

TITLE 3
PERSONNEL

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Chapter 3.06

POLICE RESERVE UNIT

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3.06.010 Created. There is hereby created a police reserve unit for the City of Cannelton to be known as the "Cannelton Reserve Police Unit", pursuant to the provisions of I.C. 36-8-3-20, the membership of which shall consist of not more than ten (10) persons. Each member shall not be less than twenty-one (21) years of age. (Ord. 01-02, S3.06.010, Aug. 27, 2001)

3.06.020 Terms. Appointments to the Police Reserve Unit shall be made by the Board of Public Works and Safety. Prior to the appointment of any person as a reserve policeman, all applicants must submit to and consent to a background investigation, the necessity and extent of which may be established by the Board. (Ord. 01-02, S3.06.020, Aug. 27, 2001)

3.06.030 Discharge. Any members so appointed may be discharged at any time with or without cause and without a hearing, by the Board. (Ord. 01-02, S3.06.030, Aug. 27, 2001)

3.06.040 Supervision. The Police Reserve Unit shall function under the immediate direction of the Chief of Police. (Ord. 01-02, S3.06.040, Aug. 27, 2001)

3.06.050 Duties. Subject to the direction and control of the Chief of Police, reserve policemen shall be assigned to and perform duties of regular police officers.

In performing the functions set forth above, members of the Police Reserve Unit shall have all powers and authority and shall be subject to all the duties of members of the regularly constituted police department, provided, however, that membership in the Police Reserve Unit shall not constitute membership in the regular constituted Police Department, nor shall any member of the Police Reserve Unit be entitled to any right or privilege of compensation, pension or any other similar right or privilege of the regular constituted Police Department, nor to any

other perquisite or emolument attaching to the membership in said regularly constituted Police Department. In furtherance hereof, a duly appointed reserve policeman shall be allowed to carry an authorized firearm on duty, but will not be allowed to carry said firearm in a police capacity when not on duty. Those individuals who have been appointed as a reserve policeman and who possess a valid personal protection permit shall be allowed to bear arms during off duty hours in his individual capacity. While on duty, reserve policemen shall have full arrest powers. While off duty, reserve policemen shall have no arrest powers other than those granted to citizens at large in the State of Indiana. (Ord. 01-02, S3.06.050, Aug. 27, 2001)

3.06.060 Compensation. No member of the Police Reserve Unit shall receive any compensation from the City for his services as a member of the Police Reserve Unit except as may be provided from time to time by the City Council. (Ord. 01-02, S3.06.060, Aug. 27, 2001)

3.06.070 Uniforms and Equipment. The members of the Police Reserve Unit shall be furnished with their own uniforms and other necessary equipment from the City. (Ord. 01-02, S3.06.070, Aug. 27, 2001)

3.06.080 Worker's Compensation Benefits. The members of the Police Reserve Unit shall be provided worker's compensation benefits to the same extent as regular police officers. (Ord. 01-02, S3.06.080, Aug. 27, 2001)

3.06.090 Rules and Regulations. The Board may establish specific such rules and regulations from time to time as they deem necessary or desirable with regard to the Reserve Unit, however, such rules cannot be in conflict with any statutory qualifications or requirements as set forth in I.C. 36-8-3-20. (Ord. 01-02, S3.06.090, Aug. 27, 2001)

Chapter 3.10

ESTABLISHING FEES FOR GARNISHING WAGES AND COLLECTING COURT AWARDED JUDGMENTS FROM THE WAGES OF CITY EMPLOYEES

Sections:

- 3.10.010 Collection**
- 3.10.020 Deposited in the General Fund**

3.10.010 Collection. Whenever the wages of any employee of the City of Cannelton are garnished pursuant to judgment or court order, or whenever any sum is required to be withheld from the wages of any employee of the City of Cannelton by court order, judgment, or law, and whenever such court order, judgment or the statutes of the State of Indiana allow a fee to be collected by the employer in such cases for such garnishment or withholding, then the Clerk-Treasurer of the City of Cannelton is authorized and directed to collect the maximum such fee allowed. (Ord. 90-09, S1, 1990)

3.10.020 Deposit in the General Fund. All such fees collected by the Clerk-Treasurer shall be deposited in the General Fund of the City of Cannelton. (Ord. 90-09, S2, 1990)

Chapter 3.12

TERMS OF EMPLOYMENT FOR CERTAIN MUNICIPAL EMPLOYEES

Sections:

3.12.010	Reporting to work
3.12.020	Hours per week
3.12.030	Clothing
3.12.040	Vacation leave
3.12.050	Holiday pay
3.12.060	Overtime compensation
3.12.070	Death leave
3.12.080	Personal leave / Sick leave
3.12.090	Disability Leave
3.12.100	Family and Medical Leave Act provisions

3.12.010 Reporting to work. Each employee shall report regularly and on time at his assigned post. If unable to work, for any reason, he shall report this to his supervisor, or if he should be a supervisor, to the Mayor. (Ord. 84-14, S1, 1984)

3.12.020 Hours per week. All full-time employees of the City of Cannelton, Indiana, except employees of the Electric and Water Utilities, shall have a standard work week of forty (40) hours, except for police officers, who shall have a standard work week of forty-eight (48) hours. (Ord. 05-06, S3, May 23, 2005) (Ord. 84-14, S2, 1984)

3.12.030 Clothing. Each employee shall be expected to provide his own protective clothing and be able to work any job assigned to him. (Ord. 84-14, S3, 1984)

3.12.040 Vacation leave. All full-time employees of the City of Cannelton, Indiana, except employees of the Electric and Water Utilities, shall receive annual vacation leave, which leave shall accrue on January 1 of each year of continuous full-time employment, except as otherwise provided herein. Such vacation leave shall accrue as follows: after one (1) full year of continuous full-time employment, the employee will accrue five (5) vacation days, those five (5) vacation days will accrue on the one (1) year anniversary of his or her hire date. An additional five (5) vacation days will accrue on January 1 of the next year. The employee will then accrue an additional five (5) vacation days on the second anniversary of his or her hire date. Thereafter, the employee will be entitled to ten (10) vacation days, all of which will accrue on January 1 of the next year. On the tenth anniversary of the employee's hire date, the employee will accrue two (2) additional vacation days. Thereafter, the employee's twelve (12) vacation days will accrue on January 1 of the next year. On the fifteenth anniversary of the employee's hire date, the employee shall accrue three (3) additional vacation days. Thereafter, the employee's fifteen (15) vacation days shall accrue on January 1 of the next year. Any accrued vacation must be taken during the year of its accrual, or it is forfeited. In the event that an employee's employment

is terminated, with or without cause, for any reason whatsoever or for no reason, by retirement or otherwise, the employee will be kept in pay status until such time as all accrued and unforfeited vacation has been exhausted. No vacation pay will be paid in cash, as a lump sum, or otherwise. Vacation leave will not be pro-rated and no paid vacation time will be given for any partial year of employment.

For the purpose of calculating vacation and personal leave/sick days under this Ordinance, one day shall be equal to a period of eight (8) hours off. An employee who typically works a shift in excess of eight (8) hours, and is absent a day for vacation, sick leave, or personal leave, will use more than one "day" of vacation leave time, i.e. one with a twelve (12) hour shift, will use 1½ days off. (Ord. 2007-06, S1, Apr. 9, 2007) (Ord. 07-04, S3.12.040, Mar. 12, 2007) (Ord. 04-11, S1, Aug. 10, 2004) (Ord. 03-08, S1 (part), June 23, 2003) (Ord. 84-14, S4, 1984)

3.12.050 Holiday pay. All full-time employees of the City other than employees of the Electric and Water Utilities, shall receive time off for the following holidays with full pay, provided the employee does not have an unexcused absence from work the day preceding and following the paid holiday. If any holiday falls on a Saturday, the preceding Friday shall be the observed holiday. If any holiday falls on a Sunday, the following Monday shall be the observed holiday. In the event an employee is required to work on a paid holiday, the employee shall receive additional pay or compensatory time off as determined by the Department head. The following are designated as paid holidays:

- (a) New Year's Day
- (b) Good Friday
- (c) Memorial Day
- (d) July 4th
- (e) Labor Day
- (f) General Election Day
- (g) Veteran's Day
- (h) Thanksgiving Day
- (i) Day after Thanksgiving Day
- (j) Christmas Eve
- (k) Christmas Day
- (l) New Year's Eve

(Ord. 02-09, S1, Nov. 1, 2002) (Ord. 84-14, S5, 1984)

3.12.060 Overtime compensation. Department Heads who receive a salary, except the Electric and Water Utilities shall not receive overtime compensation. All other employees, except employees of the Electric and Water Utilities, shall receive compensatory time off at one and one-half times any hours worked in excess of the

maximum hours allowed in a work period as established by the City or as required by the Federal Fair Labor Standard Act. A one-time payment is allowed to those individuals who are employees of the Cannelton Police Department and have accrued substantial compensatory time to be paid for that time at a rate of one and a half times any hours worked in excess of the maximum hours allowed. Said payments shall be made at the current rate of pay of each employee. Overtime shall not be paid in cash unless the employment has been terminated. (Ord. 11-02, S1, May 9, 2011) (Ord. 04-11, S2, Aug. 10, 2004) (Ord. 84-14, S6, 1984)

3.12.070 Death leave. A full-time employee will be granted three days off with pay in the event of the death of any of the following: Husband or Wife; Mother or Father; Brother or Sister; Child or Grandchild. (Ord. 84-14, S7, 1984)

3.12.080 Personal leave / Sick leave. All employees of the City of Cannelton, except employees of the Electric and Water Utilities, shall receive annual personal/sick leave, which leave shall accrue on January 1 of each year of continuous full-time employment and on the anniversary of the employee's original hire date, as follows: an employee with one (1) full year of employment will accrue one (1) personal/sick leave day on the anniversary of his or her hire date. On January 1 of the next year, the employee will accrue one (1) personal/sick leave day and the employee will earn one (1) more personal/sick leave day on the second anniversary of his or her hire date. The employee will accrue two (2) personal/sick leave days on January 1 of the next year and will earn one (1) additional personal/sick leave day on the third anniversary date of his or her hire date. On January 1 of the next year, the employee will accrue three (3) person/sick leave days and will earn one (1) additional personal/sick day on the fourth anniversary of his or her hire date. Thereafter, the employee's five (5) personal/sick leave days will accrue on January 1 of each year. Any accrued personal days must be taken during the year of their accrual or they will be converted to sick days. Sick days may be used only when the employee is stricken by illness/injury, or must be absent from work due to his or her own medical reasons. Any employee who must use three (3) consecutive days of sick leave, must provide a doctor's statement. Any sick leave accrued in excess of forty-five (45) days is forfeited. In the event an employee's employment is terminated, with or without cause, for any reason whatsoever, or for no reason, by retirement or otherwise, the employee will not be paid for any accrued, but unused, personal or sick leave.

For the purpose of calculating vacation and personal leave/sick days under this Ordinance, one day shall be equal to a period of eight (8) hours off. An employee who typically works a shift in excess of eight (8) hours, and is absent a day for vacation, sick leave, or personal leave, will use more than one "day" of vacation leave time, i.e. one with a twelve (12) hour shift, will use 1½ days off. (Ord. 2007-06, S1, Apr. 9, 2007) (Ord. 07-04, S3.12.080, Mar. 12, 2007) (Ord. 04-11, S3, Aug. 10, 2004) (Ord. 03-08, S1 (part), June 23, 2003) (Ord. 84-14, S8, 1984)

3.12.090 Disability Leave. Any full-time employee, except employees of the Electrical and Water Utilities, who are so disabled as to be unable to return to work after twenty-six (26) weeks, shall no longer receive payment of their insurance premium and shall not be considered as employed for purposes of accrual of vacation, holiday or sick/personal leave days until the employee returns to work, at which time the employee will be given credit for the employee's service, except for the absence in excess of twenty-six (26) weeks. Said employee who is so disabled as to be unable to return to work after one (1) year may be terminated. Said employee may receive payment for accrued vacation, personal and sick leave while receiving weekly disability benefits at the employee's option, but all such accrued leave must be used during the first thirteen (13) weeks of the employee's disability. (Ord. 04-11, S4, Aug. 10, 2004)

3.12.100 Family and Medical Leave Act provisions. In addition to the sick leave and personal leave provisions of this Code, under specific circumstances, certain Qualifying Employees may be entitled to certain additional unpaid leave under the Family and Medical Leave Act (FMLA). Such FMLA leave will be available to employees who have been employed for at least twelve (12) months and have worked at least 1,250 hours during the previous twelve (12) month period. Under the FMLA, up to twelve (12) weeks of unpaid leave may be provided for: (1) the birth of a son or daughter of the employee and in order to care for such son or daughter; (2) placement of a child with the employee for adoption or foster care; (3) to care for or attend to an employee's spouse, child or parent who has a serious health condition as defined by the FMLA; or (4) a serious health condition rendering the employee unable to perform the functions of his or her position with the City. Any and all accrued, paid leave must be substituted for unpaid leave and must be used as part of and be applied toward the FMLA leave entitlement. The City may require medical certification that any requested leave is due to the employee's own serious health condition or that of a family member and the City may, at its expense, require a second medical opinion. If the first and second opinions differ, the City may request a third opinion at its expense which is then binding. Upon returning from FMLA leave, the employee is entitled to be restored to the same or equivalent position with equivalent pay, benefits or other terms and conditions of employment. FMLA leave must be requested by the employee and, when possible, employees are required to provide at least thirty (30) days advance notice of the intention to take FMLA leave. (Ord. 04-11, S5, Aug. 10, 2004) (Ord. 03-08, S1(part), June 23, 2003)

Chapter 3.23

125 PLAN

Sections:

- 3.23.010** **Established**
- 3.23.020** **Authorization to withhold premiums**
- 3.23.030** **Effective when**

3.23.010 Established. A 125 Plan is hereby established to the City of Cannelton and the Cannelton Utilities to withhold employee insurance deductions before taxes. This plan is being entered into with AFLAC at no cost to the City or utilities. (Ord. 04-17, S1, Sept. 27, 2004)

3.23.020 Authorization to withhold premiums. The Clerk/Treasurer and Utility Manager are authorized to withhold the appropriate premiums as needed. (Ord. 04-17, S2, Sept. 27, 2004)

3.23.030 Effective when. This ordinance shall be in full force and effect from October 1, 2004 and after its passage by the Common Council of the City of Cannelton, this 27 day of September 2004. (Ord. 05-02, S2, Feb. 28, 2005) (Ord. 04-17, S3, Sept. 27, 2004)

Chapter 3.25

WORKING SPOUSE RULE FOR HEALTH INSURANCE COVERAGE PURPOSES

Sections:

3.25.010	Applicability
3.25.020	Working Spouse Rule
3.25.030	Verification
3.25.040	Duty to Keep Verification Current
3.25.050	Waiver and Appeal

3.25.010 Applicability. This Chapter shall apply to all health insurance benefits provided from time to time to eligible City employees and their spouses. It does not apply to Utility employees or their spouses covered under their separate Utility insurance plan. (Ord. 06-03, S3.25.010, Mar. 13, 2006)

3.25.020 Working Spouse Rule. A working spouse of an eligible City employee who is otherwise eligible under the City's health insurance plan is not eligible under the City's plan if such spouse could be enrolled in the spouse's employer's health insurance plan. Ineligibility must be for reasons acceptable to the City, U.S. Internal Revenue Service, and the U.S. Department of Labor. Coverage under COBRA shall not be considered as available coverage due to current employment. (Ord. 06-03, S3.25.020, Mar. 13, 2006)

3.25.030 Verification. Each employee whose spouse is currently covered under the City's health insurance plan or who applies for such coverage in the future, shall confirm to the City from time to time that their spouse is either:

- (1) not employed;
- (2) self-employed;
- (3) not offered health insurance through their employer;
- (4) offered health insurance, but cannot enroll until a specified future date;
or
- (5) offered health insurance, and the employee cost is a specified amount per week;

in order to continue spousal coverage or to obtain spousal coverage. The City will provide a form for this purpose. The City may require the employee obtain written documentation from the employer if applicable. Failure to

verify coverage or obtain additional documentation may result in cancellation of spousal coverage. (Ord. 06-03, S3.25.030, Mar. 13, 2006)

3.25.040 Duty to Keep Verification Current. Each employee is obligated to report in writing to the City any changes in the status of the employee's spouse's health insurance availability within thirty (30) days of any change in status. Failure to do so may result in cancellation of spousal coverage retroactive to the date of change of status. (Ord. 06-03, S3.25.040, Mar. 13, 2006)

3.25.050 Waiver and Appeal. An employee may petition the City Council to waive the requirements of this Chapter in order to prevent undue hardship. The Council may grant waivers from the strict requirements of this Chapter in its sole discretion. Waivers may also include spousal coverage for an additional premium. (Ord. 06-03, S3.25.050, Mar. 13, 2006)

WORKING SPOUSE VERIFICATION

In order to receive and continue to receive health care coverage for my _____, spouse, I represent to the City of Cannelton, that my spouse:

- _____ Is not employed;
- _____ Is self-employed;
- _____ Is employed, but the spouse's employer does not offer health insurance;
- _____ Is not eligible to receive the spouse's employer's health insurance until _____, 20__; or
- _____ Has health insurance available, *the cost is \$ _____ per _____.

Required only if a waiver will be requested.

I understand that I am obligated to notify the City in writing of any change within thirty (30) days and failure to do so may result in retroactive loss of coverage to the date of the change.

Employee

Date: _____

(Ord. 06-03, Mar. 13, 2006)