

TITLE 3
PERSONNEL

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Chapters:

- 3.02 Establishing Ranks for the Police Department
- 3.04 Police Reserve Unit
- 3.06 Deputy Captains
- 3.15 Volunteer Fire Department
- 3.20 Confined Air Space Program
- 3.25 Adopting Employee Handbook
- 3.30 Drug and Alcohol Substance Abuse Policy
- 3.35 Nepotism and Contracting with a Unit by a Relative
- 3.40 Conflict of Interest Policy

Chapter 3.02

ESTABLISHING RANKS FOR THE POLICE DEPARTMENT

Sections:

- 3.02.010 Classification of Ranks
- 3.02.020 Requirements of Ranks
- 3.02.030 Classification of Additional Titles
- 3.02.040 Determination of Number of Officers

3.02.010 Classification of Ranks. The following classification of ranks is available to officers in the Ferdinand Police Department (in descending order of command):

- (1) Chief of Police
- (2) Assistant Chief of Police
- (3) Captain
- (4) Lieutenant
- (5) Sergeant
- (6) Corporal
- (7) Patrolman
- (8) Reserve Patrolman

(Ord. 2012-08, S1, Sept. 11, 2012) (Ord. 89-11 S1, 1989)

3.02.020 Requirements of Ranks. The following requirements must be met in order to be eligible for such rank and approved by the Town Council. Ranks will be filled by the Chief of Police upon his request and approved by the Town Council. Not all ranks will be filled:

- (1) Chief of Police: The rank of Chief of Police shall be appointment of the Town Council. This rank is the equivalent of the rank of Marshal. The officer must meet the requirements established by the State of Indiana.
- (2) Assistant Chief of Police: The rank of Assistant Chief of Police shall be based on the recommendation of the Chief of Police and approved by the Town Council.
- (3) Captain: The rank of Captain may be appointed by the Town Council based upon the recommendation of the Chief of Police. This is open to any officer who has served on the department and has not received any disciplinary action for thirty-six (36) months prior to the recommendation of the Chief of Police to the Town Council.
- (4) Lieutenant: The rank of Lieutenant, upon recommendation of the Chief of Police, may be appointed by the Town Council. This is open to any officer who has served on the department and has not received any disciplinary action for thirty-six (36) months prior to the recommendation of the Chief of Police to the Town Council.

- (5) Sergeant: The rank of Sergeant, upon recommendation of the Chief of Police, may be appointed by the Town Council. This is open to any officer who has served on the department and has not received any disciplinary action for twenty-four (24) months prior to the recommendation of the Chief of Police to the Town Council.
- (6) Corporal: The rank of Corporal, upon recommendation of the Chief of Police, may be appointed by the Town Council. This is open to any officer who has served on the department for two (2) years or any non-probationary officer who has served as an officer at another department for three (3) or more years. In order to be eligible, such officer must not have received any disciplinary action for twelve (12) months prior to the recommendation of the Chief of Police to the Town Council.
- (7) Patrolman: The rank of Patrolman is given to an officer after being hired by the Town. The officer must complete all requirements of the State of Indiana and the Town of Ferdinand. The rank does not affect the probationary status of the officer.
- (8) Reserve Patrolman: The rank of Reserve Patrolman is given to a reserve officer after being hired by the Town. The Reserve Patrolman must meet all requirements as given by the State of Indiana and the Town of Ferdinand.

In situations where two officers have the same rank, seniority is determined by the date the rank was appointed. (Ord. 2012-08, S2, Sept. 11, 2012) (Ord. 89-11 S2, 1989)

3.02.030 Classification of Additional Titles. The following titles are also available to officers in the Ferdinand Police Department.

- (1) 2nd in command: The Town Council may assign an officer to the rank of Assistant Chief of Police. Or, upon recommendation of the Chief of Police, may assign the 2nd in command title to an officer who will then become the next highest ranking officer after Chief of Police.
- (2) Detective: The title of Detective is assigned to an officer by the Town Council upon recommendation of the Chief of Police.
- (3) Instructor: The title of Instructor can be given to any officer of any rank upon completion of the ILEA Instructor Course.
All ranks and titles will be made and approved during a regular, special or emergency meeting of the Town Council. (Ord. 2012-08, S3, Sept. 11, 2012)

3.02.040 Determination of Number of Officers. In addition to the foregoing, the Town Council does, by virtue of this Ordinance, determine the number of officers on its force and reserves the right to, from time to time, determine if additional officers are necessary. One, the Police Chief, shall act as the head of the Department; five officers, other than the Police Chief, shall act as full-time Deputy Police Officers; one officer shall act as part-time Deputy Police Officer; and five officers shall act as Reserve Officers. (Ord. 2012-08, S4, Sept. 11, 2012)

Chapter 3.04

POLICE RESERVE UNIT

Sections:

- 3.04.010 Establishment
- 3.04.020 Membership
- 3.04.030 Qualifications
- 3.04.040 Removal
- 3.04.050 Supervision
- 3.04.060 Duties
- 3.04.070 Uniforms and Equipment
- 3.04.080 Liability
- 3.04.090 Ferdinand Police Continuing Education and Training Fund
- 3.04.100 Compensation

3.04.010 Establishment. Pursuant to the authority granted in I.C. 36-8-3-20, there is hereby established a police reserve unit for the Town of Ferdinand, to be known as the Ferdinand Police Reserve Unit. (Ord. 11-02, S3.04.010, Jan. 18, 2011) (Ord. 0-86-4)

3.04.020 Membership. The membership of the Ferdinand Police Reserve Unit shall be limited to not more than eight (8) who shall be approved by the Ferdinand Town Council, upon the recommendation of the Chief of police and shall be no less than twenty-one (21) years of age. Any appointment shall be deemed conditional and strictly contingent upon the applicant receiving a favorable background investigation report and pre-employment drug screen. The Ferdinand Town Council may appoint, as members of the Ferdinand Police Reserve Unit, individuals who are completing internships at institutions of higher learning. Due to the temporary nature of such appointments, reserve officers who are completing such an internship shall not be counted in calculating the total number of reserve officers in the unit. (Ord. 2019-11, S3.04.020, May 8, 2019) (Ord. 2014-04, S1, March 11, 2014) (Ord. 11-02, S3.04.020, Jan. 18, 2011) (Ord. 0-86-4)

3.04.030 Qualifications. In order to be considered for appointment, applicants must pass all the physical requirements established by the Indiana Law Enforcement Training Board. After appointment all reserve officers will complete a total of 240 hours of training which includes a 40 hour pre-basic training course as required by the Indiana Law Enforcement Academy. (Ord. 11-02, S3.04.030, Jan. 18, 2011) (Ord. 0-86-4)

3.04.040 Removal. Any reserve officer appointed under this chapter may be removed by the Ferdinand Town Council at any time without notice and without assigning cause. (Ord. 11-02, S3.04.040, Jan. 18, 2011)

3.04.050 Supervision. The reserve unit will operate under the direction of the Chief of Police or his designee. Before beginning his or her duties, each member will take and subscribe to an oath and affirmation. (Ord. 11-02, S3.04.050, Jan. 18, 2011) (Ord. 0-86-4)

3.04.060 Duties. Reserve Officers will be assigned the following duties within the Town of Ferdinand:

- (1) Assist full time police officers on routine patrols
- (2) Supplement traffic control activities
- (3) Be available for duty prior to and during special events
- (4) Assist the full time officers in implementation of disaster and emergency planning duties
- (5) Perform other duties as may from time to time be approved by the Chief of Police or his designee.

While on duty, members of the Ferdinand Police Reserve Unit will have the same arrest powers as any regular police officer for the Town of Ferdinand. (Ord. 11-02, S3.04.060, Jan. 18, 2011) (Ord. 0-86-4)

3.04.070 Uniforms and Equipment. A Ferdinand Police Reserve Officer may carry an authorized firearm while on duty and in uniform. Ferdinand Police Reserve Officers shall furnish their own firearm, without reimbursement from the Town. Such firearms shall be of the type and caliber used by the rest of the force for training and on duty use. The Town of Ferdinand shall furnish all Ferdinand Police Reserve Officers with a uniform and, if the Reservist's firearm is compatible with the ammunition currently furnished by the Town for training, the ammunition for both training and on duty use. Such uniform shall be distinguishable from that worn by regular Police Officers for the Town of Ferdinand. (Ord. 11-02, S3.04.070, Jan. 18, 2011) (Ord. 0-86-4)

3.04.080 Liability. Each appointed member of the Police Reserve Unit shall promptly after being appointed as said member, and prior to taking his oath, execute and deliver to the Clerk-Treasurer of the Town of Ferdinand an instrument in the form to be approved by the Town Attorney, releasing the Town from all liability for any injury or death of such member in the line of duty as a member of said Unit, excepting only such liability, if any, as shall be attributable to gross negligence on the part of the Town. (Ord. 0-86-4)

3.04.090 Ferdinand Police Continuing Education and Training Fund.

- (1) There is hereby established the Ferdinand Police Continuing Education and Training Fund.
- (2) The Clerk-Treasurer shall cause to be placed in such fund all monies received from the Dubois County Auditor pursuant to I.C. 5-2-8-3, and all other monies authorized by the Board of Trustees.
- (3) The monies accumulated in such fund may be spent after proper appropriation only for purposes related to the continuing education and training of the regular or reserve police personnel of the Town of Ferdinand. (Ord. 0-87-5)

3.04.100 Compensation. No member of the Police Reserve Unit shall receive any compensation from the Town for his services as a member of the Police Reserve Unit excepting as may be provided from time to time by the Ordinances of the Board of Trustees. (Ord. 11-02, S3.04.100, Jan. 18, 2011) (Ord. 0-86-4)

Chapter 3.06

DEPUTY CAPTAINS

Sections:

- 3.06.010 Deputy Captains**
- 3.06.020 Approval**
- 3.06.030 Bonded**

3.06.010 Deputy Captains. The Colonel of the Town of Ferdinand may appoint and deputize such Deputy Captains, subject to approval of the Board of Trustees as hereinafter provided, as may be required to insure the protection and safety of persons and property within said Town of Ferdinand. (Ord. O-72-1)

3.06.020 Approval. Before any person shall be appointed or deputized by the Colonel under his Ordinance (Chapter) such appointment shall be approved by the Board of Trustees of the Town of Ferdinand; provided only, that in cases of emergency appointment of a Deputy Captains, such approval by the Board shall not be required. (Ord. O-72-1)

3.06.030 Bonded. Such Deputy Captains, after being duly appointed, shall be bonded in the same amount of bond as is in effect for the Colonel. Compensation and term of service of such Deputy Captain shall be regulated and set by the Board of Trustees. (Ord. O-72-1)

Chapter 3.15

VOLUNTEER FIRE DEPARTMENT

Sections:

3.15.005 Full-time Town Employee Payment Policy

3.15.010 Schedule of Fees and Charges

3.15.005 Full-time Town Employee Payment Policy.

- (1) The Town Council hereby adopts a written policy that:
 - A. Any full-time employee of the Town of Ferdinand who volunteers to be a member of and performs services (fire runs) for the Volunteer Fire Department of the Town of Ferdinand for the benefit of the Volunteer Fire Department (a non-profit organization) shall be paid by the Town of Ferdinand if the fire run is during his/her normal hours of employment (regular work shift) and by the Volunteer Fire Department for the fire runs to which the employee responds. Provided, however, the total time that the employee may perform such services during the normal hours of employment and be paid regular wages and for the fire run is limited to 200 hours during any calendar year.
- (2) The payroll department and the appropriate officers of the Volunteer Fire Department are instructed to take such actions as are necessary to compensate those certain employees pursuant to this written policy. (Ord. 2023-12, July 25, 2023)

3.15.010 Schedule of Fees and Charges.

- (1) The schedule attached hereto and labelled as Exhibit A is approved pursuant to Indiana Code 36-8-12-13 and should be published to provide due notification thereof.
- (2) The charges listed on Exhibit A shall not be imposed upon a natural person who resides or pays property tax within the boundaries of the Town of Ferdinand or Ferdinand Township unless the response by the Ferdinand Volunteer Fire Department is due to a spill or chemical or hazardous material fire that poses a threat to persons or property and the charges on Exhibit A shall not be imposed upon the owner or responsible party if the Ferdinand Volunteer Fire Department is a second or subsequently responding department.
 - A. For initial response with a fire engine, a fire truck, or a fire apparatus, including hazardous material response unit, or a fire rescue unit dispatched on a fire or hazardous material incident, \$250.00 per response vehicle except command/control vehicle which is \$100.00 per vehicle. (Ord. 2019-21, S2(A), Aug. 20, 2019)

- B. For each hour or fraction thereof as on-scene assistance, \$150.00 per response unit and \$50.00 per command/control vehicle. (Ord. 2019-21, S2(B), Aug. 20, 2019)
- C. For expendable materials such as absorption material, emulsifiers, or other agents used in clean up operations, the actual replacement cost of those materials. (Ord. 2019-21, S2(C), Aug. 20, 2019)
- D. For collections of debris, chemicals, fuel, or contaminated materials resulting from a spill, the actual cost of removal and disposal at an authorized location. (Ord. 2019-21, S2(D), Aug. 20, 2019)
- E. For initial response with a fire engine, fire truck, or fire apparatus when dispatched due to intentional misconduct of a person which violates a clearly delineated rule or regulation or prohibition of the property owner (i.e. smoking or vaping in motel rooms; deliberately engaging a fire alarm where no fire is present; etc.) \$300.00 per incident. (Ord. 2019-21, S2(E), Aug. 20, 2019)

Chapter 3.20

CONFINED AIR SPACE PROGRAM

Sections:

- 3.20.010 Who is covered under 29CFR 1910.146?
- 3.20.020 Definitions
- 3.20.030 Compliance Guidelines for Non-Entry Permit Required Confined Spaces
- 3.20.040 Guidelines for Permit Required Confined Space Alternate Procedures Entry
- 3.20.050 Reclassification of Permit Space to Non-Permit Space
- 3.20.060 Compliance Guidelines for Permit Required Confined Space Entry
- 3.20.070 Requirements for a Permit Required Confined Space Program
- 3.20.080 Training
- 3.20.090 Rescue and Emergency Services
- 3.20.100 Lockout/Tagout Program

3.20.010 Who is covered under 29CFR 1910.146?

- (1) General Industries. Excluding agriculture, construction, and shipyard employment; Parts 1918, 1926 and 1915 respectively. (Ord. 96-3, S1, April 8, 1996)

3.20.020 Definitions.

- (1) Confined space
 - A. Is large enough and so configured that an employee can bodily enter and perform assigned work; and
 - B. Has limited or restricted means for entry and exit (for example tanks, vessels, silos, storage bins, hoppers, vaults, pits); and
 - C. Is not designed for continuous employee occupancy. **MUST MEET ALL THREE REQUIREMENTS!** (Ord. 96-3, S2, April 8, 1996)
- (2) Non-permit Required Confined Space
 - A. A Confined Space that does not contain or, with respect to atmospheric hazards, have the potential to contain any hazard capable of causing death or serious physical harm (for example, vented vaults, motor control cabinets, and dropped ceilings). (Ord. 96-3, S2, April 8, 1996)
- (3) Permit Required Confined Space. A Confined Space that has one or more of the following characteristics:
 - A. Contains or has potential to contain a hazardous atmosphere;
 - B. Contains a material that has the potential for engulfment of an entrant;

- C. Has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly conveying walls or by a floor which slopes downward and tapers to a smaller cross-section; or
 - D. Contains any other recognized serious or health hazard. (Ord. 96-3, S2, April 8, 1996)
- (4) Hazards Atmosphere. An atmosphere that may expose employees to the risk of death, incapacitation, impairment of ability to self-rescue (that is, escape unaided from a permit space), injury, or acute illness from one or more of the following causes:
- A. Flammable gas, vapors, or mist in excess of 10 percent of it's lower flammable limit (LFL);
 - B. Airborne combustible dust at a concentration that meets or exceeds it's LFL;
 - C. Atmospheric oxygen concentration below 19.5 percent or above 23.5 percent;
 - D. Atmospheric concentration of any substance for which a dose or a permissible exposure limit is published in Subpart G, Occupational Health and Environmental Control, or in Subpart Z, Toxic and Hazardous Substances, of this part which could result in employee exposure in excess of it's dose or permissible exposure limit;
 - E. Any other atmospheric condition that is immediately dangerous to life or health. (Ord. 96-3, S2, April 8, 1996)

3.20.030 Compliance Guidelines for Non-Entry Permit Required Confined Spaces.

- (1) Procedures:
- A. An evaluating survey of the workspace area must be completed to determine if Permit Required Confined Spaces (PRCS) are present.
 - B. All areas classified as PRCS must be posted via signs or otherwise identified to the exposed employees.
 - C. A re-evaluation of any workplace areas classified as NON-PRCS to Permit Required (PR) may be necessary if the changes to the spaces are significant.
 - D. Employees used from other employers (outside contractors) to perform work that involves permit space entry must be informed of the hazards associated with the space and that entry can only be allowed through compliance with an entry permit program.
 - E. Precaution and procedures must be coordinated between contractors entering the PRCS and the host employees working near the PRCS to provide protection for all personnel.

- F. Any hazards confronted or created by the contractor during the permit space entry must be discussed to prevent future confrontation during entry.
- G. Any person violating any safety rules shall be disciplined as follows:
 - 1. Regular Employees violating any safety rules shall be disciplined as follows:
 - (a) First time verbal warning;
 - (b) Second time written warning;
 - (c) Third time one day off without pay;
 - (d) Fourth time three days off without pay;
 - (e) Fifth time taken to Town Council for dismissal.
 - 2. Contractor's Employees violating any safety rules shall be disciplined as follows:
 - (a) First time verbal warning;
 - (b) Second time written warning;
 - (c) Third time removed from the job site. (Ord. 96-3, S3, April 8, 1996)

3.20.040 Guidelines for Permit Required Confined Space Alternate Procedures Entry.

- (1) Verification Procedure:
 - A. An evaluating survey of the workplace area must be completed to determine if Permit Required Confined Spaces (PRCS) are present.
 - B. All areas classified as PRCS must be posted via sign or otherwise identified to the exposed employees.
 - C. A written Permit Space Program must be completed and made available to all employees and their authorized representatives. When using the alternate procedures to enter PRCS, the Permit Space Program will contain documentation (ventilation and monitoring data) supporting the employee's decision to enter the space through non-permit procedures.
 - D. Verify that the only hazard posed by the permit space is an actual or potential atmospheric hazard. Verification must be obtained through monitoring and inspection data and properly documented for entry personnel.

- E. Verify through documentation that continuous forced air ventilation alone is enough to maintain the permit space safe for entry. OSHA interprets safe in this case as 50% of the conditions set for a hazardous atmosphere. (Example: If methane has a LFL of 5 then the criteria of a hazardous atmosphere at 10% LFL would be .5. In using alternate procedures safe would be 50% of .5 or .25. This is to allow for the possibility of ventilation being cut off.) Documentation must be made available to entry personnel. (Ord. 96-3, S4, April 8, 1996)
- (2) Entry Procedures:
- A. Guard openings with barriers to prevent accidental fall through or penetration of foreign objects.
 - B. Initial testing of the internal atmosphere spaces must be completed before entry is made. The testing will be completed using a calibrated direct reading instrument monitoring for oxygen, flammability and potential toxic air contaminants respectively.
 - C. Clean forced air ventilation must be used before entry is made to eliminate any hazardous atmosphere and continue until all entrants have left the space.
 - D. Continuous atmosphere testing will be done to ensure that the continuous forced air ventilation is preventing the accumulation of a hazardous atmosphere.
 - E. Evacuation of entrants from the space will occur immediately when a hazardous atmosphere is detected. Measures will be implemented to protect entrants from the hazardous atmosphere before any subsequent entry takes place.
 - F. Verification that the space is safe for entry is required through written certification containing the date, location and signature of the person providing the certification. This certification must be completed before entry and made available to all entrants.
 - G. Re-evaluate the space if any changes occur in its use or configuration. (Ord. 96-3, S4, April 8, 1996)

3.20.050 Reclassification of Permit Space to Non-Permit Space.

- (1) Space may be reclassified if:
 - A. No actual or potential atmospheric hazards are present (control of atmospheric hazards through continuous ventilation does not constitute elimination of hazard).
 - B. All other hazards within the space are eliminated without entry into the space.

- C. The employer shall document the basis for determining that all hazards have been eliminated, through a certification that contains the date, the location of the space, and the signature of the person making the determination. The certification shall be made available to each employee entering the space.
- D. Re-evaluate space if changes in use or configuration occur.

Note: IF ENTRY IS NECESSARY TO ELIMINATE HAZARDS OR PERFORM TESTING, IT MUST BE COMPLETED THROUGH THE PERMIT PROGRAM. (Ord. 96-3, S5, April 8, 1996)

3.20.060 Compliance Guidelines for Permit Required Confined Space Entry.

- (1) Procedures:
 - A. An evaluating survey of the workplace area must be completed to determine if Permit Required Confined Spaces (PRCS) are present.
 - B. All areas classified as PRCS must be posted via signs or otherwise identified to all potentially exposed employees.
 - C. A written permit space entry program shall be implemented.
 - D. Develop an entry permit system that documents completion of all measures required to ensure safe entry into PRCS.
 - E. Provide training for all affected employees and certify they have the understanding, knowledge, and skills to safely perform PRCS entry procedures.
 - F. Provide rescue and emergency services during entry into PRCS.
 - G. Review written PRCS Entry Program at least once a year. (Ord. 96-3, S6, April 8, 1996)

3.20.070 Requirements for a Permit Required Confined Space Program.

- (1) Permit Required Confined Space Program. Under the Permit-Required Confined Space Program the employer shall:
 - A. Implement the measures necessary to prevent unauthorized entry;
 - B. Identify and evaluate the hazards of permitted spaces before employees enter them;
 - C. Develop and implement the means, procedures, and practices necessary for safe permit space entry operations, including, but not limited to, the following:
 - 1. Specifying acceptable entry conditions;

2. Isolating the permit space;
 3. Purging, inerting, flushing, or ventilating the permit space as necessary to eliminate or control atmospheric hazards;
 4. Providing pedestrian, vehicle, or other barriers as necessary to protect entrants from external hazards; and
 5. Verifying that conditions in the permit space are acceptable for entry throughout the duration of an authorized entry.
- D. Provide the following equipment at no cost to employees, maintain that equipment properly, and ensure that employees use that equipment properly:
1. Testing and monitoring equipment needed to assure the space is safe for entry and work;
 2. Ventilating equipment needed to obtain acceptable entry conditions;
 3. Communications equipment;
 4. Personal protective equipment insofar as feasible engineering and work practice controls do not adequately protect employees;
 5. Lighting equipment needed to enable employees to see well enough to work safely and to exit the space quickly in an emergency;
 6. Barriers and shields required to protect entrants from external hazards;
 7. Equipment, such as ladders, needed for safe entry and egress by authorized entrants;
 8. Rescue and emergency equipment, except to extent that the equipment is provided by rescue services; and
 9. Any other equipment necessary for safe entry into and rescue from permit spaces.
- E. Evaluate permit space conditions as follows when entry operations are conducted:
1. After isolating the space, test conditions in the permit space to determine if acceptable entry conditions exist before entry is authorized to begin. If isolation of the space is infeasible because the space is large or is part of a continuous system (such as sewer), entry conditions shall be continuously monitored in the areas where authorized entrants are working;

2. Test or monitor the permit space as necessary to determine if acceptable entry conditions are being maintained during the course of entry operations; and
 3. When testing for atmospheric hazards, test first for oxygen, then for combustible gases and vapors, and then for toxic gases and vapors.
- F. Provide at least one attendant outside the permit space into which entry is authorized for the duration of entry operations;
 - G. Designate the persons who are to have active roles (as, for example, authorized entrants, attendants, entry supervisors, or persons who test or monitor the atmosphere in a permit space) in entry operations, identify the duties of each such employee, and provide each such employee with the training required;
 - H. Develop and implement procedures for summoning rescue and emergency services, for rescuing entrants from permit spaces, for providing necessary emergency services to rescued employees, and from preventing unauthorized persons from attempting a rescue;
 - I. Develop and implement a system for the preparation, issuance, use, and cancellation of entry permits as required by this section;
 - J. Develop and implement procedures to coordinate entry operations when employees of another employer are working simultaneously with the company's authorized entrants in a permit space;
 - K. Develop and implement procedures (such as closing off a permit space and canceling the permit) necessary for concluding the entry after entry operations have been completed;
 - L. Review entry operations when the employer has reason to believe the measures taken under the permit space program may not protect employees. Revise the program to correct deficiencies found to exist before subsequent entries are authorized; and
 - M. Review the permit-required confined space program, using the canceled permits, within 1 year after each entry. Revise the program as necessary, to ensure that employees participating in entry operations are protected from permit space hazards.

NOTE: Examples of circumstances requiring the review of the permit-required confined space program are: any unauthorized entry of permit space, the detection of a permit space hazard not covered by the permit, the detection of a condition prohibited by the permit, the occurrence of an injury or near-miss during entry, a change in the use or configuration of a permit space, and employee complaints about the effectiveness of the program.

NOTE: Employers must perform a single annual review covering all entries performed during a 12-month period. If no entry is performed during a 12-month period, no review is necessary. (Ord. 96-3, S7, April 8, 1996)

- (2) Permit System Procedures:
 - A. Before entry is authorized, the entry supervisor shall document the completion of means, procedures and practices necessary for safe permit space entry by preparing an entry permit.
 - B. Before entry begins, the entry supervisor identified on the permit shall sign the entry permit to authorized entry.
 - C. The completed permit shall be made available at the time of entry to all authorized entrants, by posting it at the entry portal or by any other equally effective means, so that the entrants can confirm that pre-entry preparations have been completed.
 - D. The duration of the permit may not exceed the time required to complete the assigned task or job identified on the permit.
 - E. The entry supervisor shall terminate entry and cancel the entry permit when:
 - 1. The operations covered by the entry permit have been completed; or
 - 2. A condition that is not allowed under the entry permit arises in or near the permit space.
 - F. The employer shall retain each canceled entry permit for at least 1 year to facilitate review of the permit-required confined space program. Any problems encountered during an entry operation shall be noted on the pertinent permit so that appropriate revisions to the permit space program can be made. (Ord. 96-3, S7, April 8, 1996)

- (3) Entry Permit. The Entry Permit that documents compliance with the PRCSE program's requirements and authorized entry to a permit space shall identify:
 - A. The permit space to be entered;
 - B. The purpose of the entry;
 - C. The date and the authorized duration of the entry permit;
 - D. The authorized entrants within the permit space. This may be accomplished by listing their names or by other means (for example, through the use of rosters or tracking systems) as will enable the attendant to determined quickly and accurately, for the duration of the permit, which authorized entrants are inside the permit space;
 - E. The personnel, by name, currently serving as the attendants;

- F. The individual, by name, currently serving as entry supervisor, with a space for the signature or initials of the entry supervisor who originally authorized entry;
- G. The hazards of the permit space to be entered;
- H. The measures used to isolate the permit space and to eliminate or control permit space hazards before entry;

NOTE: Those measures can include the lockout or tagging of equipment and procedures for purging, inerting, ventilating, and flushing permit spaces.

- I. The acceptable entry conditions;
- J. The results of initial and periodic test performed, accompanied by the names or initials of the testers and by an indication of when the test was performed;
- K. The rescue and emergency services that can be summoned and the means (such as the equipment to use and the numbers to call) for summoning those services;
- L. The communication procedures used by authorized entrants and attendants to maintain contact during the entry;
- M. Equipment, such as personal protective equipment, testing equipment, communications equipment, alarm systems, and rescue equipment, to be provided for compliance with this section;
- N. Any other information whose inclusion is necessary, given the circumstances of the particular confined space to ensure employee safety, and
- O. Any additional permits, such as for hot work, that have been issued to authorize work in the permit space. (Ord. 96-3, S7, April 8, 1996)

TOWN OF FERDINAND
 CONFINED SPACE ENTRY PERMIT
 (This Permit Must be posted at Job Site)

Date & Time Issued : ___/___/___, ___:___:___ m AUTHORIZE
 Date & Time Expire : ___/___/___, ___:___:___ m ENTRANTS: _____

Job Site : _____

AUTHORIZED
 Work TO BE PERFORMED : _____ ATTENDANTS: _____

Pre-Entry Check List :

1. Gas Monitor Calibrated : Date : _____ Time : _____

By (Signature) _____

2. Mechanical Ventilation : Yes NO

3. Atmospheric Test Results : Limits:
 OXYGEN % _____ > 19.5 and < 23.5 %
 EXPLOSIVE % _____ < 10 %
 TOXIC ppm _____ < 10 ppm Hydrogen Sulfide
 TOXIC ppm _____ < 50 ppm Carbon Monoxide

4. ATTENDANT to ENTRANT COMMUNICATION :
 Voice () Radio ()

5. Lockout or Tagout Needed Yes NO

Complete and post this Permit:
 If pre-entry gas monitoring is not in compliance with the above requirements, DO NOT ENTER . Contact your department superintendent.

Leaving the job site voids this permit. Prior to re-entry another permit must be issued.

TOWN OF FERDINAND
Confined Space Entry Permit (1)
(This Permit Must be posted at job site)

___ Tank Entry Time: IN ___:___ AM/PM OUT ___:___ AM/PM
___ Manhole
___ Other _____

Location: _____ DATE: _____
Purpose of Entry _____
SUPERVISOR: _____

Test to be taken:

Personnel: conducting test (signature) _____	Special Requirements: (Check Equipment Used)
Monitor Used for Test: _____	Communication Equipment
% of Oxygen 19.5--21% _____	Hard Hat
% of LEL under 10% _____	Gloves
Hydrogen Sulfide under 10 PPM _____	Protective Clothing
Other: _____	Harness
	First Aid Kit
	Boots
	Safety Line/Rope
ENTRANTS: _____	Fire Extinguisher
_____	Traffic Control Equipment
_____	SCBA
	Tri-Pod
ATTENDANTS: _____	Explosive Proof Lights
_____	Lockout/Tagout Needed
_____	Emergency Escape Air
_____	12 Volt Lighting
	Eye Protection
	Ventilation Equipment
	Other (List)

Note: The testing of the atmosphere in the confined space will be conducted and the monitor readings must be documented **BEFORE THE ENTRY** of the employee. The atmospheric testing must be continuous until the **LAST** employee has exited the confined space.

In the event of an **EMERGENCY**, contact the police or main office by radio and declare a 911 emergency for assistance. Give location and state the emergency you have. (USE CH. #2)

This Permit is valid for one shift and job site only.

This Permit is to be retained by the supervisor for a minimum of one year.

3.20.080 Training.

- (1) Procedures:
 - A. The employer shall provide training so that all employees whose work is regulated by this section acquire the understanding, knowledge, and skills necessary for the safe performance of the duties assigned under this section.
 - B. Training shall be provided to each affected employee:
 1. Before the employee is assigned duties under this section;
 2. Before there is a change in assigned duties;
 3. Whenever there is a change in permit space operations that presents a hazard about which an employee has not previously been trained;
 4. Whenever the employer has reason to believe either that there are deviations from the permit space entry procedures or that there are inadequacies in the employee's knowledge or use of these procedures.
 - C. The training shall establish employee proficiency in the duties required by this program and shall introduce new or revised procedures, as necessary, for compliance with this section.
 - D. The employer shall certify that the training required has been accomplished. The certification shall contain each employee's name, the signatures or initials of the trainers, and the dates of the training. The certification shall be available for inspection by employees and their authorized representatives.
 - E. No employee shall enter any confined space until properly trained. (Ord. 96-3, S8, 1996)
- (2) Duties of Attendants. The employer shall ensure that each attendant:
 - A. Knows the hazards that may be faced during entry, including information on the mode, signs, or symptoms, and the consequences of the exposure;
 - B. Is aware of possible behavioral effects of hazard exposure in authorized entrants;
 - C. Continuously maintains an accurate count of authorized entrants in the permit space and ensures that the means used to identify authorized entrants accurately identifies who is in the permit space;
 - D. Remains outside the permitted space during entry operations until relieved by another attendant;

NOTE: When the employer's permit entry program allows attendant entry for rescue, attendants may enter a permitted space to attempt a rescue

if they have been trained and equipped for rescuer operations and if they have been relieved by another attendant.

- E. Communicates with authorized entrants as necessary to monitor entrant status and to alert entrants of the need to evacuate the space;
 - F. Monitors activities inside and outside the space to determine if it is safe for entrants to remain in the space and orders the authorized entrants to evacuate the permit space immediately under any of the following conditions:
 - 1. If the attendant detects a prohibited condition;
 - 2. If the attendant detects the behavioral effects of hazard exposure in an authorized entrant;
 - 3. If the attendant detects a situation outside the space that could endanger the authorized entrant; or
 - 4. If the attendant cannot effectively and safely perform all the duties.
 - G. Summons rescue and other emergency services as soon as the attendant determines that authorized entrants may need assistance to escape from permit space hazards.
 - H. Takes the following actions when unauthorized persons approach or enter a permit spaces while entry is underway:
 - 1. Warn the unauthorized persons that they must stay away from the permitted space;
 - 2. Advise the unauthorized persons that they must exit immediately if they have entered the permit space; and
 - 3. Inform the authorized entrants and the entry supervisor if unauthorized persons have entered the permit space.
 - I. Performs non-entry rescues;
 - J. Performs no duties that might interfere with the attendant's primary duty to monitor and protect the authorized entrants. (Ord. 96-3, S8, 1996)
- (3) Duties of Authorized Entrants. The employer shall ensure that all authorized entrants:
- A. Know the hazards that may be faced during entry, including information on the mode, signs of symptoms, and consequences of the exposure;
 - B. Properly use equipment as required for safe entry;

- C. Communicate with the attendant as necessary to enable the attendant to monitor entrant status and to enable the attendant to alert entrants of the need to evacuate the space;
 - D. Alert the attendant whenever:
 - 1. The entrant recognizes any warning sign or symptom of exposure to a dangerous situation, or
 - 2. The entrant detects a prohibited condition; and
 - E. Exit from the permit space as quickly as possible whenever:
 - 1. An order to evacuate is given by the attendant or the entry supervisor;
 - 2. The entrant recognizes any warning sign or symptom of exposure to a dangerous situation;
 - 3. The entrant detects a prohibited condition; or
 - 4. An evacuation alarm is activated. (Ord. 96-3, S8, 1996)
- (4) Duties of Entry Supervisors. The employer shall ensure that each entry supervisor:
- A. Knows the hazards that may be faced during entry, including information on the mode, signs, or symptoms, and the consequences of the exposures;
 - B. Verifies, by checking that the appropriate entries have been made on the permit, that all test specified by the permit have been conducted, and that all procedures and equipment specified by the permit are in place before endorsing the permit and allowing entry to begin;
 - C. Terminates the entry and cancels the permit as required;
 - D. Verifies that rescue services are available and that the means for summoning them are operable;
 - E. Removes unauthorized individuals who enter or who attempt to enter the permit space during entry operations; and
 - F. Determines whenever permitted entry operation is transferred or that is dictated by the hazards and operations performed within the space. Also, that entry operations remain consistent with the terms of the entry permit, and that acceptable entry conditions are maintained. (Ord. 96-3, S8, 1996)

3.20.090 Rescue and Emergency Services.

- (1) Rescue and Emergency Services provided by the Employer. The following requirements apply to employers who have employees entering permit spaces to perform rescue services:
 - A. The employer shall ensure that members of the rescue service are provided with, and are trained to use properly, the personal protective equipment and rescue equipment necessary for making rescues from permitted spaces;
 - B. Members of the rescue service shall be trained to perform the assigned rescue duties. Members of the rescue service shall also receive the training required of authorized entrants;
 - C. Members of the rescue service shall practice making permit space rescues at least once every 12 months, by means of simulated rescue operations in which they remove dummies, mannequins, or actual persons from the actual permit spaces or from representative permit spaces. Representative permit spaces shall, with respect to opening size, configuration, and accessibility, simulate the types of permit spaces from which rescue is to be performed;
 - D. Members of the rescue service shall be trained in basic first-aid and in cardiopulmonary resuscitation (CPR). At least one member of the rescue service holding current certification in first-aid and in CPR shall be available.
 1. To facilitate non-entry rescue, retrieval systems or methods shall be used whenever an authorized entrant enters a permit space, unless the retrieval equipment would increase the overall risk of entry or would not contribute to the rescue of the entrant. Retrieval systems shall meet the following requirements:
 - (a) Each authorized entrant shall use a full body harness, with a retrieval line attached at the center of the entrants back near shoulder level, or above the entrant's head. Wristlets may be used in lieu of the full body harness if the employer can demonstrate that the use of a full body harness is infeasible or creates a greater hazard and that the use of wristlets is the safest and most effective alternate;
 - (b) The other end of the retrieval line shall be attached to a mechanical device or fixed point outside the permit space in such a manner that rescue can begin as soon as the rescuer becomes aware that a rescue is necessary. A mechanical device shall be available to retrieve personnel from vertical type permit spaces more than 5 feet deep.

If an injured entrant is exposed to a substance for which a Material Safety Data Sheet (MSDS) or other similar written information is required to be kept at the worksite, that MSDS or written information shall be made available to the medical facility treating the exposed entrant. Emergency response

will be provided by the local fire department. In the event of an emergency, contact the following by radio and declare a 911 emergency for assistance

Call for Car 29, on CH 2. Give location and state what kind of emergency you have. If you can't reach Car 29, call for the City Office (sic) on CH 1 and give location and what kind of emergency you have. (Ord. 96-3, S9, 1996)

- (2) Rescue and Emergency Services provided by Outside Service. When an employer (host employer) arranges to have persons other than the host employer's employees perform permit space rescue, the host employer shall:
 - A. Inform the rescue service of the hazards they may confront when called on to perform rescue at the host employer's facility; and
 - B. Provide the rescue service with access to all permit spaces from which rescue may be necessary so that the rescue service can develop appropriate rescue plans and practice rescue operations. (Ord. 96-3, S9, 1996)

3.20.100 Lockout/Tagout Program. Town of Ferdinand; Electric Department; Fire Department; Parks Department, Police Department; Street Department; Wastewater Department; Water Department.

- (1) General. Lockout is the preferred method of isolating machines or equipment from energy sources.
- (2) Purpose. This procedure establishes the minimum requirements for the lockout or tagout of energy isolating devices. It shall be used to ensure that the machine or equipment is isolated from all potentially hazardous energy, and locked out or tagged out before employees perform any servicing or maintenance activities where the unexpected energization, startup or release of stored energy could cause injury.
- (3) Responsibility. All employees shall be instructed in the safety significance of the lockout/tagout procedure. Each new or transferred affected employee and other employees whose work operations are, or may be in the area, shall be instructed in the purpose and use of the lockout/tagout procedure by the department superintendent.
- (4) Preparation for Lockout/Tagout. Before work is to begin on any machines or equipment, each employee shall make certain which switch(s), valve(s), or other energy isolating devices apply to the equipment to be locked or tagged out. More than one energy source may be involved. All energy sources shall be locked or tagged out.
- (5) Sequence of Lockout/Tagout Procedure.
 - A. Notify all affected employees that a lockout/tagout system is going to be utilized and the reason therefore. The authorized employee shall know the type and magnitude of energy that the machine or equipment utilizes and shall understand the hazards thereof.

- B. If the machine or equipment is operating, shut it down by the normal stopping procedure.
 - C. Operate the switch, valve, or other energy isolating device(s) so that the equipment is isolated from its energy source(s). Stored energy (such as that in springs, elevated machine members, rotating flywheels, hydraulic systems, and air, gas, steam, or water pressure, etc.) must be dissipated or restrained by methods such as repositioning, blocking, bleeding down, etc..
 - D. Lockout and/or tagout the energy isolating devices with assigned individual lock(s) or tag(s) method(s) selected.
 - E. After ensuring that no personnel are exposed, and as a check on having disconnected the energy sources, operate the push button or other normal operating controls to make certain the equipment will not operate. CAUTION: Return operating control(s) to the "neutral" or "off" position after the test.
- (6) Restoring Machines or Equipment to Normal Production Operations.
- A. After the servicing and/or maintenance is complete and equipment is ready for normal production operations, check the area around the machine or equipment to ensure that no one is exposed.
 - B. After all tools have been removed from the machine or equipment, guards have been reinstalled and employees are in the clear, remove all lockout/tagout devices. Operate the energy isolating devices to restore energy to the machines or equipment.
- (7) Procedure Involving more than One Person. In the preceding steps, if more than one individual is required to lockout or tagout equipment, each shall place his/her own personal lockout/tagout device on the energy isolating device(s). When an energy isolating device cannot accept multiple locks or tags, a multiple lockout/tagout device (hasp) may be used. If lockout is used, a single lock may be used to lockout the machine or equipment with the key being placed in a lockout box or cabinet which allows the use of multiple locks to secure it. Each employee will then use his/her own lock to secure the box or cabinet. As each person no longer needs to maintain his/her lockout protection, that person will remove his/her lock from the box or cabinet.
- (8) Basic Rules for Using Lockout/Tagout System Procedure. All Equipment shall be locked out or tagged out to protect against accidental or inadvertent operation when such operation could cause injury to personnel. Do not attempt to operate any switch, valve, or other energy isolating device where it is locked or tagged out.
- (9) Lockout/Tagout Forms. Any employee using the lockout/tagout procedure must also fill out the lockout/tagout form before starting. (Ord. 96-3, S10, April 8, 1996)

LOCKOUT/TAGOUT PROCEDURE FORM
TOWN OF FERINAND

1. DEPT: Electric, Fire, Parks, Police, Street,
Wastewater and Water (Circle dept. (s) affected)
2. TYPE OF ENERGY: _____
3. TYPE OF HAZARD: _____
4. NAME(S) OF AFFECTED EMPLOYEE(S): _____

5. NAME(S) OF EMPLOYEE(S) AUTHORIZED TO LOCKOUT/TAGOUT
PROCEDURE: _____

6. TYPE(S) AND LOCATION OF ENERGY ISOLATING MEANS:

7. TYPE(S) OF STORED ENERGY METHODS TO DISSIPATE OR
RESTRAIN: _____

8. METHOD(S) SELECTED: Locks, Tags, Other _____

(circle appropriate method)
9. NAMES OF EMPLOYEES AUTHORIZED FOR GROUP
LOCKOUT/TAGOUT PROCEDURE: _____

Chapter 3.25

ADOPTING EMPLOYEE HANDBOOK

Sections:

3.25.010 Ordinance No. 2020-18, Dec. 15, 2020

3.25.010 Ordinance No. 2020-18, Dec. 15, 2020.

ORDINANCE No. 2020-18

AN ORDINANCE ADOPTING EMPLOYEE HANDBOOK TO BE CODIFIED AS THE REPLACEMENT CHAPTER 3.25, PERSONNEL POLICY, OF THE MUNICIPAL CODE OF THE TOWN OF FERDINAND, INDIANA

WHEREAS, the Town of Ferdinand has determined that it is in the best interest of the Town of Ferdinand that an employee handbook be developed and has sought and received the services of New Focus to act as its consultant and prepare a new personnel policy/employee handbook for the Town of Ferdinand, and

WHEREAS, the Town Council of the Town of Ferdinand finds that it is in the best interest of the Town of Ferdinand to adopt said new personnel policy as its employee handbook.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FERDINAND, INDIANA:

1. That it hereby modifies Chapter 3.25 (Personnel Policy) of the Ferdinand Municipal Code, and adopts and incorporates by reference Exhibit A, attached hereto and made a part hereof, as the Personnel Policy of the Town of Ferdinand, Indiana and authorizes its use as its employee handbook and Chapter 3.25 of the Ferdinand Municipal Code shall be amended in such a fashion that the language in the attached employee handbook shall replace the language in Chapter 3.25 of the Ferdinand Municipal Code.

DULY ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF FERDINAND, INDIANA, this 15th day of December, 2020.

TOWN COUNCIL OF THE
TOWN OF FERDINAND, INDIANA

(Ord. 2023-24, Dec. 13, 2023)

(Ord. 2023-03, Feb. 21, 2023)

(Ord. 2022-31, Sept. 20, 2022)

(Ord. 2022-07, Feb. 15, 2022)



EMPLOYEE HANDBOOK

ISSUE DATE: 10/01/2020
REVISED DATE: 02/24/2023

Table of Contents

INTRODUCTION.....	1
040 Introductory Statements.....	1
060 Resident Relations	1
EMPLOYMENT	2
101 Nature of Employment.....	2
102 Employee Relations	2
103 Equal Employment Opportunity	2
104 Business Ethics and Conduct.....	3
105 Nepotism in the Workplace	3
106 Employee Medical Examinations	4
107 Immigration Law Compliance	4
108 Conflicts of Interest.....	5
110 Outside Employment	6
114 Disability Accommodations.....	6
115 Lactation Accommodations	7
116 Pregnancy Workers Fairness Act (PWFA).....	7
EMPLOYMENT STATUS & RECORDS.....	7
201 Employment Categories.....	7
202 Access to Personnel Files.....	9
203 Employment Reference Checks	9
204 Personnel Data Changes	9
205 Introductory Period	9
208 Falsification of Employment Applications	10
209 Performance Evaluations	10
210 Job Descriptions.....	10
214 Medical Information Privacy	10
216 Social Security Number Policy.....	14
EMPLOYEE BENEFIT PROGRAMS.....	15
301 Employee Benefits.....	15
303 Vacation Benefits.....	15
305 Holidays	17
307 Sick Leave Benefits	17
308 Time Off to Vote.....	18
309 Bereavement Leave.....	19
310 Paid Personal Leave.....	19
311 Jury Duty.....	20
312 Witness Duty.....	20
313 Benefits Continuation (COBRA).....	20
314 Genetic Information Nondiscrimination Act (GINA).....	21
316 Health Insurance	21
317 Group Life Insurance	22
318 Workers' Compensation/Accidental Death & Dismemberment (AD&D) Insurance.....	22
322 Clothing and Automobile Allowances.....	24

323 Licensing and Certification.....	24
324 Deferred Compensation Plan	24
TIMEKEEPING/PAYROLL.....	24
401 Timekeeping	24
403 Paydays	25
405 Employment Terminations.....	25
409 Administrative Pay Corrections.....	25
410 Pay Deductions and Setoffs	26
WORK CONDITIONS & HOURS	26
501 Safety	26
502 Work Schedules	27
504 Use of Phone and Mail Systems	27
505 Non-Smoking.....	28
507 Overtime/Compensatory Time/Flex-Time.....	28
508 Use of Equipment, Machines, Tools and Vehicles	30
509 “On Call” Employees.....	31
510 Emergency Closings	31
512 Business Travel Expenses.....	31
514 Visitors in the Workplace	32
515 Social Media	33
516 Computer and Email Usage	34
517 Internet Usage	35
518 Workplace Monitoring.....	36
522 Workplace Violence Prevention	36
526 Mobile Device Usage.....	37
LEAVES OF ABSENCE	37
600 Unpaid Personal Leave	37
601 Family and Medical Leave Act (FMLA).....	38
605 Military Leave.....	42
EMPLOYEE CONDUCT & DISCIPLINARY ACTION.....	43
701 Employee Conduct and Work Rules.....	43
702 Drugs and Alcohol Use/Testing.....	44
703 Sexual and Other Unlawful Harassment.....	51
704 Attendance and Punctuality	54
705 Personal Appearance.....	55
706 Return of Property.....	56
708 Resignation	56
710 Security Inspections	56
712 Solicitation	57
716 Progressive Discipline	57
718 Problem Resolution.....	58
MISCELLANEOUS	59
802 Political Activity	59
EMPLOYEE HANDBOOK ACKNOWLEDGEMENT FORM.....	60

INTRODUCTION

040 Introductory Statements

An interesting and challenging experience awaits all employees within the Town of Ferdinand. To answer some of the questions employees may have concerning the Town and its policies, the management team and Town Council have written this employee handbook. Employees should read it thoroughly and retain it for future reference. The management team and the Town Council wishes employees the best of luck in their positions and hopes that their employment relationship with the Town of Ferdinand will be a rewarding experience. For purposes of these work guidelines all employees shall be referred to as "employee(s)." The Town of Ferdinand, Indiana will be referred to as the "Town of Ferdinand" and as the "Town".

These work guidelines have been designed to acquaint employees with the Town of Ferdinand and provide them with information about working conditions, employee benefits, and some of the policies affecting their employment. Employees are responsible to read, understand, and comply with all provisions of the handbook. It describes many of their responsibilities as an employee and outlines the programs developed by the Town of Ferdinand to benefit employees. One of management's objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee handbook may anticipate every circumstance or question about policy. As the Town of Ferdinand continues to grow, the need may arise and the Town of Ferdinand reserves the right to revise, supplement, or rescind any policies or portion of the employee handbook from time to time as it deems appropriate, in its sole and absolute discretion. The only exception to any changes is our employment-at-will policy permitting employees or the Town of Ferdinand to end our employment-at-will relationship for any reason at any time. Employees will, of course, be notified of such changes to the handbook as they occur and employees will be expected to acknowledge in writing that they have received those changes. Nothing in this employee handbook shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

060 Resident Relations

Residents are among our Town's most valuable assets. Every employee represents the Town of Ferdinand to our residents and the public. The way we do our jobs presents an image of our entire organization. Residents judge all of us by how they are treated with each employee contact. Therefore, one of our first business priorities is to assist any resident or potential resident. Employees should not engage in arguments, debates, or lengthy discussions with residents regarding the Town of Ferdinand's policies, procedures, or services. Nothing is more important than being courteous, friendly, helpful, and prompt in the attention employees give to residents. Any employee who receives a complaint from a resident should refer the individual to the appropriate Supervisor, or their designee.

Our personal contact with the public, our manners on the telephone, and the communications we send to residents are a reflection not only of ourselves, but also of the professionalism of the Town of Ferdinand. Positive resident relations not only enhance the public's perception or image of the Town of Ferdinand, but also pay off in greater resident loyalty.

EMPLOYMENT

101 Nature of Employment

Employment with the Town of Ferdinand is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, the Town of Ferdinand may terminate the employment-at-will relationship at any time, with or without notice or cause, so long as there is no violation of applicable federal or state law.

Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the Town of Ferdinand and any of its employees. The provisions of the handbook have been developed at the discretion of management and, except for its policy of employment-at-will, may be amended or cancelled at any time, at the Town of Ferdinand's sole discretion.

These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the Town Council. When Police Department and Fire Department Standard Operating Procedures (SOPs) differ from what is written in this employee handbook, those policies and procedures will prevail.

102 Employee Relations

The Town of Ferdinand believes that the working conditions, wages, and benefits it offers to its employees are competitive with those offered by other government employers in this area. If employees have concerns about working conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their Supervisors.

Experience has shown that when employees deal openly and directly with Supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. The management team and the Town Council believes that the Town amply demonstrates its commitment to employees by responding effectively to employee concerns.

The Town Council will make determinations as to changes or alterations in salary, leave or other special circumstances.

103 Equal Employment Opportunity

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the Town of Ferdinand will be based on merit, qualifications, and abilities. The Town of Ferdinand does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex (pregnancy, gender identity, and sexual orientation), national origin, age (40 and over), disability, genetic information as referenced in the Genetic Information Nondiscrimination Act (GINA), military service veteran status, or any other characteristic protected by federal, state and local laws.

The Town of Ferdinand will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Any employee with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate Supervisor, the Clerk-Treasurer, the Town Manager, or the Town Council. Employees may raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination may be subject to disciplinary action, up to and including termination of employment.

104 Business Ethics and Conduct

The successful business operation and reputation of the Town of Ferdinand is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

The continued success of the Town of Ferdinand is dependent upon our residents' trust and we are dedicated to preserving that trust. Employees owe a duty to the Town of Ferdinand and its residents to act in a way that will merit the continued trust and confidence of the public.

The Town of Ferdinand will comply with all applicable laws and regulations and expects its employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

In general, the use of good judgment, based on high ethical principles, will guide employees with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action the matter should be discussed openly with an immediate Supervisor, the Clerk-Treasurer, the Town Manager, or the Town Council for advice and consultation.

Compliance with this policy of business ethics and conduct is the responsibility of every Town of Ferdinand employee. Disregarding or failing to comply with this standard of business ethics and conduct may lead to disciplinary action, up to and including termination of employment.

105 Nepotism in the Workplace

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment may be carried over into day-to-day working relationships. Accordingly, the Town of Ferdinand follows Indiana Code (IC) 36-1-20.2 with regards to nepotism.

For purposes of this policy, a relative is defined as a spouse, parent or stepparent, child or stepchild (including an adopted child or stepchild), a brother, sister, stepbrother, stepsister (including a brother or sister by half-blood), a niece or nephew, aunt or uncle, daughter-in-law or son-in-law.

“Employed” means an individual who is employed by the Town of Ferdinand on a full-time, part-time, or temporary basis. The term does not include an individual who holds an elected office. The term includes an individual who is a party to an employment contract with the Town of Ferdinand. The performance of the duties of a precinct election officer (as defined in IC 3-5-2-40.1), or a volunteer firefighter, that are imposed by IC Title 3 is not considered employment by the Town.

“Direct line of supervision” is defined as an elected officer or employee who is in a position to affect the

terms and conditions of another employee's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. The term does not include the responsibilities of the executive, legislative body, or fiscal body of the Town of Ferdinand, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the Town.

Individuals who are relatives may not be employed by the Town of Ferdinand in a position that results in one relative being in the direct line of supervision of the other relative. This applies to an individual who is employed by the Town of Ferdinand on the date that the employee's relative begins serving a term of an elected office of the Town and is not exempt from the application under exemptions of the policy. This policy does not end or affect an employment contract with the Town of Ferdinand that: an individual is party to and is in effect on the date the employee's relative begins serving a term of an elected office of the Town of Ferdinand.

Employees who are employed by the Town of Ferdinand on 7/1/12, are not subject to this policy unless they have had a break in employment with the Town. The following are not considered a break in employment: the employee is absent from the workplace while on paid or unpaid leave, including any paid time off, medical leave, or workers' compensation and the employee's employment with the Town is terminated followed by immediate reemployment by the Town of Ferdinand, without loss of payroll time.

Employees seeking additional information about this policy may contact their Supervisor, the Clerk-Treasurer, the Town Manager, or a member of the Town Council.

106 Employee Medical Examinations

To help ensure that employees are able to perform their duties safely, medical examinations may be required in certain job categories. After an offer has been made to an applicant entering a designated job category, a medical examination may be performed at the Town of Ferdinand's expense by a health professional of the Town of Ferdinand's choice. The offer of employment and assignment to duties is contingent upon the satisfactory completion of the exam and a satisfactory or negative drug test.

Department of Transportation (DOT) medical examinations may be required for any applicant or employee who may be driving Town-owned vehicles during the course of their employment. Current employees may be required to take a DOT medical examination if they will be driving a Town-owned vehicle. Such examinations will be scheduled at reasonable times and intervals and performed at the Town of Ferdinand's expense.

Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially in accordance with the Health Insurance Portability and Accountability Act (HIPAA). Refer to Policy #214 – Medical Information Privacy for additional information.

107 Immigration Law Compliance

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

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present

documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed a Form I-9 with the Town of Ferdinand within the past three-years, or if their previous Form I-9 is no longer retained or valid. In addition, the Town of Ferdinand utilizes E-Verify, an Internet-based system that compares information from an employee's Employment Eligibility Verification Form I-9, to data from U.S. Department of Homeland Security and the Social Security Administration records to confirm employment eligibility.

The Form I-9 may be completed by the employee prior to their first day of work, but federal law requires that this form be completed no more than three-days after the employee starts their employment. Failure to complete this form will cause the employee not to be established as an employee with the Town of Ferdinand and they will not be able to be paid through the Town of Ferdinand's payroll system until the form is properly completed.

Employees seeking additional information about this policy may contact the Clerk-Treasurer. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

108 Conflicts of Interest

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the Town of Ferdinand wishes the business to operate. The purpose of these guidelines is to provide general direction so that employees may seek further clarification on issues related to the subject of acceptable standards of operation.

Transactions with outside firms must be conducted within a framework established and controlled by the Town Council. Business dealings with outside firms should not result in unusual gains for those firms. Unusual gain refers to bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit the employer, the employee, or both. Promotional plans that may be interpreted to involve unusual gain require specific approval from the Town Council.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a dependent as a result of the Town of Ferdinand's business dealings. For purposes of this policy, a relative is defined as a spouse, parent or stepparent, child or stepchild (including an adopted child or stepchild), a brother, sister, stepbrother, stepsister (including a brother or sister by half-blood), a niece or nephew, aunt or uncle, daughter-in-law or son-in-law. "Elected official" refers to the Clerk-Treasurer, Town Council, or any other elected Town official.

The Town of Ferdinand may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with an individual who is a relative of an elected official or a business entity that is wholly or partially owned by a relative of an elected official. The Town of Ferdinand may also enter into a contract or renew a contract with an individual or business entity if all of the following are satisfied: the elected official files with the Town of Ferdinand a full disclosure, which must be in writing, describe the contract or purchase to be made, describe the relationship that the elected official has to the individual or business entity that contracts or purchases, be affirmed under penalty of perjury, be submitted to the Town Council and be accepted by the Town Council in a public meeting prior to final action on the contract or purchase and be filed, not later than 15-days after final action on the contract or purchase with the State Board of Accounts and the Clerk of the Circuit Court in the county where the Town of Ferdinand takes final action on the contract or purchase. The appropriate agency of the Town of Ferdinand must make a certified statement that the contract amount or purchase price was the

lowest amount or price bid or offered or make a certified statement of the reasons why the vendor or contractor was selected. In addition, the Town of Ferdinand must satisfy all other requirements under IC 5-22 or IC 36-1-12. The elected official complies with the disclosure provision of IC 35-44.1-1-4, if applicable. This does not affect the initial term of a contract in existence at the time the term of office of the elected official of the Town of Ferdinand begins.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to the Clerk-Treasurer, or the Town Manager as soon as possible the existence of any actual or potential conflict of interest so that safeguards may be established to protect all parties.

While this policy is comprehensive it is not all-inclusive. Employees who are in violation of any portion of this policy may be subject to disciplinary action, up to and including termination of employment. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

110 Outside Employment

Employees may hold outside jobs as long as they meet the performance standards of their job with the Town of Ferdinand. All employees will be judged by the same performance standards and will be subject to the Town of Ferdinand's scheduling demands, regardless of any existing outside work requirements.

If the Town of Ferdinand determines that an employee's outside work interferes with performance or the ability to meet the business requirements of the Town of Ferdinand as they are modified from time to time, the employee may be asked to terminate the outside employment if they wish to remain as an employee with the Town of Ferdinand.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside the Town of Ferdinand for materials produced or services rendered while performing their jobs.

114 Disability Accommodations

The Town of Ferdinand is committed to complying fully with the Americans with Disabilities Act and its Amendments Act (ADAAA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis in accordance with both federal and state laws.

Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position.

Reasonable accommodation is available to all disabled employees, where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, and benefits and training.

The Town of Ferdinand is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability. The Town of Ferdinand will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

115 Lactation Accommodations

The Town of Ferdinand supports breastfeeding mothers by accommodating the mother who wishes to express milk during her workday when separated from her newborn child. Any full-time employee who is breastfeeding will be provided up to two break periods of 20-minutes each to express milk for her newborn. Also, a reasonable place to express milk, other than a restroom, will be provided for the mother. The employee and her Supervisor will agree on the times for these breaks. In addition, the Town of Ferdinand will provide an area for the milk to be stored.

Employees seeking additional information about this policy may contact the Clerk-Treasurer, or the Town Manager.

116 Pregnancy Workers Fairness Act (PWFA)

The Pregnancy Workers Fairness Act (PWFA) prohibits employment practices that discriminate against making reasonable accommodations for qualified employees affected by pregnancy, childbirth, or related medical conditions. A qualified employee under the Act is an employee or applicant who, with or without reasonable accommodation, is able to perform the essential functions of the job, as long as the inability to perform the essential functions is temporary due to pregnancy childbirth, or a related medical condition. The PWFA declares that it is an unlawful employment practice to:

- Fail to make reasonable accommodations to known limitations of qualified employee unless the accommodation would impose an undue hardship on the organization's operation;
- Require a qualified employee affected by such condition to accept an accommodation other than any reasonable accommodation arrived at through an interactive process;
- Deny employment opportunities based on the need of the organization to make such reasonable accommodations to a qualified employee;
- Require such employees to take paid or unpaid leave if another reasonable accommodation may be provided;
- Take adverse action in terms, conditions, or privileges of employment against a qualified employee requesting or using such reasonable accommodations; or
- Retaliate against individuals engaging in protected activity under the Act.

The Town of Ferdinand is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability. The Town of Ferdinand will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

EMPLOYMENT STATUS & RECORDS

201 Employment Categories

It is the intent of the Town of Ferdinand to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not

guarantee employment for any specified period of time. Accordingly, the right to terminate the employment-at-will relationship at any time is retained by both the employee and the Town of Ferdinand. Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. NONEXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws. Exempt employees are paid on a salary basis that does not vary from week-to-week based upon the quality or quantity of work performed. In other words, exempt employees are paid "to get the job done." Thus, an exempt employee's pay will not be reduced in any fashion for partial day absences, except when permitted by law, such as unpaid intermittent FMLA leave. Any deductions from an exempt employee's salary will be in compliance with acceptable parameters for such deductions.

For example, the following types of deductions are permissible with regard to exempt employees' pay:

- No work is performed in a workweek;
- Absences of one or more full days for personal reasons other than sickness or disability if all accrued and applicable vacation benefits and paid personal leave have been exhausted;
- Fees received by the employee for jury or witness duty or military leave may be applied to offset the pay otherwise due to the employee for the week;
- Penalties imposed by infractions of safety rules of major significance;
- Unpaid disciplinary suspensions of one or more full days in accordance with the Town's disciplinary policy;
- Deductions for the first and last week of employment, when only part of the week is worked by the employee; and
- Deductions for unpaid leave taken in accordance with an approved absence under the Family and Medical Leave Act.

Complaint Procedure

Employees who believe their pay has been improperly reduced should immediately contact the Clerk-Treasurer's Office.

The Town of Ferdinand will investigate the employee's concern and determine whether an inadvertent improper deduction has been made. If the deduction was in fact improper, the Town of Ferdinand will reimburse the employee as promptly as possible. The Town of Ferdinand complies with all applicable laws concerning the payment of wages and will correct any inadvertent improper deduction should it occur and monitor the situation to ensure no further issues arise.

An employee's EXEMPT or NONEXEMPT classification may be changed only upon written notification by the Town Council.

In addition to the above categories, each employee will belong to one other employment category:

REGULAR FULL-TIME employees are those who are not in a temporary or introductory status and who are regularly scheduled to work a full-time schedule of 32-hours per week. Generally, they are eligible for the Town of Ferdinand's benefit package, subject to the terms, conditions, and limitations of each benefit program.

REGULAR PART-TIME employees are those who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than 32-hours per week. Regular part-time employees may be eligible for some benefits sponsored by the Town of Ferdinand, subject to the terms, conditions, and limitations of each benefit program.

INTRODUCTORY employees are those Police Department and Fire Department employees whose performance is being evaluated to determine whether further employment is appropriate. Refer to Policy #205 – Introductory Period for additional information.

TEMPORARY or SEASONAL employees are those who are hired as interim replacements, to temporarily supplement the workforce, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. While temporary employees receive all legally mandated benefits such as workers' compensation insurance and Social Security, they are ineligible for all of the Town of Ferdinand's other benefit programs.

202 Access to Personnel Files

The Town of Ferdinand maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance evaluations and salary increases, and other employment-related records.

Personnel files are the property of the Town of Ferdinand and access to the information they contain is restricted. Generally, only Supervisors and management employees of the Town of Ferdinand who have a legitimate reason to review information in a file are allowed to do so.

Employees who wish to review their own file may contact the Clerk-Treasurer. With reasonable advance notice, employees may review their own personnel file in the Town of Ferdinand Offices and in the presence of an individual appointed by the Town of Ferdinand to maintain the files.

203 Employment Reference Checks

The Clerk-Treasurer's Office will respond by telephone, or in writing only to those reference check inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held. No employment data will be released without a written authorization and release signed by the employee who is the subject of the inquiry.

204 Personnel Data Changes

It is the responsibility of each employee to promptly notify the Town of Ferdinand of any changes in personal data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, recent educational accomplishments, and other such status reports should be accurate and current at all times. If any personal data has changed, employees should notify the Clerk-Treasurer's Office.

205 Introductory Period

New employees in the Police Department and Fire Department will have a one-year introductory period from the date of their employment. The Town of Ferdinand uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the Town of Ferdinand may end the employment-at-will relationship at any time during the introductory period, with or without cause or advance notice. Upon satisfactory completion of the introductory period, employees enter the "regular" employment classification and will be entitled to the rights and protections, if any, afforded to a Police Officer or Firefighter pursuant to the IC 36-8-4-12

During the introductory period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security. They may also be eligible for other Town of Ferdinand provided benefits, subject to the terms and conditions of each benefit program. Employees should read the information for each specific benefit program for the details on eligibility requirements.

208 Falsification of Employment Applications

The Town of Ferdinand relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

209 Performance Evaluations

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. A formal written performance evaluation may be conducted no less than annually or at the discretion of a Supervisor, the Clerk-Treasurer, the Town Manager, or the Town Council to provide the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

210 Job Descriptions

The Town of Ferdinand makes every effort to create and maintain accurate job descriptions for all positions within the organization. Each description may include: a job information section, a job summary section (giving a general overview of the job's purpose), an essential duties and responsibilities section, a supervisory responsibilities section, a qualifications section (including education and/or experience and any certification required), a physical demands section, and a work environment section.

The Town of Ferdinand maintains job descriptions to aid in orienting new employees to their jobs, identifying the requirements of each position, establishing hiring criteria, setting standards for employee performance evaluations, and establishing a basis for making reasonable accommodations for individuals with disabilities.

Hiring Supervisors prepare job descriptions when new positions are created. Existing job descriptions are also reviewed and revised in order to ensure that they are up-to-date. Job descriptions may also be rewritten periodically to reflect any changes in the position's duties and responsibilities. All employees will be expected to help ensure that their job descriptions are accurate and current, reflecting the work being done.

Employees should remember that job descriptions do not necessarily cover every task or duty that might be assigned, and that additional responsibilities may be assigned as necessary. Employees seeking additional information about this policy may contact the Clerk-Treasurer, or the Town Manager.

214 Medical Information Privacy

This Medical Information Privacy policy describes how health information about employees may be used and disclosed by the Town of Ferdinand and how employees may obtain access to this information. The Town of Ferdinand is committed to maintaining and protecting the confidentiality of employees' personal

information in compliance with the Health Insurance Portability and Accountability Act (HIPAA). The Clerk-Treasurer is the designated Privacy Officer for all employee medical information.

This policy of privacy practices applies to the health plans of the Town of Ferdinand that are covered by privacy regulations, e.g., medical, dental, and vision plans (collectively referred to as the Benefit Plans). The Benefit Plans are required by federal and state law to protect the privacy of employees' individually identifiable health information and other personal information and to provide employees with notice about their policies, safeguards, and practices. When the Benefit Plans use or disclose employees' protected health information, the Benefit Plans are bound by the terms of this policy, or a revised policy, if applicable.

The Benefit Plans will not use employees' protected health information or disclose it to others without the employees' authorization, except for the following purposes:

Treatment - The Benefit Plans may disclose an employee's protected health information, or an employee's covered dependents' protected health information, to a health care provider or administrator for its provision, coordination, or management of the employees' health care and related services. For example, prior to providing a health service to an employee, the employee's doctor may ask for information concerning whether and when the service was previously provided to the employee. The Benefit Plans may use and disclose an employee's protected health information for treatment activities of a health care provider.

Payment - The Benefit Plans may use and disclose an employee's protected health information to facilitate payment of premiums for an employee's coverage, and to determine and fulfill their responsibility to provide an employee's medical, dental, and vision benefits. For example, an employee's protected health information may be used to make coverage determinations, administer claims, and coordinate benefits with other coverage employees may have. The Benefit Plans may also disclose an employee's protected health information to a health plan or administrator to determine an employee's eligibility for coverage, or for the health care provider to obtain payment for health care services provided to the employee.

Health Care Operations - The Benefit Plans may use and disclose an employee's protected health information for their health care operations, or the health care operations of a third-party administrator of the Benefit Plans. For example, the Benefit Plans may use protected health information to conduct quality assessment and improvement activities. Other health care operations may include providing appointment reminders or sending an employee's information about treatment alternatives or other health-related benefits and services. The Benefit Plans also may disclose an employee's protected health information to another health plan or provider that has a relationship with an employee, to conduct quality assessment and improvement activities (for example, to perform case management).

Disclosure to Employer or Operating Company - The Benefit Plans may disclose an employee's protected health information to the Town of Ferdinand, or to a company acting on the behalf of the Town of Ferdinand, to monitor, audit, and otherwise administer the employee health benefit plan in which employees participate. The Town of Ferdinand and its operating companies are not permitted to use protected health information for any purpose other than administration of an employee's medical, dental, and vision benefits. The Benefit Plans will not disclose protected health information to the Town of Ferdinand for the purposes of employment-related actions or decisions, or in connection with any other benefit or employee benefit plan. The Benefit Plans will identify employees who are authorized to receive and use protected health information.

Disclosure to Health Care Vendors and Accreditation Organizations - The Benefit Plans may disclose an

employee's protected health information to companies with whom they contract, if they need it to perform requested services. For example, the Benefit Plans may provide protected health information to vendors who provide important information and guidance to plan members with chronic conditions such as diabetes and asthma. Protected health information may be disclosed to accreditation organizations such as the National Committee for Quality Assurance (NCQA) for quality measurement purposes. When the Benefit Plans enter into these arrangements, they will obtain a written agreement to protect an employee's protected health information.

Public Health Activities - The Benefit Plans may disclose an employee's protected health information for the following public health activities and purposes: 1) to report health information to public health authorities that are authorized by law to receive such information for the purpose of controlling disease, injury, or disability; 2) to report child abuse or neglect to a government authority that is authorized by law to receive such reports; 3) to report information about a product or activity that is regulated by the U.S. Food and Drug Administration (FDA) to a person responsible for the quality, safety, or effectiveness of the product or activity; and, 4) to alert a person who may have been exposed to a communicable disease, if the Benefit Plans are authorized by law to give this notice.

Health Oversight Activities - The Benefit Plans may disclose an employee's protected health information to a government agency that is legally responsible for oversight of the health care system or for ensuring compliance with the rules of government benefit programs, such as Medicare or Medicaid, or other regulatory programs that need health information to determine compliance.

For Research - The Benefit Plans may disclose an employee's protected health information for medical research purposes, subject to strict legal restrictions.

To Comply with the Law - The Benefit Plans may use and disclose an employee's protected health information to comply with the law.

Judicial and Administrative Proceedings - The Benefit Plans may disclose an employee's protected health information in a judicial or administrative proceeding or in response to a legal order.

Law Enforcement Officials - The Benefit Plans may disclose an employee's protected health information to the police or other law enforcement officials, as required by law or in compliance with a court order or other process authorized by law.

Health or Safety - The Benefit Plans may disclose an employee's protected health information to prevent or lessen a serious and imminent threat to the employee's health or safety or the health and safety of the general public.

Government Functions - The Benefit Plans may disclose an employee's protected health information to various departments of the government such as the U.S. Military, or the U.S. Department of State.

Workers' Compensation - The Benefit Plans may disclose an employee's protected health information when necessary to comply with workers' compensation laws.

Other - The Benefit Plans may disclose an employee's protected health information when necessary to file claims with re-insurers or stop-loss carriers, or to obtain coverage with re-insurers or stop-loss carriers. The Benefit Plans may also disclose an employee's protected health information to subrogation vendors to recoup payments made by the Benefit Plans that were reimbursed by other insurance arrangements.

Uses and Disclosures with an Employee's Written Authorization - The Benefit Plans will not use or disclose an employee's protected health information for any purpose other than the purposes described in this policy without the employee's written authorization. For example, the Benefit Plans will not supply protected health information to another company for its marketing purposes or to a potential employer with whom an employee is seeking employment without the employee's signed authorization. Employees may revoke an authorization that has previously been given by sending a written request to the Clerk-Treasurer, but not with respect to any actions the Benefit Plans have already taken.

Employees may request restrictions on the use and disclosure of the employee's protected health information for the treatment, payment, and health care operations purposes explained in this policy. While the Benefit Plans will consider all requests for restrictions carefully, the Benefit Plans are not required to agree to a requested restriction.

Employees may ask to receive communications of their protected health information from the Benefit Plans by alternative means of communication or at alternative locations. While the Benefit Plans will consider reasonable requests carefully, they are not required to agree to all requests.

Employees may ask to inspect or to obtain a copy of their protected health information that is included in certain records the Benefit Plans maintain. Under limited circumstances, the Benefit Plans may deny employees access to a portion of their records. If employees request copies, the Benefit Plans may charge employees copying and mailing costs.

Employees have the right to ask the Benefit Plans to amend protected health information that is contained in the Benefit Plans records. If the Benefit Plans determine that the record is inaccurate, and the law permits the Benefit Plans to amend it, the Benefit Plans will correct it. If the employee's doctor or another person created the information that the employee wants to change, the employees should ask that person to amend the information.

Upon written request, employees may obtain an accounting of disclosures the Benefit Plans have made of their protected health information. The accounting that the Benefit Plans provide will not include disclosures made before 04/14/2003, disclosures made for treatment, payment or health care operations, disclosures made earlier than six-years before the date of the request, and certain other disclosures that are exempted by law. If employees request an accounting more than once during any 12-month period, the Benefit Plans may charge those employees a reasonable fee for each accounting statement after the first one.

Employees may contact the Clerk-Treasurer to obtain a paper copy of this policy, even if the employees previously agreed to receive notices electronically. Employees must also contact the Clerk-Treasurer, if they wish to make any of the requests listed above.

If employees want additional information about privacy rights, do not understand their privacy rights, are concerned that the Benefit Plans have violated their privacy rights, or disagree with a decision that the Benefit Plans made about access to protected health information, they may contact the Clerk-Treasurer. Employees may also file written complaints with the Secretary of the U.S. Department of Health and Human Services. The Town of Ferdinand will not take any action against employees if they file a complaint.

The Town of Ferdinand may change the terms of this policy at any time. If the Town of Ferdinand changes this policy, the Town may make the new policy terms effective for all protected health information that the Benefit Plans maintain, including any information the Benefit Plans created or received before the Town of Ferdinand issued the new policy. If the Town of Ferdinand makes any

changes to the Medical Information Privacy policy, notice of the changes will be provided to employees.

216 Social Security Number Policy

To protect employees' personal information, the Town of Ferdinand prohibits the use of employees' Social Security numbers for identification purposes, except as allowed by law. The Town of Ferdinand will not:

- Publicly post or publicly display in any manner an employee's Social Security number. "Publicly post" or "publicly display" means to intentionally communicate or otherwise make available to the general public.
- Print an employee's Social Security number on any card required for the employee to access products or services provided by the Town of Ferdinand.
- Require an employee to transmit their Social Security number over the Internet, unless the connection is secure or the Social Security number is encrypted.
- Require an employee to use their Social Security number to access an Internet website, unless a password or unique personal identification number or another authentication device is also required to access the Internet website.
- Print an employee's Social Security number on any materials that are mailed to the employee, unless law requires the Social Security number to be on the document to be mailed.

However, Social Security numbers may be included in applications and forms sent by mail, including documents sent as part of an application or enrollment process; or to establish, amend, or terminate an account, contract, or policy; or to confirm the accuracy of the Social Security number.

In instances where the Town of Ferdinand previously used an employee's Social Security number in a manner inconsistent with this policy, it will continue using that employee's Social Security number in that manner, if all of the following conditions are met:

- The use of the Social Security number is continuous. If the use is stopped for any reason, the conditions listed above will apply.
- The employee may be provided an annual disclosure that informs the employee that they have the right to stop the use of their Social Security number in a manner prohibited by those conditions listed above.

A written request by an employee to stop the use of their Social Security number in a prohibited manner will be implemented within 30-days of the receipt of the request. There will be no fee or charge for implementing the request.

The Town of Ferdinand will not deny services to an employee because the employee makes a written request to stop the use of their Social Security number.

The Town of Ferdinand will continue to collect, use, or release Social Security numbers as required by federal or state law, and may use Social Security numbers for internal verification or administrative purposes.

Employees seeking additional information about this policy or who feel that their Social Security number has been used inappropriately may contact the Clerk-Treasurer, or the Town Manager.

EMPLOYEE BENEFIT PROGRAMS

301 Employee Benefits

Benefits eligibility is dependent upon a variety of factors, including employee classification. The Clerk-Treasurer may identify the programs for which employees are eligible. Details of many of these programs may be found elsewhere in the employee handbook.

The following benefit programs may be available to eligible employees:

- Benefits Continuation (COBRA)
- Bereavement Leave
- Clothing and Automobile Allowances
- Deferred Compensation Plan
- Family and Medical Leave (FMLA)
- Group Life Insurance
- Health Insurance
- Holidays
- Jury Duty
- Licensing and Certification
- Military Leave
- Paid Personal Leave
- Sick Leave Benefits
- Time Off to Vote
- Unpaid Personal Leave
- Vacation Benefits
- Witness Duty
- Workers' Compensation Insurance/Accidental Death & Dismemberment (AD&D) Insurance

Most benefit programs require contributions from employees and some are fully paid by the Town of Ferdinand.

303 Vacation Benefits

Vacation benefits with pay are available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Elected officials are exempt from vacation benefits. Employees in the following employment classification(s) are eligible to earn and use vacation benefits as described in this policy:

- Regular full-time employees after 60-days of employment

Before new hires may use vacation benefits, a waiting period of 60-days must be completed. After the first 60-days of employment, employees are eligible to schedule vacation time off and receive vacation benefits utilizing the time earned during the waiting period. The amount of vacation benefits that eligible nonexempt employees earn each year increases with the length of their employment based on their anniversary date as shown in the following schedule.

Anniversary Date Reached	Hours of Vacation Per Year
Date of hire through the employee's second-year anniversary	80-Hours
The employee's third-year anniversary through the employee's fourth-year anniversary	88-Hours
The employee's fifth-year anniversary through the employee's ninth-year anniversary	104-Hours
The employee's tenth-year anniversary through the employee's 14-year anniversary	128-Hours
The employee's 15-year anniversary through the employee's 19-year anniversary	168-Hours
The employee's 20-year anniversary through the employee's 24-year anniversary	176-Hours
The employee's 25-year anniversary and beyond	200-Hours

After 60-days of employment, employees are eligible to schedule vacation benefits earned during the 60-day waiting period.

Exempt employees will receive 120-hours of vacation benefits from their date of hire up to their ten-year anniversary. Upon the ten-year anniversary exempt employees will receive 140-hours of vacation benefits up to their 15th-year anniversary. Starting with their 15th-year anniversary exempt employees will follow the schedule as listed in the above table.

Paid vacation benefits may be used in minimum increments of one-hour and the use of flex-time is encouraged when the need arises to use lesser amounts of paid time off. Vacation benefits may not be taken in advance of being earned. To take vacation benefits, employees should request approval from their Supervisor. An employee requesting more than 16 consecutive hours off should request approval at least five-days in advance of the requested vacation. Requests will be reviewed based on a number of factors, including business needs and staffing requirements. Supervisors, the Clerk-Treasurer, and the Town Manager have the authority to approve or deny all vacation requests.

Vacation benefits may not be carried over into the following anniversary year and any unused vacation benefits will be forfeited at the end of the anniversary year. However, employees may seek written approval to allow unused vacation benefits to be taken and used beyond such twelve-month period upon the recommendation of their Supervisor, or the Town Manager, and approved by the Town Council President.

Upon termination of employment, employees may receive payment for unused vacation benefits and payment will be included in the employee's last paycheck. Vacation benefits may not be used to extend an employee's termination date. An employee's termination date may not be extended to earn additional vacation benefits.

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

305 Holidays

The Town of Ferdinand may grant the following paid holidays to all eligible employees:

- New Year's Day (January 1)
- Martin Luther King Jr. Day (third Monday in January)
- Presidents' Day (third Monday in February)
- Good Friday (Friday preceding Easter Sunday)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veterans Day (November 11)
- Thanksgiving Day (fourth Thursday in November)
- Day After Thanksgiving (fourth Friday in November)
- Christmas Eve (December 24)
- Christmas Day (December 25)

Employee classification(s) that are eligible for paid holidays include:

- Regular full-time employees

A recognized holiday that falls on a Saturday may be observed on the preceding Friday. A recognized holiday that falls on a Sunday may be observed on the following Monday. If a recognized holiday falls during an eligible employee's vacation benefits, sick leave benefits, paid personal leave, or bereavement leave, holiday pay will be provided instead of the paid time off that would otherwise have applied.

Holiday pay is calculated based on the base pay rate at the time of holiday times eight-hours or the number of hours the employee actually worked. It does not include overtime, or any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials. When a holiday occurs during an employee's regular work schedule and is worked by the employee, the employee will be compensated at their regular rate of pay for the actual hours worked.

From time to time, certain holidays are observed on days other than the actual holiday. In the case of Police Officers, the Police Officer working on the actual holiday will receive holiday pay based on the actual hours worked on the holiday, in addition to compensation for their hours worked.

The holiday schedule may be amended by the Town Council, as appropriate.

307 Sick Leave Benefits

The Town of Ferdinand provides sick leave benefits to eligible nonexempt employees for periods of temporary absence due to illnesses, or injuries incurred by the employee, or to their parent, stepparent, spouse, child, stepchild, father-in-law, mother-in-law, or grandchild when it absolutely necessitates the employee's absence from work. Eligible employee classification(s) include:

- Regular full-time nonexempt employees after six-months of employment

Eligible nonexempt employees who were employed with the Town of Ferdinand as of December 31 of the preceding year, will receive 40-hours of sick leave benefits each calendar year. Effective February 15, 2022, eligible nonexempt employees who are hired during a given calendar year will receive all or a prorata portion of the 40-hours of sick leave benefits during the year they are hired based upon the month of their hire. Eligible employees hired in January will receive 40-hours, those hired in February will receive 37-hours, those hired in March will receive 34-hours, those hired in April will receive 31-hours, those hired in May will receive 28-hours, those hired in June will receive 25-hours, those hired in July will receive 22-hours, those hired in August will receive 19-hours, those hired in September will receive 16-hours, those hired in October will receive 13-hours, those hired in November will receive 10-hours, and those hired in December will receive seven-hours. No sick leave benefits may be used until there has been six-months of continuous full-time employment.

Sick leave benefits will be shown on such employees' paycheck stub when the sick leave benefits are available to be used.

Nonexempt employees who are unable to report to work should notify their immediate Supervisor, or the Town Manager at least 30-minutes prior to the scheduled start of their workday. Employees should keep their Supervisor, or the Town Manager informed of the extent of their absence and the date they will return to work. A doctor's notification of the illness or injury may be required after 24-hours of an absence, or upon request from a Supervisor, or the Town Manager. The Town of Ferdinand reserves the right to deny a sick leave benefit request for any reason.

Sick leave benefits may be used in minimum increments of one-hour. Sick leave benefits may not be used in advance of being earned. Sick leave benefits may accumulate at a maximum rate of 480-hours. If an employee voluntarily or involuntarily terminates employment with the Town of Ferdinand, they will not be paid out for any earned but unused sick leave benefits. Sick leave benefits may not be used to extend an employee's termination date. An employee's termination date may not be extended to earn additional sick leave benefits.

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

308 Time Off to Vote

The Town of Ferdinand encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If nonexempt employees are unable to vote in an election during their nonworking hours, the Town of Ferdinand may grant unpaid time off to vote.

Employees should request time off to vote from their Supervisor at least two working days prior to the Election Day. Advance notice is required so that the necessary time off may be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

309 Bereavement Leave

The Town of Ferdinand's employees who wish to take time off due to the death of an immediate family member should notify their Supervisor, or the Town Manager immediately. Eligible employee classifications include:

- Regular full-time employees

Up to three-days of paid bereavement leave may be provided each calendar year to eligible employees in the event of a death of their spouse, child, stepchild, father, mother, father-in-law, mother-in-law, brother-in-law, sister-in-law, brother, sister, grandchild, immediate grandparents, or great-grandparents. In the event of a death of any other relative or close friend, employees may utilize any available vacation benefits, sick leave benefits, paid personal leave, or compensatory time.

An employee's Supervisor, the Clerk-Treasurer, or the Town Manager must approve all bereavement leave. The Town of Ferdinand may request verification of the facts surrounding the bereavement leave and grant or deny the bereavement leave, as deemed appropriate.

Bereavement pay is calculated based on the current pay rate at the time of absence and does not include overtime, or any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

310 Paid Personal Leave

The Town of Ferdinand provides 40-hours of paid personal leave benefits to eligible employees to provide opportunities for taking care of whatever personal needs may arise without having to use vacation benefits or sick leave benefits. Eligible employee classification(s) include:

- Regular full-time employees after 60-days of employment

Eligible employees, who were employed with the Town of Ferdinand as of December 31 of the preceding year, will receive 40-hours of paid personal leave each calendar year. Eligible employees who are hired during a given calendar year will receive all or a pro-rata portion of the 40-hours of paid personal leave benefits during the year they are hired based upon the month of their hire. Eligible employees hired in January will receive 40-hours, those hired in February will receive 37-hours, those hired in March will receive 34-hours, those hired in April will receive 31-hours, those hired in May will receive 28-hours, those hired in June will receive 25-hours, those hired in July will receive 22-hours, those hired in August will receive 19-hours, those hired in September will receive 16-hours, those hired in October will receive 13-hours, those hired in November will receive 10-hours, and those hired in December will receive seven-hours. No paid personal leave benefits may be used until there has been 60-days of continuous full-time employment.

Paid personal leave benefits will be shown on each employees' paycheck stub when the paid personal leave is available to be used.

Paid personal leave benefits may be used in minimum increments of one-hour and the use of flex-time is encouraged when the need arises to use lesser amounts of paid time off.

Paid personal leave benefits are "use it or lose it" and such benefits may not be carried over into the following year and any unused benefits will be forfeited at the end of the calendar year.

Upon termination of employment, employees will not receive payment for unused paid personal time off benefits such and such benefit smay not be used to extend an emmployee's termination date. An employee's termination date may not be extended to earn additional personal paid time off benefits.

311 Jury Duty

The Town of Ferdinand encourages employees to fulfill their civic responsibilities by serving jury duty when required. Eligible employee classifications that qualify for jury duty leave are:

- Regular full-time employees
- Regular part-time employees

Jury duty pay will be calculated based on the difference between jury duty pay and the employee's current pay rate times the number of hours the employee would otherwise have worked on the day of the absence.

Employees must show the jury duty summons to their Supervisor, the Clerk-Treasurer, or the Town Manager as soon as possible so that they may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits. The employee will be expected to report for work following jury duty, if two-hours or more remains during their scheduled workday. Employees are required to provide proof of payment for jury duty not including any amount they are reimbursed for travel expenses or meals.

Either the Town of Ferdinand or the employee may request an excuse from jury duty if, in the Town of Ferdinand's judgment, the employee's absence would create serious operational difficulties. The Town of Ferdinand reserves the right to require employees to pay the full cost of benefit premiums during a jury duty leave. Employees will continue to earn vacation benefits, sick leave benefits, and paid personal leave during jury duty leave.

312 Witness Duty

The Town of Ferdinand encourages employees to appear in court for witness duty when subpoenaed to do so. If employees have been subpoenaed or otherwise requested to testify as witnesses by the Town of Ferdinand, they will receive paid time for the entire period of witness duty. Any employee who is called to testify in court by the Town of Ferdinand will be paid their current rate of pay for the time expended.

Employees will be granted time off to appear as a witness when requested by a party in a court of law when subpoenaed to do so other than by the Town of Ferdinand. Employees may use any unused vacation benefits, sick leave benefits, paid personal leave, or compensatory time to receive compensation for the period of the absence, however, are not required to do so.

The subpoena should be shown to the employee's Supervisor, the Clerk-Treasurer, or the Town Manager, immediately after it is received, so that operating requirements may be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

313 Benefits Continuation (COBRA)

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage, e.g., medical, under the

Town of Ferdinand's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

The Town of Ferdinand provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the Town of Ferdinand's medical insurance plan. The notice contains important information about the employee's rights and obligations, as well as the cost of benefits under COBRA.

Employees seeking additional information about this policy may contact the Clerk-Treasurer's Office.

314 Genetic Information Nondiscrimination Act (GINA)

The Town of Ferdinand follows all federal and state laws with regards to the Genetic Information Nondiscrimination Act (GINA). The Town of Ferdinand may not use genetic information or genetic testing in furtherance of a workplace wellness program unless certain requirements are met. The Town of Ferdinand is not prohibited from requesting or requiring genetic information for genetic monitoring of the biological effects of toxic substances in the workplace if certain requirements are met. The Town of Ferdinand will treat genetic testing information consistent with the requirements of all other federal and state laws.

Employees seeking additional information about this policy may contact the Clerk-Treasurer's Office.

316 Health Insurance

The Town of Ferdinand's health insurance plan provides employees and their dependents access to medical, dental, and vision insurance benefits. Employees in the following employment classifications are eligible to participate in the health insurance plan:

- Regular full-time employees

Eligible employees may participate in the health insurance plan subject to all terms and conditions of the agreement between the Town of Ferdinand and the insurance carrier.

Working Spouse Rule

In an effort to help hold down the cost of the Town of Ferdinand's health insurance plan for all employees, the Town has an eligibility definition called the "working spouse rule." The "working spouse rule" applies to new hires and to current employees who make elections to add or change their coverage and employees who are or become eligible for insurance through their employment with the Town after December 1, 2011. The "working spouse rule" is defined as a full-time working spouse of either a covered employee or a full-time employee of the Town of Ferdinand otherwise eligible for insurance coverage under the Town's health insurance plan must be enrolled in their own employer's group insurance if it is available by reason of their current employment and will not be an eligible dependent on the Town's health insurance plan. If the full-time working spouse is not eligible for group insurance through their employer, then proof of ineligibility must be provided. The non-eligibility decision must be for reasons acceptable to the Internal Revenue Service (IRS) and the Department of Labor (DOL). The Town of Ferdinand must be given proof of non-eligibility acceptable to it. If a full-time working spouse does not have insurance available by reason of their current employment, proof of the unavailability of such insurance must likewise be provided. Written documentation from the working spouse's employer

on the employer's letterhead will be considered to be adequate proof of the unavailability of such coverage.

In the event that the employment circumstances of a working spouse, as defined above, changes, the covered employee has 30-days in which to notify the Town. This provision applies to situations in which such coverage becomes available or the working spouse becomes eligible for such coverage in which case the covered employee must advise the Town in writing and cancel the coverage on the working spouse. Failure to do so may result in a cancellation of coverage by the Town retroactive to the date of change.

Details of the health insurance plan are described in the Summary of Benefits and Coverage (SBC). An SBC and information on the cost of coverage will be provided in advance of enrollment to eligible employees.

Employees seeking additional information about this policy may contact the Clerk-Treasurer's Office.

317 Group Life Insurance

Group life insurance benefits offer an employee and their family important financial protection. The Town of Ferdinand provides a group life insurance plan for eligible employees who are currently enrolled in the Town of Ferdinand's medical insurance plan. Employees in the following employment classifications are eligible to participate in the group life insurance plan:

- Regular full-time employees

Eligible employees may participate in the group life insurance plan subject to all terms and conditions of the agreement between the Town of Ferdinand and the insurance carrier.

Details of the group life insurance plan including benefit amounts are described in the Summary Plan Description (SPD) provided to eligible employees.

Employees seeking additional information about this policy may contact the Clerk-Treasurer's Office.

318 Workers' Compensation/Accidental Death & Dismemberment (AD&D) Insurance

The Town of Ferdinand provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable federal and state legal requirements, workers' compensation insurance may provide benefits after a short waiting period or, if the employee is hospitalized, immediately.

An employee who sustains work-related injuries or illnesses must inform their Supervisor and the Clerk-Treasurer immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. At the time the injury occurs, the need to see a doctor will be determined. Within 72-hours of the incident report being submitted, an accident or injury form must be completed by the involved employee, or if necessary, by the Supervisor. A person assigned by the Supervisor may help the employee in the completion of the appropriate forms. The Town of Ferdinand may select the physician and/or facility seeing all workplace injuries and in accordance with state laws. Reports of injury are necessary to comply with federal and state laws and initiate workers' compensation benefits. Failure to notify a Supervisor, and the Clerk-Treasurer about a work-related injury or illness immediately may result in an

employee losing workers' compensation benefits with regards to that particular injury or illness. In addition, disciplinary action, up to and including termination of employment may be initiated when failing to report an injury.

Any employee injured on the job, who must leave the worksite, may be subject to a drug and alcohol test. Refusal to submit or positive results may result in disciplinary action, up to and including termination of employment. Refer to Policy #702 – Drugs and Alcohol Use/Testing for additional information.

The Town of Ferdinand maintains a return-to-work program. Following an appointment with a physician, the physician will communicate with the Supervisor, or the Clerk-Treasurer any restrictions the employee may have as a result of the injury or illness. The Supervisor, or the Clerk-Treasurer will determine what accommodations may be made to assign the employee to restricted work duty. If no work is available at the Town of Ferdinand, to satisfy the restrictions, the Supervisor, or the Clerk-Treasurer, will maintain close communications between the employee and physician to ensure proper and timely treatment for the injury or illness. The Town of Ferdinand may return the employee to work as soon as they are either released with restrictions that may be accommodated by the Town of Ferdinand, or fully released, whichever comes first.

The employee must be accompanied by a physician's release upon return to work. An employee who is on workers' compensation leave and does not return to work immediately following release from the health care provider will be considered to have voluntarily terminated employment as of the date of the release.

Medical insurance coverage and other insurance benefits will continue on the same basis as coverage would have been provided had the employee been continuously employed during the period of a workers' compensation leave as long as the employee pays their regular portion of the premium on a timely basis. Employees must arrange with the Clerk-Treasurer to pay their portion of all payroll-related deductions.

An employee who is self-employed or accepts other employment or works for any other employer during a workers' compensation leave must report such work immediately to their Supervisor, or the Clerk-Treasurer. An employee who works in one of the above capacities at any time during their workers' compensation leave, performing work of a like or similar character or exertion as that which the employee performed for the Town of Ferdinand may be considered to have voluntarily terminated their employment as the date such work began.

If appropriate the Town of Ferdinand will follow all other federal and state employment-related policies that run concurrent with workers' compensation guidelines, such as FMLA, ADAAA, etc.

Accidental Death & Dismemberment (AD&D) insurance offers an employee and their family important financial protection. The Town of Ferdinand provides AD&D insurance for eligible employees who are currently enrolled in the Town of Ferdinand's medical insurance plan. Employees in the following employment classifications are eligible to participate in the group life insurance plan:

- Regular full-time employees

Eligible employees may participate in the AD&D insurance plan subject to all terms and conditions of the agreement between the Town of Ferdinand and the insurance carrier.

Details of the AD&D insurance plan including benefit amounts are described in the Summary Plan Description (SPD) provided to eligible employees.

Employees seeking additional information about this policy may contact the Clerk-Treasurer's Office.

322 Clothing and Automobile Allowances

Qualifying street, park, utility, police and fire department employees may receive a clothing allowance each year. Fire department employees receive an automobile allowance in the form of a flat fee, paid on an annual basis. The authorization for the automobile allowance and the rate of the allowance will be stated in the current salary ordinance.

Employees seeking additional information about this policy may contact the Clerk-Treasurer, or the Town Manager.

323 Licensing and Certification

The Town of Ferdinand may reimburse employees or directly pay for specific job-related license and certification requirements applicable to each job classification. The Town Council is responsible for approving such expenditures in advance and the type of licensure and/or certification required is left to their sole discretion and requirements of the job description. Invoices for licenses and certifications should be submitted to the Clerk-Treasurer's Office for payment.

Employees seeking additional information about this policy may contact the Clerk-Treasurer, or the Town Manager.

324 Deferred Compensation Plan

The Town of Ferdinand has established a deferred compensation plan as part of a retirement package known as Internal Revenue Code (IRC) Section 457, 26 U.S.C § 457. Employees in the following employment classifications are eligible to participate in the deferred compensation plan:

- Regular full-time employees after six-months of continuous employment

The Town of Ferdinand will contribute, on a periodic basis, three percent of each eligible employee's base wages, exclusive of overtime pay, special meeting pay, or on-call pay into the deferred compensation plan pursuant to IRC section 475. Employee eligibility will be determined by the plan as it exists from time to time. Employees may authorize contributions from their wages as provided by the plan.

Employees seeking additional information about this policy may contact the Clerk-Treasurer, or the Town Manager.

TIMEKEEPING/PAYROLL

401 Timekeeping

Accurately recording time worked is the responsibility of every employee. Federal and state laws require the Town of Ferdinand to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

All employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split

shift, departure from work for personal reasons, or the use of vacation benefits, sick leave benefits, paid personal leave, bereavement leave, or any other type of approved leave on their time cards. Overtime work must always be approved before it is performed.

Altering, falsifying, tampering with time cards, or recording time on another employee's time card may result in disciplinary action, up to and including termination of employment.

It is the employees' responsibility to sign their time cards to certify the accuracy of all time recorded. A Supervisor will review and then initial the time card before submitting it for payroll processing. In addition, if corrections or modifications are made to the time card, both the employee and the Supervisor must verify the accuracy of the changes by initialing the time card.

403 Paydays

The Town of Ferdinand pays employees on a biweekly basis (26-pays per year). Employees must have pay directly deposited into their bank accounts. Employees will receive an itemized statement of wages when the Town of Ferdinand makes direct deposits.

Employees seeking additional information about this policy may contact the Clerk-Treasurer's Office.

405 Employment Terminations

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

- Resignation - voluntary employment termination initiated by an employee.
- Discharge - involuntary employment termination initiated by the organization.
- Layoff - involuntary employment termination initiated by the organization for non-disciplinary reasons.
- Retirement - voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the organization.

Since employment with the Town of Ferdinand is based on mutual consent, both the employee and the Town of Ferdinand have the right to terminate the employment-at-will relationship, with or without cause. The Town of Ferdinand may schedule exit interviews at the time of employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, and repayment of outstanding debts to the Town of Ferdinand. Suggestions, complaints, and questions may also be voiced. Employee benefits will be affected by employment termination in the following manner. All earned, vested benefits that are due and payable at termination will be paid according to each policy. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

409 Administrative Pay Corrections

The Town of Ferdinand takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of their Supervisor who will contact the Clerk-Treasurer's Office so that corrections may be made as quickly as possible.

410 Pay Deductions and Setoffs

The law requires that the Town of Ferdinand make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. The Town of Ferdinand may deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." The Town of Ferdinand matches the amount of Social Security taxes paid by each employee. Some Police Department employees do not pay into the Social Security "wage base" in accordance with federal laws.

The Town of Ferdinand offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs. The Town of Ferdinand may not make any deductions from an employee's paycheck outside of those that are either required by law or authorized in writing by the employee for a Town of Ferdinand offered program.

Pay setoffs are pay deductions taken by the Town of Ferdinand, usually to help pay off a debt or obligation to Town of Ferdinand, or others.

Employees seeking additional information about this policy, or who have questions concerning why deductions were made from their paycheck, or how they were calculated may contact the Clerk-Treasurer's Office.

WORK CONDITIONS & HOURS

501 Safety

To assist in providing a safe and healthful work environment for employees, residents, and visitors, the Town of Ferdinand has established a workplace safety program. This program is a top priority for the Town of Ferdinand. Individual departments have the responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all.

All employees must wear the appropriate personal protective equipment (PPE) required to perform their job safely or while in certain designated areas of the work environment. Employees who are unsure what PPE they are required to wear at any given time should refer to their Supervisor, or the Town Manager.

If an accident results in an injury, no matter how minor the injury may be, employees are required to report the incident to their Supervisor, or the Clerk-Treasurer. At the time the injury occurs, the need to see a doctor will be determined. All workplace injuries will be seen by a physician selected by the Town of Ferdinand. Reports of injury are necessary to comply with the laws and initiate workers' compensation benefits. Employees who do not report an accident or injury, may experience a delay in the benefits paid, including the possibility that medical bills will not be paid at all. Refer to Policy #306 – Workers' Compensation Insurance for additional information.

Any employee injured on the job, who must leave the worksite, may be subject to a drug and alcohol test. Refusal to submit or positive results may result in disciplinary action, up to and including termination of employment. Refer to Policy #702 – Drugs and Alcohol Use/Testing for additional information.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with a Supervisor, or bring them to the attention of the Clerk-Treasurer, or the Town Manager. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports may be made without fear of reprisal.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to a Supervisor, the Clerk-Treasurer, or the Town Manager. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report, or remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

502 Work Schedules

The Town of Ferdinand will establish the standard workday, workweek, and starting and ending times for each department, taking into account current and anticipated workloads, public service needs and other factors. Each department is responsible for communicating these work parameters to their employees. No established schedule will be construed as a guarantee of work hours or as a restriction on the Town of Ferdinand's right to restructure the workday or workweek.

At the discretion of the Town of Ferdinand, nonexempt employees may be authorized to take break periods during each shift. Such breaks will not interfere with the proper performance of the employee's work responsibilities and will be set by the Supervisors.

All nonexempt employees who are required to attend a mandatory departmental meeting or Town Council meeting, the employee's hours at such meeting will be considered hours worked and will only count towards overtime in the event that the civilian employee has worked over 40-hours in the pay period. In the case of Police Officers, the hours at such meetings will count towards the 84-hours in a 14-day cycle. In the case of Firefighters, the hours at such meetings will count towards the 168-hours in a 28-day cycle.

504 Use of Phone and Mail Systems

Personal use of the telephone for long-distance and toll calls is not permitted. Employees should practice discretion when making local personal calls and may be required to reimburse the Town of Ferdinand for any charges resulting from their personal use of the telephone or fax machine.

The use of the Town of Ferdinand-paid postage for personal correspondence is not permitted.

To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Employees should confirm information received from the caller and hang up only after the caller has done so. All employees are responsible for answering the Town of Ferdinand's telephones, as needed.

505 Non-Smoking

In keeping with Indiana state law and the Town of Ferdinand's intent to provide a safe and healthful work environment, smoking, e-cigarettes, chewing tobacco and other tobacco product use are not permitted in Town-owned vehicles, or in the workplace except in those locations that have been specifically designated as smoking areas. In situations where the preferences of smokers and nonsmokers are in direct conflict, the preferences of nonsmokers will prevail.

This policy applies equally to all employees, residents, and visitors.

507 Overtime/Compensatory Time/Flex-Time

Civilian Employees

When operating requirements or other needs cannot be met during regular working hours, employees will be given the opportunity for overtime work assignments. All overtime work must receive the Supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation for all nonexempt employees will be paid in accordance with federal and state wage and hour restrictions for any time worked over 40-hours in a standard workweek. Overtime pay is based on actual hours worked. An employee's time off utilizing vacation benefits, sick leave benefits, paid personal leave, bereavement leave, holidays, compensatory time, or any other type of paid leave will not be considered hours worked for purposes of performing overtime calculations.

Compensatory Time

The Town of Ferdinand encourages the use of compensatory time in lieu of overtime for nonexempt employees. Compensatory time is earned at the rate of one and one-half times the actual number of hours worked in any workweek, or work period. For example, a nonexempt employee who works one-hour of overtime will receive one and one-half hours of compensatory time. Nonexempt employees may choose to obtain "compensatory time" if the employee is otherwise entitled to overtime.

The equitable distribution of overtime is also an important consideration with respect to an employee's ability to utilize compensatory time. Employees may accumulate up to 36-hours of compensatory time. Unless a natural disaster, bona fide emergency, or unexpected employee shortage occurs, all employees must use all compensatory time before the beginning of the first pay period during the month of December of the calendar year in which it was earned will be paid with the first pay period during the month of December at the employees' rate of pay on the date that the compensatory time was earned. This must be provided to the Clerk-Treasurer as dollar amount owed, not hours worked or earned to avoid misinterpretation of hours.

If, due to a natural disaster, bona fide emergency, or unexpected employee shortage, an employee accumulates more than 36-hours of compensatory time, they may be required to use the accumulated "compensatory time" in excess of 36-hours during the same pay period. If the employee is a member of the Police Department, they will be scheduled off by the Chief of Police.

Compensatory time will be granted upon reasonable advance notice in writing to the Clerk-Treasurer, or the Town Manager, depending on who their immediate supervisor is (if a non-Police Department employee) or to the Chief of Police (if a Police Department employee) and approved provided that it is to be used at a mutually acceptable time and provided that the employee's absence will not create a genuine operational problem for the Town or the employee's department. Employees are entitled to accrue

compensatory time off in lieu of overtime pay if the number of hours worked outside of the normal working hours is due to emergency call-outs (subject to the two-hour minimum); routine plant maintenance and testing and sampling; holiday plant maintenance and testing and sampling; or Supervisor attendance at Town Council meetings.

Compensatory time may be utilized in minimum increments of 15-minutes. The Town reserves the right, at its sole option, to have the employee's accrued, but unused compensatory time paid to the employee. At the time, the Clerk-Treasurer, the Town Manager, or Town Council has the right to ask for a copy of records of compensatory time and how it has been used. Upon termination of employment, employees will be paid for all accrued, but unused compensatory time in accordance with the standards set forth in the Fair Labor Standards Act (FLSA). An employee's termination date may not be extended to include accrued but unused compensatory time. The employee's termination date will always be the last day worked.

In the event that compliance with this policy is impractical or circumstances beyond the control of the employee would result in an extreme hardship to the employee if the requirements of this policy are followed, it is within the discretion of the President of the Town Council to waive such requirements as may be necessary to relieve the employee of such hardship (i.e., loss of earned vacation time or similar hardship) or impracticality. (Ord. 2019-09, S3.25.045, Apr.16, 2019)

Fire Department Employees

The responsibility and work schedule of employees of the Fire Department are dramatically different compared to those of other municipal departments. In light of the special demands placed on members of the Fire Department, certain special policies and procedures have been adopted to fairly address the needs of the department.

Most full-time employees (refer to the salary ordinance) of the Fire Department who are engaged in fire protection activities will be compensated in accordance with the Section 7(k) partial overtime pay exemption of the Fair Labor Standards Act (FLSA). In conjunction with the use of Section 7(k), the Town of Ferdinand further adopts the use of a 28-day "work period" for the purposes of determining compensation for overtime hours worked. Based upon the forgoing, the annual salary for full-time employees of the Fire Department as set forth in the Town of Ferdinand's annual salary ordinance constitutes straight-time compensation for all regularly scheduled hours of employment during each "work period." All full-time employees of the Fire Department will be paid overtime pay at the rate of one and one-half times the regular rate for all hours worked in excess of 168. Overtime pay earned during a "work period" will be paid in the first regularly scheduled paycheck (the first paycheck after the end of the 28-day cycle) issued subsequent to the "work period" in which the extra compensation was earned.

Police Department Employees

Police Officers are required to provide protection 24-hours a day, seven-days per week. In light of the special responsibilities that the Police Department has in providing continuous, uninterrupted service, special policies apply to the methods in which overtime and compensatory time are provided.

All full-time Police Officers of the Police Department who are engaged in law enforcement activities will be compensated in accordance with the Section 7(k) partial overtime pay exemption of the Fair Labor Standards Act (FLSA). In conjunction with the use of Section 7(k), the Town of Ferdinand further adopts the use of a 14-day "work period" for the purposes of determining compensation for overtime hours worked. Based upon the forgoing, the annual salary for full-time employees of the Police Department as set forth in the Town of Ferdinand's annual salary ordinance constitutes straight-time compensation for all regularly scheduled hours of employment during each "work period." All full-time Police Officers of the Police Department will be paid straight time compensation for up to 84-hours of regular employment

during each “work period.” Overtime pay or compensatory time will be accrued for all time worked in excess of 84-hours during a “work period.” Overtime earned during a “work period” will be paid in the first regularly scheduled paycheck issued subsequent to the “work period” in which the extra compensation was earned.

It is the employee’s responsibility to carefully log all “compensatory time” off and submit the same to either the Town Manager, or the Clerk-Treasurer, depending on who their Supervisor is (if a non-Police Department employee), and to the Chief of Police (if a member of the Police Department) for review and approval. The maintained log should contain the hours accrued, hours used, when hours were used and the employee accruing or using the hours and information related to “compensatory time” earned and “compensatory time” taken will be distributed to the Clerk-Treasurer by the Town Manager, or the Chief of Police on the back side of, or with the employee’s time card.

Flex-Time

In a certain situation it may be possible for an employee, with the permission of their Supervisor, to work an adjusted or flexible work schedule. Flex time is defined as time-for-time in the same workweek. For example: An employee leaves 15-minutes early today and stays 15-minutes later tomorrow. The schedule must not cause a reduction in the ability of that employee’s department to properly perform its duties and responsibilities. Further, the establishment of a flexible schedule may not result in the need to hire other employees, or the use of overtime to cover those “traditional” hours not worked by the employee working a flexible schedule. A flexible schedule may allow for nonexempt employees to work more than eight-hours in a day, but must not exceed 40-hours in a week. Nonexempt employees will be eligible for overtime pay for all hours worked in excess of 40-hours in one workweek.

508 Use of Equipment, Machines, Tools and Vehicles

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using Town-owned property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Employees, who are assigned or have access to Town-owned vehicles, must have an appropriate, valid operator’s license. No employee shall use a Town-owned vehicle for personal business or permit any unauthorized person to use or operate a Town-owned vehicle. Any employee who has a Town-owned vehicle available for use shall only use the Town-owned vehicle for legitimate Town-related business except in the case of emergency. All members of the Police Department who reside within the county will be allowed to take home their commissioned police vehicle.

Effective 07/01/2020, all employees operating a Town-owned vehicle must either refrain from taking or making calls, texting, emailing, or otherwise holding their mobile device while the vehicle is in operation or use their mobile device with an acceptable hands-free device. Conduct that is in violation of these guidelines may be subject to prompt disciplinary action, up to and including termination of employment.

Employees should immediately notify a Supervisor, or the Town Manager if any equipment, machines, tools, or vehicles appear to be damaged, defective, or need repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. A Supervisor may answer any questions about an employee’s responsibility for maintenance and care of equipment, machines, tools, or vehicles used on the job.

Employees must notify their Supervisor, the Clerk-Treasurer, or the Town Manager about any accident. This includes accidents that do not result in personal injury or damage to equipment. By knowing about

accidents, the Town of Ferdinand may investigate the case and determine if corrective action is required to prevent recurrence. Supervisors must report all accidents reported to them to the Clerk-Treasurer, or the Town Manager.

No employee of the Town of Ferdinand may request, use, or permit the use of Town-owned vehicles, equipment, machines, tools, vehicles, or other property for unauthorized personal convenience, for profit, for private use, or as part of secondary employment. The improper, careless, negligent, destructive, or unsafe use or operation of equipment, machines, tools, or vehicles, as well as excessive or avoidable traffic and parking violations, may result in disciplinary action, up to and including termination of employment.

509 “On Call” Employees

An employee who is “on call” is required to be available to respond to the workplace in a timely manner. The definition of “on call” is being designated to be available to answer calls for their respective department during nonscheduled hours. Utility employees will periodically be assigned a “call week.” Employees are subject to call to duty for emergencies any time during their “call week.” Employees will be paid a fee as set by the Town Council in the current salary ordinance for their assigned call week, as well as payment for the time worked while called to duty. In no event will the on call employee who is called in to work receive less than two-hours pay for responding to the call to duty. If the on-call situation takes less than two-hours to resolve, the employee will be paid for two-hours.

510 Emergency Closings

At times, emergencies such as severe weather, fires, power failures, or earthquakes, may disrupt the Town of Ferdinand’s operations. In extreme cases, these circumstances may require the closing of a work facility. In the event that such an emergency occurs during nonworking hours, employees will be notified via telephone, or text message of the closing.

When the decision to close is made AFTER the workday has begun, employees will receive official notification from their Supervisor. In these situations, time off from scheduled work will be paid. When the decision to close is made BEFORE the workday has begun, time off from scheduled work will be unpaid. However, with a Supervisor’s approval, employees may use available vacation benefits, sick leave benefits, paid personal leave, or compensatory time for the absence.

In cases where an emergency closing is not authorized, employees who fail to report for work will not be paid for the time off. Employees may request available vacation benefits, sick leave benefits, paid personal leave, or compensatory time for the absence.

Employees in essential operations may be asked to work on a day when operations are officially closed. In these circumstances, employees who work will receive regular pay.

512 Business Travel Expenses

The Town of Ferdinand may reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the Town Council, or their assigned designee. Employees whose travel plans have been approved are responsible for making their own travel arrangements.

When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives may be reimbursed by the Town of Ferdinand. Employees are expected to limit expenses to reasonable amounts per the guidelines below.

Expenses that generally may be reimbursed include the following:

- Airfare or train fare for travel in coach or economy class or the lowest available fare.
- Car rental fees, only for compact or up to mid-sized cars.
- Fares for shuttle or airport bus service, where available; costs of public transportation for other ground travel.
- Taxi or ridesharing fares, e.g., Uber or LYFT, only when there is no less expensive alternative.
- Mileage costs for use of personal cars, only when less expensive transportation is not available and payable at the mileage rate as stated in the current salary ordinance then in effect.
- Cost of reasonable accommodations in low to mid-priced hotels, or similar lodgings.
- Reasonable cost of meals, no more lavish than would be eaten at the employee's own expense. Alcoholic beverages are not reimbursable expenses.
- Tips not exceeding 20% of the total cost of a meal or 20% of a taxi or ridesharing fare.
- Charges for telephone calls, fax, and similar services required for business purposes.

Employees who are involved in an accident while traveling on Town-related business must promptly report the incident to their Supervisor, the Clerk-Treasurer, or the Town Manager. Vehicles owned, leased, or rented by the Town of Ferdinand may not be used for personal use without prior approval.

With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with the successful completion of business objectives. Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved. Additional expenses arising from such non-business travel are the responsibility of the employee.

When travel is completed, employees should submit completed travel expense reports within ten-days. Reports must be accompanied by separate receipts for each individual expense. Supervisors must review and sign all expense reports before submission for payment.

Employees should contact their Supervisor, the Clerk-Treasurer, or the Town Manager for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues.

Abuse of this business travel expense policy, including falsifying expense reports to reflect costs not incurred by the employee, may be grounds for disciplinary action, up to and including termination of employment.

514 Visitors in the Workplace

To provide for the safety and security of employees and the facilities at the Town of Ferdinand, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances. Visitors of employees

are defined as persons at a Town-owned facility for social reasons, or any purpose other than directly job-related. Employees are responsible for the conduct and safety of their visitors.

If an unauthorized individual is observed on the Town of Ferdinand's premises, employees should immediately notify their Supervisor or, if necessary, direct the individual off of the property.

515 Social Media

Social media are defined as media designed to be disseminated through social interaction, created using highly accessible and scalable publishing techniques. Generally, these guidelines set forth in this social media policy should be applied to any online medium where information may reflect back on the image of the Town of Ferdinand, employees, agents, or residents. Examples include but are not limited to: blogs, LinkedIn, Twitter, Facebook, Instagram, YouTube, Wikipedia or other wikis, etc. Any comments that the Town of Ferdinand employees may leave on others' blogs, or Facebook pages, edits to wikis, responses to tweets, postings on message boards/forums, opinions on online polls or any product/services the Town of Ferdinand employees may author are included in this policy.

All social media accounts, blogs, Web pages and related content carrying the Town of Ferdinand brand identity are and will be owned and licensed by the Town of Ferdinand, as appropriate. Personal accounts, blogs, Web pages and related content that do not carry the Town of Ferdinand's brand identity may be owned, licensed and operated by any employee. If the Town of Ferdinand is referenced in any media as approved by the Town Manager, or their assigned designee, all social media guidelines must apply or employees may be subject to disciplinary action, up to and including termination of employment.

All employees should consider and follow these guidelines when posting on social media sites:

- Do not post or link any materials that are threatening, intimidating, coercing, or otherwise interfering with the performance of coworkers, or residents.
- Do not disclose information acquired in the course of one's work.
- When reposting or referencing a post on one of the Town's online sites, provide a link to the original post or story.
- When relevant, employees should identify their affiliation with the Town and their area of concentration. This adds credibility to the employee and the Town.
- Do respect the laws regarding copyrights, trademarks, rights of publicity and other third-party rights. To minimize the risk of a copyright violation, employees should provide references to the source(s) of information that they use and accurately cite copyrighted works that they identify in the Town's online communications. Do not infringe on Town logos, brand names, taglines, slogans, or other trademarks.
- If a negative post or comment is found online about the Town or an employee, try not to counter with another negative post. Remedy the situation through a positive action.
- Employees who publish content to any website outside of the Town's official online presence (this may include Town websites as well as the Town's presence on third-party sites) and it has something to do with subjects associated with the Town, employees should consider a disclaimer such as this: "The postings are my own and do not necessarily represent the Town's positions, strategies or opinions."

As stated in Policy #517 – Internet Usage, all equipment, services, and technology provided to access the Internet remain at all times the property of the Town of Ferdinand. As such, the Town of Ferdinand reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems. In addition, employees should

understand that all information transmitted via the Internet is not considered to be confidential in nature and employees should not expect privacy of any information transmitted. Employees are also required to provide the Town of Ferdinand with all passwords used to access the Internet via Town-owned equipment, services and technology, as requested by a Supervisor, the Clerk-Treasurer, the Town Manager, or a member of the Town Council.

While this policy is comprehensive, it is not all-inclusive. Employees who are in violation of any portion of this policy may be subject to disciplinary action, up to and including termination of employment. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

Employees seeking additional information about this policy may contact the Clerk-Treasurer, or the Town Manager.

516 Computer and Email Usage

Computers, computer files, the email system, and software furnished to employees are the Town of Ferdinand's property and intended for business use, not for personal use. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer, Internet activity, and email usage may be monitored.

The Town of Ferdinand strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the Town of Ferdinand prohibits the use of computers and the email system in ways that are discriminatory, disruptive, obscene, threatening, harassing, intimidating, offensive to others, or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to:

- Ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for employees, residents, or visitors.
- Copying, pirating or downloading software and electronic files without permission.
- Participating in the viewing or exchange of pornography or obscene materials.
- Attempting to break into the computer system of another organization or employee.
- Refusing to cooperate with a security investigation.
- Disclosing information acquired in the course of one's work.
- Sending or posting messages that disparage another organization's products or services while engaged in performing their work tasks from a Town-owned computer or mobile device.

The Town of Ferdinand purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, neither the Town of Ferdinand nor any employee has the right to reproduce such software for use on more than one computer. Employees may only use software on local area networks or on multiple machines according to the software license agreement. The Town of Ferdinand prohibits the illegal duplication of software and its related documentation or the installation of such software on Town-owned equipment.

Employees should notify their Supervisor, the Clerk-Treasurer, or the Town Manager upon learning of violations of this policy. Employees who violate this policy may be subject to disciplinary action, up to and including termination of employment. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

517 Internet Usage

Internet access to global electronic information resources on the World Wide Web is provided by the Town of Ferdinand to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage. While Internet usage is intended for job-related activities, incidental and occasional brief personal use is permitted within reasonable limits.

All Internet data that is composed, transmitted, or received via our computer communications systems is considered to be part of the official records of the Town of Ferdinand and, as such, is subject to disclosure to law enforcement or other third-parties. Consequently, employees should always ensure that the business information contained in Internet email messages and other transmissions is accurate, appropriate, ethical, and lawful.

The equipment, services, and technology provided to access the Internet remain at all times the property of the Town of Ferdinand. As such, the Town of Ferdinand reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems. Data that is composed, transmitted, accessed, or received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, color, religion, sex (pregnancy, gender identity, and sexual orientation), national origin, age (40 and over), disability, genetic information as referenced in the Genetic Information Nondiscrimination Act (GINA), military service veteran status, or any other characteristic protected by federal, state and local laws.

The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not obtained authorization for its use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights. Internet users should take the necessary anti-virus precautions before downloading or copying any file from the Internet. All downloaded files are to be checked for viruses; all compressed files are to be checked before and after decompression.

Abuse of the Internet access provided by the Town of Ferdinand in violation of law or the Town of Ferdinand policies may result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy. The following behaviors are examples of previously stated or additional actions and activities that are prohibited and may result in disciplinary action, up to and including termination of employment:

- Stealing, using, or disclosing someone else's code or password without authorization.
- Disclosing information acquired in the course of one's work.
- Violating copyright laws.
- Failing to observe licensing agreements.
- Engaging in unauthorized transactions that may incur a cost to the Town of Ferdinand or initiate unwanted Internet services and transmissions.
- Jeopardizing the security of the Town of Ferdinand's electronic communications systems.

While this policy is comprehensive, it is not all-inclusive. Employees who are in violation of any portion of this policy may be subject to disciplinary action, up to and including termination of employment.

Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

518 Workplace Monitoring

Workplace monitoring may be conducted by the Town of Ferdinand to ensure quality control, employee safety, security, and resident satisfaction. Employees who regularly communicate with residents may have their telephone conversations monitored or recorded. Telephone monitoring is used to identify and correct performance problems through targeted training. Improved job performance enhances our residents' image of the Town of Ferdinand as well as their satisfaction with our service.

Computers furnished to employees are the property of the Town of Ferdinand. As such, computer usage and files may be monitored or accessed. Employees tampering with a computer to bypass monitoring systems may be subject to disciplinary action, up to and including termination of employment. Refer to Policy #516 – Computer and Email Usage and Policy #517 – Internet Usage for additional details.

The Town of Ferdinand reserves the right to conduct video surveillance of non-private workplace areas. Video monitoring is used to identify safety concerns, maintain quality control, detect theft and misconduct, and discourage or prevent acts of harassment and workplace violence.

Because the Town of Ferdinand is sensitive to the legitimate privacy rights of employees, every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

522 Workplace Violence Prevention

The Town of Ferdinand is committed to preventing workplace violence and to maintaining a safe work environment. The Town of Ferdinand has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during working hours or on its premises.

All employees should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, horseplay, or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from being brought into the facilities operated by the Town of Ferdinand without proper authorization. Employees who may lawfully possess a firearm may bring such firearms and ammunition onto Town of Ferdinand property as long as the firearm and ammunition are locked in a vehicle in a glove box or trunk, or stored out of plain sight in the employee's personal locked vehicle. Except for law enforcement officers, firearms and ammunition are prohibited in Town-owned vehicles that are driven by Town employees or in such Town-owned vehicles that an employee is a passenger. Nothing contained herein shall prohibit or restrict the rights of a person not otherwise prohibited from possessing or carrying a handgun as may be allowed by Indiana Code.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to a Supervisor, the Clerk-Treasurer, or the Town Manager. This includes threats by employees, as well as threats by residents, vendors, solicitors, or other members of the public. When reporting a threat of violence, employees should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a Supervisor. Employees should not place themselves in harm's way. Employees who see or hear a commotion or disturbance near their workstation should not try to intercede or see what is happening.

The Town of Ferdinand will promptly and thoroughly investigate all reports or threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the Town of Ferdinand may suspend employees, either with or without pay, pending an investigation.

The Town of Ferdinand encourages employees to bring their disputes or differences with other employees to the attention of a Supervisor, the Clerk-Treasurer, or the Town Manager before the situation escalates into potential violence. The Town of Ferdinand is eager to assist in the resolution of employee disputes and will not discipline employees for raising such concerns. Refer to Policy #102 – Employee Relations or Policy #718 – Problem Resolution for additional information.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action, up to and including termination of employment. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

526 Mobile Device Usage

The Town of Ferdinand may provide a mobile device reimbursement for employees as approved by the Town Council, where the urgency of communication requires the use of such device as a business tool. The allowances are provided to assist employees in communicating with management and other employees, residents, vendors, and others with whom they may conduct business.

As a representative of the Town of Ferdinand, mobile device users are reminded that the regular business etiquette employed when speaking from Town-owned phones or in meetings applies to conversations conducted over a mobile device.

Effective 07/01/2020, all employees operating a Town-owned vehicle must either refrain from taking or making calls, texting, emailing, or otherwise holding their mobile device while a vehicle is in operation or use their mobile device with an acceptable hands-free device. Conduct that is in violation of these guidelines may be subject to prompt disciplinary action, up to and including termination of employment.

LEAVES OF ABSENCE

600 Unpaid Personal Leave

The Town of Ferdinand may provide leaves of absence without pay to eligible employees who wish to take time off from work duties to fulfill personal obligations. Employees who are not eligible under the guidelines of the Family and Medical Leave Act (FMLA) or where all FMLA time has been exhausted may be eligible for a personal leave. Employees in the following employment classification(s) may be eligible to request an unpaid personal leave as described in this policy:

- Regular full-time employees
- Regular part-time employees

Eligible employees may request unpaid personal leave only after having completed one-year of service, or earlier at the discretion of the Town Council. As soon as eligible employees become aware of the need for a personal leave of absence, they should request a leave from their Supervisor, the Clerk-Treasurer, or the Town Manager. Requests for personal leave will be evaluated based on a number of factors, including anticipated workload requirements and staffing considerations during the proposed period of absence. Final decisions on who receives a personal leave and the amount of time granted will be made at the sole discretion of the Town Council.

Unpaid personal leave may be granted for a period of up to 30-calendar days. If this initial period of absence proves insufficient, consideration may be given to a written request for a single extension of no more than 30-calendar days. Employees are required to use all of their available vacation benefits, sick leave benefits, paid personal leave, and compensatory time before requesting an unpaid leave.

During the approved personal leave, the employee's coverage under the Town of Ferdinand's benefits will continue, but if the employee goes without pay, they must pay their share of medical, dental, vision, and other payroll-related deductions, if applicable. It is the employees' responsibility to make arrangements with the Clerk-Treasurer to pay their portion of the payroll-related deductions during the unpaid period of absence. All other benefits will be suspended during the leave.

When an unpaid personal leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, the Town of Ferdinand cannot guarantee reinstatement in all cases. If an employee fails to report to work promptly at the expiration of the approved unpaid personal leave period, the Town of Ferdinand will assume the employee has resigned. The Town of Ferdinand will comply with federal and state laws regarding the use of unpaid personal leave.

Employees seeking additional information about this policy may contact their Supervisor, the Clerk-Treasurer, or the Town Manager.

601 Family and Medical Leave Act (FMLA)

Under the Federal Family and Medical Leave Act of 1993, as amended (FMLA), an employee may be eligible for a period of job-protected unpaid leave if they meet the criteria set forth in the FMLA.

General Eligibility

To qualify for FMLA leave an employee:

- must be an employee of the Town,
- must have worked at the Town for at least 12-months,
- must have worked at least 1,250 hours (paid time off does not count towards the 1,250 hours) during the past 12-month period before the leave is to begin, and
- must work at a worksite at which the Town employs at least 50 employees within a 75-mile radius.

Types and Duration of FMLA Leave

- **Basic FMLA Leave and Active-Duty Leave**
An employee may be eligible for up to 12-weeks of unpaid leave in a rolling 12-month period for the following reasons:
 - the birth of a child and to care for such child or placement for adoption or foster care of a child;

- to care for an immediate family member (spouse, child under 18-years old or 18 and over that is incapable of self-care, or parent) with a serious health condition;
 - because of a serious health condition which renders an employee unable to work; or
 - “Active-Duty Leave,” defined as leave due to any qualifying exigency arising out of the fact that an employee’s spouse, son (of any age), daughter (of any age) or parent is a “covered military member”. “Covered military member” means a member of the Armed Forces or a member of the Reserves (including the National Guard or Reserves) who is on “covered active duty,” or has been notified of an impending call or order to covered active duty. For members of the Armed Forces, “covered active duty” means duty during deployment of the member with the Armed Forces to a foreign country. For members of the Reserves, “covered active duty” means duty during deployment of the member with the Armed Forces to a foreign country under a call or order to active duty in a contingency operation.
- **Military Caregiver Leave**
An employee also may take military caregiver leave to care for a spouse, son (of any age), daughter (of any age), and parent or next of kin (i.e., closest living relative) who is a “covered service member.” A “covered service member” is (i) a current service member of the Armed Forces or Reserves, including the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or (ii) a veteran of the Armed Forces (including the National Guard and Reserves) who is discharged (other than dishonorably discharged) within the five-year period before the eligible employee takes military caregiver leave to care for the veteran and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. For a current service member, “serious injury or illness” means an injury or illness incurred or aggravated by the covered service member in the line of duty on active duty that may cause the service member to be medically unfit to perform the duties of their office, grade, rank, or rating. For a veteran, “serious injury or illness” means an injury or illness that rendered the veteran medically unfit to perform their military duties, or an injury or illness that qualifies the veteran for certain benefits from the Department of Veterans Affairs or substantially impairs the veteran's ability to work, regardless of whether the injury or illness manifested before or after the individual became a veteran.

Eligible employees are entitled to a total of 26-weeks of unpaid military caregiver leave during a single 12-month period. This single 12-month period begins on the first day an eligible employee takes military caregiver leave and ends 12-months after that date.

The leave entitlement described in this paragraph applies on a per-covered service member, per-injury basis. However, no more than 26-weeks of leave may be taken within a single 12-month period by any covered employee. Even in circumstances where an employee takes other leave covered by the federal FMLA under the bullets in the basic FMLA Leave and Active Duty Leave section above, the combined leave shall not exceed 26-weeks during that 12-month period.

Definitions

- A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:
 - (a) in-patient care (*i.e.*, an overnight stay) in a hospital or other medical care facility (including any period of incapacitation or any subsequent treatment in connection with such in-patient care);
 - (b) a period of incapacitation of more than three consecutive full calendar days, and any subsequent treatment or period of incapacitation relating to the same condition that also involves (i) treatment two or more times by a health care provider or under the supervision of a health care provider within 30-days of the start of the incapacitation, or

- (ii) treatment by a health care provider on at least one occasion within seven-days of the start of the incapacitation which results in a regimen of continuing treatment under the supervision of a health care provider;
 - (c) any period of incapacitation due to pregnancy, or for prenatal care;
 - (d) any period of incapacitation due to a chronic serious health condition requiring periodic visits of at least twice a year for treatment by a health care provider;
 - (e) a period of incapacitation which is permanent or long-term due to a condition for which treatment may not be effective, during which the employee (or family member) must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider; or
 - (f) any period of absence to receive multiple treatments by a health care provider or under the supervision of a health care provider, either for restorative surgery after an accident or other injury, or for a condition that will likely result in a period of incapacitation of more than three consecutive calendar days in the absence of medical intervention or treatment.
- A “qualifying exigency” refers to the following circumstances:
 - (a) Short-notice deployment: to address issues arising when the notification of a call or order to active duty is seven-days or less;
 - (b) Military events and related activities: to attend official military events or family assistance programs or briefings;
 - (c) Childcare and school activities: for qualifying childcare and school-related reasons for a child, legal ward or stepchild of a covered military member;
 - (d) Care of the military member's parent: for certain activities related to the care of a covered military member's parent who is incapable of self-care, such as arranging for alternative care, providing care on a non-routine, urgent, immediate need basis, admitting or transferring a parent to a new care facility, and attending certain meetings with staff at a care facility, such as meetings with hospice, or social service providers;
 - (e) Financial and legal arrangements: to make or update financial or legal affairs to address the absence of a covered military member;
 - (f) Counseling: to attend counseling provided by someone other than a health care provider for oneself, for the covered military member, or child, legal ward, or stepchild of the covered military member;
 - (g) Rest and recuperation: to spend up to 15-days for each period in which a covered military member is on a short-term rest leave during a period of deployment;
 - (h) Post-deployment activities: to attend official ceremonies or programs sponsored by the military for up to 90-days after a covered military member’s active duty terminates or to address issues arising from the death of a covered military member while on active duty;
 - (i) Additional activities for other events where the Town and the employee agree on the time and duration of the leave.

When Spouses Work Together

A husband and wife, when both are eligible for FMLA and both work at the Town, are eligible for either a combined 12-weeks of unpaid leave for the birth or placement of a child, or to care for a parent who has a serious health condition. A husband and wife will be eligible for a combined 26-weeks of unpaid military caregiver leave as discussed above. If the husband or wife taking military caregiver leave also takes leave for the birth or placement of a child, or to care for a parent who has a serious health condition, that leave also may count toward the 26-weeks of combined military caregiver leave during a single 12-month period.

Notice of Need for FMLA Leave

If the leave is foreseeable (birth or placement, planned medical care, leave due to active duty of an immediate family member), the employee must provide at least 30-day’s advance notice. If circumstances

prevent providing the 30-day's advance notice, then the employee should provide as much notice as possible.

If an employee fails to give the required notice for foreseeable leave with no reasonable excuse, the employee may be denied the taking of the leave until the employee provides adequate notice of need for the leave. Employees should make every reasonable effort to schedule medical treatments so as not to disrupt the ongoing operations of the department.

Intermittent FMLA Leave

Intermittent leave also may be available depending upon an employees' serious health condition, or an employee's immediate family member's serious health condition. Intermittent or reduced schedule leave for the birth or placement of a child for adoption or foster care may be taken only with approval from the Town Council in writing. Military Caregiver Leave may be taken intermittently or on a reduced leave schedule when medically necessary. Intermittent or reduced leave may not exceed the total hours an employee would have worked during their regular 12-week schedule. If intermittent or reduced leave is approved, the Town of Ferdinand may require the employee to schedule the leave so as not to unduly disrupt its operations, or the employee may be placed in an alternate position which better accommodates the intermittent leave schedule.

Employees taking intermittent leave must follow the Town of Ferdinand's standard call in procedures absent unusual circumstances.

Documentation Supporting FMLA Leave

An employee's reason for the leave must be covered under FMLA and they must provide a completed FMLA Certification of Health Care Provider Form supporting the need for the leave. A request for reasonable documentation of family relationship verifying the legitimacy of a FMLA leave may also be required.

The employee will have 15-days in which to return a completed certification form following receipt of the form from the Town of Ferdinand. If the employee fails to provide timely certification after being required to do so, they may be denied the taking of the leave under the FMLA. If the certification form is incomplete or insufficient, an employee will be given written notification of the information needed and will have seven-days after receiving such written notice to provide the necessary information. If there is reason to doubt the validity of the medical certification, a second opinion, at the expense of the Town of Ferdinand, related to the health condition may be required. If the original certification and the second opinion differ, a third opinion, at the expense of the Town of Ferdinand, may be required. The opinion of the third health care provider, which the Town of Ferdinand and the employee jointly select, will be the final and binding decision.

A request for Active-Duty Leave must be supported by the Certification of Qualifying Exigency for Military Family Leave form as well as appropriate documentation, including the covered military member's active-duty orders. A request for military caregiver leave must be supported by the Certification for Serious Injury or Illness of Covered Service member form as well as any necessary supporting documentation.

Recertification

Under certain circumstances as provided by law, including, but not limited to situations in which the need or nature of the approved leave changes, the Town of Ferdinand may, in its sole discretion, require recertification of an employee's serious health condition.

Return to Work

If an employee's position is eliminated during their FMLA leave time, e.g., layoff, departmental restructuring, etc. the employee will not be entitled to return to their former or an equivalent position. Employee's whose FMLA leave was for their own personal medical condition must, prior to reinstatement, submit a medical certification to the Clerk-Treasurer's Office as to their ability to return to work, subject to a second medical opinion as deemed necessary by the Town of Ferdinand, or a third medical opinion as provided in the FMLA. Employees who do not return to work immediately following release from the health care provider as fully restored to perform all the essential functions of their position, will be considered to have voluntarily terminated employment as of the date of the release. Employment will be terminated if an employee is not able to return to work at the end of the FMLA. There may be exceptions to termination requirements under the Americans with Disabilities Act and its Amendments Act (ADAAA) and the Town of Ferdinand will comply as appropriate.

Substitution of Paid Leave

Employees must substitute all accrued vacation benefits, sick leave benefits, paid personal leave, and compensatory time for unpaid FMLA leave. FMLA and any paid time off, run concurrently. The entire 12-week FMLA is not in addition to the paid leave, however, is any remaining portion after the paid leave time is subtracted. If an employee requires leave in excess of the weeks for which they are eligible, they will not be assured a position with the Town of Ferdinand upon their return.

Benefits during FMLA Leave

During the approved FMLA leave, the employee's coverage under the Town of Ferdinand's benefits will continue, but if the employee goes without pay, they must pay their share of medical, dental, vision, and other payroll-related deductions, if applicable. It is the employees' responsibility to make arrangements with the Clerk-Treasurer to pay their portion of the payroll-related deductions during the unpaid period of absence. All other benefits will be suspended during the leave.

605 Military Leave

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. Uniformed Services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.

Employees will continue to receive full pay while on leave for up to 15-days. The portion of any military leaves of absence in excess of 15-days will be unpaid. However, employees may use any available vacation benefits, sick leave benefits, paid personal leave, or compensatory time for the absence.

Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible.

Vacation benefits, sick leave benefits, paid personal leave, bereavement leave, and holiday benefits will be suspended during the leave after the first 30-days and will resume upon the employee's return to active employment.

Employees on military leave for up to 30-days are required to return to work for the first regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.

Employees seeking additional information about this policy may contact the Clerk-Treasurer.

EMPLOYEE CONDUCT & DISCIPLINARY ACTION

701 Employee Conduct and Work Rules

To ensure orderly operations and provide the best possible work environment, the Town of Ferdinand expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- Theft or inappropriate removal or possession of Town-owned or resident-owned property.
- Falsification of timekeeping records or any other Town-owned document.
- Soliciting or accepting gratuities from residents or visitors.
- Working under the influence of alcohol or illegal drugs.
- Manufacturing, distributing, dispensing, possessing, purchasing, selling, using, transferring, or being under the influence of alcohol or illegal drugs in the workplace, while on duty, or while operating Town-owned vehicles or equipment.
- Fighting or threatening violence in the workplace.
- Being insubordinate, threatening, intimidating, disrespectful, or verbally or physically assaulting a coworker, resident, visitor, vendor, or anyone else who either indirectly or directly is associated with the Town of Ferdinand.
- Unauthorized use of Town-owned equipment, machines, tools, or vehicles, or transportation of unauthorized passengers in a Town-owned vehicle.
- Negligence or improper conduct leading to damage of Town-owned or resident-owned property.
- Excessive documented tardiness or absenteeism.
- Violation of safety or health rules.
- Smoking in prohibited areas.
- Gambling on any Town-owned or resident's premises during working hours.
- Sexual or other unlawful or unwelcome harassment or discrimination.
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace.
- Unauthorized use of telephones, mail system, or other Town-owned equipment.
- Entering or leaving the Town's facilities without permission.
- Violation of any personnel policy.
- Unsatisfactory performance or conduct.
- Fraudulently obtaining workers' compensation benefits.
- Creating or contributing to unsanitary or unsafe conditions or poor housekeeping.

Employment with the Town of Ferdinand is at the mutual consent of the Town of Ferdinand and the employee, and either party may terminate that relationship at any time, with or without cause, and with or

without advance notice. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

702 Drugs and Alcohol Use/Testing

It is the Town of Ferdinand's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs. All Town of Ferdinand employees are responsible for abiding by this policy as a condition of their employment. All Supervisors, the Clerk-Treasurer, the Town Manager, and members of the Town Council are responsible for being alert to employee conduct that raises a reasonable suspicion that an employee is using or is under the influence of alcohol or controlled substances while on duty or otherwise performing Town-related business.

It is also the policy of the Town of Ferdinand to comply with and abide by all laws and regulations that have been established by Part 382 – Controlled Substances and Alcohol Use and Testing of the Federal Motor Carrier Safety Regulations and the U.S. Department of Transportation (DOT). In complying with these regulations, the Town of Ferdinand hereby institutes a comprehensive controlled substance and alcohol testing, training and recordkeeping program for employees in positions that have been classified as safety sensitive. In accordance with DOT regulations, included in this classification of safety-sensitive positions are all positions which require an employee to operate a commercial motor vehicle and/or hold a commercial driver's license (CDL).

Applications of this Policy

This policy applies to all Town of Ferdinand employees that utilize a CDL in the course of their employment. A valid CDL is required to operate the type of equipment listed below:

- A vehicle designed to transport 16 or more passengers, including the driver.
- A vehicle having a gross vehicle weight rating (GVWR) as assigned by the manufacturer of 26,001 pounds or more.
- A combination vehicle having a gross combination weight rating of 26,001 pounds or more.

This policy also applies to all other Town of Ferdinand employees that:

- Drive any type of Town-owned vehicle.
- Hold "safety-sensitive" positions in which an employee is or may perform a safety sensitive function that specifically includes, but is not limited to: a position requiring a CDL, those that do not required a CDL, and those that require performance of safety sensitive functions as recognized by the DOT.
- Hold "safety-impact" positions in which an employee has or may have a discernable effect on public safety or coworkers and specifically includes, but is not limited to: members of the Police and Volunteer Fire Departments.
- Hold nonexempt or exempt positions within the Town of Ferdinand.
- Are not otherwise specifically exempted from coverage from certain types of testing under this policy.

Prohibited Conduct

While conducting business on behalf of the Town of Ferdinand, no employee may manufacture, distribute, dispense, possess, purchase, sell, use, or be under the influence of alcohol or illegal drugs or in possession of drug paraphernalia. In addition, the unauthorized use or possession of prescription drugs,

over-the-counter drugs, or CBD oils is prohibited. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks. In addition, to the above:

- No employee may report for duty or remain on duty requiring the performance of safety sensitive functions while having an alcoholic concentration of .04 or greater. An employee is considered to be performing a safety sensitive function if they are actually performing, ready to perform, or immediately available to perform any of the following on duty functions:
 - Waiting to be dispatched.
 - Inspecting, servicing, or conducting any commercial motor vehicle or Town-owned vehicle at any time.
 - Driving, which includes all time spent at the driving controls of a commercial vehicle in operation or a different Town-owned vehicle.
 - Spending time, other than driving time, in or upon any commercial vehicle or Town-owned vehicle.
 - Loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded.
 - Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.
- No employee may be on duty or operate a commercial vehicle or other Town-owned vehicle while the employee possesses alcohol.
- No employee may use alcohol while performing safety sensitive functions.
- No employee may perform safety sensitive functions within four-hours after using alcohol.
- No employee required to take a post-accident test will use alcohol for eight-hours following the accident or until they undergo a post-accident test, whichever occurs first.
- No employee will refuse to submit to a post-accident, random, reasonable suspicion, return-to-duty, or follow-up alcohol drug test.
- No employee may report for duty or remain on duty when the employee uses any controlled substance, except when use is pursuant to the written instructions of a physician who has advised the employee and the Town of Ferdinand that the substance does not adversely affect the employee's ability to operate a commercial motor vehicle or other Town-owned vehicle.
- Any employee who becomes unqualified or engages in prohibited conduct as set forth herein may be subject to disciplinary action, up to and including termination of employment. Return-to-Duty testing is mandatory in accordance with all guidelines as set forth in this policy.
- Off-Duty Conduct Rendering an Employee Unfit to Report includes the following:
 - An off-duty employee who is called in to work outside of regular working hours or on an otherwise off-duty work shift, who has consumed alcohol within eight-hours prior to reporting for work, and is unaware or unsure of their blood alcohol level will resolve any doubt by informing their Supervisor, or if there is no Supervisor, an elected official of the Town of Ferdinand, that they are, at this time, unfit to report to work.
 - Off-Duty Standards for Police Officers includes the following:
 - While off-duty, a Police Officer with alcohol in their blood shall not perform a law enforcement function as defined below:
 - ✓ Stopping or detaining a person or vehicle
 - ✓ Participating in a pursuit by driving a vehicle
 - ✓ Making an arrest

- ✓ Using physical force capable of causing bodily injury, including deadly force, against any other person
- ✓ Handling a firearm
- Exemptions to the above are exceptions as necessary to:
 - ✓ Prevent injury to the Police Officer or another person
 - ✓ Prevent escape of a person who could be prevented from escaping by the use of deadly force
 - ✓ Prevent the destruction of evidence from a crime
- Police Officers who are off-duty may not operate a Town-owned vehicle with a blood alcohol level of 0.02% by weight or greater. A Police Officer who is unaware or unsure of their blood alcohol level will resolve any doubt by not operating a Town-owned vehicle.

Reasons for Testing

To help ensure a safe and healthful working environment the Town of Ferdinand may conduct drug and alcohol testing under any one of the following circumstances:

- **Post-offer Testing of all Applicants**
 - This applies to all applicants applying for a CDL position and to all applicants applying for any other position defined above. All applicants applying for a CDL covered position will be required to provide their written consent for the Town to obtain from all previous employers, within the past two-years, all drug and alcohol testing records as the DOT regulations require. DOT regulations require this information to be obtained within 30-days of the employee performing a safety-sensitive function.
- **Reasonable Suspicion of Current Employees**
 - Reasonable suspicion for requiring an employee to submit to drug and/or alcohol testing may be deemed to exist when an employee manifests physical, behavioral, speech, or performance symptoms or reactions commonly attributed to the use of controlled substances or alcohol. Such employee conduct must be witnessed by a Supervisor who is trained in compliance with Part 382.603 of the Federal Motor Carrier Safety Regulations.
 - A Supervisor observing such conditions will take the following actions immediately:
 - Confront the employee involved, and keep them under direct observation until the situation is resolved.
 - Secure the Designated Employer Representative's (DER) concurrence to observations. After discussing the circumstances with the DER, arrangements will be made to observe or talk with the employee. If the DER believes, after observing or talking to the employee, that the conduct or performance problem could be due to substance abuse, the employee will be immediately required to submit to a breath test or urinalysis. If the employee refuses to submit to testing for any reason, the employee will be informed that continued refusal would result in disqualification from performing any safety-sensitive function.
 - Employees will be asked to release any evidence relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline or suspension from driving duties. All confiscated evidence will be receipted for with signatures of both the receiving Supervisor, as well as the provider.
 - The DER will, within 24-hours or before the results of the controlled substance tests are released, document in writing the particular facts related to

the behavior or performance problems that led to the reasonable suspicion test and maintain this documentation in appropriate DOT files.

- The DER will remove or cause the removal of the employee from the Town-owned vehicle and ensure that the employee is transported to an appropriate collection site and thereafter to the employee's residence or, where appropriate, to a place of lodging. Under no circumstances will that employee be allowed to continue to drive a Town-owned vehicle or their own vehicle until a confirmed negative test result is received.
 - The Town must ensure that Supervisors and others designated to determine whether reasonable suspicion exists to require an employee to undergo testing receive at least 60-minutes of training on alcohol misuse and receive at least 60-minutes of training on controlled substance use in compliance with federal law. The training must cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.
- **Post-Accident of Current Employees**
 - Following any accident, the employee must contact the Town as soon as possible. Employees holding a CDL must submit to a drug and alcohol test any time they are involved in an accident while driving a commercial vehicle where either a fatality is involved, or the employee receives a citation for a moving violation arising from the accident that involved an injury requiring medical treatment away from the scene, or one or more vehicles having to be towed away from the scene.
 - All employees subject to this policy, in addition to the testing requirements outlined above for those holding a CDL, may be post-accident tested for the following situations:
 - Any accident or incident involving injury or death.
 - Any accident or incident involving property damage.
 - Any accident or incident where the employee receives a citation under state or local law for a moving traffic violation arising from the incident.
 - Any accident or incident in which an employee's involvement or actions may have contributed or cannot be completely discounted as a contributing factor to an accident or incident which results in damage over \$7,500.00 or personal injury; or
 - The incident results in a lost time injury.
 - The employee must follow the instructions from the Town or its representative to complete required testing.
 - Any time a post-accident drug or alcohol test is required, it must be performed as soon as practical. If no alcohol test is able to be performed within eight-hours, attempts to perform an alcohol test may cease. If no urine collection is able to be made for the purpose of post-accident drug testing within 32-hours, attempts to make such collection may cease. An employee is prohibited from consuming alcohol between the time of the accident and the test.
 - In the event that federal, state, or local officials conduct breath or blood tests for the use of alcohol and/or urine tests for the use of controlled substances following an accident, employees must comply with the law enforcement personnel requests. The Town may request testing documentation from such agencies, and may ask the employee to sign a release allowing the Town to obtain such test results.
 - In the event an employee is so seriously injured that the employee cannot provide a sample of urine, breath, or saliva at the time of the accident, the employee must provide the necessary authorization for the Town to obtain hospital records or other

documents that would indicate the presence of controlled substances or alcohol in the employee's system at the time of the accident.

- **Return-to-Duty for Current Employees**
 - A return-to-duty test will be required for all employees who have violated this policy (test positive or refuse to test). The employee may not return to duty until they pass (tests negative) a drug test and/or tests below a .02 for breath alcohol and the Substance Abuse Professional (SAP) and the Town have determined that the employee may return to duty. Any employee who has returned to work following a violation of this drug and alcohol policy will be subject to follow-up testing. At a minimum, six follow-up tests will be required within the first 12-months following an employee's return to work. Follow-up tests are separate from and in addition to other policy testing (random, post-accident, or reasonable suspicion).
- **Random Selection for Current Employees in Accordance with DOT Regulations**
 - The Town conducts random drug and alcohol testing on all employees covered by this policy with the exception of the safety impact employees who are members of the Volunteer Fire Department. A random pool will be established for employees with a CDL and a separate pool will be established for all other non-regulated employees who are subject to random testing. In the event that the number of members in the non-regulated pool does not justify maintaining a pool consisting of only non-regulated employees, the Town reserves the option to join an employer consortium group for random draw purposes. DOT regulations do not allow non-regulated employees in a DOT pool. The Town will submit all covered employees' names to a random selection system. The random selection system provides an equal chance for each employee to be selected each time a random selection occurs. Random selections will be reasonably spread throughout the year. The Town will drug test, at a minimum 50 percent of the average number of employees positions each calendar year or at a rate established by the DOT for the given year. The Town will select, at a minimum 25 percent of the average number of employee positions in each calendar year for random alcohol testing, or at the rate established by the DOT for the given year. Random selection by its very nature, may result in employees being selected in successive selections or more than once a calendar year.
 - If an employee is selected at random for either drug or alcohol testing, the DER will notify the employee. Once notified, the employee must proceed to the designated collection site immediately. If the employee does not go to the collection site as soon as possible after notification, such conduct may be considered a refusal to test.
 - Employees in safety impact positions will be subject to random drug testing as well as any of the other types of testing mandated by this policy. Due to the nature of their duties and the type of services provided to the Town by them, members of the Police Department and any other employees who hold such safety impact positions may hold the irregular shift hours. Therefore, it is imperative that the DER, upon request, have access to the current duty schedule of each employee who holds a safety impact position and be advised, as soon as feasible, of any changes in the duty schedule. This requirement is necessary in order to facilitate the random testing mandated by this policy.
 - Employees who are not active on the Town of Ferdinand's payroll at the time of the random selection will not be subject to random testing pursuant to this policy. Such employees may, however, be subject to all post-offer testing, reasonable suspicion testing, post-accident testing and any other follow-up testing that is mandated by this policy.
- **Medical Examinations for Applicants or Current Employees**

- Employees of the Town of Ferdinand may be required to submit for medical examinations. If an employee is required to submit to a medical examination as required, a drug and/or alcohol test may be included as part of the examination. Refusal to participate will be considered as the employee violating one of the prohibitions of the policy. Refer to Policy #106 – Employee Medical Examinations for additional information.

Employees may be asked to provide body substance samples, such as urine, blood, hair and/or saliva, to determine the illicit use of drugs and/or alcohol. The legal use of prescribed drugs and CBD oils are permitted on the job only if they do not impair an employee’s ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace. Employees who are taking prescription drugs or CBD oils at the time of the testing will be required to inform the testing facility of those legally prescribed drugs or CBD oils that they are currently utilizing. This information will be considered confidential under the guidelines of the Health Insurance Portability and Accountability Act (HIPAA). Refer to Policy #214 – Medical Information Privacy for additional information.

Refusal to Test

Refusal to submit to the types of drug and alcohol tests employed by the Town of Ferdinand will be grounds for refusal to hire an applicant and to discipline existing CDL, or non-regulated employees covered by this policy. A refusal to test may include any of the following situations:

- Failure to appear for any test within a reasonable time after being directed to do so.
- Failing to remain at the testing site until the testing process is complete.
- Failing to provide a breath sample, saliva sample, or urine sample as directed.
- Failure to permit, if the situation requires, the observation or monitoring of providing a urine specimen.
- Failure to provide a urine, breath, or saliva specimen within the required time frames. If an employee cannot provide a sufficient quantity of urine or breath, they will be directed to be evaluated by a physician of the Town of Ferdinand’s choice. If the physician cannot find a legitimate medical explanation for the inability to provide a specimen (either breath or urine), it will be considered a refusal to test. In that circumstance the employee has violated one of the prohibitions of the federal regulations and this policy.
- Failure to undergo a medical examination or evaluation, as directed by the Medical Resource Officer (MRO) as part of the verification process, or as directed by the DER as part of a “shy bladder” or “insufficient breath” situation.
- Failing or declining to take a second test as required by DOT regulations.
- Failing to cooperate with any part of the testing process and/or conduct that would obstruct the proper administration of a test, e.g., refusing to empty pockets when so directed by the collector, behaving in a confrontational way that disrupts the collection process.
- Refusing to sign step two of the alcohol testing form.
- A report from the MRO that the employee has a verified adulterated or substituted test result.

Substance Abuse Evaluation, Return to Duty, and Follow-Up Testing

To be able to be returned to a CDL position the employee must complete the steps outlined below. Employees who do not have CDL licenses, but are covered by this policy must also complete the steps below before they will be allowed to be returned to their position.

- Complete an evaluation with an SAP.
- Complete any rehabilitation and/or education required by the SAP.

- Be reevaluated by the SAP and obtain written confirmation of satisfactory completion of all recommendations.
- Complete a return to duty test that is issued with a negative result.
- As a condition of continued employment, the employee will be required to submit to a minimum of six unannounced follow-up tests in the next 12-months after returning to work.

Follow-up testing is separate from and in addition to the Town's reasonable suspicion, post-accident, and random testing procedures. The schedule for follow-up testing will be unannounced and in accordance with the instructions of the SAP. Follow-up testing may continue for a period of up to 60-months following the employee's return to duty. No fewer than six tests will be performed in the first 12-months of the follow-up testing. The cost of any SAP evaluation, prescribed treatment, and follow-up testing will be borne by the employee.

Disciplinary Procedures

Any employee testing positive for alcohol (.04 Blood Alcohol Content (BAC) or greater), or who has a positive controlled substance test, or has refused to test is considered in violation of this policy, and is not qualified to drive a commercial motor vehicle or a Town-owned vehicle and will be immediately removed from duty and referred to an SAP. All employees of the Town who test positive for drug and/or alcohol tests will pay for the tests.

The following are disciplinary responses which may result from a violation of this policy:

- Employees testing positive from a reasonable suspicion, post-accident, random, return-to-duty, or follow-up drug screen will be subject to disciplinary action, up to and including termination of employment. Employees who are involuntarily terminated due to infractions occurring within the guidelines of this policy, will not be considered for reemployment for five-years after the date of termination.
- Employees whose test results show a blood alcohol concentration of at least .04 will be removed from safety-sensitive functions and may be subject to disciplinary action, up to and including termination of employment. A blood alcohol concentration of less than .04 will constitute evidence of intoxication and may, along with other evidence of job impairment, be grounds for disciplinary action, up to and including termination of employment. Any employee who tests at least .02, but less than .04 is prohibited from performing safety-sensitive functions by DOT regulations for at least 24-hours.
- Employees who sell, distribute, dispense, possess, or use illegal drug or alcohol on the Town of Ferdinand's premises or during working time may be subject to disciplinary action, up to and including termination of employment.
- Employees who switch, tamper, or attempt to switch or tamper with any screening test or sample may be subject to disciplinary action, up to and including termination of employment.
- Employees who refuse to submit to a drug or alcohol test as required by this policy or to execute any relevant documentation such as consent or release of information forms may be subject to disciplinary action, up to and including termination of employment.
- Any employee who is convicted of, or pleads guilty to, a drug-related offense that occurred in the workplace or elsewhere while in the Town of Ferdinand's employ may be suspended pending further investigation and in accordance with Policy 716 – Progressive Discipline, or subject to additional disciplinary action, up to and including termination of employment.
- In addition to, but not in lieu of, the disciplinary responses referred to in the forgoing subparagraphs, a DOT covered employee's failure to take appropriate corrective action to remove a deficiency from their license, after being given written notice to do so within a stated time, may

subject the DOT covered employee to disciplinary action, up to and including termination of employment.

- If a member of the Police Department violates this policy, the member will be subject to disciplinary action as may be appropriate pursuant to the powers granted under I.C. 36-8-3-4, et. seq.

Educational Materials

- Educational materials will be given to DOT covered employees that explain the requirements of Part 382.601 of the Federal Motor Carrier Safety Administration regulations, consequences of violating the regulations, and the Town of Ferdinand's policies and procedures with respect to meeting these requirements.
- Non-regulated employees must comply with all information and guidelines contained in this policy and should contact their Supervisor, or the Town Manager if they have any additional questions.
- Other materials concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life may be available from the DER.

Employees may be required to attend educational meetings to discuss the Town of Ferdinand's policies and procedures and to review all materials covered by this policy. DOT covered employees will be required to sign a certificate of receipt certifying that they have received a copy of the materials described in Part 382.601 of the Federal Motor Carrier Safety Administration regulations. The Town of Ferdinand will provide these materials to each employee prior to the start of alcohol and controlled substance testing and to each employee subsequently hired or transferred into a position requiring driving a commercial vehicle.

Drug-Free Workplace Act

Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify the Clerk-Treasurer, or the Town Manager of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five-days of the conviction.

While this policy is comprehensive, it is not all inclusive and employees whose jobs are governed by the guidelines of the DOT, will be required to follow those regulations surrounding substance abuse, as appropriate. Employees with questions on this policy or issues related to drugs or alcohol use/testing may raise their concerns with their Supervisor, the Clerk-Treasurer, or the DER, who is also the Town Manager without fear of reprisal.

703 Sexual and Other Unlawful Harassment

The Town of Ferdinand is committed to developing a work environment free of unlawful harassment and discrimination. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the Town of Ferdinand expects that all relationships among persons in the organization will be business-like and free of bias, prejudice, and harassment.

Equal Employment Opportunity

It is the policy of the Town of Ferdinand to ensure equal employment opportunity without harassment or discrimination on the basis of race, color, religion, sex (pregnancy, gender identity, and sexual orientation), national origin, age (40 and over), disability, genetic information as referenced in the Genetic Information Nondiscrimination Act (GINA), military service veteran status, or any other characteristic protected by federal, state and local laws.

Definitions of Harassment

I. Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purpose of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; improper use of email or voice mail; verbal abuse of a sexual nature; comments about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the work place of sexually suggestive objects or pictures including screen savers or improper emails or attachments; and other physical, verbal or visual conduct of a sexual nature.

II. Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that derogates or shows hostility or aversion toward an individual on the basis of race, color, religion, sex (pregnancy, gender identity, and sexual orientation), national origin, age (40 and over), disability, genetic information as referenced in the Genetic Information Nondiscrimination Act (GINA), military service veteran status, or any other characteristic protected by law or that of their relatives, friends, or associates, and that: (1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating or hostile acts; derogatory jokes; and written or graphic material that derogates or shows hostility or aversion toward an individual or group or that is placed on walls or elsewhere on the employer's premises or circulated in the workplace.

Individuals found to be performing such harassing conduct may be subject to disciplinary action, up to and including termination of employment.

Individuals and Conduct Covered

These policies apply to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to the Town of Ferdinand (e.g., an outside vendor, consultant, or resident).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings, and business-related social events.

Retaliation Is Prohibited

The Town of Ferdinand encourages reporting of all perceived incidents of harassment or discrimination. It is the policy of the Town of Ferdinand to investigate such reports. The Town of Ferdinand prohibits retaliation against any individual who reports harassment or discrimination or participates in an investigation of such reports.

Reporting an Incident of Harassment, Discrimination, or Retaliation

The Town of Ferdinand encourages reporting of all perceived incidents of harassment, discrimination, or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victims of harassing conduct should discuss their concerns with their Supervisor, the Clerk-Treasurer, the Town Manager, or a member of the Town Council.

In addition, the Town of Ferdinand encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that their behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. The Town of Ferdinand recognizes, however, that an individual may prefer to pursue the matter through informal or formal complaint procedures.

Complaint Procedures

If for any reason an individual does not wish to address the offender directly, or if addressing the offender does not successfully end the offensive conduct, the individual should notify their Supervisor, the Clerk-Treasurer, the Town Manager, or a member of the Town Council. In addition, there may be instances in which an individual seeks only to discuss matters with one of the Town of Ferdinand designated representatives, and such discussion is encouraged.

An individual reporting harassment, discrimination or retaliation should be aware however, that the Town of Ferdinand may find it necessary to take action to address such conduct beyond an informal discussion. This decision will be discussed with the individual.

As noted above, individuals who believe they have been the victims of conduct prohibited by this policy statement or believe they have witnessed such conduct should discuss their concerns with their Supervisor, the Clerk-Treasurer, the Town Manager, or a member of the Town Council.

The Town of Ferdinand encourages the prompt reporting of complaints or concerns so that rapid and corrective action may be taken before relationships become irreparably damaged. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct, or may have other relevant knowledge.

Retaliation against an individual for reporting harassment or discrimination, or for participation in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action, up to and including termination of employment. Acts of retaliation should be reported immediately and will be investigated and corrective action taken promptly. Corrective action may include, retraining, referral to counseling and/or disciplinary action up to and including termination of employment, withholding of a promotion or pay increase, reassignment, or temporary suspension without pay as deemed appropriate under the circumstances.

If a party to a complaint does not agree with its resolution, that party may appeal to the Town Council.

Confidentiality

The Town of Ferdinand will make all reasonable efforts to maintain the confidentiality of all parties involved in a harassment investigation. Confidentiality, however, cannot be guaranteed. For example, some details or identities may need to be revealed in order to fully investigate the harassment complaint.

False Claims of Sexual Harassment, Discrimination, and/or Retaliation

In order to cover all possibilities of misconduct, the Town of Ferdinand reserves the right to discipline employees who have falsely accused another of sexual harassment, discrimination, and/or retaliation. This does not mean that a complaint will be considered "false" solely because it cannot be corroborated.

Conclusion

The Town of Ferdinand has developed this policy to ensure that all its employees may work in an environment free from harassment, discrimination and retaliation. The Town of Ferdinand will make every reasonable effort to ensure that all necessary persons are familiar with these policies and aware that any complaint in violation of such policies will be investigated and resolved appropriately.

Finally, these policies should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions. In other words, no one should make the mistake of engaging in discrimination or exclusion in order to avoid allegations of harassment. The law and the policies of the Town of Ferdinand prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and prerequisites of employment. The prohibitions against harassment, discrimination, and retaliation are intended to complement and further those policies, not to form the basis of an exception to them. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

Employees seeking additional information about this policy may contact the Clerk-Treasurer, the Town Manager, or a member of the Town Council.

704 Attendance and Punctuality

To maintain a safe and productive work environment, the Town of Ferdinand expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on the operations of the Town of Ferdinand.

In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their Supervisor as soon as possible in advance of the anticipated tardiness or absence. Supervisors who are going to be late for work or absent must notify the Town Manager. Employees failing to report absences at least 30-minutes prior to the start of the shift, or according to departmental guidelines, will automatically be recorded as having an unexcused tardy or absence unless the employee is able to prove to the satisfaction of their Supervisor that such failure to report was beyond their control. When the employee does present proof that they could not call in and the opinion of the Supervisor justifies changing the classification of the tardy or absence, the tardy or absence record will be changed accordingly. Two late arrivals or two unexcused absences in a pay period may result in a written progressive disciplinary action. Three written disciplinary actions in any 12-month period may result in an involuntary termination of employment.

Employees seeking additional information about this policy may contact their Supervisor, the Clerk-Treasurer, or the Town Manager.

705 Personal Appearance

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the Town of Ferdinand presents to its residents and visitors.

During working hours or when representing the Town of Ferdinand, employees are expected to present a clean, neat, and tasteful appearance. Employees should dress and groom themselves according to the requirements of their position and accepted social standards. This is particularly true if the employee's job involves dealing with residents or visitors in person. Employees that have been issued uniforms must wear them at all times during working hours.

Supervisors, the Clerk-Treasurer, and the Town Manager are responsible for establishing a reasonable dress code appropriate to the job that employees perform. If a Supervisor, the Clerk-Treasurer, or the Town Manager feels an employee's personal appearance is inappropriate, the employee may be asked to leave the workplace until they are properly dressed or groomed. Under such circumstance, nonexempt employees will not be compensated for the time away from work. Employees should consult with their Supervisor, the Clerk-Treasurer, or the Town Manager if they have questions as to what constitutes appropriate appearance. Where necessary a reasonable accommodation may be made to a person with a disability.

Police Officers and Firefighters may refer to their department's Standard Operating Procedures (SOPs) pertaining to their personal appearance on the job.

Without unduly restricting individual tastes, the following personal appearance guidelines should be followed:

- Shoes must provide safe, secure footing, and offer protection against hazards.
- Tank tops and tube or halter tops, may not be worn during working hours under any circumstances.
- Mustaches and beards must be clean, well-trimmed, and neat.
- Unnaturally colored hair and extreme hairstyles, such as spiked hair, do not present an appropriate professional appearance.
- Long hairstyles should be worn with hair pulled back off the face and neck to avoid interfering with job performance.
- Excessive make-up is not permitted.
- Offensive body odor and poor personal hygiene are not professionally acceptable.
- Perfume, cologne, and aftershave lotion should be used moderately or avoided altogether, as some individuals may be sensitive to strong fragrances.
- Jewelry should not be functionally restrictive, dangerous to job performance, or excessive.
- Facial jewelry, such as eyebrow rings, nose rings, lip rings, and tongue studs, are not professionally appropriate and must not be worn during working hours.
- Torso body piercings with visible jewelry or jewelry that are visible through or under clothing must not be worn during working hours.
- Visible excessive tattoos and similar body art must be covered during working hours.

Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

706 Return of Property

Employees are responsible for all the Town-owned property to include:

- Materials
- Written information
- Identification badges
- Credit cards
- Mobile devices
- Tools
- Keys or key fobs
- Uniforms
- Guns, or any other related equipment or accessories

Employees must return all Town of Ferdinand-owned property immediately upon request, or upon termination of employment. Where permitted by applicable laws, the Town of Ferdinand may withhold from the employee's check or final paycheck the cost of any items that are not returned when required if the employee has signed a written agreement with the Town of Ferdinand allowing them to do so. The Town of Ferdinand may also take all action deemed appropriate to recover or protect its property.

708 Resignation

Resignation is a voluntary act initiated by the employee to terminate employment with the Town of Ferdinand. Although advance notice is not required, the Town of Ferdinand requests at least two weeks' written notice from all employees. Employees who plan to retire are urged to provide the Town of Ferdinand with a minimum of two-months' notice. This will allow ample time for the processing of the appropriate pension forms to ensure that any retirement benefits to which an employee may be entitled commence in a timely manner. Prior to an employee's departure, an exit interview may be scheduled to discuss the reasons for resignation and the effect of the resignation on benefits. If an employee does not provide advance notice as requested, the employee may be considered ineligible for rehire. Refer to Policy #405 – Employment Terminations for additional information.

710 Security Inspections

The Town of Ferdinand wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the Town of Ferdinand prohibits the manufacturing, distribution, dispensing, possession, transfer, sale, or use of such materials in its facilities. All new hires are required to view an internal controls video prior to commencement of their duties. The Town of Ferdinand requires the cooperation of all employees in administering this policy. Refer to Policy #702 – Drugs and Alcohol Use/Testing for additional information.

The Town of Ferdinand likewise wishes to discourage theft or unauthorized possession of the property of employees, the Town of Ferdinand, visitors, and residents. To facilitate enforcement of this policy, the Town of Ferdinand or its representative may inspect not only desks and lockers, but also persons entering and/or leaving the premises and any packages or other belongings. Any employee who wishes to avoid inspection of any articles or materials should not bring such items onto the Town of Ferdinand's premises. Computers, desks, lockers, and other storage devices may be provided for the convenience of employees, but remains the sole property of the Town of Ferdinand. Accordingly, they, as well as any articles found within them, may be inspected by any agent or representative of the Town of Ferdinand at any time, either

with or without prior notice. This includes purses, briefcases, personal devices and motor vehicles located on the Town of Ferdinand's property, based on reasonable cause, as well as all Town-owned property used by employees, whether secured or unsecured by a lock or locking device provided by the employee, based on reasonable suspicion. An employee's personal items may be held so that law enforcement officials may conduct the search.

Employees seeking additional information about this policy may contact their Supervisor, or the Clerk-Treasurer, or the Town Manager.

712 Solicitation

In an effort to ensure a productive and harmonious work environment, persons not employed by the Town of Ferdinand may not solicit or distribute literature in the workplace at any time for any purpose.

The Town of Ferdinand recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time. Working time does not include lunch periods, work breaks, or any other periods in which employees are not engaged in performing their work tasks.

In addition, the posting of written solicitations on Town bulletin boards is prohibited. Bulletin boards are reserved for official organization communications on such items as:

- Employee announcements
- Internal memoranda
- Job openings
- Town-related announcements
- Payday notice
- Workers' compensation insurance information

If an employee has a message of interest to the workplace, they may submit it to the Clerk-Treasurer for approval. All approved messages will be posted by an employee specifically designated by the Clerk-Treasurer, or the Town Manager. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

716 Progressive Discipline

The purpose of this policy is to state the Town of Ferdinand's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels.

The Town of Ferdinand's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

Although employment with the Town of Ferdinand is based on mutual consent and both the employee and the Town of Ferdinand have the right to terminate the employment-at-will relationship, with or without cause or advance notice, the Town of Ferdinand may use progressive discipline at its discretion.

Disciplinary action may call for any of four steps -- verbal warning, written warning, suspension with or without pay when further investigation is warranted, or termination of employment -- depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed. Copies of all progressive disciplinary action reports and/or coaching/counseling notes must be placed in the employee's personnel file in the Clerk-Treasurer's Office.

Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed:

- A first offense may call for a written verbal warning, which has been documented in writing for the employee's file;
- A next offense may be followed by a written warning;
- A third offense may lead to a suspension when further investigation is warranted; and
- A fourth offense may then lead to termination of employment.

The Town of Ferdinand recognizes that there are certain types of employee problems that are serious enough to justify either a suspension when further investigation is warranted, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.

While it is impossible to list every type of behavior that may be deemed a serious offense, Policy #701 - Employee Conduct and Work Rules includes examples of problems that may result in immediate suspension or termination of employment. However, the problems listed are not all necessarily serious offenses, but may be examples of unsatisfactory conduct that will trigger progressive discipline. By using progressive discipline, the Town of Ferdinand hopes that most employee problems may be corrected at an early stage, benefiting both the employee and the Town of Ferdinand.

718 Problem Resolution

It is the policy of the Town of Ferdinand to ensure that employees' who have questions, issues, and complaints arising from misunderstandings and the application of policies, procedures, and work rules be promptly heard, answered and action taken to resolve or clarify each situation.

Any employee who has a question, issue, or complaint with the Town of Ferdinand should follow these steps:

- The employee should talk with the individual with whom they have an issue to try and come to a resolution of the problem or situation.
- If talking with the employee does not satisfy the problem or situation, or if the employee alternately chooses to initially submit a problem for resolution, then the employee should contact their Supervisor, the Clerk-Treasurer, or the Town Manager to discuss the problem or situation, as soon as possible.
- If the problem or situation is not satisfactorily resolved or the problem or situation is with the Supervisor, the Clerk-Treasurer, or the Town Manager, the employee may discuss the situation with the appropriate Town Council member.
- If the problem or situation is still not satisfactorily resolved, the employee may request a meeting with the Town Council President to discuss the issue or complaint.

Employees seeking additional information about this policy may contact their Supervisor, the Clerk-Treasurer, or the Town Manager.

MISCELLANEOUS

802 Political Activity

Employees of the Town of Ferdinand are encouraged to support governments in our political system. However, there are limits on employee political activity. Town of Ferdinand employees may join civic, partisan, or political organizations, may attend political meetings and advocate the principles or policies of civic or political organizations in accordance with the Constitution and federal and state laws.

Although any solicitation, refer to Policy #712 – Solicitation, by employees of the Town of Ferdinand during working hours is strictly prohibited, employees must make every effort to avoid the appearance of impropriety when engaging in political activities on their own time. Employees must note that they are engaging in political activity on their own time and not on behalf of the Town of Ferdinand. Employees must also refrain from using Town-owned vehicles, equipment, etc. or wearing a municipal uniform while campaigning or attending campaign events. Employees must also refrain from discussing municipal business during political discussions. No Town of Ferdinand employee should be required to contribute money or anything of value to any candidate for nomination, or election to any office, campaign or political committee or be required to take part in any political campaign. In addition, receiving gifts, remuneration of any type or monetary reward in exchange for political activities while conducting or that conflict with municipal business is prohibited. Nothing in this policy shall be interpreted to prohibit or otherwise restrict concerted activities by employees that are protected by law.

Employees seeking additional information about this policy may contact the Clerk-Treasurer, or the Town Manager.

EMPLOYEE HANDBOOK ACKNOWLEDGEMENT FORM

ISSUE DATE: 10/01/2020
REVISED DATE: 02/24/2023

The employee handbook describes important information about the Town of Ferdinand and I understand that I should consult the Clerk-Treasurer, or the Town Manager regarding any questions not answered in the handbook. I have entered into my employment relationship with the Town of Ferdinand voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the Town of Ferdinand may terminate the employment-at-will relationship, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur, except to the Town of Ferdinand's policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Town Council of the Town of Ferdinand has the ability to adopt any revisions to the policies in this handbook.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

EMPLOYEE'S NAME (printed): _____

EMPLOYEE'S SIGNATURE: _____

DATE: _____

TOWN OF FERDINAND, INDIANA

**DRUG AND ALCOHOL
SUBSTANCE ABUSE POLICY**

FOR

**Employees with Commercial Drivers License for
Compliance with 49 CFR Part 382.601 & 49 CFR Part 40**

&

Non-Regulated Employees

Revisions Effective: December 20, 2022

Approved By: Ordinance No. 2022-46

Previous Ordinances:

**(Ord. 04-05, May 12, 2004)
(Ord. 2003-11, Sept. 10, 2003)
(Ord. 2001-8, June 13, 2001)
(Ord. 1999-6, July 13, 1999)
(Ord. 1996-5, Apr. 23, 1996)**

Table of Contents

Section	Pg.
Statement of Purpose and Policy	3
I. Purpose	4
II. Provisions	4
A. Applicability	4
B. Prohibited Conduct	4
C. Refusal to Test	6
D. Types of Tests	7
1. Pre-employment Testing	7
2. Random Testing	7
3. Post-Accident Testing	8
4. Reasonable Suspicion Testing	8
5. Return-to-duty & Follow-up Testing	9
E. Controlled Substance Testing	10
1. Collection Procedures	10
2. Laboratory Testing Procedures	10
3. Validity Testing	10
4. MRO Procedures	10
F. Split Specimen Testing Protocol	11
G. Alcohol Testing Protocol	12
H. Educational Materials	12
III. Disciplinary Procedures	12
IV. Substance Abuse Evaluation, Return To Duty, and Follow Up Testing	13
V. Responsibility	14
Appendix	
Abbreviations and Terms	15
Definitions	15

STATEMENT OF PURPOSE AND POLICY

Employees are an extremely valuable resource for the Town of Ferdinand, Indiana. Their health and safety is a serious concern of the Town of Ferdinand. Drug or alcohol use may pose a serious threat to employee health and safety. It is therefore, the policy of the Town of Ferdinand (hereafter referred to as the "Town") to prevent substance use or abuse from having an adverse effect on our employees. The Town maintains that the work environment is safer and more productive without the presence of alcohol, illegal or inappropriate drugs in the body or on the Town's property. Furthermore, employees have a right to work in an alcohol and drug-free environment and to work with employees free from the effects of alcohol and drugs. Employees who abuse alcohol or use drugs are a danger to themselves, their coworkers and the Town's assets.

The adverse impact of substance abuse by employees has been recognized by the federal government. The Federal Motor Carrier Safety Administration ("FMCSA") has issued regulations which require the Town to implement a controlled substance testing program. The Town will comply with these regulations and is committed to maintaining a drug-free workplace. All employees are advised that remaining drug-free and medically qualified to drive or able to work are conditions of continued employment with the Town.

Specifically, it is the policy of the Town that the use, sale, purchase, transfer, possession or presence in one's system of any controlled substance (except medically prescribed drugs) by any employee while on the Town premises, engaged in Town business, while operating Town equipment, or while under the authority of the Town is strictly prohibited. FMCSA states that mandatory testing must apply to every person who operates a commercial motor vehicle in interstate or intrastate commerce and is subject to the CDL licensing requirement.

The execution and enforcement of this policy will follow set procedures to screen body fluids (urinalysis), conduct breath testing, and or search all employee applicants for alcohol and drug use, and those employees suspected of violating this policy. Employees to be tested pursuant to these procedures include (1) those who hold CDL's and are subject to the requirements of the U.S. Department of Transportation ("DOT") and (2) all other non-regulated employees described under A. Applicability of this policy who are subject to the mandates of this Policy. These procedures are designed not only to detect violations of this policy, but to ensure fairness to each employee. Every effort will be made to maintain the dignity of employees or applicants involved. Disciplinary action will, however, be taken as necessary.

Neither this policy nor any of its terms are intended to create a contract of employment or to contain the terms of any contract of employment. The Town retains the sole right to change, amend or modify any term or provision of this policy without notice. This policy is effective upon passage of the accompanying Ordinance, and will supersede all prior policies and statements relating to alcohol or drugs.

I. Purpose

The purpose of this administrative guide is to set forth the procedures for the implementation of controlled substance and alcohol use and testing of employee applicants, current employees and employees subject to the Town's Drug and Alcohol Substance Abuse Policy. These procedures are intended as a guide only, and are in no way intended to alter any existing relationship between the Town and any employee.

The Town's substance abuse program DER (designated employer representative) that is designated to monitor, facilitate, and answer questions pertaining to these procedures is the Town Manager, Chris James, with Kerri Blessinger serving as the backup DER after the retirement of Steve Lechner and after receiving appropriate training. (Ord. 2022-46, S1, Dec. 20, 2022) (Ord. 2020-02, S1, Feb. 18, 2020) (Ord. 2004-19, S1, Dec. 8, 2004) (Ord. 2004-05, S1, May 12, 2004)

II. Provisions

A. Applicability

This policy applies to all Town employees that utilize a Commercial Drivers License (CDL) in the course of their employment. A valid CDL is required to operate the type of equipment listed below:

1. A vehicle designed to transport 16 or more passengers, including the driver.
2. A vehicle having a Gross Vehicle Rating (GVWR) as assigned by the manufacturer of 26,001 pounds or more; or
3. A combination vehicle having a Gross Combination Weight Rating of 26,001 pounds or more.

This policy also applies to all other Town employees that:

- μ drive any type of Town vehicle
- μ hold "safety-sensitive" positions
- μ hold "safety-impact" positions
- μ hold hourly or salaried positions
- μ are not otherwise specifically exempted from coverage or from certain types of testing under this Policy.

B. Prohibited Conduct

The following shall be considered "prohibited conduct" for purposes of this procedure for all employees covered in this policy.

1. No employee shall report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcoholic concentration of .04 or greater. A employee is considered to be performing a safety-sensitive function if he/she is actually performing, ready to perform, or immediately available to perform any of the following on-duty functions:
 - a. Waiting to be dispatched;
 - b. Inspecting, servicing, or conducting any commercial motor vehicle or Town vehicle at any time;
 - c. Driving, which includes all time spent at the driving controls of a commercial vehicle in operation or a Town vehicle;
 - d. Spending time, other than driving time, in or upon any commercial vehicle or Town vehicle;
 - e. Loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
 - f. Repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

2. No employee shall be on duty or operate a commercial vehicle or Town vehicle while the employee possesses alcohol.
3. No employee shall use alcohol while performing safety-sensitive functions.
4. No employee shall perform safety-sensitive functions within four (4) hours after using alcohol.
5. No employee required to take a post-accident test shall use alcohol for eight (8) hours following the accident or until he or she undergoes a post-accident test, whichever occurs first.
6. No employee shall refuse to submit to a post-accident, random, reasonable suspicion, return-to-duty, or follow-up alcohol or drug test.
7. No employee shall report for duty or remain on duty when the employee uses any controlled substance, except when use is pursuant to the written instructions of a physician who has advised the employee and the Town that the substance does not adversely affect the employee's ability to operate a commercial motor vehicle or Town vehicle.
8. Any employee who becomes unqualified or engages in prohibited conduct as set forth herein may be subject to discipline up to and including termination of employment. Return to Duty testing is mandatory. See full discussion of Disciplinary Procedures in this Policy.
9. Off-Duty Conduct Rendering An Employee Unfit to Report
 - A. An off-duty employee who is called in to work outside regular working hours or on an otherwise off-duty work shift, who has consumed alcohol within eight (8) hours prior to reporting for work, and is unaware or unsure of his/her blood alcohol level shall resolve any doubt by informing his or her Supervisor (or if there is no immediate Supervisor, an elected official of the Town of Ferdinand) that he or she is, at this time, unfit to report to work.
 - B. Off-Duty Standards For Police Officers
 - (1) While off-duty, an officer with alcohol in his/her blood shall not perform any law enforcement function. "Law enforcement function" as used here includes:
 - (a) stopping or detaining a person or vehicle;
 - (b) participating in a pursuit by driving a vehicle;
 - (c) making an arrest;
 - (d) using physical force capable of causing bodily injury, including deadly force, against any other person;
 - (e) handling a firearm.
 - (2) Exemptions to (B)(1)(a) through (e) are exceptions as necessary to:
 - (a) prevent injury to the officer or another person;
 - (b) prevent escape of a person who could be prevented from escaping by the use of deadly force; or
 - (c) prevent the destruction of evidence of a crime;
 - (3) Officers off duty shall not operate a Town owned vehicle with a blood alcohol level of 0.02% by weight or greater. An officer who is unaware or unsure of his/her blood alcohol level shall resolve any doubt by not operating a Town owned vehicle.

C. Off-Duty Standards For Reservists

- (1) A reservist with alcohol in his/her blood shall not perform any law enforcement function. "Law enforcement function" as used here includes:
 - (a) stopping or detaining a person or vehicle;
 - (b) participating in a pursuit by driving a vehicle;
 - (c) making an arrest;
 - (d) using physical force capable of causing bodily injury, including deadly force, against any other person;
 - (e) handling a firearm.
- (2) Exemptions to (C)(1)(a) through (e) are exceptions as necessary to:
 - (a) prevent injury to the officer or another person;
 - (b) prevent escape of a person who could be prevented from escaping by the use of deadly force; or
 - (c) prevent the destruction of evidence of a crime;
- (3) Reservists shall not operate a Town owned vehicle with a blood alcohol level of 0.02% by weight or greater. A reservist who is unaware or unsure of his/her blood alcohol level shall resolve any doubt by not operating a Town owned vehicle.

C. Refusal to Test

Refusal to submit to the types of drug and alcohol tests employed by the Town will be grounds for refusal to hire employee/applicant(s) and to discipline existing CDL or non-regulated employees covered by this policy. A refusal to test would include any of the following situations:

1. Failing to appear for any test within a reasonable time after being directed to do so.
2. Failing to remain at the testing site until the testing process is completed.
3. Failure to provide a breath sample, saliva sample or urine sample as directed.
4. Failure to permit, if the situation requires, the observation or monitoring of providing a urine specimen.
5. Failure to provide a urine, breath or saliva specimen within required time frames may be considered a refusal. If an employee cannot provide a sufficient quantity of urine or breath, he/she will be directed to be evaluated by a physician of the Town's choice. If the physician cannot find a legitimate medical explanation for the inability to provide a specimen (either breath or urine), it will be considered a refusal to test. In that circumstance the employee has violated one of the prohibitions of the federal regulations and this policy.
6. Failure to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of a "shy bladder" or "insufficient breath" situation.
7. Failing or declining to take a second test as required by DOT regulations.
8. Failure to cooperate with any part of the testing process and/or conduct that would obstruct the proper administration of a test. (e.g., refusing to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process)
9. Refusing to sign step two (2) of the alcohol testing form.
10. A report from the MRO that the employee has a verified adulterated or substituted test result.

D. Types of Tests

All employees subject to this policy will also be tested for drugs and/or alcohol, if applicable, for the following reasons: pre-employment, post-accident, random (except those who are specifically exempt from random testing), reasonable suspicion, return-to-duty, and follow-up testing as described below.

1. Pre-employment Testing

This applies to all applicants applying for a CDL position and to all applicants applying for any other position defined under Section A. Applicability.

All applicants applying for a CDL covered position will be required to provide their written consent for the Town to obtain from all previous employers (within the past two (2) years) all drug and alcohol testing records as the DOT regulations require. DOT regulations require this information be obtained within thirty (30) days of the employee performing a safety-sensitive function.

2. Random Testing

The Town conducts random drug and alcohol testing on all employees covered by this policy with the exception of the safety impact employees who are volunteers and reservists (i.e. members of the Volunteer Fire Department; members of the Ferdinand Police Reserve Unit). A random pool will be established for DOT (those with a CDL license) employees and a separate pool will be established for all other non-regulated employees who are subject to random testing. In the event that the number of members in the non-regulated pool does not justify maintaining a pool consisting of only non-regulated Town employees, the Town reserves the option to join an employer consortium group for random draw purposes. DOT regulations do not allow non-CDL employees in a DOT pool. The Town will submit all non-exempt employees' names to a random selection system. The random selection system provides an equal chance for each employee to be selected each time random selection occurs. Random selections will be reasonably spread throughout the year. The Town will drug test, at a minimum, fifty (50) percent of the average number of employee positions in each calendar year or at a rate established by the DOT for the given year. The Town will select, at a minimum, twenty-five (25) percent of the average number of employee positions in each calendar year for random alcohol testing, or at the rate established by the DOT for the given year. Random selection by its very nature, may result in employees being selected in successive selections or more than once a calendar year.

If an employee is selected at random, for either drug or alcohol testing, a Town official will notify the employee. Once notified, the employee must proceed to the designated collection site immediately. If the employee does not go to the collection site as soon as possible after notification, such conduct may be considered a refusal to test.

With the exception of reservists and volunteers, employees in safety impact positions will be subject to random drug testing as well as any of the other types of testing mandated by this Policy. Due to the nature of their duties and the type of services provided to the Town by them, members of the Ferdinand Police Department and any other employees who hold such safety impact positions may hold the irregular shift hours. Therefore, it is imperative that the DER, upon request, have access to the current duty schedule of each employee who holds a safety impact position and be advised, as soon as feasible, of any changes in the duty schedule. This requirement is necessary in order to facilitate the random testing mandated by this Policy.

Due to the particular voluntary nature of services provided to the Town by employees who serve solely in a volunteer or reservist capacity, such employees, even though they may technically fit the policy definition of "safety impact employees", shall not be subject to random testing pursuant to this Policy. Such employees shall, however, to be subject to all pre-employment testing, reasonable suspicion testing, post-accident testing and any other follow-up testing that is mandated by this Policy.

3. Post-Accident Testing

Following any accident, the employee must contact the Town as soon as possible. **Employees holding a CDL** must submit to a drug and alcohol test any time he or she is involved in an accident while driving a commercial vehicle where 1) a fatality is involved; or 2) the employee receives a citation for a moving violation arising from the accident that involved

- μ injury requiring medical treatment away from the scene, or
- μ one or more vehicles having to be towed from the scene.

All employees subject to this policy, in addition to the testing requirements outlined above for those holding a CDL, may be post-accident tested for the following situations:

1. Any accident/incident involving injury or death.
2. Any accident/incident involving property damage.
3. Any accident/incident where the employee receives a citation under state or local law for a moving traffic violation arising from the incident.
4. Any accident/incident in which an employees involvement or actions may have contributed or cannot be completely discounted as a contributing factor to an accident/incident which results in damage over \$7,500.00 or personal injury; or
5. The incident results in a lost time injury.

The employee shall follow the instructions from the Town or its representative to complete required testing.

Any time a post-accident drug or alcohol test is required, it must be performed as soon as practical. If no alcohol test can be made within eight (8) hours, attempts to perform an alcohol test shall cease. If no urine collection can be obtained for the purpose of post-accident drug testing within thirty-two hours, attempts to make such collection shall cease. An employee is prohibited from consuming alcohol between the time of the accident and the test.

In the event that federal, state, or local officials conduct breath or blood test for the use of alcohol and/or urine tests for the use of controlled substances following an accident, employees must comply with law enforcement personnel requests. The Town may request testing documentation from such agencies, and may ask the employee to sign a release allowing the Town to obtain such test results.

In the event an employee is so seriously injured that the employee cannot provide a sample of urine, breath or saliva at the time of the accident, the employee must provide necessary authorization for the Town to obtain hospital records or other documents that would indicate the presence of controlled substances or alcohol in the employee's system at the time of the accident.

4. Reasonable Suspicion Testing Reasonable suspicion for requiring an employee to submit to drug and/or alcohol testing shall be deemed to exist when an employee manifests physical, behavioral, speech or performance symptoms or

reactions commonly attributed to the use of controlled substances or alcohol. Such employee conduct must be witnessed by a supervisor who is trained in compliance with Part 382.603 of the Federal Motor Carrier Safety Regulations.

A supervisor observing such conditions will take the following actions immediately:

- a. Confront the employee involved, and keep under direct observation until the situation is resolved.
- b. Secure the DER's concurrence to observations. After discussing the circumstances with the DER, arrangements will be made to observe or talk with the employee. If he/she believes, after observing or talking to the employee, that the conduct or performance problem could be due to substance abuse, the employee will be immediately required to submit to a breath test or urinalysis. If the employee refuses to submit to testing for any reason, the employee will be informed that continued refusal would result in disqualification from performing any safety-sensitive function.
- c. Employees will be asked to release any evidence relating to the observation for further testing. Failure to comply may subject the employee to subsequent discipline or suspension from driving duties. All confiscated evidence will be receipted for with signatures of both the receiving supervisor, as well as the provider.
- d. The DER shall, within 24 hours or before the results of the controlled substance test are released, document in writing the particular facts related to the behavior or performance problems, that led to the reasonable suspicion test and maintain this documentation in appropriate DOT files.
- e. The DER shall remove or cause the removal of the employee from the Town-owned vehicle and ensure that the employee is transported to an appropriate collection site and thereafter to the employee's residence or, where appropriate, to a place of lodging. Under no circumstances will that employee be allowed to continue to drive a Town vehicle or his/her own vehicle until a confirmed negative test result is received.
- f. The Town shall ensure Supervisors and others designated to determine whether reasonable suspicion exists to require an employee to undergo testing receive at least sixty (60) minutes of training on alcohol misuse and receive at least sixty (60) minutes of training on controlled substance use in compliance with federal law. The training shall cover the physical, behavioral, speech and performance indicators of probable alcohol misuse and use of controlled substances.

5. Return-to-Duty and Follow-up Testing

A return to duty test will be required for all employees who have violated this policy (test positive or refuse to test). The employee may not return to duty until he or she passes (tests negative) a drug test and/or tests below a .02 for breath alcohol and the SAP (Substance Abuse Professional) and the Town have determined that the employee may return to duty. Any employee who has returned to work following a violation of this drug and alcohol policy will be subject to follow-up testing. At a minimum, six follow-up tests will be required within the first twelve months following an employee's return to work. Follow-up tests are separate from and in addition to other policy testing (random, post-accident or reasonable suspicion).

E. Controlled Substance Testing Protocol

1. Collection Procedures

- A. The testing procedure starts with a urine collection.
- B. Collection procedures will follow the specific guidelines set forth by the U.S. Department of Transportation as outlined in the published collection procedures guidelines.
- C. Employees will be directed to empty their pockets and display the contents to the collector.
- D. Employees will be allowed privacy during the collection process except as noted in E. below.
- E. Observed collections will be required if:
 - 1. The specimen is determined invalid and there is no medical explanation.
 - 2. The collector observes evidence of an employee's attempt to tamper with the specimen.
 - 3. The temperature of the specimen is out of range.
 - 4. The specimen appears to have been tampered with.
- F. As part of the collection process, the specimen provided will be split into two portions; a primary specimen and a secondary (split) specimen.
- G. If the employee is unable to provide 45 ml of urine, the DOT "shy bladder" rule will apply. The employee will have up to 3 hours to provide the required 45 ml, and may consume up to 40 ounces of fluids during this time period. The employee will be required to be monitored during the waiting period.
- H. After collection, the specimen will be submitted to a SAMHSA certified laboratory for testing.

2. Laboratory Testing Procedures

Drug testing will be performed through urinalysis. Urinalysis will test for the presence of drugs and/or metabolites of the following controlled substances: marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP).

The SAMHSA certified laboratory will perform initial screenings on all primary specimens. In the event that the primary specimen tests positive, a confirmation test of that specimen will automatically be performed. If the confirmatory test is positive it will be reported to the Medical Review Officer (MRO) as a positive.

3. Validity Testing at the Laboratory

All specimens will also be submitted for validity testing. The purpose of validity testing is to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the specimen was substituted. The following will be measured: creatinine level, specific gravity, and pH. In addition, all specimens will be tested for known adulterants. An initial validity test is performed first, followed by a confirmation test if required.

All laboratory results will be reported by the laboratory to a MRO designated by the DER or its agents.

4. MRO (Medical Review Officer) Procedures

- a. All tests results will undergo a review process by the MRO.
- b. Negative test results will be reported directly to the Town's DER.

- c. Positive, adulterated or substituted results will be handled in the following manner by the MRO:
1. Before reporting a positive, adulterated or substituted test result to the DER, the MRO will attempt to contact the employee to discuss the test result.
 2. The employee is required to discuss the result with the MRO. The employee will be allowed to explain and present medical documentation to explain any permissible use of a drug.
 3. For adulterated or substituted results, the employee must demonstrate that he or she did produce or could have produced urine, through physiological means, a specimen meeting the creatinine and specific gravity criteria of a substituted or adulterated specimen.
 4. If the MRO is unable to contact the employee directly, the MRO will contact the DER who shall, in turn, contact the employee and direct the employee to contact the MRO. Upon being so directed, the employee shall contact the MRO immediately or, if the MRO is unavailable, at the start of the MRO's next business day.
 5. If, after failing to contact the MRO within 72 hours after being instructed to do so by the DER, or if the employee cannot be contacted at all within ten (10) days, or the employee expressly declines the opportunity to discuss the test, the MRO may verify the test as positive or a refusal.
 6. In the MRO's sole discretion, a determination will be made as to whether a result is verified as positive, negative or considered a refusal.
 7. Ingestion of products that contain hemp will not be an acceptable explanation for testing positive for marijuana.
 8. After any verified positive or refusal to test determination, the employee may petition the MRO to reopen the case for reconsideration.

Medical Information Disclosure:

Pursuant to DOT regulations, if, in the MRO's opinion, any information provided may mean a medical disqualification or represent a safety hazard, such as the use of certain prescription drugs, the MRO must disclose this to the employer. Individual test results for employee applicants and employees will be released to the Town and will be kept strictly confidential unless consent for the release of the test result has been obtained. Any individual who has submitted to drug testing in compliance with this procedure is entitled to receive the results of such testing upon written request.

F. Split Specimen Testing Protocol

An employee may make a request for the "split" portion of his/her specimen to be tested at a different SAMHSA laboratory if he/she was notified by the MRO that his/her test result was positive, adulterated or substituted. The request must be made to the MRO within 72 hours of being notified of a verified positive, adulterated or substituted result. The MRO will arrange for all procedures to be done in accordance with split specimen testing procedures.

The cost of a split specimen test will be the responsibility of the employee. If the employee makes a timely request (within 72 hours) to the MRO for the split portion to be tested, the MRO shall immediately make arrangement with the laboratory to initiate the process. Notwithstanding any of the foregoing, in the event an employee or applicant requests a split specimen or retesting and falls or refuses to pay for the

retesting, the Town will pay for the split specimen testing so that it can be performed in a timely fashion and will seek payment or reimbursement of the cost of retesting from the employee or applicant.

G. Alcohol Testing Protocol

Alcohol tests will be conducted by a trained Breath Alcohol Technician (BAT) or Screening Test Technician (STT). Screening tests may be done using an evidential breath testing device (EBT) or non-evidential screening device approved by the National Highway Traffic Safety Administration. Confirmatory tests will be done by a trained BAT using an evidential breath testing device. The employee shall report to the alcohol testing site as notified by the Town. The employee shall follow all instructions given by the alcohol technician.

If the result of a screening test is a breath alcohol concentration (BAC) of less than 0.02, no further testing is authorized. Any initial test indicating a BAC of .02 or greater will be confirmed on an EBT operated by a BAT. The confirmation test will be performed no sooner than fifteen (15) minutes and no later than thirty (30) minutes following the completion of the initial test. In the event the confirmation test indicates a BAC of .020 to .039, the employee shall be removed from duty for twenty-four (24) hours or until his/her next scheduled on-duty time, whichever is longer. Employees with tests indicating a BAC of .04 or greater are considered to have engaged in prohibited conduct, which may result in disciplinary action up to and including termination. All alcohol tests shall be performed just prior to, during, or just after performing a safety sensitive function.

H. Educational Materials

The Town shall provide:

1. Educational materials will be given to DOT covered employees that explain the requirements of Part 382.601 of the Federal Motor Carrier Safety Administration regulations, consequences of violating the regulations, and the Town's policies and procedures with respect to meeting these requirements.
2. Non-regulated employees will also receive information that explains Town policy, the consequences of violating the regulations, and the Town's policies and procedures with respect to meeting these requirements.
3. Other materials concerning the effects of alcohol and controlled substances use on an individual's health, work and personal life.

Employees may be required to attend an educational meeting(s) to discuss the Town's policies and procedures and to review all materials covered by this procedure. DOT covered employees will be required to sign a statement (certificate of receipt) certifying that he or she has received a copy of the materials described in Part 382.601 of the Federal Motor Carrier Safety Administration regulations. The Town shall provide these materials to each employee prior to the start of alcohol and controlled substance testing and to each employee subsequently hired or transferred into a position requiring driving a commercial vehicle.

III. Disciplinary Procedures

Any employee testing positive for alcohol (.04 BAC or greater), or who has a positive controlled substance test, or has refused to test is considered in violation of this policy, and is not qualified to drive a commercial motor vehicle or a Town vehicle, and will be immediately removed from duty and referred to a Substance Abuse Professional (SAP).

Following are disciplinary responses which may result from a violation of this Policy:

1. Employees testing positive from a reasonable suspicion, post-accident, random, return to duty, or follow-up drug screen will be disciplined up to and including discharge. These individuals discharged will not be considered for reemployment for five (5) years after the date of termination.
2. Employees whose test results show a blood alcohol concentration of at least 0.04 will be removed from safety-sensitive functions and may be subject to discipline up to and including discharge. A blood alcohol concentration of less than 0.04 shall constitute evidence of intoxication and may, along with other evidence of job impairment, be grounds for discipline up to and including discharge. Any employee who tests at least 0.02, but less than 0.04 is prohibited from performing safety-sensitive functions by DOT regulations for at least twenty-four (24) hours.
3. Employees who sell, distribute, dispense, possess, or use an illegal drug or alcohol on the Town of Ferdinand's premises or during working time may be subject to discipline up to and including discharge.
4. Employees who switch, tamper, or attempt to switch or tamper with any screening test or sample may be subject to discipline up to and including discharge.
5. Employees who refuse to submit to a drug or alcohol test as required by this policy or to execute any relevant documentation such as consent or release of information forms may be subject to discipline up to and including discharge.
6. Any employee who is convicted of, or pleads guilty to, a drug-related offense that occurred in the workplace or elsewhere while in the Town of Ferdinand's employ may be subject to discipline up to and including discharge.
7. Any employee who is believed to be selling, distributing, dispensing, or possessing drugs or alcohol on the Town of Ferdinand's premises or while on working time may be suspended, subject to discipline up to and including discharge.
8. In addition to, but not in lieu of, the disciplinary responses referred to in the foregoing subparagraphs, a DOT covered employee's failure to take appropriate corrective action to remove a deficiency from his or her license, after being given written notice to do so within a stated time, may subject the DOT covered employee to discipline, up to and including discharge.
9. If a member of the Ferdinand Police Department or the Ferdinand Police Reserve Unit violates this policy, the member will be subject to such disciplinary action as may be appropriate pursuant to the powers granted under I.C. 36-8-3-4, et seq.

IV. Substance Abuse Evaluation, Return To Duty, and Follow Up Testing

To be able to be returned to a CDL position the employee must complete the steps outlined in Section IV. below. Employees who do not have CDL licenses but are covered by this policy must also complete the steps in Section IV below before they will be allowed to return to their position.

1. Complete an evaluation with a SAP
2. Complete any rehabilitation and/or education required by the SAP
3. Be re-evaluated by the SAP and obtain written confirmation of satisfactory completion of all recommendations
4. Complete a return to duty test that is issued with a negative result

5. As a condition of continued employment, the employee will be required to submit to a minimum of 6 unannounced follow up tests in the next 12 months after returning to work.

Follow-up testing is separate from and in addition to the Town's reasonable suspicion, post-accident, and random testing procedures. The schedule for follow-up testing shall be unannounced and in accordance with the instructions of the SAP. Follow-up testing may continue for a period of up to sixty (60) months following the employee's return to duty. No fewer than six (6) tests shall be performed in the first twelve (12) months of the follow-up testing. The cost of any SAP evaluation, prescribed treatment and follow-up testing shall be borne by the employee.

V. Responsibility

- A. Employee - All Town employees are responsible for abiding by this policy as a condition of their employment.
- B. Town Officials and Supervisors
All supervisors and Town officials are responsible for being alert to employee conduct that raises a reasonable suspicion that an employee is using or is under the influence of alcohol or controlled substances while on duty or otherwise performing Town business.
- C. All employees of the Town who test positive for drug and/or alcohol tests will pay for tests.

This policy is not intended nor should it be construed as a contract between the Town and the employee. This policy may change at any time at the sole discretion of the Town.

APPENDIX A Abbreviations and Terms

Abbreviations

BAT	Breath Alcohol Technician	CDL	Commercial Drivers' License
CMV	Commercial Motor Vehicle	DER	Designated Employer Representative
DHHS	Dept. of Health and Human Services	DOT	Department of Transportation
EAP	Employee Assistance Program	EBT	Evidential Breath Testing Device
MRO	Medical Review Officer	STT	Screening Test Technician
SAMHSA	Substance Abuse and Mental Health Services Administration		

Definitions

Adulterated Specimen

A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that it is not consistent with human urine.

Alcohol

Intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohol including methyl and isopropyl alcohol.

Alcohol Concentration (or content)

Alcohol in a volume of breath (shown as grams of alcohol/210 liters of breath) as indicated by an evidential breath test.

Alcohol Use

Consumption of any beverage, mixture, or preparation, including medications, containing alcohol.

Breath Alcohol Technician (BAT)

An individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath measurement (EBT) device.

Confirmation Test

In alcohol testing: a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration.

In controlled substances testing: a second test to identify the presence of a specific drug or metabolite. In order to ensure reliability and accuracy, this test is separate from and uses a different technique and chemical principle from that of the screening test.

Confirmation Validity Test

A second test performed on a urine specimen to further support a validity test result.

Controlled Substances

In this regulation, the term 'drugs' and 'controlled substances' are interchangeable and have the same meaning. Unless otherwise provided, these terms refer to: *marijuana, *cocaine, *opiates, *phencyclidine (PCP), *amphetamines, including methamphetamines.

Designated Employer Representative (DER)

An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer.

Dilute Specimen

A specimen with creatinine and specific gravity values that are lower than expected for human urine.

EBT (or evidential breath testing device)

An EBT approved by the National Highway Traffic Safety Association (NHTSA) for the evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL).

Employee

DOT covered employee: Any person who operates a commercial vehicle (CMV), including: full time, part-time, regularly employed and seasonally employed employees, casual, intermittent or occasional employees, leased employees independent, owner-operated contractors who are either directly employed by or under lease to an employer or who operates a commercial motor vehicle at the direction of or with the consent of an employer.

Non-regulated employee: Any person who is required to drive any type of Town vehicle, holds a "safety sensitive position", holds a "safety impact position", including: full-time, part-time, regularly employed and seasonally employed employees, casual, intermittent or occasional employees and leased employees.

Evidential Breath Testing (EBT) Device

A device used for alcohol breath testing that has been approved by the National Highway Traffic Safety Administration.

Initial Validity Test

The first test used to determine if a specimen is adulterated, diluted, or substituted.

Initial Drug Test

The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Medical Review Officer (MRO)

A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program. The MRO must have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate an individual's confirmed positive test, medical history and other relevant biomedical information.

Performing (a safety sensitive function)

An employee is considered to be performing a safety-sensitive function when he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive function.

Primary specimen

The urine specimen bottle that is opened and tested first by the laboratory to determine whether the employee has a drug or drug metabolite in his or her system; and for the purpose of validity testing. The primary specimen is distinguished from the split specimen, defined in this section.

Safety Sensitive Positions

Positions in which an employee is or may perform a safety sensitive function and specifically includes, but is not limited to, positions requiring a CDL and those which do not require a CDL, those which require performance of safety sensitive functions recognized by the DOT and those which require the performance of any of the duties specified in Section 11, B, 1.

Additionally, an employee is considered to be in a safety sensitive position if the position requires the performance of duties that may involve:

1. Operation of power tools that could cause damage to property and/or injury to self, co-workers or others, in the case of an accident resulting from negligence or substandard performance due to drug or alcohol use. Examples of these power tools include, but are not limited to, drill, saw, grinder, sander, chain saw, concrete saw, torch cutter, post hole digger, post driver and post puller.
2. Operation of machinery or light equipment that could cause damage to property and/or injury to self, co-workers or others, in the case of an accident resulting from negligence or substandard performance due to drug or alcohol use. Examples of machinery and light equipment include, but are not limited to, lawn mower, tractor, hedge trimmer, weed whip, fork lift/tow motor, snow blower, jack hammer, hydraulic jack, compaction machine, drill press, welder, power winch, scaffolding, extension ladders and other extension devices.

3. Operation of trucks and heavy equipment that could cause damage to property and/or injury to self, co-workers or others, in the case of an accident resulting from negligence or substandard performance due to drug or alcohol use. Examples of trucks and heavy equipment include, but are not limited to, dump truck, snow plow, trash truck, compaction roller, paving machine, chipping machine, backhoe, stone crusher, front-end loader and lift truck.
4. Operation of a municipally owned or leased vehicle (including emergency vehicles) at any time, or when use of a personal or private vehicle is required for the performance of the essential job duties of the position.
5. Exposure to heavy equipment, light equipment and motor vehicles during working situations, where inattentiveness, slowed reaction time, negligence or substandard performance due to drug or alcohol use may increase the possibility of danger or harm to self, co-workers or others. Examples of these types of duties include, but are not limited to, flagging traffic, laboring for or near working heavy equipment, performing repairs on vehicles, light equipment and heavy equipment.
6. Exposure to potentially dangerous situations requiring quick reaction times and fast judgment, where lack thereof may result in danger or harm to self or others. Positions specifically excluded from this definition are emergency medical personnel, since the Town is not responsible for employing them.
7. Supervision of employees who have been defined as safety sensitive according to the criteria listed herein.

Safety Impact Positions

Positions in which an employee has or may have a discernable effect on public safety or co-workers and specifically includes, but is not limited to, members of the Ferdinand Police Department, members of the Ferdinand Police Reserve Unit and other volunteers, including members of the volunteer fire department.

Screening Test (initial test)

In alcohol testing: a procedure to determine if an employee has a prohibited concentration of alcohol in his or her system.

In controlled substance testing: a screen to eliminate 'negative' urine specimens from further consideration.

Split Specimen means a part of the urine specimen that is sent to a first laboratory and retained unopened, and which is transported to a second laboratory in the event that the employee requests that it be tested following a verified positive test of the primary specimen or a verified adulterated or substituted test result.

Substituted Specimen

A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

Substance Abuse Professional (SAP)

A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional or certified addiction counselor with knowledge of any and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

Supervisor

For the purpose of interpreting this policy, supervisor shall include an employee's immediate supervisor, manager, or department head or, if none, any elected official or other trained supervisory personnel of the Town of Ferdinand, Indiana.

FORM C

For CDL Employees

Certificate of Receipt

(Acknowledgement of receiving materials required by 49 CFR Part 382.601)

Employee Name: _____ Social Security #: _____

Employer: TOWN OF FERDINAND, INDIANA

This is to acknowledge that I have been provided educational materials that explain the requirements of 382.601 and my employer's policies and procedures with respect to meeting the requirements. This includes all items checked.

- √ The designated person to answer questions about the material.
- √ The categories of drivers subject to Part 382.
- √ Sufficient information about the safety-sensitive functions and periods of the workday that compliance is required.
- √ Specific information concerning prohibited driver conduct.
- √ Circumstances under which a driver will be tested.
- √ Test procedures, driver protection and integrity of the testing processes, and safeguarding the validity of the test.
- √ The requirements that tests are administered in accordance with Part 382.
- √ An explanation of what will be considered a refusal to submit to a test and the consequences.
- √ The consequences for Part 382 Subpart B violations including removal from safety-sensitive functions and 382.605 procedures.
- √ The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04.
- √ Information on the affects of alcohol and controlled substances use on: an individual's health, work, personal life, signs and symptoms of a problem, and available methods of intervening when a problem is suspected.
- √ A copy of my employer's substance abuse policy.

Employee Signature: _____ Date: _____

Authorized Employer Representative: _____

Employee Acknowledgement

(Of receiving drug and alcohol testing materials, policies, & procedures)

Employee Name: _____ Social Security #: _____

Employer: TOWN OF FERDINAND, INDIANA

This is to acknowledge that I have been provided educational materials that explain my employer's policies and procedures with respect to drug and alcohol testing. The following items were covered.

- √ The designated person to answer questions about the testing program.
- √ Specific information concerning prohibited employee conduct.
- √ Circumstances under which an employee will be tested.
- √ Test procedures, employee protection and integrity of the testing processes, and safeguarding the validity of the test.
- √ An explanation of what will be considered a refusal to submit to a test and the consequences.
- √ The consequences for violations of this policy.
- √ Information on the affects of alcohol and controlled substances use on: an individual's health, work, personal life, signs and symptoms of a problem, and available methods of intervening when a problem is suspected.
- √ A copy of my employer's substance abuse policy.

Employee Signature: _____ Date: _____

Authorized Employer Representative: _____

Chapter 3.35

NEPOTISM AND CONTRACTING WITH A UNIT BY A RELATIVE

Sections:

- 3.35.010 Compliance with regard to Nepotism
- 3.35.020 Implementation of “Nepotism Policy” and “Contracting with a Unit by a Relative Policy”
- 3.35.030 Effective date of “Nepotism Policy” and Indiana Code provisions
- 3.35.040 Effective date of “Contracting with a Unit by a Relative Policy” and Indiana Code provisions
- 3.35.050 More stringent or detailed requirements
- 3.35.060 Single member cannot act for the legislative body
- 3.35.070 Single member cannot act for the government body
- 3.35.080 Full cooperation with implementation
- 3.35.090 Subject to action for failure to abide with Nepotism Policy
- 3.35.100 Violation may result in further action
- 3.35.110 Actions to ensure implementation
- 3.35.120 Appendix I and II containing Indiana Code are attached
- 3.35.130 Public Inspection

3.35.010 Compliance with regard to Nepotism. The Town of Ferdinand finds that it is necessary and desirous to adopt a policy of conduct with regard to nepotism in the employment with the Town of Ferdinand and in contracting with the Town of Ferdinand in order to continue to be able to provide local government services to its residents and to comply with the new laws effective July 1, 2012 known as IC 36-1-20.2 and IC 36-1-21, respectively. (Ord. 12-05, S1, June 12, 2012)

3.35.020 Implementation of “Nepotism Policy” and “Contracting with a Unit by a Relative Policy”. On July 1, 2012 the Town of Ferdinand shall have a Nepotism and a Contracting with a Unit policy that complies with the minimum requirements of IC 36-1-20.2 (hereinafter "Nepotism Policy") and IC 36-1-21 (hereinafter "Contracting with a Unit by a Relative Policy") and implementation will begin. (Ord. 12-05, S2, June 12, 2012)

3.35.030 Effective date of “Nepotism Policy” and Indiana Code provisions. The Town of Ferdinand Nepotism Policy is hereby established effective July 1, 2012 by adopting the minimum requirements provisions of IC 36-1-20.2, and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out herein. In addition a copy of IC 36-1-20.2 Nepotism in effect on July 1 is attached hereto. (Ord. 12-05, S3, June 12, 2012)

3.35.040 Effective date of “Contracting with a Unit by a Relative Policy” and Indiana Code provisions. The Town of Ferdinand Contracting with a Unit by a Relative Policy is hereby established effective July 1, 2012 by adopting the minimum

requirements provisions of IC 36-1-21, and including all future supplements and amendments thereto which become law from time to time, and making them a part hereof as if fully set out herein. In addition a copy of the IC 36-1-21 Nepotism in effect on July 1 is attached hereto. (Ord. 12-05, S4, June 12, 2012)

3.35.050 More stringent or detailed requirements. The Town of Ferdinand finds that both IC 36-1-20.2 and IC 36-1-21 specifically allow a unit to adopt requirements that are "more stringent or detailed" and that more detailed are necessary. (Ord. 12-05, S5, June 12, 2012)

3.35.060 Single member cannot act for the legislative body. The Town of Ferdinand further finds that a single member of the legislative body cannot act for the body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body and therefore without such authority by the majority he/ she will not be in the direct line of supervision. (Ord. 12-05, S6, June 12, 2012)

3.35.070 Single member cannot act for the government body. The Town of Ferdinand finds that a single member of governing bodies with authority over employees in the Town of Ferdinand cannot act for the governing body to make work assignments, compensation, grievances, advancement or a performance evaluation without prior authority of a majority of the body, when a statute provides that a majority is needed to act, and therefore, without such authority by the majority the single member will not be in the direct line of supervision. (Ord. 12-05, S7, June 12, 2012)

3.35.080 Full cooperation with implementation. All elected and appointed officials and employees of the Town of Ferdinand are hereby directed to cooperate fully in the implementation of the policies created by this Ordinance and demonstrating compliance with these same policies. (Ord. 12-05, S8, June 12, 2012)

3.35.090 Subject to action for failure to abide with Nepotism Policy. Failure to abide by or cooperate with the implementation, compliance and certifications connected with the Nepotism Policy is a violation and may result in the discipline, including termination, of an employee or a transfer from the direct line of supervision or other curative action. An elected or appointed official of the Town of Ferdinand who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of the Nepotism Policy may be subject to action allowed by law. (Ord. 12-05, S9, June 12, 2012)

3.35.100 Violation may result in further action. Failure to abide by or cooperate with the implementation, compliance and certifications connected with the Contracting with Unit by a Relative Policy is a violation and may result in the discipline, including termination, of an employee or a curative action. An elected or appointed official of the Town of Ferdinand who fails to abide by or cooperate with the implementation, with the compliance and with mandated certifications of either the Nepotism Policy or the Contracting with Unit by a Relative Policy may be subject to action allowed by law. (Ord. 12-05, S10, June 12, 2012)

3.35.110 Actions to ensure implementation. The policies created by this Ordinance are hereby directed to be implemented by any of the following actions: a) posting a copy of this Ordinance in its entirety in at least one of the locations in the Town of Ferdinand where it posts employer posters or other notices to its employees; b) providing a copy of this Ordinance to its employees and elected and appointed officials; c) providing or posting a notice of the adoption of this Ordinance; or d) any such other action or actions that would communicate the policies established by this Ordinance to its employees and elected and appointed officials. Upon the taking of any of these actions the policies are deemed implemented by the Town of Ferdinand. (Ord. 12-05, S11, June 12, 2012)

3.35.120 Appendix I and II containing Indiana Code are attached. A copy of the provisions of IC 36-1-20.2 and IC 36-1-21 effective July 1, 2012 are annexed hereto. (Ord. 12-05, S12, June 12, 2012)

3.35.130 Public Inspection. Two (2) copies of IC 36-1-20.2 and IC 36-1-21, and as supplemented or amended, are on file in the office of the Clerk-Treasurer for the Town of Ferdinand for public inspection as maybe required by IC 36-1-5-4. (Ord. 12-05, S13, June 12, 2012)

APPENDIX I

Chapter 20.2. Nepotism

Sec. 1. This chapter applies to all units.

Sec. 2. An individual who is employed by a unit on July 1, 2012, is not subject to this chapter unless the individual has a break in employment with the unit. The following are not considered a break in employment with the unit:

- (1) The individual is absent from the workplace while on paid or unpaid leave, including vacation, sick, or family medical leave, or worker's compensation.
- (2) The individual's employment with the unit is terminated followed by immediate reemployment by the unit, without loss of payroll time.

Sec. 3. For purposes of this chapter, the performance of the duties of:

- (1) a precinct election officer (as defined in IC 3-5-2-40.1) that are imposed by IC 3; or
- (2) a volunteer firefighter;

is not considered employment by a unit.

Sec. 4. As used in this chapter, "direct line of supervision" means an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation. The term does not include the responsibilities of the executive, legislative body, or fiscal body of a unit, as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the unit.

Sec. 5. As used in this chapter, "employed" means an individual who is employed by a unit on a full-time, part-time, temporary, intermittent, or hourly basis. The term does not include an individual who holds only an elected office. The term includes an individual who is a party to an employment contract with the unit.

Sec. 6. As used in this chapter, "member of the fire department" means the fire chief or a firefighter appointed to the department.

Sec. 7. As used in this chapter, "member of the police department" means the police chief or a police officer appointed to the department.

Sec. 8. (a) As used in this chapter, "relative" means any of the following:

- (1) A spouse.

- (2) A parent or stepparent.
 - (3) A child or stepchild.
 - (4) A brother, sister, stepbrother, or stepsister.
 - (5) A niece or nephew.
 - (6) An aunt or uncle.
 - (7) A daughter-in-law or son-in-law.
- (b) For purposes of this section, an adopted child of an individual is treated as a natural child of the individual.
 - (c) For purposes of this section, the terms "brother" and "sister" include a brother or sister by the half blood.

Sec. 9. (a) This chapter establishes minimum requirements regarding employment of relatives. The legislative body of the unit shall adopt a policy that includes, at a minimum, the requirements set forth in this chapter. However, the policy may:

- (1) include requirements that are more stringent or detailed than any provision in this chapter; and
- (2) apply to individuals who are exempted or excluded from the application of this chapter.

The unit may prohibit the employment of a relative that is not otherwise prohibited by this chapter.

- (b) The annual report filed by a unit with the state board of accounts under IC 5- 11-13-1 must include a statement by the executive of the unit stating whether the unit has implemented a policy under this chapter.

Sec. 10. Individuals who are relatives may not be employed by a unit in a position that results in one (1) relative being in the direct line of supervision of the other relative.

Sec. 11. (a) This section applies to an individual who:

- (1) is employed by a unit on the date the individual's relative begins serving a term of an elected office of the unit; and
 - (2) is not exempt from the application of this chapter under Section 2 of this chapter.
- (b) Unless a policy adopted under Section 9 of this chapter provides

otherwise, an individual may remain employed by a unit and maintain the individual's position or rank even if the individual's employment would violate Section 10 of this chapter.

(c) Unless a policy adopted under Section 9 of this chapter provides otherwise, an individual described in subsection (b) may not:

- (1) be promoted to a position; or
- (2) be promoted to a position that is not within the merit ranks, in the case of an individual who is a member of a merit police department or merit fire department;

if the new position would violate Section 10 of this chapter.

Sec. 12. This chapter does not abrogate or affect an employment contract with a unit that:

- (1) an individual is a party to; and
- (2) is in effect on the date the individual's relative begins serving a term of an elected office of the unit.

Sec. 13. Unless the policy adopted under section 9 of this chapter provides otherwise, a sheriff's spouse may be employed as prison matron for the county under IC 36-8-10-5 and the spouse may be in the sheriff's direct line of supervision.

Sec. 14. Unless the policy adopted under Section 9 of this chapter provides otherwise, an individual:

- (1) who served as coroner;
- (2) who is currently ineligible to serve as coroner under Article 6, Section 2(b) of the Constitution of the State of Indiana;
- (3) who, as coroner, received certification under IC 36-2-14-22.3; and
- (4) whose successor in the office of coroner is a relative of the individual;

may be hired in the position of deputy coroner and be in the coroner's direct line of supervision.

Sec. 15. If the township trustee's office is located in the township trustee's personal residence, unless the policy adopted under Section 9 of this chapter provides otherwise the township trustee may hire only one (1) employee who is a relative. The employee:

- (1) may be hired to work only in the township trustee's office;

- (2) may be in the township trustee's direct line of supervision; and
- (3) may not receive total salary, benefits, and compensation that exceed five thousand dollars (\$5,000) per year.

Sec. 16. Each elected officer of the unit shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this chapter. An officer shall submit the certification to the executive of the unit not later than December 31 of each year.

Sec. 17. If the state board of accounts finds that a unit has not implemented a policy under this chapter, the state board of accounts shall forward the information to the department of local government finance.

Sec. 18. If a unit has not implemented a policy under this chapter, the department of local government finance may not approve:

- (1) the unit's budget; or
- (2) any additional appropriations for the unit;

for the ensuing calendar year until the state board of accounts certifies to the department of local government finance that the unit is in compliance with this chapter.

APPENDIX II

Chapter 21. Contracting With a Unit

Sec. 1. This chapter applies only to a unit.

Sec. 2. As used in this chapter, "elected official" means:

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

Sec. 3. (a) As used in this chapter, "relative" means any of the following:

- (1) A spouse.
 - (2) A parent or stepparent.
 - (3) A child or stepchild.
 - (4) A brother, sister, stepbrother, or stepsister.
 - (5) A niece or nephew.
 - (6) An aunt or uncle.
 - (7) A daughter-in-law or son-in-law.
- (b) For purposes of this section, an adopted child of an individual is treated as a natural child of the individual.
- (c) For purposes of this section, the terms "brother" and "sister" include a brother or sister by the half blood.

Sec. 4. (a) This chapter establishes minimum requirements regarding contracting with a unit. The legislative body of the unit shall adopt a policy that includes, at a minimum, the requirements set forth in this chapter. However, the policy may:

- (1) include requirements that are more stringent or detailed than any provision in this chapter; and
- (2) apply to individuals who are exempted or excluded from the application of this chapter.

The unit may prohibit or restrict an individual from entering into a contract with the unit that is not otherwise prohibited or restricted by this chapter.

- (b) The annual report filed by a unit with the state board of accounts under IC 5- 11-13-1 must include a statement by the executive of the unit stating whether the unit has implemented a policy under this chapter.

Sec. 5. (a) A unit may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with:

- (1) an individual who is a relative of an elected official; or
- (2) a business entity that is wholly or partially owned by a relative of an elected official;

only if the requirements of this section are satisfied and the elected official does not violate IC 35-44-1-3.

- (b) A unit may enter into a contract or renew a contract with an individual or business entity described in subsection (a) if:

- (1) the elected official files with the unit a full disclosure, which must:
 - (A) be in writing;
 - (B) describe the contract or purchase to be made by the unit;
 - (C) describe the relationship that the elected official has to the individual or business entity that contracts or purchases;
 - (D) be affirmed under penalty of perjury;
 - (E) be submitted to the legislative body of the unit and be accepted by the legislative body in a public meeting of the unit prior to final action on the contract or purchase; and
 - (F) be filed, not later than fifteen (15) days after final action on the contract or purchase, with:
 - i. the state board of accounts; and
 - ii. the clerk of the circuit court in the county where the unit takes final action on the contract or purchase;
- (2) the appropriate agency of the unit:
 - (A) makes a certified statement that the contract amount or purchase price was the lowest amount or price bid or offered; or
 - (B) makes a certified statement of the reasons why the vendor or contractor was selected; and

- (3) the unit satisfies any other requirements under IC 5-22 or IC 36-1-12.
 - (c) An elected official shall also comply with the disclosure provisions of IC 35- 44-1-3, if applicable.
 - (d) This section does not affect the initial term of a contract in existence at the time the term of office of the elected official of the unit begins.

Sec. 6. Each elected officer of the unit shall annually certify in writing, subject to the penalties for perjury, that the officer is in compliance with this chapter. An officer shall submit the certification to the executive of the unit not later than December 31 of each year.

Sec. 7. If the state board of accounts finds that a unit has not implemented a policy under this chapter, the state board of accounts shall forward the information to the department of local government finance.

Sec. 8. If a unit has not implemented a policy under this chapter, the department of local government finance may not approve:

- (1) the unit's budget; or
- (2) any additional appropriations for the unit;

for the ensuing calendar year until the state board of accounts certifies to the department of local government finance that the unit has adopted a policy under this chapter.

Chapter 3.40

CONFLICT OF INTEREST POLICY

Sections:

- 3.40.010 Purpose
- 3.40.020 Definitions
- 3.40.030 Procedures
- 3.40.040 Records of Proceedings
- 3.40.050 Compensation
- 3.40.060 Annual Statements
- 3.40.070 Periodic Reviews
- 3.40.080 Use of Outside Experts

3.40.010 Purpose. The purpose of the conflict of interest policy is to protect this tax-exempt organization's (Organization) interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of the Organization or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations. (Ord. 2015-12, Art. I, Dec. 15, 2015)

3.40.020 Definitions.

- (1) Interested Person. Any director, principal officer, or member of a committee with governing board delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.
- (2) Financial Interest. A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:
 - A. An ownership or investment interest in any entity with which the Organization has a transaction or arrangement,
 - B. A compensation arrangement with the Organization or with any entity or individual with which the Organization has a transaction or arrangement, or
 - C. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the Organization is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

A financial interest is not necessarily a conflict of interest. Under 3.40.030(2), a person who has a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists. (Ord. 2015-12, Art. II, Dec. 15, 2015)

3.40.030 Procedures.

- (1) Duty to Disclose. In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the directors and members of committees with governing board delegated powers considering the proposed transaction or arrangement.
- (2) Determining Whether a Conflict of Interest Exists. After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the governing board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists.
- (3) Procedures for Addressing the Conflict of Interest.
 - A. An interested person may make a presentation at the governing board or committee meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
 - B. The chairperson of the governing board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
 - C. After exercising due diligence, the governing board or committee shall determine whether the Organization can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
 - D. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the Organization's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.

- (4) Violations of the Conflicts of Interest Policy.
 - A. If the governing board or committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
 - B. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the governing board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action. (Ord. 2015-12, Art. III, Dec. 15, 2015)

3.40.040 Records of Proceedings.

- (1) The minutes of the governing board and all committees with board delegated powers shall contain:
 - A. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the governing boards or committee's decision as to whether a conflict of interest in fact existed.
 - B. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings. (Ord. 2015-12, Art. IV, Dec. 15, 2015)

3.40.050 Compensation.

- (1) A voting member of the governing board who receives compensation, directly or indirectly, from the Organization for services is precluded from voting on matters pertaining to that member's compensation.
- (2) A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Organization for services is precluded from voting on matters pertaining to that member's compensation.
- (3) No voting member of the governing board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Organization, either individually or collectively, is prohibited from providing information to any committee regarding compensation. (Ord. 2015-12, Art. V, Dec. 15, 2015)

3.40.060 Annual Statements.

- (1) Each director, principal officer and member of a committee with governing board delegated powers shall annually sign a statement which affirms such person:
 - A. Has received a copy of the conflicts of interest policy,
 - B. Has read and understands the policy,
 - C. Has agreed to comply with the policy, and
 - D. Understands the Organization is charitable and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes. (Ord. 2015-12, Art. VI, Dec. 15, 2015)

3.40.070 Periodic Reviews.

- (1) To ensure the Organization operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:
 - A. Whether compensation arrangements and benefits are reasonable, based on competent survey information, and the result of arm's length bargaining.
 - B. Whether partnerships, joint ventures, and arrangements with management organizations conform to the Organization's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement, impermissible private benefit or in an excess benefit transaction. (Ord. 2015-12, Art. VII, Dec. 15, 2015)

3.40.080 Use of Outside Experts. When conducting the periodic reviews as provided for in 3.40.070, the Organization may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the governing board of its responsibility for ensuring periodic reviews are conducted. (Ord. 2015-12, Art. VIII, Dec. 15, 2015)