

**TITLE 3**  
**PERSONNEL**

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**Chapters:**

- 3.04 Cannelton Police Department**
- 3.06 Police Reserve Unit**
- 3.10 Establishing fees for garnishing wages and collecting court  
awarded judgments from the wages of city employees**
- 3.12 Terms of employment for Certain Municipal Employees**
- 3.23 125 Plan**
- 3.25 Working Spouse Rule for Health Insurance Coverage  
Purposes**

## Chapter 3.04

### POLICE RESERVE UNIT

#### Sections:

3.04.010	Chief of Police and Assistant Chief of Police
3.04.020	Probationary Patrolman
3.04.030	Patrolman
3.04.040	Training
3.04.050	Appointments
3.04.060	Duties
3.04.070	Equipment and Uniforms
3.04.080	Rules
3.04.090	New Applicants
3.04.100	Resignation or Termination

#### **3.04.010 Chief of Police and Assistant Chief of Police.**

- (1) The Police Department should consist of a number of officers as the Board of Public Works and Safety shall from time to time designate, but not less than three. There shall be at all times one Chief of Police who shall be designated and hold the rank of Captain, and one Assistant Chief of Police who shall be designated and hold the rank of Sergeant. Each officer shall secure and wear appropriate insignia as shall be designated by the Board of Public Works and Safety. There are hereby further created the classifications of Patrolman and Probationary Patrolman.
- (2) The Chief of Police shall be appointed by the Mayor. The Assistant Chief of Police shall be appointed by the Mayor. (Ord. 2017-07, S(A)(B), Aug. 14, 2017)

**3.04.020 Probationary Patrolman.** A Probationary Patrolman must successfully complete a probationary period of at least six (6) months. The probationary period should include periodic performance reviews and documentation upon the successful completion of the probationary period. During the probationary period, the Probationary Patrolman may be discharged from the Police Department with or without cause, as determined by the Board of Public Works and Safety. If retained on the Police Department beyond the probationary period, the Probationary Patrolman shall become a full patrolman, as defined in section 3.04.030 below. (Ord. 2017-07, S(C), Aug. 14, 2017)

**3.04.030 Patrolman.** A patrolman is a member of the Police Department who has fully completed his or her probationary period and been retained on the Police Department of the City. No patrolman, nor any other member of the Police Department higher in rank, shall be discharged except for cause stated by written complaint and after a hearing before the Board of Public Works and Safety, of which hearing the officer shall have at least ten (10) days prior written notice and at which hearing he or she shall have the right to appear in person, confront the witnesses against him or her, present evidence in his or her own behalf and be represented in person or by counsel. (Ord. 2017-07, S(D), Aug. 14, 2017)

**3.04.040 Training.** It shall be encouraged that at least one member of the Police Department each year attend a school in criminology, traffic safety or other appropriate branch of police work conducted by the Indiana Law Enforcement Academy. The City may appropriate annually a sum estimated to be sufficient to pay the expenses of the officers, including tuition and supplies, while in attendance at the school, and the salary of the officer during the time of attendance at the school shall be paid as though the officer was on active duty within the City. So far as possible, the officers attending the schools shall be rotated so as to allow all officers and members of the Police Department to attend training, except that due consideration be given to those officers volunteering for the training and officers expressing no desire to attend. (Ord. 2017-07, S(E), Aug. 14, 2017)

**3.04.050 Appointments.** Appointments to the Police Department shall be made on a non-political basis, and members of the Police Department shall refrain from engaging in partisan politics while on duty for the Police Department. (Ord. 2017-07, S(F), Aug. 14, 2017)

**3.04.060 Duties.** The following are duties of the members of the Police Department:

- (1) Chief of Police (Captain).
  - A. The Chief shall establish duty hours of all police officers of the City.
  - B. He or she shall be subject to call 24 hours a day.
  - C. He or she shall keep and maintain daily records of all arrests, misdemeanors, accidents and the like, as reported by any police officer within the boundaries of the City.
  - D. He or she shall hold monthly briefings with all members of the Police Department.

- E. He or she shall be responsible for cooperation with other city police, county police, state police and federal officers.
  - F. He or she shall be a representative of the Police Department, subject to approval or direction of the Board of Public Works and Safety.
  - G. He or she shall establish the official uniforms for the Police Department.
  - H. He or she shall be in uniform at all times while on duty.
  - I. He or she shall establish all policies and procedures of the Police Department. Said policies and procedures shall be enumerated in the Cannelton Police Department Policy Manual.
- (2) Assistant Chief of Police (Sergeant).
- A. The Assistant Chief shall be responsible for all duties of the Chief of Police when the Chief of Police is unable to do so, subject to the direction of the Board of Public Works and Safety.
  - B. He or she shall be familiar with all records and duties of the Chief of Police.
  - C. He or she shall conduct himself in a manner at all times that will be a credit to himself and the Police Department.
  - D. All officers shall at all times strive to maintain high safety standards for the City, through safety programs, using every agency available to them.
  - E. He shall be qualified to administer tests legally recognized by the State to determine blood alcohol content. (Ord. 2017-07, S(G), Aug. 14, 2017)

**3.04.070 Equipment and Uniforms.** The City shall furnish to each appointed officer of the Police Department all uniforms and equipment as are prescribed for a member of the Police Department. Equipment and uniforms shall be maintained by the members of the Police Department, except that the City shall further pay in addition to any and all basic salaries, the minimum sum of \$250 per officer per year for replacement and maintenance of uniforms and equipment, as budgeted by the Board of Public Works and Safety. Any and all uniforms and equipment shall at all times belong to the City and shall be turned in by each officer and accounted for in

the event of discharge or resignation from the Police Department. (Ord. 2017-07, S(H), Aug. 14, 2017)

**3.04.080 Rules.** The following are rules governing police officers in the City, and apply to the Chief of Police, Assistant Chief of Police, Patrolmen and Probationary Patrolmen:

- A. Officers shall be in proper uniform as prescribed by the Chief of Police.
- B. Officers shall conduct himself or herself in a proper manner at all times, including off duty time or on duty time.
- C. The Chief of Police is required to attend Indiana Law Enforcement Training Board schooling as soon as possible after appointment to the office. The expense of this shall be borne by the City.
- D. All special orders to officers of the City Police Department must be issued in writing to each and every officer. (Ord. 2017-07, S(I), Aug. 14, 2017)

**3.04.090 New Applicants.** The following are requirements to be met by any and all new applicants:

- (1) Applicants shall meet minimum standards (IC 36-8-3.5-12; 240 I.A.C. 1-4-3):
  - A. Be a citizen of the United States.
  - B. Be at least 21 years of age, but less than the maximum age as established by law.
    - 1. Veterans are exempt from the maximum age restriction (IC Section 36-8-4.7)
  - C. Have obtained a high school degree or a recognized equivalent.
  - D. Be free from any felony convictions or any other crime or series of crimes which would indicate to a reasonable person that the applicant is potentially dangerous, violent, or has the propensity to break the law.
  - E. Demonstrate successful completion of minimum agility and aptitude tests.

- F. Be free from any physical, emotional or mental condition which might adversely affect the exercise of police powers.
  - 1. Before a candidate may be selected as an officer, he/she shall must be examined by a licensed medical doctor according to the requirements in IC 36-8-8-19 which must include the following:
    - a. A general medical history.
    - b. A determination of the candidate's ability to perform the essential functions of the position of officer.
  - 2. Before a candidate may be selected as an officer, he/she shall must obtain a positive recommendation of emotional and mental fitness.
- G. Be of good moral character as determined by thorough background investigation and criminal history investigation.
- H. Possess a valid driver's license.
- I. Be fingerprinted for both a State and federal criminal records check.
- J. Be eligible under federal and Indiana law to possess and carry a firearm.
- K. The Police Department may establish additional standards for selection of a candidate for the position of officer pursuant to IC Section 36-8-3.2-6. (Ord. 2017-07, S(J), Aug. 14, 2017)

**3.04.100 Resignation or Termination.** In the event of the resignation or termination of employment as a member of the Police Department for any reason whatsoever, all privileges and benefits of this chapter shall be deemed terminated, and at the end to the effect that if the member later rejoins the Police Department, he or she shall be deemed a probationary patrolman and shall be treated as though he or she had never been a member of the Police Department for the purpose of basic pay, all other allowances and qualifications for senior grade ranks. (Ord. 2017-07, S(K), Aug. 14, 2017)

## Chapter 3.06

### POLICE RESERVE UNIT

#### Sections:

3.06.010	Created
3.06.020	Terms
3.06.030	Discharge
3.06.040	Supervision
3.06.050	Duties
3.06.060	Compensation
3.06.070	Uniforms and Equipment
3.06.080	Worker's Compensation Benefits
3.06.090	Rules and Regulations

**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 4<sup>th</sup>
- (e) Labor Day
- (f) General Election Day (Election Years Only)
- (g) Veteran's Day
- (h) Thanksgiving Day
- (i) Day after Thanksgiving Day
- (j) Christmas Eve
- (k) Christmas Day
- (l) New Year's Eve

(Ord. 12-15, S1, June 11, 2012) (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; a full time employee will be granted two days off with pay in the event of the death of any of the following: Mother or Father of the Employee's Spouse. (Ord. 12-16, S1, June, 11, 2012) (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.**

- (1) CONTEXT: The Family Medical Leave Act (FMLA) is a federal act designed to help employees balance their work and family responsibilities by allowing them to take reasonable unpaid leave for certain family and medical reasons. It also seeks to accommodate the legitimate interests of employers and promote equal employment opportunity. This applies to the employees of the City of Cannelton who meet the requirements in accordance with the guidelines of the FMLA.
- (2) OBJECTIVES: The objective of this policy is to outline the provisions of the FMLA in order to ensure employees are allowed up to 12 work weeks of unpaid leave under these provisions for:
  - A. The birth and care of an employee's newborn child, or for the placement with the employee of a child for adoption or foster care (provided the child is under the age of 18, or if older, incapable of self-care because of a disability). This entitlement expires at the end of the 12-month period beginning on the date of the birth or placement of the child.
  - B. The care of the employee's spouse, child or parent who has a serious health condition.

C. The employee's own serious health condition.

FMLA leaves run concurrently (at the same time) with any other absences for which an employee may be eligible (such as Short-Term Disability or Workers' compensation). FMLA will run concurrently with these leaves rather than as additional time off.

(3) DEFINITIONS:

A. Immediate Family: spouse, parent and child.

B. Covered Employees: those who have worked for the Company at an eligible site for at least 12 months, and have worked for at least 1,250 hours during the 12-month period immediately preceding the leave.

C. The term "serious health condition" means an illness, injury, impairment, or physical or mental condition.

D.

1. Inpatient care (i.e. an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity of subsequent treatment in connection with the inpatient care.

2. Continuing treatment by a health care provider, including:

a. Incapacity of more than three (3) consecutive, full calendar days. Treatment means an in-person visit to a health care provider taking place within seven (7) days of the first day of incapacity.

E. Pregnancy or prenatal care: A period of incapacity related to pregnancy or for prenatal care.

F. Permanent or long term conditions: A period of incapacity which is permanent or long-term due a condition for which treatment may not be effective.

For more information regarding this section, employees should contact the Mayor's and/or Clerk/Treasurer's office.

(4) POLICY:

A. Covered employees are eligible under FMLA over a 12-month period.

- B. The 12-month period in which the entitlement occurs will be calculated according to a “rolling” 12-month period measured backward from the date an employee uses any FMLA leave.
- C. Time missed beyond the 12 work week maximum is subject to applicable departmental attendance control procedures.
- D. When the duration of leave changes, employees are required to provide an update of those changes to supervision and to the Mayor’s office.
- E. Employees are required to use all paid/earned vacation and holidays/personal days when the purpose of the leave is for a reason other than the employee’s own serious health condition. Using paid time off will not extend the 12-work week maximum.
- F. For the duration of FMLA leave, the City will maintain medical coverage under its health care plan during leave ceases if the employee’s premium is more than 30 days late. Should coverage lapse, the employee will nevertheless be restored to coverage in full upon return from FMLA leave, without any additional requirements, as if the employee had never left.
- G. Upon returning from leave, employees will be reinstated to the same position held when the leave began or to a position with equivalent pay, benefits and working conditions. The FMLA does not extend restoration rights any greater than if an employee had continued to work during the leave.
- H. An employee who needs to take family medical leave must provide their supervisor and the Mayor’s/Clerk-Treasurer’s office with at least 30 days/ notice of the need for leave, if the need is foreseeable. If the employee’s need for leave is not foreseeable, the employee must give the City as much notice as practicable. Requests for leave or for an extension of leave should be submitted in writing. When leave is needed for planned medical treatment, the employee must try to schedule the treatment in such a way as to limit disruptions of the employee’s schedule.
- I. Employees needing leave for their own or a family member’s serious health condition must provide medical certification of the serious health condition from a health care provider. The City may, at its own discretion, also require a second or third opinion (at the City’s



expense), periodic recertifications of the serious health condition and, when the leave is a result of the employee's own serious health condition, a fitness for duty report to return to work. Once the employee has provided the City with notice of the leave and certification as required, the Mayor's office will determine whether the leave is designated as family medical leave which counts toward the employee's leave entitlement. If the employee fails to provide proper advance notice or certification for leave, the leave may not be designated as family medical leave under this policy.

(5) NOTICE UNDER GENETIC INFORMATION NON-DISCRIMINATION ACT:

The Genetic Information Non-discrimination Act of 2008 (GINA) prohibits employers and other entities covered by Gina Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information.

(6) POLICY ADMINISTRATION:

For information about this policy, please contact the Mayor's/Clerk-Treasurer's office.

(Ord. 2016-02, S3.12.100, Jan. 11, 2016) (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)