued employment have been made, contact the Town Council for clarification. The Town shall not be responsible for, or be bound by, any statements, promises, or assurances that are not confirmed in writing by the Town Council.

Statements or representations made or contained in any employment application, prospective employee interview, handbook, training manual or any other written policy or procedure do not constitute or imply an employment agreement and should not be relied upon by the employee or employment applicant under any circumstances which are contrary to the Town's "at-will" employment policy.

This handbook cannot anticipate every situation or answer every question about employment with the Town. It is not an employment contract and is not intended to create contractual obligations of any kind. In order to retain necessary flexibility in the administration of policies and procedures, the Town reserves the rights to change, revise, or eliminate any use of the policies and/or benefits described in this handbook. The policies stated in this handbook supersede any prior handbooks or written policies of the Town that are inconsistent with its provisions.

EQUAL EMPLOYMENT OPPORTUNITY/SEXUAL HARASSMENT POLICY

This Equal Employment Opportunity Policy reaffirms the policy and commitment of the Town to provide equal employment opportunity for all employees and job applicants. The Town endorses and will follow its EEO Policy in implementing all employment practices, policies, and procedures.

The Town will recruit, hire, train, and promote persons in all job titles without regard to race, color, religion, national origin, gender, age (except where gender or age is bona-fied occupational qualifications, as defined by law), or physical or mental disability (except where the disability prevents the individual from being able to perform the essential functions of the job and cannot be reasonably accommodated in full compliance with the law). The Town will make employment decisions as to further the principle of equal employment opportunity. The Town

will ensure that all personnel decisions and actions, including but not limited to compensation, benefits, transfers, promotions, layoffs, returns from lay off, termination, Town-sponsored training, education, tuition assistance, and social and recreation programs will be administered without regard to race, color, religion, gender, age, national origin, or disability.

All employees are expected to comply with our Equal Employment Opportunity Policy. Managers and supervisors who are responsible for meeting Town objectives are expected to cooperate fully in meeting our equal employment opportunity objectives, and their overall performance will be evaluated accordingly.

In providing a productive work environment, the Town believes that its employees should be able to enjoy a workplace free from all forms of discrimination, including harassment on the basis of race, color, religion, gender, national origin, age and disability. It is the Town's policy to provide an environment free from such harassment.

It is against the policy of the Town for any employee, whether a manager, supervisor, or co-worker to harass another employee. Prohibited harassment occurs when verbal or physical conduct defaming or showing hostility toward an individual because of his or her race, color, religion, gender, national origin, age, or disability, or that of the individuals relatives, friends or associates; creates or is intended to create an intimidating, hostile, or offensive working environment; interferes or is intended to interfere with an individual's work performances; or otherwise adversely affects an individual's employment opportunity.

Harassing conduct includes, but is not limited to:

- Epithets, slurs, negative stereotyping OR threatening, intimidating or hostile acts which relate to race, color, religion, gender, national origin, age or disability.
- Written or graphic material that defames or shows hostility or aversion toward an individual or group because of race, color, religion, gender, national origin, age or disability and that is placed on walls, bulletin boards, or elsewhere on the Town's premises, or that is circulated in the workplace.

Any employee who believes he or she has been harassed in violation of this policy should report the conduct immediately to his or her supervisor; or if that person is the responsible party for the harassment -to any member of the Town Council. The employee always has to option of reporting the conduct directly to the Town Council if they prefer.

A thorough and impartial investigation of all complaints will be conducted in as timely and confidential manner as possible. An employee of the Town, who has been found, after appropriate investigation, to have harassed another employee in violation of this policy, will be subject to disciplinary action up to and including termination.

2.8 Absence Requirements

An employee shall advise their supervisor if they wish to leave during or before the end of any regular work period. It is the employee's responsibility to advise his or her

supervisor with an honest reason for any absence, and a supervisor's responsibility to report such information when submitting the time records to the Clerk/Treasurer. Employees who know they are to be absent should advise their department head at least one day before the absence takes place. In the event of an illness or other emergency, they should telephone in this information in order that appropriate adjustments of the work schedule may be made. Three (3) days of consecutive absence without an approved excuse or without advising the Town will be considered as a resignation, without notice, and the employee will be considered to have voluntarily terminated the employment relationship.

2.9 Compensatory Time

All employees shall be compensated for overtime worked at the rate of one and one-half hours of compensatory time for every hour worked over scheduled hours per day. The employee's Department Head must authorize any compensatory overtime.

2.10 Use of Compensatory Time

All employees will be allowed to use their compensatory time at the discretion of the Department Head and/or the Town Council. Department Heads with more than one employee will make good faith effort not to have one or more employees off on compensatory leave at the same time. Employees will not use more than 24 hours of compensatory leave at one time without prior approval of their Department Head and/or the Town Council.

2.11 Compensatory Time Limitations

All employees will have two six month spans out of the year to use what compensatory time has been acquired during that frame. May through October is one of the sixth months span that compensatory time must can be used from that period by September 30th. After that date, the remaining compensatory time will be forfeited. The next sixth months spam is November through April. Come April 30th, if compensatory time has not been all used up it will be forfeited.

2.12 Paid Overtime

The Town Council will no longer allow employees to be "paid out" for their compensatory time. Employees will not get paid for their compensatory time.

2.13 Deductions from Pay

Generally, an employee will be paid his or her full salary for any week in which the employee worked. However, the Town may be entitled to pay an employee less than the employee's regular salary in some circumstances, which include:

- When the employee takes unpaid leave under the Family and Medical Leave Act, the Town may pay a proportionate part of the employee's full salary for time actually worked.

- Deductions may be made as a penalty imposed for violations of safety rules of major significance. Such violations include, but are not limited to, those relating to the prevention of serious danger in the workplace.
- Deductions may also be made for unpaid disciplinary suspension of one or more full days imposed in good faith for infractions of workplace conduct rules. These workplace conduct rules are in writing and available to all employees.
- If an employee begins or terminates employment so as not to work a full week, the Town may pay a proportion of the employee's salary that corresponds to the time actually worked.
- Employees may have pay deductions made for leave in full day increments or in full day or half day increments in accordance with the Town's leave policies for personal reasons or because illness or injury when accrued paid leave is not used by an employee because:
 - Permission for its use has not been sought or denied;
 - Accrued paid leave has been exhausted; or
 - The employee chooses to use leave without pay.

Deductions may not be made:

- When the employee is absent due to jury trial, attendance as a witness, or temporary military leave. However, the Town may offset any amounts received by the employee for such activity against the salary due to the employee for that particular week.

The Town has a good faith commitment to pay employees properly and prohibits improper pay deductions. Any employee who believes that a deduction was improperly taken from his or her pay should file a complaint with the employee's supervisor in accordance with the regular procedures established in this policy and provides a copy of the complaint to the Clark/Treasurer and the Town Council. Town representatives will thoroughly investigate the complaint in a timely manner. If the Town representatives find that an improper deduction has been made, the Town will promptly reimburse the employee for the deduction.

3. Employee Benefits and Guidelines

3.1 Insurance/PERF

The Town of Millersburg intends to pay ninety-five percent (95%) of the premium for full-time employees and their families in 2001 for such health and life insurance as the Town of Millersburg shall have from time to time. The Town of Millersburg intends to pay ninety percent (90%) of premiums in 2002, eight-five percent (85%) of premiums in 2003, and eighty percent (80%) in calendar year 2004 and subsequent years, although the Town Council reserves the right, as with

any policy, to amend this schedule from time to time. The employee shall pay the balance of any premium not paid by the Town of Millersburg. The Town of Millersburg currently pays for disability insurance in full for all full-time employees. The Town will also enroll all full-time employees in the Public Employees Retirement Fund (PERF) as governed by the State of Indiana. The per-pay period contribution will be deducted from payroll checks, and will not be pre-taxed.

3.2 Uniforms

The cost of uniforms shall be paid for by the Town of Millersburg in an amount not to exceed the amount authorized by the budget.

3.3 Holiday Pay

The Town of Millersburg shall pay all full-time employees for each of these designated holidays at their regular hourly base rate.

New Year's Eve	New Year's Day
Good Friday	Memorial Day
Independence Day	Labor Day
Veterans Day	Thanksgiving Day and the day following Thanksgiving
Christmas Eve	Christmas Day

In addition to the above-recognized holidays, full-time employees shall receive a **"Floating Holiday"** after the first full year of employment, which shall be taken at the discretion of the employee, subject to approval from the employee's supervisor. All full-time employees will be paid for those holidays occurring during the usual tenure of employment for such employee at the regular daily rate of compensation. If an employee works on the holiday, they shall be compensated at double time the employee's regular rate of compensation. When the holiday falls on a Sunday, the Town shall grant the following Monday as the holiday. When the holiday falls on a Saturday, the Town shall grant the preceding Friday as the holiday. No holiday shall be carried to the following calendar year.

3.4 Vacation

Full-time employees shall be eligible for a paid vacation after one full year. The Town of Millersburg shall pay the employee at the regular hourly base rate. Each full-time employee shall receive:

- Two weeks of paid vacation after one (1) full year of employment
- Three weeks of paid vacation after eight (8) years of employment
- Four weeks of paid vacation after seventeen (17) years of employment

Scheduling of vacations shall meet with the approval of the employee's supervisor. Town Council approval is required for the Department Heads and where two (2) employees in the same department are to be on vacation or leave at

the same time. Vacations will be scheduled from January 1st through December 31st. Vacation days do not accrue between employment anniversary dates and may not be taken until earned. Vacation time must be used in the calendar year after which it is earned and may not be carried over beyond December 31st without Supervisor and Town Council approval. **In the event that workload does not permit the use of all vacation time, the Town Council may approve payment to these days at the end of the year.** If an employee is permitted to take vacation days before they are earned and subsequently leaves the employment of the Town, voluntarily or involuntarily, before the vacation days are earned, the employee shall be liable to the Town to return all vacation time paid to the employee.

Accrued vacation benefits shall be paid on termination as follows:

- An employee who resigns without giving two weeks of advance notice or who retires without giving thirty-days (30) notice shall forfeit all vacation pay.
- An employee who resigns or retires with notice or whose services are terminated at the Town's discretion, other than for just cause, shall receive earned vacation pay.
- An employee whose services are terminated because of violation of the rules or regulations of the Town shall forfeit all vacation pay.

3.5 FMLA Leave

The Town of Millersburg complies with all applicable federal and state labor and employment laws, including the Family and Medical Leave Act (FMLA). The FMLA requires the Town to provide up to twelve (12) weeks of unpaid leave during any 12-month period. An eligible employee may take FMLA leave up to 12 weeks per leave year for one or more of the following reasons:

- For the birth of a child
- For the adoption of a child or the placement of a foster child
- To care for a sick spouse, child, or parent with a serious health condition
- Due to the employees own serious health condition

To be eligible for leave under the FMLA, an employee must have been employed by the Town, for at least twelve months and for at least 1250 hours during the 10-month period immediately preceding the commencement of the leave.

The leave year for the Town of Millersburg is defined as calendar year – January through December.

For the purpose of determining whether an eligible employee or his/her spouse, child or parent has a *Serious Health Condition*, such a condition includes any injury, illness, or physical or mental condition that requires either in-patient care

in a medical facility (ex: overnight hospitalization) or continuing treatment by a health-care provider. Continuing treatment means that the individual visits his/her health-care provider on at least two occasions concerning the health condition, and that the condition results in more than three days absence from regular daily activities, including work or school, or if not treated, would likely lead to such an absence.

If the leave is taken for birth or placement of a child for adoption or foster care, the leave may not be taken intermittently or on a reduced leave schedule unless the employee and Town agree otherwise.

If the leave is taken to care for a seriously ill spouse, child or parent or due to the employees own serious health condition, leave may be taken intermittently or on a reduced schedule when medically necessary. The Towns agreement is not required if the employee wants to take leave intermittently or on a reduced leave schedule for those reasons. Otherwise, such leave is not permitted except at the sole discretion of the Town.

Where an employee requests intermittent leave due to a qualified family members or the employees own serious health condition, and the leave is foreseeable based on planned medical treatment, the Town may require the employee to transfer to a temporary alternate job for which the employee is qualified and which better accommodates the leave than the employees regular job. The temporary position will have equivalent pay and benefits of the employee's regular job.

With limited exceptions, any eligible employee who takes FMLA leave is entitled to be restored to his or her old job or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment, unless the employee would no longer have been employed in such position had the employee not taken such a leave.

For the duration of the FMLA leave, the Town will maintain coverage under any group health plan for any employee at the same level and under the same condition's coverage would have been provided if no leave had been taken. During an unpaid FMLA leave, the Town may require employees to pay their share of premium payments at the same time as normal payroll deductions. The Town shall notify eligible employees concerning the amount of each premium payment. Failure to pay such premiums during leave may result if the loss of health coverage. The Town may stop coverage if the employee's payment is more than thirty (30) days late, provided the Town gave fifteen (15) days' notices with an opportunity to make up the missed payments.

In the administration of family or medical leave, each employee has certain obligations and limitations including, but not limited to, the following:

- Where a husband and wife are employed by the Town, the aggregate amount of leave that the Town will give the spouses during any 12-month period is limited to 12 work weeks if the leave is for a birth or placement of a child or to care for a sick child or parent.
- In case of the birth or placement of a child for adoption or foster care, the entitlement to leave expires after one year from the day of the birth of placement.

FMLA does not require paid family or medical leave. The employees may choose that any of the employees available accrued paid vacation, personal or sick leave be substituted for any part of the 12-weeks of unpaid FMLA leave, but only under circumstances permitted by the Towns leave policies. Once any paid leave is used up, the remainder of the 12 weeks of leave will be unpaid.

Within a reasonable time after the employees request of FMLA leave, or when the Town learns that leave has been or will be taken for an FMLA-qualified purpose, the Town may designate that the employees available accrued paid vacation, personal and sick leave be substituted for any part of the 12-weeks of unpaid FMLA leave.

During the leave period, the employee is not entitled to unemployment compensation.

Where the necessity for leave is foreseeable due to the expected birth or placement of a child, the employee must provide at least 30 days written notice of the employees' intention to take leave. If the date of birth or placement requires leave to begin in less than 30 days, the employee must provide such written notice as soon as practicable.

If an employee is unable to give such notice because the need for leave is not foreseeable, then the employee must give as much notice as practicable. Typically, this means giving notice to the Town within one or two working days of learning that FMLA leave must be taken. Any employee who fails to give requisite notice may be delayed in receiving authorization for leave.

If an employee fails to provide the required 30 days written notice for foreseeable leave, is aware of the FMLA notice requirements, and has no reasonable excuse, the employee may be delayed in receiving authorization for leave.

The Town shall require that any leave request based on a qualified family members or the employees own serious health condition be supported by certification of a health care provider in a timely manner. The employee shall have at least 15 calendar days from the time leave is requested to provide such certification. The Town may request, and the employee has an obligation to provide, later certifications on a reasonable basis but not more after than every 30 days.

Each employee shall report monthly on his or her status and the intention of the employee to return to work. The Town requires each employee taking leave due to the employee's serious health condition to obtain certification that the employee is not able to resume work.

An eligible employee on FMLA leave must submit to the Town a medical release indicating that the employee is able to return to work. Failure to submit such a release will preclude the employee from being restored to his or her employment with the Town.

If an employee fails to return to work after the period of leave expires, the employee must reimburse the Town for the premiums the Town paid for insurance coverage during the leave period. The Town is not entitled to reimbursement of insurance premiums paid on behalf of the employee during FMLA leave where the employee does not return to work.

- (1) Due to the continuation, recurrence or onset of a serious health condition of a qualified family member of the employee that would otherwise entitle the employee to take leave;
- (2) Due to non-reinstatement of a key employee;
- (3) Due to other circumstances beyond the control of the employees own serious health condition.

The town will not: Interfere with, restrain, or deny the exercise of any right provided under the FMLA; Discharge or discriminate against any person for opposing any practice made unlawful by the FMLA; OR Discharge or discriminate against any person for his or her involvement in any proceedings under or relating to the FMLA.

3.6 Sick and Personal Leave Days

Full-time employees will receive one week (5 days) paid leave for sickness due to illness or injury, **OR** they may take these days as paid personal leave days, which will be paid at their regular base rate of pay. Unused sick days shall not be carried forward to the following calendar year.

The employee shall notify his/her supervisor of their absence due to illness within one-half hour after starting time, Except in medical emergency. Any employee who does not notify their supervisor because of any emergency will have an unexcused absence unless he/she presents an acceptable physician's statement to the supervisor within three (3) days of their return to work. Personal leave days shall be scheduled at least one week ahead and subject to the approval of the employee's supervisor.

Employees who are on sick leave for three (3) consecutive working days shall present their attending physicians statement to the employee's supervisor on the day after the third working day of their absence and on the day after any physician visit relating to the same illness or injury.

All attending physicians' statements shall include a diagnosis and prognosis of the employee's condition and the data when the employee may resume his/her normal work duties. Any incomplete statement may be rejected by the Town as insufficient and an unexcused absence(s) will be charged against the employee. Sick leave shall be determined in light of the physician's statement and other medical evidence available or requested by the Town.

No sick leave or sick leave pay allowance shall be granted for absences caused by the use of non-prescribed habit-forming drugs or intoxicants, willful intent oneself, or the commission of a felony.

Any employee unable to complete his/her workday because of a work-related injury will be paid for the balance of the employee's regular workday. The Indiana Workman's Compensation Statute and this handbook shall govern any additional rights and benefits for such an employee.

The employee may be required to undergo a physical examination by a physician selected by the Town at the Town's expense in relation to a requested sick leave. The Town may place the employee on an unpaid sick leave of absence not to exceed six (6) months in the event the medical evidence indicates the employee is unable to perform their duties.

Any employee who does not return to work for the performance of their duties within said six (6) month period may be released from their employment with the Town.

3.7 Jury Duty

Each employee shall be granted leave for jury duty. The jury duty leave shall be paid in an amount equal to the difference between the employee's base rate and the jury duty fee paid by the Court. The employee shall provide notice to their supervisor of the need for leave for jury duty upon receipt of the jury call from the calling court.

3.8 Special Leave Without Pay

Special leave without pay may, at the discretion of the Town Council, be granted to a full-time employee, but only after exhausting any and all applicable paid leaves of absence, such as sick leave or vacation leave, for one or more of the following reasons:

- a. Family or medical leave not covered by FMLA;
- b. Personal leave;
- c. Education leave;
- d. Other leave.

Any full-time employee who wishes to take a leave without pay should make a request, in writing, to the Town Council stating the reasons and approximate length thereof. Any continuation of benefits shall be at the discretion of the Town

Council and subject to the limitations of applicable law and any insurance program or policy.

3.9 Bereavement Leave

All employees shall receive up to five (5) consecutive working days of paid leave from work at the regular rate of pay upon the death of a spouse, brother, sister, child, stepchild, mother, father, son-in-law, daughter-in-law, brother-in-law, sister-in-law, mother-in-law, father-in-law, grandchild, grandparent, or any other family member residing in the same household as the employee at the time of death thereof.

All employees shall receive three (3) consecutive working days of paid leave upon the death of an aunt, uncle, niece, nephew or cousin.

Additional time can be utilized with vacation or sick/personal days upon the approval of the Town Council, who may require a newspaper obituary notice or other proof of death.

3.10 Education

The Town will reimburse employees for job-related educational and training expenses if the employee obtains the prior approval of the Town Council, and receives a passing grade or obtains the competency level sought. The employee may also be reimbursed mileage and other personal expenses associated with job-related education or training in accordance with the Town's regular reimbursement policies.

The Town will **NOT** pay nor reimburse an employee for the cost of an employee re-taking a class or training course. The employee completing the course must remain an employee of the Town for at least twelve months (12) after completion of the education or training if the education or training costs One-Thousand Dollars (\$1,000.00) or more and less than or equal to Two-Thousand Five Hundred Dollars (\$2,500.00) and must remain an employee of the Town for at least thirty-six (36) after completion of the education or training if the education or training costs more than Two Thousand Five Hundred Dollars (\$2,500.00). If the employee does not remain an employee of the Town for the required period of time, the expenses paid for, or were reimbursed to the employee, shall be repaid by the employee of the Town in accordance with the Educational and Training Costs Reimbursement Agreement.

3.11 Travel, Meal & Lodging Expense Policy

An employee of the Town shall receive reimbursement for mileage (if in personal vehicle), meals, lodging, parking and similar expenses for out-of-town travel while employed by the Town and while engaging in conducting business for the Town by consent. An employee of the Town shall drive or operate a personal automobile for Town business only when a Town vehicle is not available. The employee shall then receive the sum per mile, determined by the budget of each

year, for each mile then employee drives. The employee shall, at all times, travel the shortest route between destinations.

Except upon approval of the Town Council, each employee shall utilize meals and lodging which are included in or a part of any registration process for out-of-town events. A receipt for any expense is required before reimbursement will be considered.

3.12 Gift or Gratuities

The Town prohibits its employees from accepting gifts and gratuities from firms, organizations, their employees, agents or other individuals who may or do conduct business with the Town in furnishing material, goods and services.

The following criminal statutory provisions regarding ethical standards for government officers and employees exist and shall be strictly adhered to by Town employees:

Bribery:	IC 35-44-1-1(1)1(4)
Official Misconduct	IC 35-44-1-2
Conflict of Interest	IC 35-44-1-3
Profiteering from Public Service	IC 35-44-1-7

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

3.13 Drug Free Workplace

The Town is committed to providing a drug-free workplace, and the Town expects the cooperation of all employees and a similar commitment from them. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace is prohibited. Any employee who violates this rule may be subject to discipline, up to and including termination. As a condition of employment, all employees must abide by this rule. In addition, any employee who is convicted of a drug statute violation arising out of conduct

occurring in the workplace must notify the Town council of such conviction within five (5) days after the conviction.

The Town has obligation to its employees and the general public to take reasonable and appropriate steps to prevent drug and alcohol abuse by its employees in or affecting the workplace. This policy is based in part on the Towns concern regarding the safety, health and welfare of its employees, their families and the community at large as well as its legal obligations to conduct certain alcohol and drug testing pursuant to federal regulations.

Consistent with this commitment, the Town strictly prohibits:

- The presence of employees on the job while under the influence of alcohol, illegal drugs, controlled substances or other intoxicants;
- The use, possession, transfer or trafficking of alcohol, illegal drugs, controlled substances, or other intoxicants in any amount, in any manner, or at any time, either on Town premises or while conducting Town business other than for law enforcement purposes by duly recognized law enforcement officers;
- The use of Town property, including Town vehicles and telephones, or any employees position with the Town to make, transfer or traffic alcohol, illegal drugs, controlled substances and other intoxicants;
- Any other use, possession, transfer or trafficking of alcohol, illegal drugs, controlled substances or other intoxicants in a manner which has an adverse impact on the Town;
- Any person required to take a prescription drug, prescribed by a doctor will notify their supervisor prior to work of the situation. It will be the supervisor's discretion and/or the Town Councils discretion as to if and when the employee will report to work. Safety of the Community, Town Property and Persons will take top precedence.

3.14 Safety Policy

Safety is everybody's business. Every employee is responsible for his or her own safety as well as for others in the workplace. Safety must be a primary concern in every aspect of planning and performing all Town activities. We want to protect our employees against preventable injury or illness in the workplace to the greatest extent possible. All injuries (no matter how slight) must be reported to the employee's supervisor or the Town Council any apparent health or safety hazards.

3.15 Employee Conduct and Disciplinary Action

Engaging in the following conduct and activities, which are not mutually exclusive or collectively exhaustive, shall be cause for disciplinary action up to and including **immediate** termination:

- Insubordination
- Fighting, indecent conduct, or use of abusive/profane language in public during the workday.
- Violation of the Towns Drug Free Workplace policies.
- Refusal to perform legitimate work assigned by a superior.
- Abuse, misuse, destruction or theft of Town property, tools or equipment.
- Conviction of any crime resulting in confinement.
- Habitual absenteeism, unexcused absences or tardiness.
- Gambling, soliciting, selling of tickets, articles, merchandise and the like or collection of contributions for any purpose during working hours except as may be authorized in writing by the Town.
- Operation of machines, tools or equipment to which an employee has not been specifically assigned by an accredited supervisor or his assistant.
- Interference with Town operations.
- Leaving the department or job during working hours without permission of the immediate supervisor, except when engaging in regular work or in cases of emergency.
- Misuse or removal from the work premises of any Town property or records without proper authorization.
- Creating unsanitary conditions or hazards.
- Engaging in horseplay or practical jokes, which may lead to the harm of persons or property.
- Failure to give normal conscientious effort to performance of legitimate work assignment.
- Consistent low productivity.
- Smoking in unauthorized areas.
- Possession of firearms, explosives, poisonous substances or weapons of any kind while on duty, except in performance of official duties.
- Molesting or otherwise annoying other workers.
- Intentional or knowing falsifications or tampering with, removing or missing any Town public record, document, report, application or copy thereof.
- Violation of any Town rules or policies established in this manual or in a separate Departmental policy.

Town employees are subject to disciplinary action for violation of these rules and regulations, policies established by the Town Council, or for other good causes as

reasonably determined by the Town Council. It is recognized that in many instances, minor matters should and will be discussed and resolved without need for formal disciplinary action. Such undocumented situations are not considered "discipline" for purposes of these rules and regulations.

Disciplinary action will be appropriate to the circumstances as reasonably determined by the town and may include, but not limited to, the following:

Department Head Reprimand – An oral warning may be given by the Department Head to an employee of their department and when given may, at their discretion, be documented for placement in the employee's personnel file with a copy given to the employee. Such reprimands may be considered by the Town Council with regard to further disciplinary action, further compensation and/or job responsibilities, and for all other appropriate purposes.

Town Council Reprimand – A written reprimand may be given by the Town Council, tendered to the employee for signature, and placed in the employee's personal file with a copy to the employee. IF the employee refuses to sign, the document will so indicate.

Suspension – The department head may suspend an employee for the balance of the workday in which the incident justifying the suspension occurred, as well as for a period of time not to exceed the immediately following three (3) workdays. Any such suspension shall be without pay and may be part of the department heads and/or Town Councils disciplinary action which includes a documented department head's and/or Town Councils reprimand as above defined.

Any employee may be suspended for up to ten days (10) without pay for just cause, as reasonably determined by the Town Council.

Discharge – An employee may be discharged by the Town Council for any reason, or for no reason, to the full extent provided by applicable law.

The Town Council, as a whole, shall make decisions as to disciplinary action beyond those that are within the authority of the department heads. The Town Council is also responsible for disciplinary decisions as to disciplinary actions for department heads.

Disciplinary measures other than discharge that become part of the employee's personnel file shall not be maintained as a part of that record beyond sixty (60) months from date of disciplinary action, providing there is absolutely no additional disciplinary action given to that employee during the sixty (60) months.

A clear and open channel for expression of employee suggestions and complaints is a fundamental principle of sound employee relations. Therefore, each employee

should be encouraged to talk with their supervisor about any problem, complaint or suggestion that might arise concerning the employee's work.

All suggestions or complaints by an employee shall be in writing and are to be submitted to the supervisor for appropriate action. If the supervisor feels the Town Council should handle the suggestion or complaint, the written document shall be submitted to the Town Council and the matter discussed thoroughly. If the employee believes that the supervisor is not properly handling their suggestions or complaints, or if the suggestion or complaint directly involves the supervisor, the employee may make the suggestion or complaint directly to the Town Council for consideration.

Any decision made by the Town Council shall be discussed with the employee and shall be final.

4. Duties and Responsibilities of Town Employees

4.1 Employee Responsibilities

All employees shall be willing and able to assist in the operations of the Police, Street, Water and Wastewater Departments.

All employees shall be able to work eight (8) hours per day, forty (40) hours per week unless otherwise designated by the Department Head or the Town Council.

All employees shall be able to operate all town maintenance equipment in a satisfactory manner.

No employee shall make any purchase on behalf of the department without the express permission of the Department Head. No Department Head shall make a purchase in excess of Five Hundred Dollars (\$500.00) without the express permission of the Town Council.

4.2 Police Department

The Town Marshal is charged with executing the orders of the Town Council, and with enforcing the ordinances of the Town and the laws of the State of Indiana and has the power and duty to serve all process issued by the Town Council. The Marshal and appointed deputies must meet the state training requirements of the Law Enforcement Training Academy.

The Town Council has the discretion to require the Town Marshal to live near or within the Millersburg Town limit.

The Marshal will be required to attend all regular scheduled Town Council meetings and any other meeting required by the Council. The Marshal will be paid at the regular hourly base rate for attending these meetings and is prohibited from taking his floating holiday on a regularly scheduled meeting date.

The Marshal will be required to keep a current and accurate inventory of all police equipment and supplies. The Marshal will provide a report of this inventory to the Town Council at the first meeting in the month of January.

All full-time officers are required to be on call 24 hours a day, 365 days a year and shall carry a portable police radio at all times.

The Marshal is required to compile and keep up to date a policy that governs his department. The Town Council must approve the department policy and any changes made to it prior to it becoming effective. The policy may not be inconsistent in any way with this ordinance.

** All officers of the Millersburg Police Department must meet the state training requirements of the Law Enforcement Academy (IC-5-2-1), and shall meet the following minimum standards of physical, mental and moral fitness:

- A citizen of the United States of America
- Must be at least twenty-one (21) years of age.
- Officers weight shall be in proportion to height and build, premedical chart for entrance to the Indiana Law Enforcement Academy. Officer shall be physically able to perform routine law enforcement duties.
- Officers shall possess acuity of vision correctable to 20/20 in each eye. The officer shall have the ability to distinguish the colors of red, green and amber.
- Officers shall be free from any major impediments of the senses.
- All officers shall have graduated high school as evidenced by a diploma issued by a high school, accredited by the department or agency of any state authorized to accredit high schools. An equivalency diploma issued by such an accredited high school is also acceptable.
- Officers shall possess a valid drivers license from the State of Indiana.
- Officers shall be of good reputation and character.
- Officers shall not have been convicted of a felony or any crime involving moral turpitude.
- A dishonorable discharge from military service shall disqualify any officer, and a discharge other than honorable may be grounds for rejection in accordance with standards.
- A physician with an unlimited license to practice medicine shall examine all officers. The physician will aid in determining that he/she is physically, emotionally and mentally fit for normal police functions.

- All officers of this department shall within the first year of employment successfully complete the minimal basic training course prescribed by the Indiana Law Enforcement Training Board.

The use of police vehicles is permitted only while the officer is on duty or on call and for the purpose of carrying out the officer's police duties. Passengers, other than police officers and prisoners, must sign a waiver of liability for the protection of the police officer and the Town of Millersburg. The use of any police vehicle is not permitted outside the town limits for non-police related functions, except with permission of the Town Marshal. The Town Council gives the Marshal the option to use his police vehicle for personal use and is not subject to the above policy.

If an officer is working on Sunday and wishes to attend church services, he/she will be allowed to do so if they first advise the dispatcher of his location and a telephone number where he can be reached in case of an emergency.

4.3 Street Department

The Street Department Director will be on call 24 hours per day, 365 days per year, and shall be available for call by cell phone. The Director will also be required to attend all regularly scheduled Town Council meetings and any other meetings required by the Town Council in which he will be paid at the regular straight time hourly base rate for attending these meetings and is prohibited from taking his floating holiday on a regularly scheduled meeting date. He is also responsible for giving the Town Council a report on operations of his department at the first meeting of each month.

The Director shall be responsible for the supervision of all employees (both hired and volunteers) involved in the duties of the Street Department, and any other duty so ordered by the Town Council.

Street Department duties are as follows:

- Shall maintain all equipment related to the operations of the Street Department and assist with equipment of other departments of the Town.
- Shall keep a current and accurate inventory of all equipment, vehicles and supplies pertaining to the Street Department and will provide a report of this inventory to the Town Council at the first meeting of each year.
- Shall maintain all buildings owned by the Town.
- Shall sweep street and alleys as needed.
- Shall remove snow from streets and alleys as needed.
- Shall spread salt and/or sand where and when necessary.

- Shall erect, maintain, and repair all street and speed limit signs.
- Shall observe streetlights for malfunction and report all necessary repairs to NIPSCO.
- Shall re-gravel brims as needed.
- Shall mow all Town properties including the parks.
- Shall control weeds.
- Shall paint curbs and road lines as necessary.
- Shall prepare all street bids.

4.4 Utilities Department

The Water and Wastewater Superintendent shall be on call 24 hours per day, 365 days per year and shall be available for call by cell phone and/or home phone at all times. The Superintendent will also be required to attend all regularly scheduled Town Council meetings and any other meeting required by the Town Council, in which will be paid at the regular straight time hourly base rate for attending these meetings, and is prohibited from taking his floating holiday on a regularly scheduled meeting date.

The Superintendent shall be responsible for all operations and maintenance of all water and sewer equipment, and shall keep a current and accurate inventory of all such equipment, and will provide a report of this inventory to the Town Council at the first regular meeting of the next year.

The Superintendent shall be responsible for the supervision of any employees (both hired and volunteers) involved in all water and sewer operations, and any other duty so ordered by the Town Council.

Water Department duties are as follow:

- Shall acquire needed licenses as defined by the Indiana Department of Environmental Management (I.D.E.M.) to wit: water treatment and distribution certifications.
- Shall acquire the necessary additional training specified by federal, state and local laws in order to insure proper operations and maintenance of the Water Department.
- Shall insure that the Water Department remains current and up to date on all policies and changes as outlined by federal and/or state regulatory agencies.
- Shall submit all reports required by law.
- Shall maintain all records and maps as required by federal and/or state regulatory agencies and the Town Council.
- Shall take regular meter readings as required by Town ordinance with assistance of one employee of the Street Department.
- Shall make all necessary meter installations and changes with assistance of one employee from the Street Department when needed.

- Shall insure proper maintenance of wells, pumps, hydrants, chlorinator and any other property or equipment related to the operation of the Water Department with assistance of one employee of the Street Department when needed.
- Shall perform hydrant flushing as needed with assistance of one employee from the Street Department.
- Shall make all water taps as required with assistance of one employee from the Street Department as needed.
- Shall maintain and repair the distribution system with assistance of one employee from the Street Department.
- Shall work with the Clerk/Treasurer as necessary to insure continued operation.
- Shall, to the best of their ability, ensure that Water Ordinances are followed and all known violations are either corrected or brought to the attention of the Town Council.

Wastewater Department duties are as follows:

- Shall acquire needed licenses as defined by the Indiana Department of Environmental Management (I.D.E.M.) to wit: Class 1 Wastewater Treatment Plant Operator.
- Shall acquire the necessary additional training specified by the Indiana Department of Environmental Management and the Town Council in order to insure proper operation and maintenance of the Wastewater Department.
- Shall insure the Wastewater Department remains current and up to date on all policies and changes as outlined by federal and/or state regulatory agencies.
- Shall submit all reports as required by law.
- Shall maintain all records and maps as required by the Indiana Department of Environmental Management, the Environment Protection Agency and the Town Council.
- Shall install all taps and inspect all laterals with assistance of one employee from the Street Department.
- Shall work with the Clerk/Treasurer as necessary to insure continuous operation.
- Shall, to the best of their ability, ensure that sewer ordinances are followed and all known violations are either corrected or brought to the attention of the Town Council.
- Shall maintain and repair collections systems, lift stations, manholes, the treatment plant and all other property and items pertaining to the Wastewater Department with assistance of one employee from the Street Department.

4.5 All Town Employees

All employees shall abide by the items in this ordinance with no expectations other than those specifically granted by the Town Council.

Any employee who wishes to register a complaint about another employee shall do so only in writing directed to the Town Council. The complaint must include specific instances of wrongdoing, citing the Town Ordinance, or the Federal or State Law in which has been violated, and the date of the violation. The Town Council may require proof of wrongdoing before any action is taken.

All employees shall act with civility towards other employees and Town officials, and shall not raise their voice or act disrespectful toward anyone while on duty.

All employees understand that they will be held accountable at all times for their actions while on Town time, and their actions towards other Town employees and Town officials. This accountability may include, but not limited to, suspension without pay or termination either of which is the decision of the Town Council. In the event of an emergency, whereby the Town Council has not met in quorum the employee's actions, any two members of the council may suspend with pay any employee until the Council has held an executive meeting to determine a final decision. For non-emergence matters, an executive session will be scheduled and the Town Council, in quorum, will discuss the employee's actions and determine a final decision. In either case, the final decision may include, but is not limited to, suspension without pay or termination.

The Town Council shall be responsible for the administration of all provisions outlined in this "Personal Policy Ordinance". The Town Council may adopt, amend or rescind written administrative procedures consistent with this ordinance.

Adopted by the Millersburg Town Council this 14 day of July 2021.

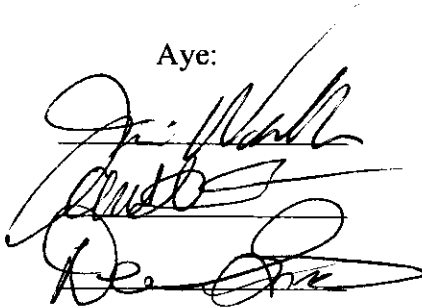
Nay:

James Winkler

Austin Turner

Dean Smith

Aye:



Attest:



Mackenzie Taylor

Mackenzie Taylor

Clerk-Treasurer