

TITLE 3
PERSONNEL

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Chapters:

- 3.02 Town Hall Hours**
- 3.10 Holiday Schedule**
- 3.12 Compensatory Time**
- 3.14 Vacation Policy**
- 3.18 Alcohol and Substance Abuse Policy**
- 3.20 Town Manager**
- 3.30 Town Marshal and Deputy Town Marshals**
- 3.35 Reserve Police Officer Program**
- 3.40 English Fire Protection District**

Chapter 3.02

TOWN HALL HOURS

Sections:

3.02.010 Schedule of Hours

3.02.010 Schedule of Hours. The Town Council of the Town of English, Indiana hereby resolves and declares to serve the public and its citizens in an efficient and convenient manner and sets the following schedule of hours for the English Town Hall:

Monday	8 am to 12 pm	Eastern Standard Time (EST)
Tuesday	8 am to 12 p.m	EST
Wednesday	8 am to 12 pm	EST
Thursday	8 am to 12 pm 6 pm to 8 pm	EST EST (exception 2 nd Thursday of each
Month)		
Friday	8 am to 12 pm	EST

Office will be closed 9:15 – 9:30 am for mail pickup daily. (Resolution 1998-01, no date)

Chapter 3.10

HOLIDAY SCHEDULE

Sections:

3.10.010 Schedule of Holidays

3.10.010 Schedule of Holidays. The Town Council of the Town of English, Indiana hereby resolves and declares to serve the public and its citizens in an efficient and convenient manner and sets the following schedule of holidays for the English Town Hall:

New Years Day	Friday, January 1
Memorial Day	Monday, May 24
Independence Day	Monday, July 5, 1999
Labor Day	Monday, September 6
Thanksgiving	Thursday & Friday, November 25 & 26
Christmas	Friday & Saturday, December 24 & 25

(Resolution 1999-01, no date) (Resolution 1998-01, no date)

Chapter 3.12

COMPENSATORY TIME

Sections:

3.12.010 Compensatory Time Policy

3.12.010 Compensatory Time Policy. Due to the emergency nature of Streets, Water and Sewer Departments, overtime will be compensated by compensation time, off as required by law, and submitted by the Town Manager and approved by the council if such occurrences arise. (Resolution 1998-01, no date)

Chapter 3.14

VACATION POLICY

Sections:

3.14.010 Vacation Policy

3.14.010 Vacation Policy. The council hereby adopts the following vacation policy for all town employees:

Less than 1 year of service	None	
1 year to 3 years	5 working days	consecutive
4 years to 10 years	10 working days	consecutive
10 years or more (Resolution 1998-01, no date)	15 working days	consecutive

Chapter 3.18

ALCOHOL AND SUBSTANCE ABUSE POLICY

Sections:

- 3.18.010 Coverage**
- 3.18.020 Policy**
- 3.18.030 Pre-employment substance screening**
- 3.18.040 Employee responsibilities**
- 3.18.050 Substance screening for current employees**
- 3.18.060 Consequences of sale, distribution or use of illegal substances**
- 3.18.070 Use of medication and prescription drugs**
- 3.18.080 Confidentiality**
- 3.18.090 Severability**

3.18.010 Coverage. This policy applies to all employees of the Town and its operated facilities and all applicants for such employment. (Resolution unnumbered, August 22, 1996)

3.18.020 Policy. All employees are expected to be in a state of mind and physical condition fit to complete their assigned duties safely and completely during work hours and to do so without use and effect of illegal controlled substances and/or alcoholic beverages. (Resolution unnumbered, August 22, 1996)

3.18.030 Pre-employment substance screening. Applicants for full-time or part time employment with the Town may be required to submit to a medial examination prior to their appointment to a Town position. As part of this medical examination, prospective employees will be screened for a range of chemical substances, those chemical substances shall include but not necessarily be limited to the following:

- A. Amphetamine/Methamphetamine (e.g. Speed)
- B. Benzodiazepines (e.g. Valium, Librium, Dalmane, Ativan)
- C. Barbiturates (e.g. Amobarbital, Butabarbital, Pentobarbital, Phenobarbital)
- D. Cocaine
- E. Methadone
- F. Methaqualone (e.g. Quaalude)
- G. Opiates (e.g. Codeine, Heroin, Morphine)
- H. Phencyclidine (PCP)
- I. TDC (Marijuana and other cannabanoids)
- J. Alcohol
- K. Lysergic Acid Diethylamide (LSD)

These substance groups were selected based upon known abuse in the general area of the Town and the ability of each substance to adversely affect physical and mental performance. All controlled substances listed above are illegal under State and Federal Law.

At the time of the medical examination applicants for full-time or part-time employment will be told of the substance or controlled substance and alcohol screening and will be told and will be required to a sign a consent form to permit such screening and provide appropriate bodily fluids for such screening. Applicants who refuse to consent to substance screening, who refuse to provide appropriate bodily fluids for such screening or who attempt to tamper with screening samples will not be eligible for employment with the Town.

Any applicant whose initial substance screen shows a positive result will have that result confirmed by additional studies. If the second screen of the same sample shows a negative result the individual will not be disqualified from Town employment on account of the substance screen. If the second screen confirms the positive test result the applicant may be disqualified from consideration for Town employment. The applicant will be notified of the positive results from the second screen and be given the opportunity, at the applicant's expense, to have a third screen conducted on the same sample within seventy-two (72) hours after the applicant is notified of the results of the second screen. If this final screen again confirms the positive test result the prospective employee will be disqualified from employment with the Town.

All screens will be made on the same sample by a firm selected by the Town. An applicant whose screen shows positive result will have twenty-four (24) hours after receiving such notification of positive screen results to provide verification of a current verification of a current valid prescription in the applicant's name.

The required medical examination, and screening of bodily fluids for chemical substances, except for the third screen as herein provided, shall be at the sole expense of the Town. To the extent possible, confidentiality will be maintained by the Town for all records and reports of the testing of an applicant's bodily fluids. (Resolution unnumbered, August 22, 1996)

3.18.040 Employee responsibilities. Employees who have a substance abuse problem are expected to obtain treatment and counseling through the numerous treatment agencies available throughout the area of Crawford County, Indiana and the area within 60 miles of the Town.

Given the importance of maintaining a work environment without the presence of alcohol and drugs, and the opportunities that employees have to address substance dependencies through treatment and counseling programs offered through various treatment facilities throughout the area of Crawford County, Indiana and the area within 60 miles of the Town, substance abuse which adversely effects job performance will not be tolerated. This applies to on duty employees as well as employees who are on call. Employees whose on or off duty use of substances impacts job performance will be appropriately disciplined including but not limited to the sanction of termination from employment with the Town.

Employee responsibilities include but are not necessarily limited to the following:

- A. An employee must not report to work or be subject to duty while its ability to perform job duties is impaired due to alcohol or illegal drug or substance use, on or off duty;
- B. An employee shall not possess or use illegal drugs or illegal substances during working hours, on breaks, during meal periods, while on Town

property in an official or unofficial capacity or while operating any Town vehicle or machinery;

- C. An employee shall not possess or use an alcoholic beverage or have the odor of an alcoholic beverage on its breath during working hours, on breaks, during meal periods, while on Town property in an official or unofficial capacity or while operating any Town vehicle or machinery;
- D. An employee shall not directly or through a third-party sell or provide illegal drugs or substances or alcoholic beverage to any person or to any other employee while either or both employees are on duty during working hours, on breaks, during meal periods, while on Town property in an official or unofficial capacity, while operating any Town vehicle or machinery, or on call;
- E. An employee shall submit immediately to reasonable request for alcohol or drug analysis when requested by a first line supervisor and/or department head;
- F. An employee shall notify his or her supervisor before beginning work, when taking any medication or drugs, (prescription, or non-prescription) which may interfere with the safe and effective performance of duties or operations of the Town equipment;
- G. An employee shall provide within twenty-four (24) hours of request, a current valid prescription for any drug or medication identified when that employee's drug screen/analysis is positive. The prescription must be in the employee's name.
- H. An employee shall notify its supervisor or department head or any conviction of a federal or state criminal drug statute for a violation occurring in the employee's work place, not later than five (5) days after such conviction. (Resolution unnumbered, August 22, 1996)

3.18.050 Substance screening for current employees.

- A. Town employees are subject to substance screening if there is a reasonable suspicion that while on duty they are impaired. Impaired is defined as being unable to perform duties safely and completely due to the use of alcohol and/or controlled substances. Reasonable suspicion is a belief based on objective fact sufficient to lead a reasonably prudent person to suspect that an employee is under the influence of drugs and/or alcohol or that the employee's ability to perform the functions of the job is impaired or so the employees ability to perform his job safely is reduced. Observations which constitute a factual basis for determining reasonable suspicion may include but are not limited to the following:

1. Odor of alcoholic beverage upon the employee's breath.
 2. Erratic behavior.
 3. Violent mood swings.
 4. Excessive absenteeism.
 5. Repeated tardiness.
 6. Inability to walk a straight line.
 7. Open and obvious possession of alcohol and/or illegal controlled substances.
 8. Slurred speech.
 9. An accident which is caused by the apparent action or inaction of the employee under circumstances giving rise to a reasonable inference that the accident was caused or was a result of the use of alcohol and/or illegal controlled substances.
 10. Possession of drug paraphernalia or alcohol beverage containers.
 11. A report of a reliable witness indicating use or possession of drugs or alcohol.
- B. A supervisor who has reasonable suspicion that an employee is impaired by alcohol or other illegal controlled substances on the job will, with the approval of the department head, immediately arrange for a substance screening through a medical facility that has been designed to perform such screening through a medical facility that has been designated to perform such screening for the Town.
- C. Employees who are scheduled for a substance screening must be transported to the designated medical facility by the employee's first line supervisor and/or department head. The employee to be tested shall sign a consent form to permit such screening and shall provide appropriate bodily fluids for such screening. The screening for substances will be made on a sample provided at the clinic. The procedures for such sample collection and testing will be made based upon the medically accepted procedure developed by the chosen medical facility and in order to ensure results of tests no less than a highly sensitive methodology shall be utilized. Such testing shall be based on medically acceptable testing procedures and shall include by not necessarily be limited primarily to tests utilizing enzyme amino acid techniques followed up by more specific confirmation testing

such as gas chromatography (GC) or gas chromatography/mass spectrophotometry (GCMS) or other highly sophisticated methods which are accepted by the medical facility and/or by the Courts. After the sample is given as outlined above, the supervisor will see to it that the employee is safely transported home. In addition, for alcoholic beverage testing, the facilities as the Crawford County Sheriff Department or the Indiana State Police and the use of that Department's breath test instrument shall be a sufficient determination for blood alcohol content provided statutorily approved procedures are followed.

- D. At the testing as outlined above, if the sample provides a negative result the conclusion will be that the sample contains no alcohol and/or a controlled substance. However, if the first screen shows a positive result, and a second screen using a more sophisticated testing technique shows a positive result then the employee will be assumed to be under the influence of alcohol and/or illegal controlled substances. An employee whose test shows a positive result will have twenty-four (24) hours after receiving notification of the positive result to provide a bona fide and verified current valid prescription which may have caused the positive result. The prescription must be in the employee's name.
- E. The discipline for failing to sign a consent form to permit screening for failure to provide appropriate bodily fluids for screening or for being under the influence of alcohol and/or non-prescribed controlled substances will be the basis for appropriate employee sanctions including the sanction of termination. Such determination will be made on the basis of the employee's prior work related history, previous disciplinary actions, and any prior identification of substance abuse problems. An employee who receives a positive result in substance abuse screening will receive at a minimum of five (5) day suspension without pay. An employee who refuses to sign a consent form to permit screening, or who fails to provide appropriate bodily fluids for screening will receive at a minimum of a five (5) day suspension without pay.
- F. In addition to the disciplinary procedure as outlined above and if an employee substance abuse problem has been identified, the supervisor and/or department head will immediately refer the employee to a reputable substance abuse entity for an evaluation. Based on the determination of that substance abuse entity, the employee may be required to undergo a drug or alcohol evaluation and treatment program as a condition of continued employment any and all expenses incurred as a result of the evaluation and/or treatment program undertaken by the employee as a condition of its continued employment, shall be paid by the employee.

- G. If the Town receives notification of any employee conviction of a drug offense which occurred in the employee's work place, or if the Town receives notification of an employee violation of the terms of the Policy herein stated, the Town shall, within thirty (30) days after receipt of said notice either;
1. Impose a sanction on the employee, which may include employee termination; or
 2. Require the employee to satisfactorily participate in a drug or alcohol abuse assistance or rehabilitative program approved by the Town Council of the Town. (Resolution unnumbered, August 22, 1996)

3.18.060 Consequences of sale, distribution or use of illegal substance. The unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or illegal substance by an employee during working hours while on duty, during meal periods, during breaks or at any time while the employee is on the Town's work site or on Town working time, constitutes cause for dismissal. Appropriate law enforcement agencies will be notified of any such unlawful manufacture, distribution, dispensing, possession or use of a controlled substance or illegal substance by employees. (Resolution unnumbered, August 22, 1996)

3.18.070 Use of medication and prescription drugs. All employees who are using a prescription or non-prescription drug which may in any way impact their job performance must notify their first line supervisor. The department head, and/or first line supervisor may require a doctor's statement if the employ indicates that there is need to use the prescription drug for an extended period of time. (Resolution unnumbered, August 22, 1996)

3.18.080 Confidentiality. The confidentiality of laboratory reports or test results shall appear in employee's confidential file. Reports or test results may be disclosed to Town department heads and first line supervisors on a strictly need to know basis and to the tested employee upon request. Disclosures without employee consent may also occur when (1) the information is compelled by law or by judicial or administrative process, (2) the information has been placed at the issue and there is a formal dispute between the employer and employee, (3) the information is to be used in administering any employee benefit plan and (4) information is needed by medical personnel for the diagnosis or treatment of the employee who is unable to authorize such disclosure. (Resolution unnumbered, August 22, 1996)

3.18.090 Severability. The provision of the policy are severable and if any of its provisions shall be held invalid by any court with competent jurisdiction, the decision of such court shall not affect or impair any remaining provision. (Resolution unnumbered, August 22, 1996)

Chapter 3.20

TOWN MANAGER

Sections:

- 3.20.010** **Creation**
- 3.20.020** **Duties**

3.20.010 Creation. Indiana Code IC 36-5-5-2 allows the town legislative body to employ a town manger to be the administrative head of the town government. (Resolution 1997-02, February 13, 1997)

3.20.020 Duties. The Town of English needs and desires to employ a town manager to be its administrative head and to perform the duties as described below according to IC 36-5-5-8:

- A. Shall attend the meetings of the legislative body and recommend actions he (she) considers advisable;
- B. Shall hire town employees according to the pay schedules and standards fixed by the legislative body or by statute;
- C. Shall suspend, discharge, remove, or transfer town employees, if necessary for the welfare of the town;
- D. May delegate any of his powers to an employee responsible to him;
- E. Shall administer and enforce all ordinances, orders, and resolutions of the legislative body;
- F. Shall see that all statutes that are required to be administered by the legislative body or a town officer subject to the control of the legislative body are faithfully administered;
- G. Shall prepare budget estimates and submit them to the legislative body when required;
- H. Shall execute contracts on behalf of the town for materials, supplies, services, or improvements, after the completion of the appropriations, notice and competitive bidding required by statute; and
- I. may receive service of summons on behalf of the town.

- J. Shall execute a Performance Bond for faithful performance of duties in the amount of \$50,000. (Resolution 1997-02, February 13, 1997)

Chapter 3.30

TOWN MARSHAL AND DEPUTY TOWN MARSHALS

Sections:

- 3.30.010 Appointment of Town Marshal**
- 3.30.020 Town Marshal Salary**
- 3.30.030 Powers and duties**
- 3.30.040 Deputy Town Marshals Salary**
- 3.30.050 Pay periods for Town Marshal & deputies**

3.30.010 Appointment of Town Marshal. The Town Council shall appoint a town Marshal and fix his compensation.

The Marshal serves at the pleasure of the Town Council. However, before terminating or suspending a Marshal who has been employed by the town for more than six (6) months after completing the minimum basic training requirements adopted by the law enforcement training board under IC 5-2-1-9, the Town Council must conduct the disciplinary removal and appeals procedure prescribed by IC 36-8 for town fire and police departments.

3.30.020 Town Marshal Salary. The salary of the Town Marshal shall be fixed at a compensatory amount of \$1,000 monthly payable from the appropriate accounts. (Ord. 1999-01, S3, January 14, 1999) (Ord. 1997-03, S7, March 13, 1997) (Ord. 1996-01, April 16, 1996) (Ord. 1995-01, Dec. 6, 1994) (Ord. 1988-5, July 5, 1988) (Ord. 85-1, Sec. 1, July 2, 1985) (Ord. 141, Nov. 7, 1977) (Ord. Unnumbered, March 1, 1971)

3.30.030 Powers and duties. The Marshal is the chief police officer of the Town and has the powers of other law enforcement officers in executing the orders of the Town Council and enforcing laws. The Marshal:

- A. Shall serve all process directed to him by the Town Council;
- B. Shall arrest without process all persons who commit an offense within his view, take them before a court having jurisdiction and detain them in custody until the cause of the arrest has been investigated;
- C. Shall suppress breaches of the peace;

- D. May, if necessary, call the power of the Town to his aid;
- E. May execute search warrants and arrest warrants, and
- F. May pursue and jail persons who commit an offense.

3.30.040 Deputy Town Marshals Salary. Deputy Marshals shall be paid according to funding sources and guidelines. For 1999 the senior deputy marshal shall be paid \$9.00 per hour from the COPS Fast Fund until grant monies are depleted. Other deputies may be hired from the LEAF Grant Funds or other General Funds of the Town, at a starting pay of \$8.75 per hour. (Ord. 1999-01, Pt. S4, January 14, 1999) (Ord. 1997-03, S7, March 13, 1997) (Ord. 1996-01, April 16, 1996) (Ord. 1995-01, Dec. 6, 1994) (Ord. 1988-5, July 5, 1988)

3.30.050 Pay periods for Town Marshal and deputies. The Town Marshal and deputies shall be paid on a semi-monthly basis, with check available on the 1st and 16th of each month. All Payroll Claims must be approved by the Town Manager before checks will be issued. Anything contrary to the ordinance, must be presented to the Town Council for approval. (Ord. 1999-01, S7, January 14, 1999)

Chapter 3.35

RESERVE POLICE OFFICER PROGRAM

Sections:

3.35.010 Reserve Police Officers

3.35.010 Reserve Police Officers.

- A. This section applies to the Reserve Officer Program for the Town of English (Town).
- B. The Town hereby provides by ordinance for the appointment of no more than five (5) police reserve officers.
- C. Police reserve officers shall be appointed by the Town in the same manner that the Town appoints regular members of the Town Police Department.
- D. Police reserve officers may not be members of the regular Town police department but have all the same police powers as regular members, except as limited by the rules of the Town. The Town may adopt rules to limit the authority of police reserve officers.

- E. To the extent that money is appropriated for purposes listed in this subsection, police reserve officers may receive any of the following:
 - 1. A uniform allowance.
 - 2. Compensation for time lost from other employment because of court appearances.
 - 3. Insurance for life, accident, and sickness coverage.
- F. Police reserve officers are not eligible to participate in any pension program provided for regular members of the department.
- G. A police reserve officer may not be appointed until he/she has completed the training and probationary period specified by rules of the Town Police Department.
- H. A police reserve officer appointed by the Town may not:
 - 1. make an arrest;
 - 2. conduct a search or a seizure of a person or property; or
 - 3. carry a fireman; unless the police reserve officer successfully completes a pre-basic course under I.C. §5-2-1-9(f).
- I. A police reserve officer may be covered by the medical treatment and burial expense provision of the worker's compensation law (I.C. §22-3-2 through I.C. §22-3-6) and the worker's occupational diseases law (I.C. §22-3-7). If compensability of the injury is an issue, the administrative procedures of I.C. §22-3-2 through I.C. §22-3-6 and I.C. §22-3-7 shall be used to determine the issue. (Ord. 2008-02, S3.35, Feb. 25, 2008)

Chapter 3.40

ENGLISH FIRE PROTECTION DISTRICT

Sections:

3.40.010	Indiana Code Provisions
3.40.020	Name
3.40.030	Geographical territory
3.40.040	Purpose
3.40.050	Need for expanded revenues
3.40.060	Financial planning
3.40.070	Operating costs
3.40.080	Established
3.40.090	Appointment of Trustees
3.40.100	Certification
3.40.200	Compensation

3.40.010 Indiana Code Provisions. Pursuant to the provisions of the Indiana Code 36-8-11 et. seq., passed the Acts of 1971, Public Law 389, Section 2 as amended and as added by acts 1981, Public Law 309, Section 63, that it is declared the intention of the Town Council of the Town of English, Indiana, to allow the Town of English to avail itself to the provisions of said chapter and to participate in the operation of a fire protection district encompassing all the above described area of the Town of English, Sterling Township, Patoka Township, Union Township and parts of Johnson Township. (Ord. 1987-1, S1, April 7, 1987)

3.40.020 Name. The name of the fire district shall be known as “The English Fire District”. (Ord. 1987-1, S2.1, April 7, 1987)

3.40.030 Geographical territory. That the territory is to include:

- A. All areas within the limits of the Town of English; and,
- B. All areas within the limits of the Sterling Township; and,
- C. All areas within the limits of the Patoka Township; and,
- D. All areas within the limits of the Union Township; and,
- E. All areas within the sections of 27, 26, 25, 35, 36, 1, of Johnson Township, Crawford County, Indiana; (Ord. 1987-1, S2.2. and pt. of Ordinance introduction more specifically defining the sections in Johnson Township, April 7, 1987)

3.40.040 Purpose. The purpose of this District is to insure the adequacy of the fire protection within the District. (Ord. 1987-1, S2.3, April 7, 1987)

3.40.050 Need for expanded revenues. Presently there exists sufficient need to establish such a district so as to maintain and expand revenues for the continuation of fire protection services and for the improvements of the service in the foreseeable future and to facilitate future planning for the delivery of services on a reasonable basis. (Ord. 1987-1, S2.4, April 7, 1987)

3.40.060 Financial Planning. The public health, safety and welfare of the residents and property owners of the territory can be assured by the securing of sound financial planning for the delivery of fire protection services. (Ord. 1987-1, S2.5, April 7, 1987)

3.40.070 Operating costs. The operating costs of the protection will be subject to economies and revenues assured as same are not conditioned upon receipt of federal or state grants. (Ord. 1987-1, S2.6, April 7, 1987)

3.40.080 Established. The English Fire District is hereby established on the date of the passage of this ordinance, April 7, 1987. (Ord. 1987-1, S3, April 7, 1987)

3.40.090 Appointment of Trustees. The Trustees for said fire district shall be appointed within thirty (30) days after the establishment herein. There shall be five (5) Trustees appointed. (Ord. 1987-1, S4, April 7, 1987)

3.40.100 Certification. A copy of Ordinance 1987-1, upon its passage and signature by the members of the Town Council for the Town of English shall be certified to the Board of Commissioners of Crawford County, Indiana. (Ord. 1987-1, S5, April 7, 1987)

3.40.200 Compensation. The compensation of the English Volunteer Fire Department (15 members) shall be \$10.00 each, per year. (Ordinance 85-1, S1, July 2, 1985)