

**INCORPORATED TOWN OF HIGHLAND
LAKE COUNTY, INDIANA**



**MUNICIPAL EMPLOYEE HANDBOOK
Compensation and Benefits Ordinance**

NEPOTISM POLICY found in Section 3.05, pages _____.

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Introduction

This Handbook is promulgated by the Highland Town Council, which has authority to determine compensation and matters related to the administration of the Town's workforce. Your participation in the workforce of the Town of Highland is welcomed and commended. The workforce of the Town of Highland assists in the delivery of a diverse array of public services. Public safety services are provided by our Police and Fire Departments. The Public Works Department provides for the maintenance and improvement of streets, public ways, water, sanitary sewer, storm sewer and drainage systems; buildings, grounds and equipment maintenance; sanitation and waste disposal services. Culture and recreation services are provided by the Parks and Recreation Department. Development and redevelopment is managed by our Building, Inspection and Redevelopment Departments.

This Handbook has been prepared to provide employees with answers to questions that frequently arise regarding the Town's employment policies. It does not anticipate every situation that may arise. However, it does address the most common issues where questions have been raised in the past. If you have questions about this Handbook, contact your Department Head or the employment benefits clerk in the Office of the Clerk-Treasurer.

Ordinance No. 1053 adopted December 30, 1996 authorized the initial version of this Handbook. This update to the Handbook incorporates all amendments to Ordinance No. 1053 adopted prior to January 1, 2008. It excludes wages, rates of pay and related topics that may change year-to-year to focus exclusively upon employment benefits, personnel administration policies, procedures and rules pertaining to topics such as employee ethics, use of computers, cell phones, drug and alcohol, sexual harassment and workplace safety.

This Handbook replaces all prior Handbooks, employment policies and procedures. It not intended to nor does it serve as a contract for employment or benefits. The Town Council reserves the right to make changes in employment policies and practices that are necessary to ensure efficient operations. Any past or future written or verbal statements contrary or in addition to the policies outlined in this Handbook must be approved by the Town Council as an amendment to this Handbook to be valid.

While this Handbook is provided as general information for all employees of the Town of Highland, each department of the Town may adopt operating rules and personnel policies that are not specifically covered or that may be more prescriptive than those contained in this Handbook. Any conflicts between this Handbook and a departmental policy relating to compensation will be governed by this Handbook. This Handbook does not apply to Volunteer Firefighters for which there are separate departmental personnel policies.

Thanks for your service to the Town of Highland!

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Municipal Building
3333 Ridge Road
Highland, Indiana 46322-2089

Phone: (219) 838-1080

Overview and History of Highland Municipal Government

Highland was almost entirely wetlands before it was first settled in 1848. Only a high sand ridge, where Ridge Road presently exists, stood above water. Highland is often called one of the “Ridge Communities” because of the high ground that runs east-to-west through the northern part of town. The “Ridge” was once a beach front for Ice Age Lake Chicago, now Lake Michigan. The wetlands of the area were drained by the Spring Ditch, the Cady Marsh Ditch and the Hart Ditch in the late 19th century to enable agricultural use of the land.

The community did not significantly develop until the mid 20th century when agricultural uses began to give way to residential land uses to accommodate families whose wage earners were employed in northern Lake County industries. In the 1940’s, Highland’s population nearly doubled. In the 1950’s the population exploded, growing from 5,878 to 16,284 by 1960. The town’s economic base changed from agricultural to residential and commercial. The downtown area saw marked development and growth.

At the year 2000 census, the population of Highland was 23,546 in 9,925 housing units. Highland is the 8th largest municipality in Lake County and its population ranks 30th out of 567 municipalities in Indiana. The area within the town’s boundaries consists of 6.9 square miles. The town is now an almost fully built-out community completely surrounded by other municipalities: Hammond on the north; Munster on the west; Schererville on the south and Griffith on the east.

The net assessed valuation of Highland in 2006 was \$1.173 billion. The Public Works Department maintains 89 miles of roadway; 88 miles of water mains; 74 miles of sanitary sewer and 58 miles of storm sewer. There are 22 community and neighborhood parks consisting of 250 acres and 4 miles of bike trails maintained by the Parks and Recreation Department pursuant to a license granted by Northern Indiana Public Service Company (NIPSCO), the region’s investor owned electric and gas utility. The Highland Police Department, one of 17 law enforcement agencies in Metropolitan Lake County, consists of 41 sworn officers and civilian staff dedicated to protect the quality of community life. Highland enjoys a Class 4 Rating from the Insurance Services Office, testimony to the knowledge, skill, ability, equipment and capability of its Fire Department and the quality of the community water storage and distribution system. Public schools in Highland are governed by the School Town of Highland, a political subdivision unit independent of the civil town.

Civil Town Government

The Town of Highland as a civil town government was incorporated on April 4, 1910. The original plat of survey contained approximately five square miles. The Town was initially governed by a three member Board of Trustees, an elected Town Marshal, elected Town Clerk and elected Town Treasurer. The Town Marshal became an appointed position after 1915. The Board of Trustees was expanded to five members after 1925. The offices of Clerk and Treasurer were combined into a single Clerk-

Treasurer elected office after 1935. In 1990, the Board of Trustees was renamed the Town Council. In 2005, the Town Council voted to convert to a council-manager form of local government. This form was abandoned in 2008 in favor of a weak executive form, whereby most administrative powers and responsibilities are retained by the Town Council or the governing board of jurisdiction.

Although the state of Indiana has provided enabling authority for municipal government home rule, a town may govern its own affairs and provide services only if a state statute has not pre-empted authority for a town to assume a responsibility, provide a service and levy taxes, assessments, fees or user charges to underwrite the expenditures.

The Town Council is the legislative and fiscal authority for the Town and among other things is responsible for selecting a Council President, passing ordinances, resolutions and adopting the annual budget. The entire five member Town Council is elected on a partisan basis from five wards every four years by the voters of the whole town. The council members serve for a term of four years.

A President of the Town Council is elected by members of the council from its membership to serve as the chief executive officer of the municipality. By tradition, the Council President serves for a term of one year. The President presides at meeting of the Council and appoints persons to boards, commissions and committees when law indicates that is a responsibility of the municipal executive.

The Clerk-Treasurer is the clerk of the Town Council (the legislative body), the custodian of the town seal and the chief fiscal officer of the civil town and its executive departments (including the Parks and Recreation Department, the Sanitary District and the Municipal Water Utility). The voters of the whole town elect the Clerk-Treasurer on a partisan basis every four years to a four year term of office.

Metropolitan Police Department

The Highland Police Department was organized as a Town Marshal system until 1955, when the Town adopted the Town Board of Metropolitan Police Commissioners system, which requires participation in a special law enforcement pension system and governance by a Board of Metropolitan Police Commissioners. There are five members appointed to the Metropolitan Police Commission who serve staggered three-year terms of office. The Commission is responsible for the management and administration of the Police Department. The Commission is the appointment authority for the Police Chief, sworn and civilian members of the Police Department. Once hired, decisions to promote demote or discipline employees of the Police Department are exclusively vested in the Commission. The Commission promulgates rules, regulations, general and special orders for departmental operations through the Police Chief. The Police Chief is the executive head of the department. Appropriation and budgetary authority for departmental expenditures is retained by the Town Council.

Fire Department

The Highland Fire Department is made up of active firefighters, probationary firefighters, reserve members, a full-time Fire Chief and a part-time Secretary. A Personnel Committee prescribes volunteer firefighter standard operating procedures, personnel policies and rules. The Personnel Committee consists of three command officers and three representatives of the Firefighter's Association elected on an annual basis. Once appointed, decisions to promote demote or discipline volunteer firefighters are exclusively vested in the Personnel Committee. The Fire Chief is the executive head of the department. Subject to an employment agreement, the Fire Chief serves at the pleasure of the Town Council for an indefinite term of office. Appropriation and budgetary authority for departmental expenditures is retained by the Town Council.

Parks and Recreation Department

The Parks and Recreation Department had its origins in a Recreation Commission, formed in 1947 as a volunteer group to develop plans for play and programmed activity for playgrounds of schools and parks. In 1966, the Town Council established a Parks and Recreation Department as an executive department of the municipality under the direction of a Parks and Recreation Board. The Parks and Recreation Board consist of six persons: four members are appointed by the Council President to serve staggered four-year terms of office; one member is appointed by the School Board; another member is appointed by the Lake County Library Board. The Parks and Recreation Board is responsible for the management and administration of the Department. The Board is the appointment authority for the Superintendent of Parks & Recreation, who is the executive heard of the department. Once hired, decisions to promote demote or discipline employees of the Department are exclusively vested in the Parks and Recreation Board. Appropriation and budgetary authority for departmental expenditures is retained by the Town Council.

Public Works Department (Agency)

The Public Works Department was established as the first executive department of the municipality. It has the responsibility for trash and yard waste collection; construction, operation and maintenance of streets, public ways, water, sanitary sewer, storm sewer and drainage systems; vehicular fleet equipment maintenance, buildings and grounds. Labor and equipment is pooled for departmental functions and managed by the Public Works Director and departmental supervisors. The Public Works Director is the executive head of the department. Subject to an employment agreement, the Public Works Director serves at the pleasure of the Town Council for an indefinite term of office. Except for water and sewer operations, appropriation and budgetary authority for departmental expenditures is retained by the Town Council acting as the "Board of Works".

Department of Public Sanitation and Sanitary District

The municipal sanitary and storm sewer works was originally managed exclusively by the Town Board of Trustees as the Board of Works for the Town. This remained so until the establishment of the Highland Sanitary District and its Board of Sanitary Commissioners in 1970. The Board of Sanitary Commissioners consists of five members who serve staggered three-year terms of office. The Public Works Director

is the executive head of the department acting as the Superintendent of the Sanitary District. Wastewater collected in sanitary sewers is pumped to the City of Hammond for wastewater treatment. Storm water is collected in storm sewers and drainage ditches and discharged to the Little Calumet River. The Board of Sanitary Commissioners has appropriation and budget authority for Sanitary District expenditures and, subject to statutory limits, the power to levy a property tax for operations and debt. The authority to alter sewer user charges is retained by the Town Council.

Department of Waterworks

The Highland Water & Power Company provided potable water to the Town pursuant to a lease and service contract that began May 1, 1912. In 1932, the Town created a water department managed by a superintendent under a board which consisted of two members of the Board of Trustees and the Town Marshal. In 1966, an Executive Board for the Water Department was established consisting of the President of the Town Trustees, another member of the Town Trustees, the Clerk-Treasurer, the Town Attorney, the Town Engineer and the Water Works Superintendent. In 1968, the Town dissolved the Water Works Executive Board and placed the water department under the exclusive control of the Board of Trustees. In 1972, the Town re-established the Department of Waterworks as an executive department and provided for its management by a Board of Waterworks, which consisted of two members of Town Board of Trustees, the Clerk-Treasurer, the Town Engineer and the Public Works Director.

In March of 1983, the Town established the current organizational arrangement for the municipal water utility pursuant to enabling authority of a new state statute. Presently, there is a Department of Waterworks under the control of a five-member Waterworks Board of Directors. The Directors serve staggered three-year terms of office. The department's executive is the Public Works Director, acting as the Superintendent of Waterworks. Potable water is purchased from the City of Hammond. The Waterworks Board of Directors has budget authority for departmental expenditures and, subject to statutory limits, the power to levy a property tax for debt. The authority to establish and alter water user charges is subject to approval by the Town Council.

Building & Inspection Department

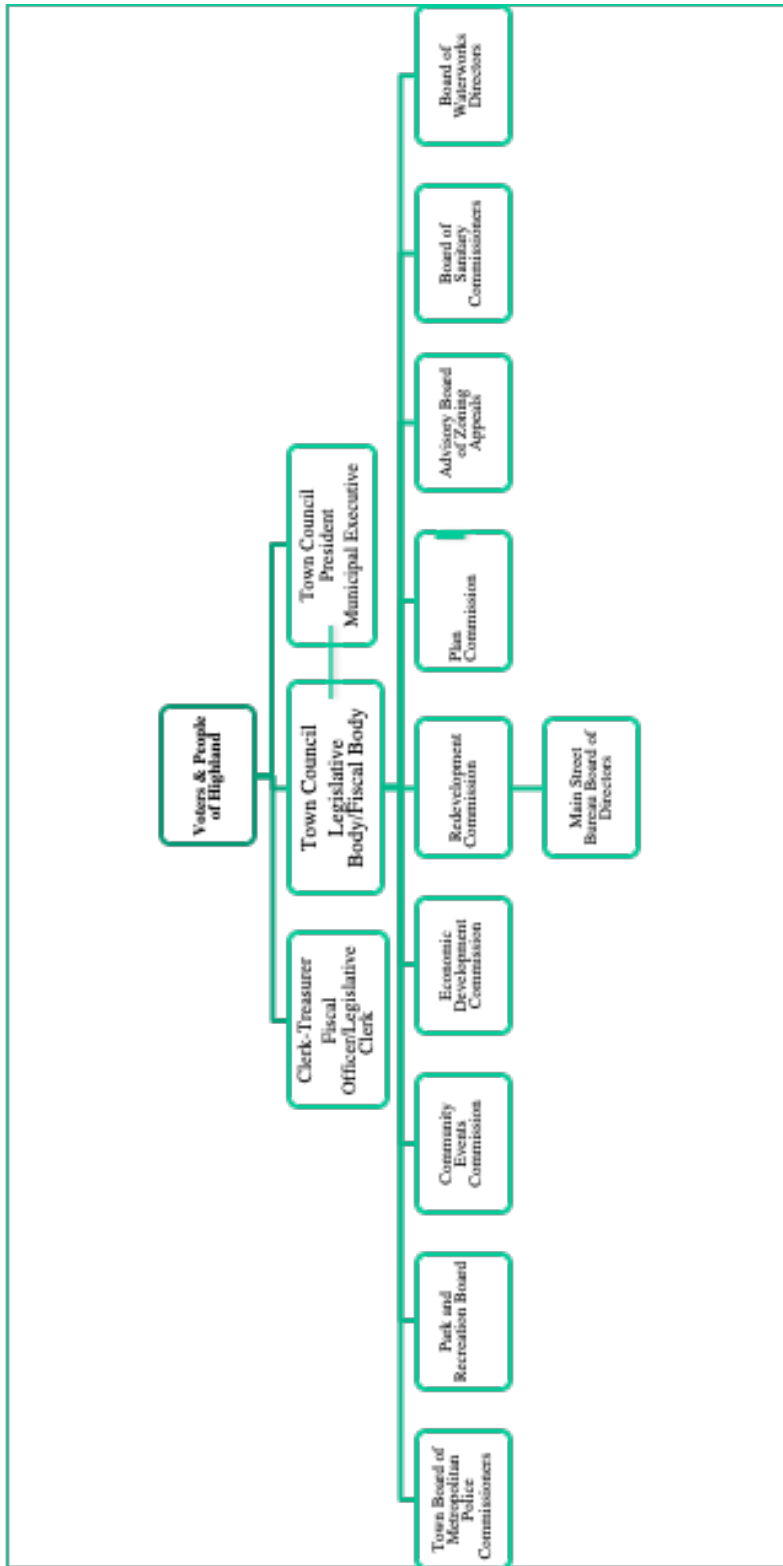
The Building and Inspection Department provides staffing for the Plan Commission, the Board of Zoning Appeals and for the administration/enforcement of the town's building, flood plain management, property maintenance, nuisance, zoning, sign and subdivision control ordinances. Members of the Plan Commission who are elected or appointed officials or employees of the municipal government serve at the pleasure of the Town Council until a successor is appointed and qualified. The Building Commissioner is the executive head of the department. Subject to an employment agreement, the Building Commissioner serves at the pleasure of the Town Council for an indefinite term of office. Appropriation and budgetary authority for departmental expenditures is retained by the Town Council.

Economic Development & Redevelopment Department

The Redevelopment Department, re-established in 1994 is Highland's newest executive department. It consists of the Redevelopment Commission and such persons the Commission may employ. The Redevelopment Commission consists of five members appointed to a one year term of office; the Council President appoints three members; the Town Council appoints two members.

A three member Economic Development Commission appointed by the Council President to three year staggered terms of office was created in 2007 to enhance the Town's ability to incur debt and offer tax abatement for projects that will retain and create jobs and eventually increase the assessed value of the Town. Subject to statutory limits, a property tax may be levied upon all territory within the corporate boundaries of the Town for redevelopment purposes. The Redevelopment Director is the executive head of the department. Subject to an employment agreement, the Redevelopment Director serves at the pleasure of the Redevelopment Commission for an indefinite term of office. Appropriation and budgetary authority for departmental expenditures is retained by the Town Council.

Municipal Government of Highland



As of June 30 2019

§ 1.00 EQUAL EMPLOYMENT OPPORTUNITY

§ 1.01 Policy Statement

We are proud to be an equal opportunity employer. It is our policy to provide equal employment opportunities to all qualified employees and applicants for employment without regard to race, religion, color, sex, age, mental or physical disability unrelated to ability, national origin, marital status, veteran status or any other protected status consistent with applicable law. Our intent is to recruit and retain qualified employees through objective measures and qualifications, education, training and performance.

§ 1.02 Hiring Procedures

The Town of Highland has a common set of hiring procedures for all departments except the Police Department for which explicit hiring procedures are prescribed by state statute. For all departments, there is a written application required of applicants. The application forms contain the “equal employment opportunity statement” and a written authorization to investigate statements contained in the application. Criminal background and motor vehicle driving record investigations are required for applicants after an employment offer has been made for jobs for which Department Managers perceive a liability exposure and periodically thereafter with just cause. Sex offenders are identified on a web site that is accessible via a link from the Police Department’s web page. All other criminal background investigations are performed by a state agency. It can take 30 days before the state agency completes a criminal background investigation.

§ 1.03 Job Descriptions

A job description has been developed for each position of the Town. The job description contains the minimum duties, essential functions, tasks, physical demands, occupational exposures and required qualifications of the position. Duties unique to a particular job may be assigned in addition to those prescribed by a generic job description used for position classification and compensation.

§ 1.04 Reasonable Accommodation

The Town will afford reasonable accommodation to qualified applicants and employees with a known mental or physical disability, unless to provide such accommodation creates an undue hardship on the Town’s operations in performing an essential function of the job.

§ 1.05 Pre-Employment Physical Examination

A pre-employment physical examination (including a drug screen) is required for all full-time employees. If applying for a truck driving position or a position requiring the

applicant to hold a Commercial Drivers License, please note the provisions in the Substance Abuse Policy, Section § 9.05 of this Handbook. Less than full disclosure is reason for denial of benefits and disciplinary action. In addition, the employee will acknowledge the extent of coverage in our benefit program and agree to its conditions. The employer shall pay for no less than one-half the cost of the baseline statewide physical and mental examination for police officer candidates as prescribed by IC 36-8-8-19(d).

§ 1.06 Job Performance

Any employee who believes that he/she is having difficulty in continuing to meet the performance requirements of the job due to a physical or mental disability is encouraged to advise their supervisor regarding the nature of the disability, the work limitations covered by the disability and any suggested reasonable accommodation. This information is confidential and will be used only to evaluate reasonable alternatives to permit you to perform the essential functions of the job in a safe and efficient manner.

§ 1.07 Performance Review

During your first year of employment with the Town, your job performance will be evaluated throughout the year as deemed necessary by your Supervisor and Department Manager. After receiving your one-year review, you will receive a performance review at least annually thereafter. At each of your reviews, your supervisor will discuss your progress with the Town, your accomplishments, your performance shortcomings (if any), your attendance, your safety record and your overall performance on the job.

§ 2.00 EMPLOYEE CLASSIFICATIONS AND DEFINITIONS

§ 2.01 Exempt Employees

Exempt employees refers to workers who are exempt from certain provisions of the Fair Labor Standards Act pertaining to overtime. It also means that you are in a supervisory or professional position as further defined in 29 CFR 541.200 et seq., and not eligible for overtime payments for work in excess of 40 hours per week, except as provided by this handbook.

Exempt Salaried Positions

Director of Public Works
Water & Sewer Supervisor
Maintenance Supervisor
Building Commissioner/Chief Inspector
Superintendent of Parks & Recreation
Director of Recreation
Metropolitan Police Division Commander(s)
Metropolitan Police Ass't. Div. Commander(s)
Metropolitan Police Administration Officer(s)
Redevelopment Director
Information Technology Director

Street Supervisor
Facilities Supervisor
Deputy Clerk-Treasurer
Fiscal Analyst
Park Director
Recreation Supervisor(s)
Chief of Police
Assistant Chief of Police
Fire Chief
Operations Director

(Amended by Ord. 1717.1691-C 27 July 2020;Ord.1719.1691-D August 2020;Prd. 1733.1726-A June 14, 2021. Ord. 1744.1726-D 10.11.2021)

§ 2.02 Non-Exempt Employees

Non-exempt employee status means that you are eligible for overtime payments for work in excess of 40 hours per week.

§ 2.03 Probationary Employees

There is a probationary period for new employees who are hired for employment for twelve (12) continuous calendar months from the date of hire. During this period you will have an opportunity to evaluate whether the work for which you were hired, the people with whom you work, the general atmosphere and the employment conditions meet your expectations. At the same time, we will evaluate your performance. The attitude and aptitude you show in your work habits during the probationary period, in particular attendance, punctuality, your ability to learn and ability to get along with people, will be primary factors used in determining whether you will be assigned to regular employment status. The probationary period is meant to be an introductory period. You have no obligation to stay for the probationary period and the Town has no obligation to retain you as an employee for this entire period if, in our view, your performance or other business considerations warrant termination of your employment.

Evaluations may occur throughout the probationary period as deemed necessary by your supervisor and department head. At the end of the probationary period, your supervisor and department head will evaluate you and either (1) terminate your employment or (2) recommend you receive the designation as a regular full-time or regular part-time employee. In some circumstances and with your consent, your probationary period may be extended for a period of time not too exceed six months if not prohibited by law.

§ 2.04 Regular Full-Time Employees

Regular full-time employees are those salaried or hourly paid employees who are regularly scheduled to work at least 40 hours per week, who have been appointed for ongoing employment to a position **identified as "full-time"** as established in the Wage and Salary Ordinance and the annual budget and who have completed their probationary period. All probationary and regular full-time employees are eligible for benefits identified in this Handbook after the prescribed applicable waiting period.

(Amended by Enactment No. 2013-28 July 22, 2013)

§ 2.05 Regular Part-Time Employees

Regular part-time employees are those salaried or hourly paid employees who are hired with the understanding that they will regularly work less than **70** hours per pay period. Part-time employees are not eligible for employee benefits, except as set forth in this Handbook if they meet the eligibility requirements or as required by law, **subject to the legal requirements of the Affordable Health Care Act.** A part-time

employee who becomes a full-time employee will have seniority and benefits based on the date the employee becomes full-time.

(Amended by Enactment No. 2013-28 July 22, 2013)

§ 2.06 Temporary Employees

Temporary employees are those salaried or hourly paid employees who are hired with the understanding that their tenure with the Town is for a fixed period of time. Temporary employees may work any number of hours including **forty (40) or more hours per week**. Temporary employees will not receive any benefits from the Town, except as required by law. A temporary employee who becomes a regular full-time employee will have seniority and benefits based on the date the employee becomes full-time.

(Amended by Enactment No. 2013-28 July 22, 2013)

§ 2.07 Job Sharing

The Town may allow two employees to share a full time equivalent (FTE) position authorized by the Salary Ordinance. In these circumstances, salary and benefits will be prorated between the employees, but the total expenditure for pay and benefits shall not exceed one FTE.

§ 3.00 GENERAL EMPLOYMENT POLICIES

§ 3.01 Handbook Updates

It is the responsibility of our employees to use common sense, sound judgment and to conscientiously perform your work duties while following our policies and management directives in the performance of your job. You should familiarize yourself with our employment policies and keep yourself abreast of changes in them. When new or revised sections of this Handbook are issued, you are responsible for inserting those sections in your copy of the Handbook, discarding sections that have been replaced and signing acknowledgement of receipt of new sections.

§ 3.02 Employment-At-Will

Full and part-time employment is for no definite term. This means that you and the Town have an "employment-at-will" relationship. In such a relationship you may end your employment with the Town at any time and the Town may do likewise. The Town does request that you give at least two week's notice prior to leaving. No written or oral promises have been made to employees regarding the length of their employment or the reason for which their employment can be terminated.

§ 3.03 Governing Board Notice and Approval of Hiring

No employee is authorized to commit the Town to an offer for full time employment until the appointment is approved by the governing board of jurisdiction. Subject to the provisions of I.C. 36-5-6 et seq. governing the Office of the Clerk-Treasurer, the provisions of IC 36-10-3-10 (4) & (5), IC 36-8-9-4, IC 36-9-25-10 (15), IC 36-7-14-12.2, IC 8-1.5-4-4 governing other boards or governing authorities of jurisdiction as well as such other ordinances that the Town Council may from time to time adopt regarding approved staffing levels, a full-time employee may not be hired unless the department head has the written approval of at least three (3) members of the governing board of jurisdiction.

Hiring of replacement part-time and temporary employees will be at the discretion of departmental directors but limited by staffing levels approved with the budget. Boards and Commissions of jurisdiction will be informed when the Council has declined to approve replacement employees. In addition and where applicable, the proper board of jurisdiction over a given department may make additional rules pursuant to law.

§ 3.04 Elective Waiver of Benefits

Any employee or elected officer of the municipality, may decline and waive any of the benefits conferred and set forth in the Compensation and Benefits Ordinance, provided such waiver be in writing, in a form approved by the Town Attorney, a copy of which shall be retained and placed on file with the municipality and that any such waiver may not be rescinded once executed without authorization and approval of the municipal legislative body.

§ 3.05 Nepotism and Employment

§ 3.05.01 All elected and appointed officials as well as employees of the Town of Highland are hereby directed to fully comply with the provisions of IC 36-1-20.2, which is adopted as the policy of the Town of Highland;

§ 3.05.02 Individuals who are relatives may not be employed by the Town of Highland, its executive departments, or utilities, in a position that results in one (1) relative being in the direct line of supervision of the other relative.

§ 3.05.03 For the purposes of this policy, "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 Town.

§ 3.05.04 (a) For the purposes of this policy, "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.

§ 3.05.05 For the purposes of this policy, "employed," means an individual who is employed by the Town of Highland 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.*

§ 3.05.06 For the purposes of this policy, "member of the fire department" means the fire chief or a firefighter appointed to the department. The performance of the duties of a volunteer firefighter is not considered employment by the Town under the terms of this policy. Furthermore, "member of the police department" means the police chief or a police officer appointed to the department. ;

§ 3.05.07 *Exemption.* For the purposes of this policy, an individual who is employed by a unit on July 1, 2012, is not subject to this policy unless the individual has a break in employment with the Town of Highland. 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; and (2) The individual's employment with the Town of Highland is terminated followed by immediate reemployment by the unit, without loss of payroll time.

§ 3.05.08 An individual who is employed by the Town of Highland on the date an individual's relative begins serving a term of an elected office of the Town; and that individual is not subject to the exemption under Section 3.05.07, may remain employed by the Town of Highland and maintain the individual's position or rank even if the individual's employment would violate Section § 3.05.02 of this ordinance. However, that individual may not be promoted to a position if the new position would result in a violation of Section 3.05.02 of this ordinance.

§ 3.05.09 Duties of Elected Officers. Each elected officer of the Town shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated Section § 3.05 and IC 36-1-20.2. An officer shall submit the certification to the executive (Town Council President) of the Town not later than December 31 of each year. Furthermore, the annual report filed by the Town of Highland with the state board of accounts under IC 5-11-13-1 must include a statement by the executive (Town Council President) of the Town of Highland stating whether the unit has implemented a policy under this chapter.

(Amended by Ordinance No. 1513 adopted June 26, 2012)

§ 3.06 Attendance and Tardiness

You were very carefully screened, interviewed, and selected as a Town employee based upon many important factors. One such factor is attendance. We define proper attendance as: Being here on time, all day and every scheduled workday. While this is a simple definition, it also describes an ideal situation that is sometimes unattainable. Regular attendance is your individual responsibility. However, we will help you in any way possible to keep your attendance record untarnished. We all know that an occasional absence may be necessary. But, remember your absence does have a direct effect on the lives of other Town employees and citizens. As a result of excessive absenteeism, tardiness, and/or leaving early, disciplinary action may be required and will be based on frequency of occurrences in accordance with the following:

§ 3.06.01 Any day that an employee is absent or tardy is considered an occurrence for absenteeism purposes, although consecutive absences will be recorded as "one occurrence" regardless of the number of days of duration.

§ 3.06.02 If you agree to work overtime when asked, and then you fail to report for that overtime work, such absence will count as an absence occurrence. If you are excused, in advance, from scheduled overtime work, such absence will not count as an absence occurrence.

§ 3.06.03 Three (3) consecutive workdays of absence without notifying your Supervisor will be considered a voluntary termination.

§ 3.06.04 If you are absent from work because of illness for more than five (5) consecutive days, you must make application for a Medical Leave of Absence. If you are absent for three (3) consecutive days or more because of illness, you must bring a statement from your doctor releasing you to return to work. (Your attendance record will also directly affect your performance review.)

§ 3.06.05 Chronic Absenteeism. If an employee appears to be a chronic absentee, notice shall be given for the employee to be examined by our designated health facility and be given a health evaluation. If the health facility and the Department Manager agree that the employee is not physically capable of doing their job, appropriate action will be taken. Also, if an employee does not follow the prescribed medical facility recommendation of improved health, appropriate disciplinary action will be taken.

§ 3.06.06 Reporting of Absences and Tardiness. The Town does not hire more employees than needed to meet our citizen's needs. Because of this, any absence generally requires that department supervision make alternate plans and temporary changes to continue to meet requirements. When temporary changes are made, fellow employees become involved and generally perform work on which they are less familiar and less productive, and in many cases overtime is required. The following policy statement is intended to clarify the actions necessary to avoid undue hardship for other employees caused by your absence.

If you know in advance you are going to be late or absent from a scheduled shift, you are to advise your Supervisor at least one day before the start of the shift so that your position can be filled if necessary. In the event there was no prior knowledge of absence or tardiness, you must notify your Supervisor or the Department Manager prior to the shift or as soon as possible. When reporting an absence, be sure to include:

- (1) Name
- (2) Department
- (3) Name of Supervisor
- (4) Reason for Absence
- (5) Expected Date of Return
- (6) Name of person talked to

§ 3.06.07 Absence records will be maintained for a consecutive 12-month period, starting with the employee's first occurrence of absence, tardiness, or lateness. All absence records and warning slips which are (1) year old or older shall not be considered for purposes of disciplinary action under this policy. However, you are reminded that a pattern of absences or tardiness, or habitual or chronic absenteeism or tardiness, regardless of your number of occurrences is grounds for disciplinary action up to and including termination.

Corrective discipline will be administered progressively according to the following:

- (1) ORAL WARNING
- (2) WRITTEN WARNING
- (3) FINAL WRITTEN WARNING

(4) DISCHARGE

§ 3.07 Use of Telephones and Computers

Although we recognize that there will be times when personal phone calls or messages must be made or received during business hours, personal phone calls or e-mails (both incoming and outgoing) shall be kept to a minimum. This will enable us to keep our telephone lines and computer networks available for business. Make personal calls or e-mails and take care of personal business on your breaks or during your meal period.

§ 3.08 Cooperation and Teamwork

We believe that teamwork is the foundation of a successful employment relationship. As one member of our team, you can expect to be treated with courtesy and respect from the other members of the team. Likewise, you are expected to be cooperative, polite and positive in relations with co-workers, supervisors, the public and others you come into contact with through your employment. We strongly endorse cooperation and teamwork as independent job requirements and performance in these areas will be an integral part of the performance evaluation process.

§ 3.09 Code of Ethics and Values

The proper operation of the government of our town requires that all official representatives be effective, independent, objective and accountable to the people they serve. To ensure these qualities are upheld, we have adopted a Code of Ethics and Values to promote and maintain the highest standards of personal and professional conduct in our community. All elected and appointed officials, employees, volunteers and others who participate in our government are required to subscribe to this Code, understand how it applies to their specific responsibilities and practice these core values in their work. Because we value the public's confidence and trust in our services and its decision-makers, our character and behaviors must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this code.

Our Values

§ 3.09.01 Honesty/Integrity

- (A) To act with moral courage.
- (B) To make decisions for the public's best interests, even when they may not be popular.
- (C) To not engage in any business that would be – directly or indirectly – inconsistent with the conscientious performance of my public duties.
- (D) To make no private promises of any kind that may unduly influence my public duties.

- (E) To accept the responsibility to: (1) expose corrupt practices and/or behaviors and, (2) where empowered to do so, protect any public employee from retaliation who has exposed corrupt practices and/or behaviors.

§ 3.09.02 Respect/Civility

- (A) To treat others as I would wish to be treated.
- (B) To accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team and the community at large.
- (C) To act in a professional and responsive manner.
- (D) To work together in a spirit of tolerance and understanding.
- (E) To work to build consensus and accommodate diverse opinions.
- (F) To communicate effectively by listening carefully, asking questions and responding in a way that adds value to conversations.

§ 3.09.03 Accountability/Responsibility

- (A) To not participate in any decision where I have a conflict of interest or from which my family, business and professional associates or I may personally benefit.
- (B) To not use my position, public property or public resources for the personal benefit of myself, my family or my business and professional associates.
- (C) To never solicit or accept any favor or benefit for my family, my business and professional associates or myself that might be construed as influencing the performance of my public duties.
- (D) To make full public disclosure of the nature of any conflict of interest prior to any action taken.
- (E) To avoid disclosing or abusing the information that I gain by virtue of my position for the personal benefit of myself, my family or businesses and professional associates.
- (F) To not engage in direct competition with our neighboring communities while I am an employee, an appointed official or an elected official.
- (G) To support the public's right to know the truth and encourage diverse and civil public debate in the decision-making process.

§ 3.09.04 Fairness/Justice

- (A) To promote non-discrimination in my decision-making and to make decisions based upon the merits of the issue at hand.
- (B) To recognize the function of government to serve the best interests of the citizens.
- (C) To use my authority to promote the efficient and effective delivery of public services.
- (D) To refrain from proposing services where adequate resources are not available.
- (E) To work to remedy the imbalance where inadequate resources adversely affect the best interests of the citizens.

§ 3.09.05 Inappropriate Ethical Behavior

Behavior inconsistent with the values set forth in our Code of Ethics & Values may be redressed by the traditional instruments of governance including state law, ordinances, work rules and disciplinary procedures.

§ 3.10 Political Activity

No employee of the Town shall solicit any money, influence, service or thing of value or otherwise aid or promote any political committee or the nomination or election of any person to public office while on the job or during working hours. However, nothing in this section is intended to restrict the right of town employees from expressing their personal political views, to vote in any election or to support candidates or ballot issues as long as it is done outside of working hours.

§ 3.11 Solicitation and Distribution

Solicitation is verbal communication for the purpose of selling, political campaigning, organizing for civic activities or any other cause. Distribution is an exchange of printed materials such as handbills, letters and pamphlets for any sale, candidate or cause. Solicitation by an employee of another employee is prohibited while either the person doing the soliciting or the person being solicited is on working time. Solicitations must be limited to meal and break periods. Employees may not distribute literature for any purpose during working time or in work areas.

§ 3.12 References

Employees who leave our employment will be given the option of authorizing us to release information regarding their work performance, attendance, inter-personal relations, length of employment, position, pay rate and other job related information. When employees leave our employment without giving us written authorization to release more detailed information, we will as general practice release only information about their length of employment, position and pay rate. All reference requests should be directed to the Department Manager.

§ 3.13 Personnel and Payroll Records; Personal Information Changes

Your personnel file will be established upon your employment with the Town. Your file will include information and records relating to your pay, insurance benefits, attendance and other important state and federal laws. It is important that your personnel records be kept up to date. It is your responsibility to notify the Office of the Clerk-Treasurer in writing of any changes as they occur in personal status that can affect your income tax, insurance benefits and other important records. This includes the following:

- (A) Address
- (B) Telephone number
- (C) Driver's License Number

- (D) Marital status
- (E) Military service status
- (F) Births or deaths and increases or decreases in immediate family members
- (G) Individual to contact in case of emergency
- (H) Number of tax exemptions
- (I) Beneficiary of insurance
- (J) Change of legal name

§ 3.14 Appropriate Dress and Grooming

As an employee of the Town, you are a representative of the Town and a role model to the public. Although we do not have a formal dress code, you are required to be neatly groomed and to wear suitable clothing for your work environment, including approved uniforms as required by your Department.

§ 3.15 Outside Employment

We expect that your employment with the Town to be your major obligation. In order to avoid any misunderstandings or potential conflict of interests, any outside employment must be approved in advance by your Department Manager. Generally, we have no objection to employees holding other jobs or being self-employed as long as: you are able to meet the performance, attendance, overtime and other requirements of your job; your off-duty work activities do not constitute a conflict of interest, interfere or negatively reflect on the interests and reputation of the Town; and you do not engage in off duty work activities that directly compete with the Town or obligate the Town to overtime under FLSA requirements. During scheduled work hours, employees are required to conduct only the business of the Town.

§ 3.16 Use of Municipal Property and Facilities

Employees who operate vehicles owned by the Town will lock the vehicle when it is not occupied or otherwise secured in a facility that is locked down. The use of Town postage stamps or the postage meter for personal use is strictly prohibited. **Except as otherwise provided in Sections §5.17 et seq., §5.24.03 and § 5.24.04, use of Town tools, material, facilities or equipment for personal use is prohibited.**

This prohibition does not prevent the use of facsimile or photo-coping machines provided the authorized fees for such uses are paid. Still further, this does not prohibit the use of personal properties that are otherwise made available to the public subject to a rental or user fee, provided the employee applies for the use as would any member of the public and pays the appropriate user fees. Further, this prohibition does not affect the reasonable use of telephones for personal use that does not adversely affect the performance of an employee's official duties or the functions of an employee's department.

If, for any reason, you leave our employment, you must return any property of the Town in your possession. These items should be returned not later than your last day of work.

(Amended 24 August 2009; Ordinance No. 1432)

§ 3.17 Confidential Information

In the course of your employment with the Town, you may have access to information which is confidential, including, but not limited to, information about new Town projects, accounting records, insurance records, personnel records and information about our citizens. You shall not use, disclose or divulge the confidential information of the Town or its citizens to any third party, without prior authorization.

§ 3.18 Residency

Employees are encouraged to live within the Town limits; however, residency will not be a condition of employment or continued employment.

§ 3.19 Seniority

Seniority means your length of continuous service with the Town from your most recent date of hire.

§ 3.20 Bridging of Service

§ 3.20.01 All service of previous municipal, county or state employment of one or more years, will be treated as continuous service after completing one (1) full consecutive year of service with the town of Highland for all purposes where length of service affects a group employment benefit, with the exception of INPRS pensions, which is governed by state law. This will be effective for all full-time hires that occur after October 31, 2020. *(Amended by Ordinance 1721 10.26.2020)*

§ 3.20.02 For Police Department Pension purposes actual time of service will be the factor in gaining full pension rights on retirement.

§ 3.20.03 For elected Town Officials all previous Town employment or elected service will be bridged as continuous service upon assuming office. This provision shall be construed pursuant to the provisions of IC 36-5-3-2. *(Amended by Ordinance 1721 10.26.2020)*

§ 3.21 Promotions

Promotions are based on the belief that it is in the best interest of all of us to have the most qualified person on every job. It is our policy to fill vacancies whenever practical by promoting current, qualified employees who deserve such promotions. Various positions will be posted on the Town's bulletin boards for five workdays. If you want to be considered for the position, notify your supervisor. Promotions will be made on the basis of factors such as job performance, efficiency, training, knowledge, job qualifications, skills, ability and the supervisors' evaluation of the employees' potential abilities. To be eligible for promotion, an employee must meet minimum requirements of the higher-level position and must have a current satisfactory performance rating in the present position. **Final decisions whether to promote a current employee or to hire someone outside the organization resides solely with the Department Manager and, for some jobs, the governing board of jurisdiction.**

A six (6) month trial period is required. After an employee accepts a promotion, the employee cannot return to the prior position unless the position is available.

§ 3.22 Transfers

It is our policy, where possible, to give employees the opportunity to transfer from one position to another and into different departments should they so desire and have the required skills and abilities. You may request a transfer to a position more to your liking by informing your supervisor of your desire. Your supervisor will keep a record of your request(s) for a transfer. Such request(s) will be reviewed when the opportunity arises and considered if it is practical in light of present or future conditions. A six (6) month trial period is required. After an employee accepts a transfer, the employee cannot return to the prior position unless the position is available. The Town reserves the right to temporarily transfer an employee to any position, in any department, when it is deemed to be in the best interest of the Town provided the employee being transferred meets the minimum qualifications for the position.

§ 3.23 Layoffs

§ 3.23.01 It is our desire to maintain a steady work force and we always strive to avoid layoffs. Although we hope this never happens, if budgets or income were reduced substantially, we might then be forced to decrease our work force. Altered priorities of governing boards, reorganization of work and services, lack of work, lack of funds or other reasons may affect our employment needs. In the event we decide it is necessary to eliminate or consolidate jobs or otherwise curtail staff, layoffs may be necessary. The decision as to which individuals to be laid off will be made by the governing board of jurisdiction. Employees will receive at least ten (10) working days notice of layoff.

§ 3.23.02 In the event the position from which the employee was laid off becomes available within twelve (12) months after the effective date of the layoff, the employee who was laid off will be offered the position provided the employee is in good standing with the most recent performance evaluation being satisfactory and if they accept the position within ten (10) days notice by the Town that the position is available. Notice of the position vacancy will be sent to the employee's last known address by certified mail, return receipt requested.

§ 4.00 HOURS OF WORK AND COMPENSATION POLICIES

§ 4.01 Work Day and Work Week

Your supervisor will tell you the starting and quitting time for your shift. Unpaid lunch periods are normally 30 to 60 minutes long. Most personnel will be expected to work a five (5) consecutive day work week. Employees are expected to work an actual eight (8) hours with the Town providing two (2) fifteen (15) minute breaks to be taken at the direction of each department manager. The fifteen (15) minute breaks shall include any necessary travel time. The lunch period shall be designated by each department manager. Personnel of the Police Department and the Parks & Recreation Departments may be assigned to different work day and work week schedules as described in Section § 4.03.

§ 4.02 Overtime Work

On occasion, we have to work overtime to satisfy our citizen's needs. Therefore, you are expected to work a reasonable amount of overtime when required. When overtime is necessary, you will receive as much advance notice as possible. If for some reason you are unable to work overtime, please discuss it with your supervisor. No overtime may be worked unless specifically authorized by your supervisor. Regular full time employees of the job will receive preference and an effort will be made to equalize such overtime among those able to perform the available work.

§ 4.03 Work Schedules and Overtime Pay

§ 4.03.01 All non-exempt, non-salaried employees will be paid time and one-half the regular rate of pay OR will receive compensatory time at one and one-half the time for all work performed in excess of forty (40) hours per week excluding Police Department personnel as hereinafter provided. For all full-time employees, holidays and vacation days will be counted as hours worked for purposes of calculating your overtime hours provided the vacation leave has been requested and approved at least 48 hours before the beginning of the work week. Other time off of work shall not count toward overtime. Overtime pay will be computed in fifteen-minute increments. Exempt salaried employees **may** receive overtime pay or compensatory time off. (Amended Ordinance 1577 Dec 22, 2014)

§ 4.03.02 Except as provided in Section 4.03.03, with the approval of the department head, all salaried supervisory personnel exempt from the Fair Labor Standards Act may be scheduled and receive appropriate overtime pay or compensatory time off. Such pay will not be calculated at any time and one half premium but rather at the straight time hourly calculation of the particular worker's composite pay, unless otherwise provided in this handbook or the wage and salary ordinance.

§ 4.03.03 No department head may receive overtime pay or compensatory time off, without the express written permission of the President or Chair of the relevant Board of Jurisdiction.

§ 4.03.04 In all cases, when the overtime assignment involves a task or duty that is not part of the regular task or duty associated with the exempt supervisory worker, the rate of pay must authorized in an ordinance of the Town Council.

§ 4.03.05 Patrol Division Police Officers work on a twenty-four day work cycle beginning with the first day of the cycle on a 4 days on and 2 days off schedule with an 8.5 hour work day, 39.88 hour work week. Pursuant to the Fair Labor Standards Act (FLSA), the maximum number of hours to be worked prior to time and one-half compensation for overtime is 147 hours for the twenty-four day work cycle.

§ 4.03.06 Criminal Investigations Division Police Officers and officers assigned to administration and specialty positions (School Resource Officer, Technology & Training Officer, Support Services Administrator, etc.) work on a 5 days on 2 days off schedule with an 8 hour work day, 40 hour work week in a twenty-eight (28) day work cycle beginning on a Monday and ending on a Saturday of the twenty-eighth day of the cycle. No additional compensation will be given for the disparity between this schedule and the schedule for the Patrol Division.

§ 4.03.07 Criminal Investigations Division officers and other officers assigned to a twenty-eight day work cycle must work one hundred seventy-one (171) physical hours before being paid at time and one-half during the twenty-eight day cycle. Any overtime hours under one hundred seventy-two (172) will be paid at straight time. Straight-time (hour for hour) in the form of compensatory time or the employee's hourly rate of pay, will be given for overtime worked up to the FLSA maximums, at which the rate of payment will be one and one half time, in the form of compensatory time or the employee's hourly rate of pay, for those hours worked above the maximums as set forth in the FLSA overtime rules.

§ 4.03.08 Criminal Investigations Division (CID) officers may be assigned duties by the Chief of the Metropolitan Police Department in which the CID officer may be in coordinated schedule with Patrol Division. In such a case, the Criminal Investigations Division officers may be subject to the work cycle of the patrol division as directed by the Chief.

§ 4.03.09 An Officer who is on authorized assignment to a multi-agency Federal, State and Local Law Enforcement agency will work on a seven-day work cycle beginning with the first day of the seven-day workweek. Such an officer must work forty-three (43) physical hours before being paid at time and one-half during the seven-day cycle. Any overtime hours under forty-three (43) will be paid at straight time.

§ 4.03.10 Police Department **Lead Support Services Clerk, Support Services Clerks, Support Services Training Coordinator** who work a 40 hour work week and are eligible for overtime after 40 hours, subject to the same restrictions as other regular employees. They differ from other departmental civilian hourly employees only where holidays are concerned. Their holidays are scheduled rather than taken off on the holiday itself.

§ 4.03.11 The schedule for employees of the Parks and Recreation Department may deviate from a five (5) consecutive day work week to accommodate staffing needs for recreation programs and special events as directed by the Superintendent of Parks & Recreation, his or her designee.

§ 4.03.12 Regular full-time Town employees who are also members of the Highland Fire Department shall not be entitled to additional compensation when responding to fire or ambulance calls while on duty at their regular full-time position. When responding to emergency calls or participating in training outside of the normal workday, they shall

be compensated at an hourly rate prescribed by the Wage and Salary Ordinance. When assigned to station work outside of the normal workday that is equivalent to work performed for the Town, they shall be compensated at hourly rates as required by the Fair Labor Standards Act.

§ 4.04 Longevity Pay

All regular full-time employees from all departments who have completed a specified consecutive number of years of service, subject to Section 3.20 regarding Bridging of Service, and who have not taken the elective waiver for this benefit will be paid a longevity benefit. Longevity pay will be combined with the regular hourly or bi-weekly rate of pay to create a composite rate of pay. This composite rate of pay will begin and increase, as scheduled beginning with the payroll period in which the associated pay date will be the first **full pay period following** the employee's service anniversary date. The composite rate shall be the base rate for the purposes of calculating any overtime premium where such premium applies. For the purposes of establishing the value of the longevity benefit for the objects of IC 36-8 et seq., generally and IC 36-8-8-3(d) in particular, the annual longevity benefit will be as set forth in this section. The composite rate for longevity shall be applied according to the following schedule:

Years of Service Completed	HOURLY	BI-WEEKLY
1	\$ 0.09	\$ 7.12
2	\$ 0.14	\$ 11.20
3	\$ 0.19	\$ 15.20
4	\$ 0.24	\$ 19.20
5	\$ 0.29	\$ 23.20
6	\$ 0.34	\$ 27.20
7	\$ 0.39	\$ 31.20
8	\$ 0.44	\$ 35.20
Years of Service Completed	HOURLY	BI-WEEKLY

9	\$ 0.49	\$ 39.20
10	\$ 0.54	\$ 43.20
11	\$ 0.59	\$ 47.20
12	\$ 0.64	\$ 51.20
13	\$ 0.69	\$ 55.20
14	\$ 0.74	\$ 59.20
15	\$ 0.79	\$ 63.20
16	\$ 0.84	\$ 67.20
17	\$ 0.89	\$ 71.20
18	\$ 0.94	\$ 75.20
19	\$ 0.99	\$ 79.20
20	\$ 1.05	\$ 84.00
21	\$ 1.11	\$ 88.80
22	\$ 1.16	\$ 92.80
23	\$ 1.20	\$ 96.00
24	\$ 1.22	\$ 97.60
25	\$ 1.24	\$ 99.20
26	\$ 1.26	\$ 100.80
27	\$ 1.28	\$ 102.40
28	\$ 1.30	\$ 104.00
29	\$ 1.32	\$ 105.60
30	\$ 1.34	\$ 107.20
31	\$ 1.40	\$ 112.00
32	\$ 1.46	\$ 116.80

(Amended by Ordinance No. 1760 27 December 2021)

Elected Officials who have completed a specified number of years of service, and who have not taken the elective waiver for this benefit will be paid a longevity benefit according to the following schedule:

Completion of 4 consecutive years	\$ 10 per month
Completion of 7 consecutive years	\$ 30 per month
Completion of 10 consecutive years	\$ 40 per month
Completion of 13 consecutive years	\$ 50 per month
Completion of 16 consecutive years	\$ 60 per month
Completion of 18 consecutive years	\$ 70 per month
Completion of 20 consecutive years	\$ 85 per month
Completion of 22 consecutive years	\$100 per month

§ 4.05 Call-Out Pay

Callout time for full-time and non-salaried employees will be paid at the rate of one and one-half their regular rate. This rate is paid until the job is complete or the start of the next regularly scheduled shift. You will be guaranteed at least two (2) hours of pay.

§ 4.06 Reporting Pay

If you report to work on a scheduled shift, without having proper notice NOT to report, you will be given two (2) hours work or, if no work is available, you will be paid two (2) hours at regular pay. We may assign you to any available job that you are capable of performing. If you refuse the work, no reporting pay will be awarded. This arrangement does not apply in the event of fires, storms, snow or sleet, tornadoes, power outages, gas supply stops, strikes, or other causes beyond the control of the Town that may interfere with work being provided. You are requested to inquire through public announcements and broadcasting sources the seriousness of the natural disaster as it affects each employee. In the event that it appears severe, you should contact the Town to confirm the operating schedule for that day. If you are absent from work on the previous scheduled workday, benefits of this provision are not applicable.

§ 4.07 Minimum Wage

All employees of the Town must be paid at least the minimum hourly rate set by the Federal and State Governments. All pay should be consistent with the most recently enacted Wage and Salary Ordinance.

§ 4.08 Methodology for Computing Partial Pay for Salaried Employees

This protocol will be used for calculating partial or pro-rata pay for salaried employees:

§ 4.08.01 In order to determine a daily rate of pay, divide the bi-weekly salary by ten (10).

§ 4.08.02 In order to determine an hourly rate of pay, divide the bi-weekly salary by eighty (80).

§ 4.08.03 This calculation protocol shall not be construed to abridge or alter the fourteen-day pay period. This calculation protocol shall not be construed to abridge or alter the special provisions for determining overtime pay for law enforcement officers.

§ 4.09 Pay Day

§ 4.09.01 All probationary, regular full-time, regular part-time and temporary employees as well as the Clerk-Treasurer shall be paid bi-weekly in a manner set pursuant to IC 36-5-6-6.

§ 4.09.02 All employees shall only be paid by direct deposit to a checking or savings account as identified by the employee.

§ 4.09.03 For those payees mentioned in the foregoing subsection §4.09.01, the pay period is hereby defined as bi-weekly. The bi-weekly term for such pay represents the fourteen (14) day period, commencing at 12:01 a.m. Sunday and extending to and concluding on Midnight of the second following Saturday, immediately preceding the week of the scheduled payday. **The beginning date of the biweekly pay period shall be fixed in the wage and salary ordinance, as adopted or amended from time to time by the Town Council.**

§ 4.09.04 **The payday is the first Friday following the end of the preceding pay period as described in the previous subsection, pursuant to IC 22-2-5-1. If a payday falls on a holiday, your payday is then to be determined by the Clerk-Treasurer.**

§ 4.09.05 All elected and appointed officers as well as paid-on-call members of the Highland Fire Department shall be paid according to a frequency fixed by state law and ordinance and in a manner **set pursuant to IC 36-5-6-6.**

§ 4.09.06 All pension or survivors beneficiaries of the 1925 Police Pension Fund, who are receiving a recurring or on-going benefit **may** be paid by direct deposit to be deposited by monthly to the proper savings or draw account as identified by the fund beneficiary. However, benefits outlined in IC 36-8-6-9.8 and IC 36-6-8-20 may be paid in any lawful manner including direct deposit at the option of the beneficiary.

§ 4.09.07 If there is any question concerning your salary or wages, please notify your supervisor as soon as possible to take steps to correct any errors or make adjustments. There will be no advances of wages as it is prohibited under Indiana law. (IC 5-7-3-1.)

§ 4.09.08 Nothing in this Handbook shall be construed to be in derogation of the provisions of **IC 36-5-6-6(a)(4).**

(Amended by Ordinance 1701 22 July 2019)

§ 4.10 Payroll Deductions

The law requires that we make certain deductions from your paycheck for federal income tax, state income tax, Social Security, any other applicable taxes and court orders. These deductions will vary depending upon how much you earn and how many dependents you have. This is another good reason for you to report any change in marital status or number of dependents to the Office of the Clerk-Treasurer immediately. You may request a payroll deduction for other purposes upon a written request to the Office of the Clerk-Treasurer. Except where expressly indicated otherwise, no deduction, other than those named above, will be made from your check without your consent. If you have any questions about any deductions, do not hesitate to ask your supervisor.

§ 4.11 Pay for Temporarily Replacing another Employee at a Higher Grade Level

If a regular full time employee is assigned to temporarily replace another employee at a higher grade-level for an extended period of time, that employee will begin to receive a greater rate of pay after completing thirty (30) calendar days in that position. *The actual rate will be subject to approval by the Town Council.* All other benefits remain the same.

§ 4.12 Service Awards

Service awards will be made to regular full-time employees, regular part-time employees (scheduled to work 15 hours or more per week), Fire Department employees and Volunteers in Police Service (VIPS) for the completion of each five (5) years of service to the Town. The annual recognition to the recipients will be at a time each year determined by the Town Council or at time of separation.

5 years of service	\$ 20.00
10 years of service	\$ 40.00
15 years of service	\$ 50.00
20 years of service	\$ 60.00
25 years of service	\$ 70.00
30 years of service	\$ 80.00
35 years of service	\$ 90.00
40 years of service	\$100.00
45 years of service	\$110.00
50 years of service	\$120.00

§ 4.13 Day off with Pay for Commendations

Departmental Managers and the Clerk-Treasurer may award a single day off with pay in consequence of a written letter of commendation for exemplary public service on approval by the governing board of jurisdiction **and the Town Council.**

§ 4.14 Severance Pay Upon Retirement

§ 4.14.01 All regular full-time employees *hired before January 1, 1998* who have completed at least ten (10) years of full-time continuous employment and who have attained 62 years of age, shall be entitled to receive severance pay based upon their last straight time pay period, exclusive of reductions due to disability compensation, upon retirement as follows:

PAY	YEARS OF SERVICE	AMOUNT OF SEVERANCE
	10 years	Two (2) weeks
	15 years	Three (3) weeks

§ 4.14.02 All regular full-time employees *regardless of date of hire* who have completed at least ten (10) years of full-time continuous employment shall be entitled to receive severance pay based upon their last straight time pay period, exclusive of reductions due to disability compensation, **upon retirement as follows:**

PAY	YEARS OF SERVICE	AMOUNT OF SEVERANCE
	20 years	four (4) weeks

§ 4.14.03 Each regular full-time employee who is entitled to receive severance pay pursuant to this section must have completed the requisite period of time employed full-time by the Town and cannot apply his or her weeks of severance pay or compensatory time towards that requisite period of time employed by the Town. For example, a full-time employee of the Town of Highland is not entitled to severance pay if in fact said employee completes nine (9) years and fifty (50) weeks of service and the attempts to apply his two (2) weeks of severance pay towards the ten (10) year requisite period of time making that employee eligible for said severance pay. In order to so qualify and be entitled to the two (2) weeks severance pay, said employee must have completed ten (10) actual years of employment with the Town. The only exceptions to this general rule are the police officers covered by the 1925 pension plan. These details are outlined in Ordinance 876Q2 passed and adopted May 5, 1989.

§ 4.14.04 A retired employee will be paid for vacation time earned and not taken and will be paid for holiday days if they fall in the period of the vacation and sick time period. Police Radio Operators and Sworn Personnel should abide by Police Department Regulations. Compensatory time cannot be used to extend termination date and/or benefits. All employment based on compensation of a specific period to draw a service pension will be adhered to without consideration of compensatory time as an element of service time toward the service pension. The clothing allowance for each quarter is allowed if the quarter payment falls in the vacation and personal pay period.

§ 4.15 Pay on Death of Active Employee

Pay will cease on the day of death. If vacation leave has been paid in advance all monies shall be returned or credited to the accumulated vacation time coming. Vacation time and personal days not taken and to which the party is entitled can be paid. Any holidays falling in the period of the extended time (vacation) will be paid. All over-time will be paid at time and one-half, but will not be credited to the calendar for holiday credit. Such payment will be made to the same person who is entitled to receive unpaid wages.

§ 5.00 EMPLOYMENT BENEFITS

§ 5.01 Sickness/Disability Leave

§ 5.01.01 Purpose

The Town provides a generous Disability and Worker’s Compensation Benefit to provide wage continuation for those employees who may become injured or ill because the health and well-being of our employees is important to us. Since we endeavor to hire the finest possible employees, we believe it is in the best interest of both the employee and the Town to protect the health of all personnel. The purpose of Sickness/Disability Leave is to provide salary continuation for salaried and hourly full-time employees who are unable to work because of disability as a result of injury or illness. This benefit shall be in force after three (3) consecutive sick days and after the employee has obtained a doctor's or attending physician's report. Council approval expressed by the written signature of Town Council President is mandatory for payments to be made. The first three (3) days of sickness/disability, before Sickness/Disability Leave begins, are charged to accrued personal leave, vacation leave or compensatory time. The first three days are unpaid if accrued leave is not available. Sickness/Disability Leave is supplemental to the disability benefit provided by workers compensation insurance for a job-related injury or sickness. Workers compensation insurance payments will be supplemented to bring them to the level of pay at time of disability for a maximum period described in Section 6.02.

§ 5.01.02 Sickness/Disability Leave Schedule

- (A) Notice is given that employees hired January 1, 2009 and thereafter may be provided a uniform disability benefit without regard to longevity of employment to be prescribed by a subsequent amendment to this Handbook.
- (B) Regular full-time employees hired prior to January 1, 2009 unable to work because of disability may be paid for each separate illness as defined herein up to the maximum of the following:

Length of Continuous Service	Weeks at 100% of Full Pay	Weeks at 60% of Full Pay	Weeks of Protection
1 year but less than 5 yrs.	4	8	12
5 years but less than 10 yrs.	8	8	16
10 years but less than 15 yrs	10	10	20
15 years but less than 20 yrs.	13	13	26

20 years but less than 25 yrs	16	16	32
25 years and over	20	20	40

(C) Length of continuous service as used in the foregoing schedule refers to the total length of service the employee has completed, dating from his last date of hire to the beginning of each absence.

(D) Rate of Pay

- (1) Full pay is considered to be the greater of the base salary that the employee received at the start of absence; or the average of the total earnings, excluding overtime and annual bonuses computed over the calendar year quarter immediately preceding the absence.
- (2) Any scheduled increases, such as general increases or merit increases or any general decreases will be applied to the salary of an employee upon return from sick leave.

(E) Number of Illness Covered

The entire sickness disability allowance may be granted for each separate illness. Two periods of absence are considered separate illnesses if the employee has worked for at least 26 weeks in the interim. Two or more periods of absence each lasting a week or longer which are not separated by 26 weeks of active employment are considered to be the same illness unless, in the written opinion of a licensed doctor, they are due to clearly different causes.

(F) Types of Illness Covered

Sick leave will be granted for any disability, including child birth, that prevents the employee from performing his/her regular job. This includes mental illness and operations performed at the election of the employee as well as disease and accidents.

(G) Evaluation and Review Procedures

- (1) After the initial two-week sick leave, the attending physician will report on forms provided by the Town (a "Disability Update Certificate") on the condition of the patient each 30 days during the remainder of illness or sick leave time. Department Managers may have the report of the employee and/or the employee evaluated at their discretion by a physician selected by the Town independent of the attending physician at Town expense who will verify the illness and certify the continuance of the disability or recommend a return to work. If the employee is a department head, the president of the relevant board of jurisdiction will have the report of the department head evaluated at their discretion by a physician independent of the attending physician who will verify the illness and certify the continuance of the disability or recommend a return to work. If an employee

refuses the verification process, sick leave benefits will terminate upon formal notification.

- (2) In addition to the "Disability Update Certificate", the employee will have his/her physician complete an Abridged (Light) Duty Form indicating the employee's ability or inability to work in an abridged duty capacity.

(H) Notification of Sick Leave

Where possible, consultation with the Department Manager and Town Council President must precede placement of employee on Sick Leave. Notification of sick leave commencement and expected duration should be made in writing by the employee to the Town Council President and the Department Manager. It is the responsibility of the Department Manager to inform an employee placed on Sick Leave of the appropriate benefits from the Sick Leave Schedule.

(I) Abuse of the Sickness/Disability Leave Benefit

Although we know the majority of employees will use these benefits for the purpose intended, we also know that possibility of abuse exists. In order to protect these benefits for all personnel, incidents of abuse will result in disciplinary action, which may include the loss of pay to termination of employment.

- (1) Employees are to use their time on disability to heal. An employee granted sickness/disability leave is expected to avoid activities that might delay their convalescence or cause for further injuries. If you are unable to work due to illness or injury under normal circumstances you will not be authorized to travel for long distances or perform job functions at home or another place of employment. While extenuating circumstances are possible, we expect employees to use common sense and seek prior approval from their Department Managers before traveling or performing any task that might be construed as inappropriate.
- (2) When abuse of the benefit is suspected, the Department Manager may authorize an investigation and/or surveillance to determine compliance with this section. The Department Manager may consider reports of a physician selected by the Town independent of the attending physician and other evidence in determining whether there is just cause for disciplinary action.

§ 5.02 Vacation Leave

We believe that you should have a time of rest and relaxation each year. Vacation with pay (straight time base rate and any longevity) is one of the ways we show our appreciation for your length of service and productive efforts. Regular full time employees receive vacation leave at rates from 10 days to 25 days per year based upon the number of years of service. Vacation leave is accrued each year and available to employees in the following year. Accumulated vacation leave is paid to employees

upon separation of employment. Vacation days must be approved by your supervisor in advance of your vacation.

§ 5.02.01 A full-time employee becomes eligible for vacation after completing one (1) year of employment. The vacation year is the calendar year. Beginning with January 1 of the calendar year following the year in which you reach your one-year anniversary, you will be eligible for ten (10) days of vacation. Your vacation allotment during the calendar year you have your one (1) year anniversary will be in accordance with the following schedule:

<u>Month of Hire</u>	<u>Entitled To</u>
January	10 Days Vacation
February	10 Days Vacation
March	9 Days Vacation
April	8 Days Vacation
May	7 Days Vacation
June	6 Days Vacation
July	5 Days Vacation
August	4 Days Vacation
September	3 Days Vacation
October	2 Days Vacation
November	1 Day Vacation
December	0 Days Vacation

§ 5.02.02 All full-time employees beginning with January 1 in the calendar year in which you celebrate five (5) years of continuous service you will receive fifteen (15) days vacation. Beginning with January 1 in the calendar year in which you celebrate ten (10) years of continuous service you will receive twenty (20) days vacation. Beginning with January 1 in the calendar year in which you celebrate twenty (20) years of continuous service you will receive twenty-five (25) days vacation.

§ 5.02.03 Full-time employees may elect to carry over up to one week of vacation into the following year. The vacation must be taken by December 31st of the year into which it is carried over.

§ 5.02.04 When a holiday occurs during your vacation, you may add an extra day to the beginning or end of such scheduled vacation or may take the extra day(s) at a later date.

§ 5.02.05 Vacations must be scheduled in advance with your supervisor. Vacations should be scheduled in five-day increments. However, WITH THE APPROVAL OF THE DEPARTMENT HEAD you may designate some or all of your annual vacation allotment as "Vacation Days at a Time", which may be taken in one day increments. These days must be scheduled with your supervisor at least 48 hours in advance.

§ 5.02.06 In order to earn vacation time, you must be a full-time employee on January 1st and actually work at least 1,400 hours in the calendar year for 100% vacation entitlement or 1,000 hours in the calendar year for 50% vacation

entitlement. In the event of illness during a vacation, you will not receive additional time off.

§ 5.02.07 If you terminate employment with the Town, you will be eligible to receive pay for any unused vacation in the year of termination plus vacation accrued for the following calendar year on a pro rata basis. The pro rata payment will be the rate of one-twelfth of the full vacation allotment for each full month worked in the calendar year up to the date of termination. Such pro rata application does not apply to a person who has been in the employ of the Town for less than six (6) months. For example, an employee with three (3) years of service, has taken five (5) days vacation, and terminates in September, would receive vacation pay in the amount of

$$\begin{aligned} & 5 \text{ days} = \text{unused in this calendar year} \\ + & 6.67 \text{ days} = \text{eight/twelfths (2/3) times 10} \\ & \qquad \qquad \qquad \text{(accrued vacation for next year)} \\ & 11.67 \text{ days} = \text{total vacation pay at the time of termination} \end{aligned}$$

§ 5.02.08 In the event of your death, payment will be made for any unused vacation allowance for which you were eligible on the date of your death. Such payment will be made to the same person who is entitled to receive unpaid wages.

§ 5.02.09 Vacation Buy-Back Option

In lieu of vacation time and with the approval of the Department Head and the Board of Jurisdiction, an employee may be paid for up to one week of their vacation allowance. Only one (1) week total per calendar year can be paid in lieu of time-off.

§ 5.02.10 Medical Disability Vacation Buy Back Option

When in the opinion of the department head, circumstances warrant and would serve the best interest of municipality, the department head may pay for up to five days (one week) of an employee's unused and available vacation allowance per bi-weekly pay period, provided that (1) the employee is on approved medical disability, and (2) such payment is made with the approval of the department head and the board of jurisdiction.

§ 5.02.11 Scheduling of Vacations

We will, to the extent possible, schedule vacation periods at times most desired by you. Employee requests for vacation dates, which are submitted to the Town by December 31st of each year, will be handled based upon seniority if conflicts arise. After December 31st vacation dates will be approved on a first-come first-served basis. You are asked to request vacation at least 90 days in advance whenever possible. Advance scheduling gives you the best opportunity of receiving the vacation days you desire.

§ 5.03 Personal Leave

Regular full-time employees earn personal leave at the rate of 6 days per year. Unused personal leave may be accumulated to a maximum of 20 days. Accumulated personal leave is paid to employees upon separation of employment.

§ 5.03.01 Each regular full-time employee is entitled to six (6) personal days after employment of one (1) full calendar year with the Town, and six (6) personal days each year thereafter. These days may be used as personal business or sick days. These days are cumulative and if not used will be paid at the employee's current rate upon retirement or termination, subject to a maximum number. If a separation occurs while an employee is on a medical disability, the personal days will be paid at the rate immediately prior to the medical disability going into effect.

§ 5.03.02 The maximum number of personal days that may be cumulated and carried by any employee is fixed at twenty (20). Accumulations will be annually determined at the amount duly cumulated and credited to the worker as of December 31 of each year. At no time will any employee be paid for any more than twenty unused personal days at retirement or separation from service.

§ 5.04 Use of Donated Leave

§ 5.04.01 An employee may volunteer to share accumulated vacation leave or personal leave hours with another employee. Leave may only be donated to an employee for the beneficiary employee's own illness or injury when the beneficiary employee does not have enough time in his or her own accumulated leave accounts. Donated leave may not be used for the care or support of the employee's family.

§ 5.04.02 Donated leave time must be in increments of at least eight (8) hours.

§ 5.04.03 Both employees must receive approval from their departmental director and document the exchange of time with the Office of the Clerk-Treasurer. An employee must exhaust all sick leave, vacation leave, personal and overtime compensatory leave to be eligible to receive donated hours from other employees. The maximum amount of leave time an employee may accept is 1,040 hours. The employee will receive the time on an as needed basis and not in one lump sum.

§ 5.04.04 If donated time exceeds the amount of leave needed by the ill or injured employee, the leave balance will be restored for use by the donor employee.

§ 5.05 Holidays

§ 5.05.01 Except for Lead Support Services Clerk, Support Services Clerks, Support Services Training Coordinator, and Sworn Police Officers, the Town recognizes and pays for holidays throughout the year for full-time employees who have worked at least 30 calendar days with the Town. They are:

New Year's Day, **January 1**
Martin Luther King's Birthday, **3rd Monday in January**

Labor Day
Thanksgiving Day

President's Day, **Third Monday in February**
Good Friday
Memorial Day
Independence Day, July 4

Day after Thanksgiving
Christmas Eve
Christmas Day, **December 25**

§ 5.05.02 If a recognized holiday falls on a Saturday, the previous Friday will normally be observed as the holiday. If the holiday falls on a Sunday, the following Monday will normally be observed. The Town Council President is authorized to issue a written clarification when the weekend rules don't work. You will be paid for eight hours **or the appropriate equivalent for salaried workers** for the holidays listed above, unless otherwise indicated.

§ 5.05.03 You will not be eligible for holiday pay if you have an unexcused absence on your regularly scheduled shift before the holiday or on your first regularly scheduled shift after the holiday.

§ 5.05.04 Lead Support Services Clerk, Support Services Clerks, Support Services Training Coordinator and Sworn Personnel will be granted **eleven (11)** holidays (subject to Police Department regulations).
(Amended by Ordinance 1580 12 Jan 2015)

§ 5.06 Jury Duty/Witness Leave

§ 5.06.01 **Full-time employees** will be granted paid time off, to perform the worker's civic duty of serving on a jury or responding to compulsory process. Any full-time is eligible for jury duty when **the employee** is summoned to serve on a jury. The pay for **the employee's** service will be the lesser of your actual time lost from work due to jury service up to eight hours of **the employee's** regular pay for each day served, **subject to one of the following:**

(A) The employee shall sign over the check or warrant received for service as a juror or witness, provided the check or warrant does not also include reimbursement for mileage to the Office of the Clerk-Treasurer. The Clerk-Treasurer shall receipt the check or warrant into the fund or funds from which the employee's regular pay was drawn. The amount is not subject to re-appropriation. If the payment includes mileage then subdivision (B) shall apply.

(B) If the employee's jury duty check includes mileage, this subdivision shall apply. The amount of compensation received by the employee as a juror or witness shall be reported to the Town. The amount of the compensation received excluding any portion representing mileage reimbursement, will be deducted from the employee's regular pay;

§ 5.06.02 In order to protect the leave time as Jury/Witness leave, the employee shall present any proof of attendance or process documents to the employee's supervisor and the office of the Clerk-Treasurer. The employee is expected to return to work if the employee is not required to report for jury or other compulsory duty on a scheduled day, or if two or more hours of the employee's regular workday remain before or after jury service. If called for jury duty or are presented with notice of compulsory process, the employee shall immediately present the

summons to your supervisor. Paid time off for jury duty is not counted as hours worked for purposes of determining overtime.

§ 5.06.03 Appearances for testimony, investigation, and court preparations as a result of official duties as a Town employee are compensated as actual hours worked and are not classified as paid leave under this section.

§ 5.06.04 Jury or Witness leave shall not apply when the employee is appearing in court for criminal or civil cases being heard in connection with the employee's personal matters.

(Amended by Ordinance 1696 25 Feb 2019)

§ 5.07 Bereavement Leave

If a death should occur in your immediate family, you may be given personal paid-time off for personal bereavement if you are a full-time employee who has worked at least 30 calendar days with the Town. The pay will be for the time lost from work because of the bereavement, but not to exceed eight (8) hours per day at your straight time rate, up to a maximum of (3) three days. You will not be paid for bereavement leave on days for which you are otherwise compensated (holidays, vacation, etc.). Immediate family is defined as current spouse, child, step-child, parent or step-parent, current mother-in-law, current father-in-law, brother, sister, grandparents, current spouse's grandparents or grandchildren. If you need time off for bereavement leave, you must notify your supervisor as soon as possible. Upon returning from bereavement leave, you may be asked to present a copy of the funeral notice to your supervisor.

§ 5.08 Military Leave

All full-time, non-seasonal employees of the Town of Highland, who are members of the Indiana National Guard, its reserve components, the retired personnel of the naval, air, or ground forces, or a reserve member of the armed forces of the United States **shall be considered qualifying employees who** are entitled to compensated leave of absence from their respective duties, in addition to regular vacation period, without loss of pay for consecutive or non-consecutive periods not to exceed a total of fifteen (15) days in any calendar year for such time as they are:

- (a) On state active duty under IC 10-16-7-5;
- (b) On training duties of the State of Indiana under order of the governor as commander in chief;
- (c) Members of any reserve component under the order of the reserve component authority; or
- (d) On temporary military training duties of the United States Armed forces under orders from the Department of Transportation;

In addition, to the foregoing, any qualifying employee in the instance described above, will be entitled to additional supplemental compensation and active duty leave time after the fifteen (15) days described, with such additional pay or supplemental compensation to be paid by the municipality, charged to the host department of the employee on active duty leave. This additional pay is supplemental to the active duty pay provided by the employee's military branch

during the active duty or tour. Active duty pay provided by the military branch during the active duty or tour will be supplemented to bring the qualifying employee to the level of pay the employee would earn as municipal employee without overtime at time of the start of the military leave for a maximum of 50 102 weeks. Any general increase in pay will be delayed for the duration of the leave time and will begin at the time of return in the same fashion as medical leave.

The employee is required to provide the Town with evidence of the dates of departure and return as soon as practical prior to departure and shall be required to furnish the Town upon return, evidence of satisfactory completion of such training **or duty**.

In order to qualify for the additional supplementary leave and pay above, the qualifying employee must provide a copy of the relevant orders and evidence of military pay as soon as practicable to the Office of the Clerk-Treasurer.

§ 5.09 Uncompensated Leaves of Absence

After six (6) months of employment, leaves of absence for personal reasons, but not to work, or to seek or secure work elsewhere, may be granted without pay by the Town. Uncompensated leaves of absence must be for at least five (5) days but may not exceed thirty (30) days and are made with the written permission of the Department Head. The Town Council shall be notified of all granted leaves of absence. Further, any extension of leaves beyond thirty (30) days must be approved in writing by the Town Council. The Town will grant such a request only when your services are not required by the Town. No uncompensated leave of absence will be granted if any of your vacation time, compensation time, or personal business days remains and, if granted, you will not be paid for any holidays which fall on dates covered by your leave. Any employee considering a leave of absence should first talk with their Department Head to discuss the effect such a leave may have on other benefits provided by the Town. You may be eligible for additional leave. See the Family and Medical Leave section for additional information.

§ 5.10 Family and Medical Leave

§ 5.10.01 Eligibility

Employees who have been employed by the Town for at least 12 months and who have worked at least 1,250 hours during the 12 month period preceding the start of the leave, are eligible for a total of 12 workweeks of unpaid leave during any 12 month period for one or more of the following reasons:

1. Because of the birth of the Employee's child and in order to care for such child (within 12 months of the placement of the child);
2. Because of the placement of a child with the Employee for adoption or foster care (within 12 months of the placement of the child);
3. In order to care for the Employee's spouse, child, or parents if they have a "serious health condition".

In any case in which a husband and wife are entitled to a leave under paragraphs 1 or 2 above, or for care of a sick parent in paragraph 3 above, they will be limited to a combined total of 12 workweeks of leave in any 12-month period. For purposes of this policy, "serious health condition" means an illness, injury, impairment or physical or mental condition that involves:

- A. Any period of incapacity or treatment in connection with inpatient hospital, hospice, or residential medical care facility;
- B. Any period of incapacity requiring absence from work, school, or other regular daily activity of more than three calendar days and involves continuing treatment by a health care provider; or
- C. Continuing treatment by a health care provider for prenatal care, or a chronic or long-term health condition that is incurable or so serious that, if not related would likely result in a period of incapacity of more than three calendar days.

§ 5.10.02 Medical Certification

Any request for leave under paragraph 3 of §5.07.01 above must be supported by a certification issued by the applicable health care provider that includes:

- (1) The date on which the serious health condition commenced;
- (2) The probable duration of the condition;
- (3) A diagnosis of the serious health condition
- (4) A brief statement of the regimen of treatment prescribed for the condition by the health care provider
- (5) An indication of whether inpatient hospitalization is required
- (6) A statement of the medical necessity of the leave and the expected duration and schedule of the intermittent or reduced leave schedule (if the leave must be taken on an intermittent or reduced leave schedule)
- (7) A statement that the employee is needed to provide care and an estimate of the amount of time that the need will continue if the need is based on the need to care for a spouse, child or parent.

In its discretion, the Town may require a second medical opinion and periodic re-certification to support the continuation of a leave at its own expense. If the first and second opinions differ, the Town, at its own expense, may require the binding opinion of a third health care provider, approved jointly by the Town and the Employee.

If certified as medically necessary for a serious health condition of the Employee's spouse, child or parent, leave may be taken on an intermittent basis. However, the Town may require the Employee to transfer temporarily to an alternative position which better accommodates recurring periods of absence or to a part-time schedule, provided that the position has equivalent pay and benefits.

§ 5.10.03 When the need for leave is foreseeable, such as the birth or adoption of a child, or planned medical treatment, the Employee must provide reasonable notice (generally 30 days) and make efforts to schedule leave so as not to disrupt Employer

operations. In cases of illness, the Employee will be required to report periodically on his/her leave status and intention to return to work.

§ 5.10.04 Employees on a Family and Medical Leave of Absence can maintain coverage of any "group health plan" for the duration of the leave at the level and under the conditions coverage would have been provided had the Employee continued in employment continuously for the duration of such leave. Any Employee who is granted an approved leave of absence under this policy is advised to provide for the retention of his/her group insurance coverage by arranging to pay the employee's share of the premium contributions during the period of unpaid absence. Such payments must be made on a weekly basis to the Office of the Clerk-Treasurer. In the event that an Employee elects not to return to work upon the completion of an approved unpaid leave of absence, the Town may recover from the Employee the cost of any payments made to maintain the Employee's coverage, unless the failure to return to work was for reasons beyond the Employee's control.

§ 5.10.05 Upon return from leave, which has been extended no longer than 12 workweeks, an Employee will be restored to the same or to an equivalent position to the one held when the leave started. If the leave was due to an Employee's own serious health condition, the Employee will be required to submit a certification from his/her health care provider stating that the Employee is able to perform the function of the job.

§ 5.10.06 If an Employee fails to return to work at the expiration of a Family and Medical leave, his /her employment will be terminated.

§ 5.10.07 Employees may substitute any accrued personal leave time or accrued vacation leave time for any leave time taken as Family and Medical Leave.

§ 5.10.08 If an Employee qualifies for time off pursuant to any other leave of absence policy of the Town and qualifies for a leave under this policy, any time taken off pursuant to the other leave of absence policy shall be counted against the 12 weeks available under this policy. In addition, any family and medical leave taken pursuant to this policy will reduce the maximum amount of leave taken pursuant to any other leave of absence policy.

§ 5.11 Special Administrative Leaves

§ 5.11.01 Special Administrative (non-disciplinary) Law Enforcement Leave

(A) A police employee who has been involved in a Departmental shooting incident, whether or not the incident resulted in death or bodily injury to any person, may be granted administrative leave with pay and continuation of benefits by submitting a written request to the employee's commanding officer, all pursuant to standard operating procedures or rules/regulations as duly adopted in writing by the Town Board of Metropolitan Police Commissioners. Before administrative leave with pay and continuation of benefits may be granted, documentation of the change of duty status must be made on a form approved by and filed with the Clerk-Treasurer, and carrying the signatures of the following persons for the accompanying purposes:

1. Metropolitan Police Chief, evidencing approval;
2. Chairman, Town Board of Metropolitan Police Commissioners, evidencing approval and notice of the action; and
3. The Municipal Executive (Town Council President), evidencing notice of the action.

(B) Except as otherwise provided herein, administrative leave with pay and continuation of benefits for a police employee who has been involved in a Departmental shooting incident resulting in bodily injury to any person other than the police department employee shall not be granted nor extended for a period greater than six (6) months. Administrative leave with pay and continuation of benefits for a police department employee who has been involved in a Departmental shooting incident resulting in the police employee's own bodily injury or the death to any person shall not be granted nor extended for a period greater than twelve (12) months.

(C) The leave herein authorized under this provision is not to be construed as administrative leave discussed in IC 36-8-3-4.

§ 5.11.02 Special Administrative Leave

A municipal employee may be granted administrative leave with pay and continuation of benefits in limited circumstances, where deemed necessary and appropriate. The leave shall not exceed ten (10) days but may be renewed or extended with the same approval needed for the initial grant of leave. The leave may not be initiated by the employee to whom the leave is granted, except in the case of an illness reasonably suspected by the employee to be the same illness that resulted in the declaration of a National Emergency as declared by the President of the United States.

(A) Categories of Employees and Treatment under this Section.

1. Full-Time Exempt Employees, regardless of the department of the Town in which they are so employed, shall be eligible for the application of this policy, to its fullest extent.
2. Full-Time Non-Exempt Employees who are required to work at least forty (40) hours per calendar week, and are eligible for overtime pay, regardless of the department of the Town in which they are so employed, shall be eligible for the application of this policy, to its fullest extent.
3. *Part-time non-exempt employees:* All part time employees shall be compensated under special administrative leave subject to Subsection 3(i) and the following:
 - (i) The clerk-treasurer shall be tasked with calculating the amount of such compensation based upon what the usual and ordinary pay would be for each worker according to an average of the usual schedule for that worker as determined by the last six months of compensation;

- (ii) For all members of the fire department the compensation based upon officer designation will continue without regard to hours worked;
 - (iii) For all members of the fire department except the Fire chief, the compensation shall be based on the average of calls for the last two quarters or the actual calls, whichever is higher;
 - (iv) Part-time workers who are compensated under this section, who apply for unemployment compensation, will be required to repay the municipality for remuneration received from the State under that program;
4. That for any circumstances not addressed under this section, the Clerk-Treasurer under the Clerk-Treasurer's authority under IC 36-5-6-6(4), and the Town Council President under emergency authority are empowered to fashion a compensatory remedy consistent with law and the purposes and object of the special administrative leave provision.

(B) Before administrative leave with pay and continuation of benefits may be granted, except in the case of an illness reasonably suspected by the Employee to be the same illness that resulted in the declaration of a National Emergency as declared by the President of the United States, documentation of and rationale for the leave must be made on a form approved by and filed with the Clerk-Treasurer, and carrying the signatures of the following persons for the accompanying purposes:

1. The appropriate department head, evidencing approval; if the employee is a department head, only the signatures of the following officers will be required;
2. Chairman of the relevant Board or Commission; and
3. The Municipal Executive (Town Council President), evidencing notice of the action.

(C) In the case of an Employee who takes leave without prior approval because they reasonably suspect that they may have contracted or know that they have been exposed to the same illness that resulted in the declaration of a National Emergency as declared by the President of the United States, the approval, retroactive or otherwise, of the Special Administrative Leave will depend upon the Employee's enumerated reasons and rationale for taking said leave and an opinion from a licensed medical professional stating that said reason(s) were medically justifiable.

(D) For all compensation under 5.11.02 related to a National emergency, should be documented in a fashion that the Clerk-Treasurer prescribes.

(Amended 12 March 2018; 23 March 2020)

(E) For all compensation under 5.11.02 related to a national emergency, if the national emergency involves a public health epidemic or pandemic associated with a virus for which an FDA approved vaccine is available, an employee who refuses to be vaccinated, is not eligible for the special administrative leave under

Section 5.11.02 if the employee becomes ill from the virus the vaccine was intended to abate, except as follows:

1. The employee has a bonafide medical reason that bars the use of the vaccine(s);or
2. The employee asserts protections under IC 34-13-9-8;

(F) The municipality may require workers who assert exceptions under subdivision (E) to provide reasonable evidence of the bonafide medical reasons barring the use of a vaccine or other medical prevention and the municipality preserves it's authority to act under the exception provided in IC 34-13-9-8(b).

(Amended 10 May 2021)

§ 5.12 Public Employees' Retirement Fund Pension Plan

§ 5.12.01 All regular full-time employees of the Town except Police Officers are eligible to participate in the Indiana Public Employee's Retirement Fund (PERF), a defined benefit pension plan. PERF is an agent multiple-employer public employee retirement system, which provides retirement benefits to plan members and beneficiaries. The PERF retirement benefit consists of the pension provided by employer contributions plus an annuity provided by the member's annuity savings account. The Town contributes to the Fund at an actuarially determined rate. The rate for calendar year 2008 is 7.25% of a covered employee's salary. The annuity savings account consists of member's contributions, set by state statute at 3% of compensation, plus the interest credited to the member's account. The employer may elect to make the contributions on behalf of the member. Ten (10) years of service with the Town of Highland or another PERF Employer is required before employer contributions to the pension become vested.

§ 5.12.02 Employer payment of Members' Contributions for Public Employees' Retirement Fund.

- (A) The Town of Highland as employer shall pay all or 100% of the employee's contribution for the Clerk-Treasurer, a PERF covered position, payable to the fund specified in IC 5-10.2-3, and as authorized under IC 5-10.3-7-9.
- (B) The Town of Highland as employer shall pay all (100%) of the employee's contribution for all regular full-time, non-public safety, civil unit employees, as defined in IC 5-10-8-2.6 who occupy and work in a PERF covered position, payable to the fund specified in IC 5-10.2-3, and as authorized under IC 5-10.3-7-9.

§ 5.13 Deferred Compensation Plans (IRS Section 457 Plans)

The Town of Highland as employer may from time to time establish or participate in deferred compensation plans (Section 457), all pursuant to IC 5-10-1.1 et seq. Employees of the Town of Highland, as defined in IC 5-10-1.1-2, may participate in the plans. The terms of the plans will be subject to law and as described in plan

documents that are generated from time to time. The Office of the Town Clerk-Treasurer will serve as the responsible department for any deferred compensation plans selected by the Town Council, subject to any administrative or plan agreements approved in consequence of any selected plans.

§ 5.14 1925 Police Officers' Pension Plan

Police Officers hired before April 30, 1977 were covered by the 1925 Police Officers' Pension Plan, which is a single-employer defined pension plan. The plan is administered by a local pension board. The plan provides retirement, disability and death benefits to plan members and beneficiaries. No current employee of the Police Department is eligible for benefits from this pension plan; only retirees and their beneficiaries are receiving benefits from the 1925 Police Officers' Pension Plan.

§ 5.15 1977 Police Officers' and Firefighters' Pension Plan

Police Officers hired after April 30, 1977 are provided a retirement benefit by the 1977 Police Officers' and Firefighters' Pension and Disability Fund, a cost-sharing multiple-employer defined benefit pension plan administered by the Indiana Public Employee's Retirement Fund (PERF). Covered employees may retire at age 55 with 20 years service. An employee with 20 years service may leave service, but will not receive benefits until reaching age 55. The plan also provides for death and disability benefits. Plan members are required to contribute 6% of a first-class police officers' salary. The Town contributes to the Fund at an actuarially determined rate. The current rate, which has not changed since the inception of the plan, is 21% of a first-class police officers' salary.

§ 5.16 Deferred Retirement Option Plan for Police Officers

Indiana Code § 36-8-8.5 allows members of the Police Pension Plans to enter into a Deferred Retirement Option Plan (DROP). The member who elects to enter DROP agrees to:

- (A) Execute an irrevocable election to retire on the DROP retirement date and shall remain in active service until that date;
- (B) Elect a DROP retirement date not less than 12 months and nor more than 36 months after the member's DROP entry date; and
- (C) Agree not to remain in active service as a police officer after the date the member reaches mandatory retirement age.

A member may make an election to enter the DROP only once in the member's lifetime. A member who retires on the member's DROP retirement date may elect to receive an enhanced retirement benefit consisting of the DROP frozen benefit plus an additional amount calculated by multiplying the amount of the DROP frozen benefit by the number of months that the member was in the DROP. The benefit may be paid

in a lump sum on the retirement date or in three equal annual payments commencing on the retirement date.

§ 5.17 Authorized Use of Town Owned and/or Leased Vehicles

§ 5.17.01 The following individuals by title are permitted subject to the concurrence of the governing board of jurisdiction to utilize municipal leased and owned vehicles for the purpose of conducting public business, the providing of transportation to and from the work place and reasonable, limited personal business:

Metropolitan Police Chief
Metropolitan Police Commanders
Metropolitan Police Detectives, Criminal Investigation Division
Metropolitan Police Officer Friendly / School Resource Officer
Public Works Director
Public Works Supervisors
Pump Station Mechanic
Superintendent of Parks & Recreation
Fire Chief

The persons identified by title and only those persons are authorized to use the vehicle for reasonable personal business. Except as otherwise restricted by rules or regulations of the Metropolitan Police Department, reasonable personal business is described as using the vehicle within a fifty (50) mile radius of the Town of Highland and the assigned worker could be expected to be called for duty. In all cases municipal vehicles may not be used for personal business beyond the fifty-mile radius. No other person but the municipal employee(s) as listed by title in this section is authorized to operate the vehicle for personal use. Pursuant to Federal and State income tax guidelines, employees using town owned or leased vehicles shall keep records of personal use. Personal use shall be taxed as fringe benefit according to the mileage rates established by the United States Internal Revenue Code.

§ 5.17.02 The Metropolitan Police Department may permit certain Criminal Investigation Division assigned officers to employ one of the following:

- (A) Such officer(s) who reside within the corporate boundaries of the Town may utilize Municipal leased or owned vehicles for reasonable personal business and for the purpose of conducting business and the providing of transportation to support call-out duty, when such officer is scheduled; or
- (B) If departmental regulations and circumstances prohibit the use of a municipal vehicle, such officer(s) may utilize his or her leased or owned personal vehicle for the limited purpose of conducting business and the providing of transportation to support call-out duty, when such officer is scheduled for which the utilizing officer may be reimbursed for mileage at the prevailing IRS rate;

§ 5.17.03 The Metropolitan Police Department may permit certain Patrol Division assigned officers who reside within the corporate boundaries of the Town to utilize Municipal leased or owned vehicles for reasonable personal business and for the purpose of conducting business and the providing of transportation to support call-out duty, when such officer is scheduled according to the terms of rules and regulations of the Board of Metropolitan Police Commissioners, that are not in conflict with this section.

§ 5.17.04 The Metropolitan Police Department may adopt regulations that are more restrictive than the general fifty-mile allowance for reasonable personal business contained in this section.

§ 5.18 Use of Personal Vehicle for Public Business

§ 5.18.01 Elected Officers, appointed officers and employees with proper approval may use personal vehicles in the conduct of public business. Adequate liability coverage must be carried before consideration can be given for use of personal automobile in connection with Town business.

- (A) For routine and reoccurring use of a personal vehicle for public business, the Employee's insurer will provide a certificate of insurance naming the Town of Highland as an "additional insured" in limits of at least \$250,000 each person and \$500,000 each accident for death and bodily injury exposures and \$100,000 for property damage exposures.
- (B) For employees, whose use of a personal vehicle for public business use is infrequent, the employee will provide proof of insurance in limits prescribed by Indiana statutes.

§ 5.18.02 Except for travel which may be defined as commuting to and from work, elected officers, appointed officers and employees may be reimbursed for mileage incurred in the performance of public business at the prevailing IRS rate. The Clerk-Treasurer shall have the authority to provide for the manner and frequency of the reimbursement provided that reimbursement shall be made at least quarterly.

§ 5.19 Police Department Clothing Allowance

§ 5.19.01 Incumbent Radio Operators and Sworn Officers

Each active, full-time **Lead Support Services Clerk, Support Services Clerks, Support Services Training Coordinator** and Law Enforcement Officers of the Metropolitan Police Department as defined by I.C. 5-2-1-2(a) shall be paid the following uniform allowances:

- \$ 950 per year for each uniformed personnel
- \$ 950 per year for each plain clothing personnel
- \$ 150 per quarter for Support Services Administrator, Lead Support Services Clerk, Support Services Clerks, Support Services Training Coordinator

§ 5.19.02 Newly Hired Officers

The Town through its Metropolitan Police Department will provide newly hired officers with the following uniform components as described in the appropriate section of the most recently approved and promulgated SOP Manual of the Metropolitan Police Department:

- | | |
|--------------------------------|-------------------------------------|
| (3) three long sleeved shirts | (1) one winter hat |
| (3) three short sleeved shirts | (1) one dress hat |
| (3) three trousers | (1) one name tag |
| (6) six shoulder patches | (1) one pair of handcuffs with case |
| (1) one pair of shoes | (1) one cartridge case |
| (1) one trouser belt | (1) one holster |
| (1) one duty belt | (2) two embroidered badges |
| (1) one winter jacket | (1) one pepper spray holder |
| (1) one lightweight jacket | (1) one flashlight holder |

Newly hired officers will not be eligible to receive any clothing allowance until the quarter in which they reach the first year anniversary of their hiring date. Newly hired officers may be reimbursed by the Town through the Metropolitan Police Department for one-half (1/2) the cost of two (2) work shirts and two (2) pairs of slacks required while attending the Indiana Law Enforcement Academy, with the submission of proper receipts.

§ 5.19.03 Motor Cycle Officers

Officers assigned to operate the motorcycle on duty may be reimbursed for the cost of two (2) pairs of motorcycle slacks or the cost of one (1) pair of motorcycle boots with the submission of proper receipts.

§ 5.19.04 Part-time Support Services Clerks and the Animal Warden

Part-time **support services clerks** and the animal warden will be provided with uniform shirts and slacks as deemed necessary by the **proper** Supervisor. Part-time **support services clerks**, the animal warden, and other civilian employees will not be eligible for clothing allowance.

§ 5.19.05 Special Programs

The Town of Highland through its Metropolitan Police Department may from time to time institute programs, such as bicycle patrol and Volunteers in Police Service (VIPS) that require special uniforms. At the discretion of the Chief of Police, the Town through its Metropolitan Police Department may elect to provide the necessary uniform components or to reimburse participants for all or a portion of the specialized uniform.

§ 5.20 Fire Department Allowances

Unless otherwise provided, each active and participating member Firefighter of the Highland Fire Department shall be paid the following allowances pursuant to I.C. 36-8-12-5(a):

§ 5.20.01 A Clothing Allowance for the Chief of the Highland Fire Department in the amount of Nine Hundred Fifty Dollars (\$950) per year shall be paid in the same manner as such allowances are paid to the Chief of the Metropolitan Police Department;

§ 5.20.02 A Clothing Allowance for all other active and participating Firefighters of the Highland Fire Department in the amount of One Hundred (\$100) per year shall be paid in the third quarter;

§ 5.20.03 In addition, all members of the Highland Fire Department, upon successful completion of the probationary period, shall be issued at department expense a class A dress uniform, which consists of the following elements:

1. White dress shirt
2. Navy blue coat
3. Dress hat
4. Badge and nameplate

The Fire Chief shall have the power to offer further specifications for design and details of the foregoing in support of the purposes of the dress uniform and its intended uses and applications for the department. All uniforms issued pursuant to this section are property of the Town of Highland Fire Department. Maintenance of this uniform shall be the responsibility of the member. Upon separation of a member for any reason, the uniform will be returned.

§ 5.20.04 Automotive Allowance: Each active and participating member firefighter shall be paid an automobile allowance of one hundred dollars (\$100) per year for the use of the member's automobile in the line of duty, to be paid in the third quarter.

§ 5.21 Clothing for Personnel in Public Works and Building and Inspection

§5.21.01 Public works. Incumbent regular full time Public Works personnel are provided with three (3) new sets of uniforms per year. New regular full time Public Works personnel are provided five (5) new sets of uniforms after the probationary period. Jackets are provided as needed.

§ 5.21.02 Building and Inspection. Code Enforcement officer. The enforcement officer will be provided with uniform shirts and slacks as deemed necessary by the proper Supervisor. The enforcement officer will be provided a proper wearable identification and a proper badge styled as Town of Highland, Code Enforcement Officer. A jacket may be issued as well.

§ 5.22 Clothing for Parks and Recreation Personnel

Incumbent regular full time Parks Department personnel are provided with three (3) new sets of uniforms per year. New regular full time Parks Department personnel are provided five (5) new sets of uniforms after the probationary period. Three new t-shirts are provided every summer for full time and part-time parks department personnel. Jackets are provided as needed.

§ 5.23 Educational Assistance

The Town may provide reimbursement for educational expenses of eligible full-time employees of the municipality. The educational expense must have a reasonable relationship to the operation of the municipality. Employees who are eligible for the benefit may not choose to receive cash or other benefits that must be included in gross income in lieu of educational assistance. The educational assistance may NOT exceed the amount of \$5,250, which is the maximum amount that may be excluded from annual wages or income under the guidelines of the IRS.

In all cases, the program will only reimburse eligible employees for allowable educational expenses which includes books, fees, some supplies, and tuition for courses taken at an accredited university or college leading to the award of a graduate or post-baccalaureate degree in a recognized program of study having a reasonable relationship to operation of the municipality. Reimbursement may be conditioned on certain grade attainment and in all cases will require documentation of passing and academic award of credit for the course or courses subject to the program.

The specific terms for an eligible employee shall be memorialized in a written agreement which may set forth additional terms and limits provided that none are in conflict with the terms of the provisions of the compensation and benefits ordinance or the governing law of the State or the United States. The President of the Board of Jurisdiction shall be authorized to determine employee eligibility provided that program will comply with IRS guidelines and this section. The written agreement

will be approved by the Town Council President. In all cases, the program is subject to budget constraints and appropriations.

§ 5.24 Use of Mobile/Cellular Phones

There are work-related situations that require an employee's use of mobile/cellular telephones, such as issues that require emergency or immediate attention, prolonged discussions or working from home during non-business hours. Some departments require an employee to be accessible at all times to mobile/cellular telephones provided by the Town, however, these telephones shall be used primarily for business-related purposes and any personal use of such resources must satisfy the conditions set forth in this section.

Certain employees may be provided town owned cellular/mobile telephones to assist them to conduct public business or in the performance of their required duties for the town. Employees so assigned shall be responsible for reimbursing the town in an amount fixed by this section for any incidental personal calls made or received on the cellular telephone assigned to the employee. Telephone bills must itemize and identify incoming and outgoing telephone calls for billing period. Certain other employees may be reimbursed for charges on an employee-owned telephone for authorized calls made in support of public business or the performance of their required duties for the town. It provides guidance as to the appropriate circumstances for the Town to purchase and to provide service support for mobile/cellular telephones for use by employees. In addition, the section establishes the procedures for documenting the use of Town-provided mobile/cellular telephones and reimbursement to the Town of any non-incidental personal use of such telephones.

The procedures contained in this section are intended to conform to Internal Revenue Service Regulations governing employer-provided mobile/cellular telephones for use by employees outside the workplace. IRC §132 excludes certain fringe benefits from taxation. Examples of nontaxable fringe benefits are identified in the Internal Revenue Code as:

No Additional Cost Service [IRC §132(b)]

Example: A cell telephone plan that provides free network, long distance and evening calls and a specified number of shared minutes per month below which there is no additional charge to the Employer.

Qualified Employee Discounts [IRC §132(c)]

Example: A cell telephone plan that provides equipment and service at a discount to employees.

De Minimus Fringe Benefit [IRC §132(c)]

Example: A cell telephone plan that enables personal use of employer provided telephones that have a small value and accounting for it is unreasonable or administratively impractical.

§ 5.24.01 Approval of Transactions

The Town Council President has authority to approve the purchase of mobile/cellular telephones and the accompanying services under which the Town is the official “customer” to be billed.

§ 5.24.02 Criteria for Purchasing

- (A) The Town may provide employees with mobile/cellular telephones for use in conducting official Town business when there is a significant business-related reason for doing so. To this end, the Town Council President may authorize purchase of mobile/cellular telephones only when the primary use of telephone will be for Town business. When an employee’s Town business use of mobile/cellular telephones or services will be minimal, Town funds may not be used to purchase these devices or services. However, an employee may request reimbursement for any business-related use of an employee-purchased mobile/cellular telephone or service that results in noticeable incremental costs to the employee.
- (B) The Town Council President shall employ the following criteria in evaluating the business-related reason for purchasing electronic resources for employee use for those employees whose jobs entail the following responsibilities:
 - 1. Travel – Employees who frequently travel or are out of the office and need to be in contact with staff, clients or managers.
 - 2. Work Location – Employees who typically work in the field or at job sites where access to a telephone is not readily available.
 - 3. Emergency Response – Employees who need to be contacted and/or to respond in the event of an emergency or are required to be available during non-business hours.
 - 4. Other – Employees who are required by their department to be accessible at all times by electronic means.
- (C) When purchasing equipment and services, the Town Council President should seek out cost-effective products, such as flat rate, fixed charge, mega minutes, and other discounted service plans. Mobile/cellular telephone contracts should be selected to reflect the level of expected business-related minutes per month use. Department Heads shall review mobile/cellular device billing charges to confirm business and personal usage and annually review and adjust service contracts to reflect the average business-related use to maximize cost savings.

§ 5.24.03 Incidental Personal Use

Personal use of electronic communications resources must not adversely affect the performance of an employee’s official duties or the functions of an employee’s department. Such personal use shall not (i) directly or indirectly interfere with the Town’s operation of electronic communications resources; (ii) interfere with the user’s employment or other obligations to the Town; or (iii) burden the Town with noticeable incremental costs.

§ 5.24.04 Use Agreement

- (A) An employee who is to be provided electronic communications equipment must prior to receipt of such equipment sign an agreement acknowledging that use of the equipment will be limited to Town business and only incidental personal use.
- (B) The Employee Agreement Concerning the Use of Mobile/Cellular Telephones, which is set forth in the following form, is to be used for this purpose:

To: DEPARTMENT HEAD

Re: Employee Agreement Concerning Personal Use of Cellular Phone

I hereby certify that I am the recipient of the following Town provided Cellular Phone:

_____.

I agree that this equipment is to be used primarily for official Town business, and that any personal use of the equipment will be only incidental in nature. I agree to reimburse my department for any personal use of this equipment that results in noticeable incremental costs to the Town, in accordance with the Cellular Phone Use Policy described at §5.22 of the Employee Handbook.

I understand that all records related to the purchase, use, and disposition of this Town-owned equipment, including cell phone statements, are the property of the Town and potentially subject to disclosure under the Indiana Public Records Act.

I further understand that I am responsible for safeguarding the equipment, including any data on the equipment, and controlling its use. If the Town determines that there is no longer a business need for me to possess such equipment, I will return the equipment. Likewise, if I separate from Town employment, I will promptly return the equipment to my department.

In the interest of safety, I will exercise appropriate care and caution and will not operate a motor vehicle while using this equipment.

Name: _____ Title: _____

Signature _____ Date: _____

§ 5.24.05 Fixed Fee for Personal Use; Reimbursement for Personal Use that Exceeds Usage Plan

- (A) In order to reimburse the Town for incidental personal use of a municipal provided mobile/cellular telephone, the assigned employee will be required to pay to the town the amount of five dollars (\$5.00) per month while the employee continues to use a municipally provided cellular/mobile device. The employee may arrange the manner of payment with the Office of the Clerk-Treasurer.

- (B) Further, any noticeable incremental costs for personal use of a mobile/cellular telephone (costs that are clearly in excess of the fixed amount) must be reimbursed by the employee furnished with the resource. With respect to mobile/cellular devices, it is the responsibility of the employee to reimburse the Town for non-incident personal calls on statements billed to the Town, when the employee exceeds the package minutes under a mobile/cellular telephone contract. The Town shall be reimbursed for any personal use associated with the excess minutes at the excess-minute rate.

§ 5.24.06 Reimbursement for Business Use of Personal Cellular Phones

An employee may request reimbursement for the business use of an employee's personal mobile/cellular telephone or similar device not provided by the municipality. The Town will reimburse only those charges associated with business calls occurring beyond the employee's regular calling plan contract. No reimbursement shall be made for business calls made within the minutes covered under the employee's contract.

§ 5.24.07 Confidentiality

Employees should be aware that all records related to the purchase, use and disposition of Town owned electronic communications equipment, including mobile/cellular telephone statements, are the property of the Town and are potentially subject to disclosure under the Indiana Public Records Act.

§ 5.24.08 Employee Discounts

An employee of the Town may accept mobile/cellular equipment and services at discount from a mobile/cellular telephone vendor as a benefit of employment with the Town without conflict of interest.

§ 5.24.09 Use of a Mobile/Cellular Phones While Operating a Motor Vehicle

- (A) Employees who are issued handheld cellular/mobile telephones for business use and whose job responsibilities include regular or occasional driving are expected to refrain from using their telephone while driving. Regardless of the circumstances, employees shall pull off to the side of the road and safely stop the vehicle before placing or accepting a call.
- (B) Employees whose job responsibilities do not specifically include driving as an essential function, but who are issued a mobile/cellular telephone for business use are also expected to abide by the provisions above.
- (C) Under no circumstances are employees allowed to place themselves at risk to fulfill business needs. Employees who are charged with traffic violations resulting from the use of their telephone while driving will be solely responsible for all liabilities that result from such actions.
- (D) Violations of this section will be subject to discipline, including termination.

§ 5.24.10 Administration and Responsibilities

- (A) The Town Council is responsible for establishing and updating the procedures set forth in this section.
- (B) Department heads are responsible for ensuring that any purchase of electronic communications resources for use by an employee conforms to the requirements of this subchapter and that claims submitted for payment or reimbursement include the appropriate supporting documentation. The department head is also responsible for monitoring the personal and business-related use of mobile/cellular telephones and obtaining reimbursement for any personal use that burdens the Town with noticeable incremental costs.
- (C) The Clerk-Treasurer's Office is responsible for ensuring that departmental payment or reimbursement requests for expenditures related to the purchase and use of electronic communications resources are made in accordance with the procedures set forth in this subchapter.
- (D) An employee assigned a municipally provided mobile/cellular telephone is responsible for safeguarding the equipment and controlling its use. The employee is required to reimburse the Town for any Personal Use of such equipment that results in noticeable incremental costs to the Town. The employee is expected to avoid using the equipment under any circumstances where such use might create or appear to create a hazard, including use while operating a motor vehicle. The employee should immediately report the theft or loss of such equipment to his or her department and to the service carrier, if applicable. Upon separation from Town employment, the employee is required to promptly return such equipment to the Town.

§ 5.25 Travel and Conferences

This section provides policies that shall be used in providing or reimbursing Town Council Members, Clerk-Treasurer, Members of Commissions and Boards, Appointed Officials and Employees for travel accommodations when such travel has been authorized and budgeted.

§ 5.25.01 Registration Fees

The cost of registration or similar fees for conferences, seminars and other similar meetings or functions related to Town affairs will be provided for or reimbursed when supported by original receipts. Whenever possible, arrangements for these affairs should be made by a designated person and directly billed to the individual.

§ 5.25.02 Transportation

- (A) Travel by commercial airlines, rail service, bus, or similar common carrier mode will be provided for at the prevailing "coach" or "tourist" rate when authorized and supported by original receipts.
- (B) Taxi fare and/or the cost of other local (public) conveyance will be provided for or reimbursed when supported by original receipts.
- (C) Parking fees and tolls will be reimbursed when supported by original receipts.
- (D) When a personal automobile is used in lieu of common carrier transportation, the first seven hundred (700) miles (of a round trip) will be reimbursed at the rate allowed by the IRS, miles in excess of seven hundred (700) will be reimbursed at 1/2 the maximum IRS rate.

§ 5.25.03 Lodging

- (A) Lodging shall be provided for or reimbursed when supported by original receipts in the following manner:
 - (1) Single occupancy will be provided at the actual cost.
 - (2) Double occupancy will be provided at actual cost when both parties are eligible for reimbursement.
 - (3) Double occupancy will be provided at the single occupancy rate when only one party is eligible for reimbursement unless room is a one-rate charge.
- (B) Reimbursement for lodging costs shall include room costs, associated local taxes and up to an average of four (4) telephone charges per day per eligible party. Any other charges made to the room are the responsibility of the employee.
- (C) Room service will not be reimbursable.

§ 5.25.04 Meals

- (A) Meals will be reimbursed when supported by original receipts up to \$60.00 per day, including gratuities. Such gratuities should be reasonable and should not exceed twenty percent (20%).
- (B) When separate checks are not available, an employee may claim reimbursement for other employees up to the maximum amount provided for in the preceding section multiplied by the number of employees provided that each employee is identified by name and that an original receipt is provided. Payment for meals for any individual will not be made to more than one individual.
- (C) No reimbursement will be made for meals when already provided for in the registration fee.

§ 6.00 GROUP INSURANCE

§ 6.01 Unemployment Compensation Insurance

Unemployment Compensation Insurance protects you if you become unemployed through no fault of your own. Application for benefits is made through our local State Employment Service offices.

§ 6.02 Workers Compensation Insurance

The Town provides, at no expense to you, Workers Compensation Insurance. This insurance becomes effective on your first day worked and protects you if you are injured on the job. To be sure to protect yourself under this insurance, REPORT ALL INJURIES, HOWEVER SLIGHT, TO YOUR SUPERVISOR IMMEDIATELY.

§ 6.02.01 In case of occupational injuries or illnesses, Worker's Compensation payments will be supplemented to bring them to the level of pay at time of disability for a maximum of 52 weeks.

§ 6.02.02 A worker who is on a disability leave covered by Workers Compensation who would experience a profound, undue hardship if the payments described § 6.02.01 expire, may apply for up to an additional maximum of 26 weeks. No additional payments beyond the 52 weeks maximum will be paid unless approved by the worker's department, and the Town Council President as municipal executive. No payment will be made that is unlawful under IC 22-3-3.

§ 6.03 Group Health Insurance

The Town will provide a health insurance plan for all eligible employees of the town hereinafter defined. The Town reserves the right to change alter, modify or cancel the insurance plan coverage with or without notification. The Town provides **eligible employees of the town hereinafter defined** with a group insurance plan in which the coverage begins on the first day of employment. For specific details on the type and extent of coverage, please refer to the plan document, which will be provided at the time of enrollment. *(Amended by Ordinance No. 1445. 14 December 2009; Ordinance No. 1615 23 May 2016)*

§ 6.03.01 Town Council Member Eligibility

The Town will not pay the premiums for the members of the Town Council for participation in any group insurance plans. However, the Town Council members are eligible to participate in the group insurance plans of the Town at their own expense for the cost of the premiums. Town Council members who elect dependent coverage shall pay in full the appropriate premium corresponding for such coverage.

§ 6.03.02 IRC Section 125 Plan

The Town of Highland will provide a plan pursuant to and as outlined in § 125 of the Internal Revenue Code. The plan will provide for conversion of employee premiums for group health insurance provided by the Town as employer. The governing body may from time to time adopt third party services agreements to carry out portions of the plan. Details of the plan shall be maintained as a plan document and retained on file. (*Ordin. 1747 Amended 9.27.2021*)

§ 6.03.03 Health Savings Accounts (HSA Accounts)

The Town of Highland will provide a HIGH DEDUCTIBLE option in its group health insurance to support worker establishment of a *Health Savings Account* pursuant to and as outlined in the relevant sections of the Internal Revenue Code. The plan option will only be available to **eligible employees of the town hereinafter defined** who may elect the higher deductible option for the group health insurance plan. The Town of Highland as employer will make a financial contribution to the individual health saving account of the **eligible employees of the town hereinafter defined** that elect to participate. The **eligible employees of the town hereinafter defined** must not be covered by any other group health insurance plan. Details of the plan shall be maintained as a plan document and retained on file. The financial contribution will be paid in **two semi-annual installments scheduled by the Clerk-Treasurer** and be based upon the high deductible group health plan elected by the participating **eligible employees of the town hereinafter defined** as follows:

Group Health Insurance High Deductible (HSA) Plan Employer Contribution

	Employer Semi Annual Contribution	Annualized
Employee Single Coverage	\$490.50	\$ 981.00
Employee With Children	\$948.00	\$1,896.00
Employee With Spouse	\$998.00	\$1,996.00
Family Coverage with Spouse and Children	\$1,446.00	\$2,892.00

Amended by Ordinance No. 1527 adopted November 26, 2012; *Ordinance No. 1615 23 May 2016; Ordinance No. 1655 adopted September 25, 2017; Ordinance No. 1690, adopted 26 November 2018.*

§ 6.03.04 Employee Contribution for Certain Group Insurance Premiums

(A) All **eligible employees of the town hereinafter defined** shall share the cost of the group health premium, which are to be paid through a salary reduction (payroll deduction) taken as a pre-tax payment according to the terms of a duly authorized IRC Section 125 Plan for the Town of Highland. The amount of the shared premium shall be fixed by ordinance as may be passed from time to time. All **eligible employees** and elected officers may elect to include **spouses** and dependents under their group coverage, **except that select part-time workers eligible for group coverage may only elect to include dependents and not spouses under their group coverage.**

(B) All **eligible employees of the town hereinafter defined** who elect to participate in the group health insurance shall pay the identified share of the group premium based upon the type of enrolled coverage selected by the **eligible employees**

of the town hereinafter defined for the duration of such coverage. For participating full-time employees and the clerk-treasurer, the identified share of the group premium will be calculated as a percentage share of the annual gross base wage or salary of the covered employee, excluding longevity or overtime and then fixed as a flat amount to be paid bi-weekly. **For select part-time employees, the group premium will be calculated as a percentage share of the bi-weekly pay, and shall be collected during all bi-weekly pay periods regardless of work performed. The Clerk-Treasurer is empowered to implement the collection to achieve optimal administrative ease achieving the policy objects of this provision.**

(C) All **eligible employees of the town hereinafter defined** who elect to participate in the group health insurance *non high-deductible plan*, shall pay the identified share of the group premium as follows:

Employee Share of Health Insurance Premium

Employee Single Coverage	1% of Base Pay
Employee With Children	2% of Base Pay
Employee With Spouse	2% of Base Pay
Family Coverage with Spouse and Children	3% of Base Pay

(May be affected by Wellness Incentive Enactments adopted from time to time)

(D) All **eligible employees of the town hereinafter defined** who elect to participate in the group health insurance *high-deductible plan*, shall pay the identified share of the group premium as follows:

Employee Share of Health Insurance Premium

Employee Single Coverage	.5% of Base Pay
Employee With Children	1% of Base Pay
Employee With Spouse	1% of Base Pay
Family Coverage with Spouse and Children	1.5% of Base Pay

(May be affected by Wellness Incentive Enactments adopted from time to time)

(E) **Participants in the Town of Highland Wellness Program.** All **eligible employees of the town hereinafter defined** who participate in the group health insurance and who have **participated in identified events or completed identified tasks as may be identified in the proper enactment regarding wellness as may be passed from time to time by the Town Council**, shall pay the identified share of the group premium based upon the type of enrolled coverage selected by the **eligible employees** for the duration of such coverage, **at a reduced rate**. The identified share of the group premium will be calculated as a percentage share of the annual gross base wage or salary of the covered employee, excluding longevity or overtime and then fixed as a flat amount to be paid bi-weekly, according to the following schedule:

**(1) Employee Share of Health Insurance Premium
for Wellness Program Participants NON High-deductible Plans**

Employee Single Coverage	.5% of Base Pay
Employee With Children	1.5% of Base Pay
Employee With Spouse	1.5% of Base Pay
Family Coverage with Spouse and Children	2.5% of Base Pay

**(2) Employee Share of Health Insurance Premium
for Wellness Program Participants High-deductible Plans**

Employee Single Coverage	0 % of Base Pay
Employee With Children	.5% of Base Pay
Employee With Spouse	.5% of Base Pay
Family Coverage with Spouse and Children	1.0% of Base Pay

(May be affected by Wellness Incentive Enactments adopted from time to time)

(F) **Non-Participants in the Town of Highland Wellness Program.** All eligible employees of the town hereinafter defined who elect to participate in the group health insurance, but fail to comply with the mandatory requirements of the wellness program, shall pay the identified share of the group premium based upon the type of enrolled coverage selected by the **eligible employees of the town hereinafter defined** for the duration of such coverage. **The contribution percentage will be adjusted to that of participants of the Town of Highland wellness program on the first pay after compliance is determined.** The identified share of the group premium will be calculated as a percentage share of the annual gross base wage or salary of the covered employee, excluding longevity or overtime and then fixed as a flat amount to be paid bi-weekly, according to the following schedule:

**Employee Share of Health Insurance Premium
for Non-Participants in the Wellness Program**

Employee Single Coverage	2% of Base Pay
Employee With Children	4% of Base Pay
Employee With Spouse	4% of Base Pay
Family Coverage with Spouse and Children	6% of Base Pay

Amended by *Ordinance No. 1689 12 November 2018*

(G) **Incentive for eligible employees to participate in the High Deductible Health Plan.** Notwithstanding any other provision in this section, all eligible employees of the town hereinafter defined, participating in the PPO plan of the group health insurance program, and who elect to enroll in the High Deductible Health Plan (HDHP), for that eligible employee the employee premium shall be waived for the first year of participation in the HDHP. This incentive is not renewable and cannot be granted more than one time per eligible employee. *(Ordin. 1747 Amended 9.27.2021)*

§ 6.03.05 Group Dental Insurance Plan

The Town will provide a dental insurance plan for all full-time employees and the Clerk-Treasurer **and their dependents**. Group dental plans have no required additional fee participation by full-time employees or the Clerk-Treasurer.

Amended by *Ordinance No. 1615 23 May 2016*

§ 6.03.06 Eligible Employees Defined

(A) For the purposes of Section 6.03, the term eligible employee will refer to the following:

- (1) The Clerk-Treasurer, his dependents and spouse;
- (2) Full-time employees, regularly scheduled for 40 or more hours per week and their dependents and spouse;
- (3) Select part-time workers, who are regularly scheduled 30 hours each week at least forty-eight (48) weeks of the calendar year, and their dependent child or children.

Amended by *Ordinance No. 1615 23 May 2016*

§ 6.03.07 Group Vision Insurance Plan

The Town does NOT presently provide a vision insurance plan.

§ 6.03.08 Town Council Action Necessary for Hiring of Select part-time workers

Notwithstanding provisions in the wage and salary ordinance or any other, no part-time worker who is a *select part-time worker under Section 6.03.06* or who may be considered an *"eligible employee"* may be hired without the board or commission of jurisdiction's preliminary action and the final authorizing action of the Town Council. Amended by *Ordinance No. 1615 23 May 2016*

§ 6.04 Group Life, Accidental Death and Dismemberment Insurance

The Town will provide a group life, accidental death and dismemberment insurance plan for all full-time employees and the Clerk-Treasurer. All employees and the Clerk-Treasurer shall pay \$1.00 per year toward the premiums for their group life insurance coverage.

§ 6.05 Insurance for Deceased Employee's Dependent Family

The Town will respond in one of the following ways, as directed by the deceased employee's dependent family:

§ 6.05.01 Option 1. The Town will pay premiums up to include two (2) full months following the date of the death month of the employee for the decedent's dependent family. Thereafter, additional coverage will be available under the terms of the COBRA law.

§ 6.05.02 Option 2. The Town will allow a conversion of the equivalent economic value of the benefit described in Option One, based upon the cost of the health/medical insurance premium that decedent's dependent family would be granted under Option One, and permit the value to be applied to the dental insurance benefit that may be in force and available at the time. This would be in lieu of the Town paying the medical/health and other insurance benefits offered in Option One. The Town will then pay the premiums for the dental plan as elected under the terms of COBRA. Once the converted value was extinguished, the dependent would be then required to pay premiums for coverage remaining under COBRA provisions.

- (A) Any such conversion will be adjusted for any time that may have lapsed from the date of the death month of the employee for the decedent's dependent family and the notification of the election of Option Two. However, any additional benefit which may be offered under the terms of any dental plan then in effect would still be extended without modification or reduction to the benefit of this option.
- (B) The Clerk-Treasurer shall have authority to implement and administer this benefit policy, as adopted, including implementing the provisions related to the employee group premium co-payment, all in accordance with IC 36-5-6 et seq.

§ 6.06 Extension of Insurance Plan Coverage for Terminated or Separating Employee

The right to COBRA continuation coverage was created by a federal law, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA). Group Health Insurance Plan as defined in this section includes medical insurance, dental insurance and other health insurance benefits that may be offered by the Town or mandated by state or federal law at the time of retirement or separation of an employee. Employees who separate from employment for any reason and who elect to continue their group insurance plan coverage according to the terms of the insurance company contract, must pay insurance premiums under the terms of the COBRA law. Such electing employees shall pay the actual cost of the premium plus a two percent (2%) service fee. Payment must be made to the Clerk-Treasurer prior to the 5th day of each month for the month's insurance. If payment is not received by the fifth day of the month, the premium will not be paid for that month. No notices of payment due will be sent to separating employees. The Clerk-Treasurer shall have authority to implement and administer this benefit policy, as adopted, including implementing the provisions related to the employee group premium co-payment, all in accordance with IC 36-5-6 et seq.

§ 6.07 Insurance Plan for Retired and Separating "Public Safety" Employees

- (A) Retired Public Safety Employees as defined in I.C. 5-10-8-2.2 (b), public safety employees who are receiving disability benefits under I.C. 36-8-6, I.C. 36-8-7, I.C. 36-8-7.5, or I.C. 36-8-6-8 and surviving spouses and dependents of public safety employees who die while in active service or after retirement shall be eligible for participation in a Retirees' Group Health and Life Insurance Plan as established by the Municipality.
- (B) A retired or disabled public safety employee who is eligible for group health insurance under this enactment may elect to have the person's spouse, and dependents covered under the group health and life insurance plan at the time the person retires or becomes

disabled. In order to participate in this program, the retired public safety employee, public safety employee receiving disability benefits or a surviving spouse or dependent of a public safety employee who dies in active service or after retirement must perform the following:

1. The eligible party must file a written request for insurance coverage with the municipality in the Office of the Clerk-Treasurer within ninety- (90) days after the person retires or begins receiving benefits;
 2. The eligible party must pay an amount equal to the total of the employer's share and the employee's share of the premium for the group health insurance by a date certain each month. The eligible party must pay an amount equal to the employee's share of the premium for the group life insurance by a date certain each month. No additional notice or any invoicing will be given. For the retirees' plan, the employee share of the group health or medical insurance shall be One Hundred Percent of the premium (100%). For the retirees' plan, the employee share of the group life insurance shall be fifty percent (50%) and the employer share shall be fifty percent (50%).
- (C) **Dependent.** For the purposes of this benefit, a dependent of a public safety employee means a natural child, step child, or adopted child of a public safety employee who:
1. Is less than eighteen (18) years of age;
 2. Is eighteen years of age or older and physically or mentally disabled (using disability guidelines established by the Social Security Administration); or
 3. Is at least eighteen (18) and less than twenty-three (23) and is enrolled in and regularly attending a secondary school or is a full-time student at an accredited college or university;
- (D) A retired or disabled public safety employee's eligibility for the retiree's health insurance under this section ends on the earlier of the following:
1. When the public safety employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.;
 2. When the municipality terminates the health insurance program for active public safety employees;
- (E) **The municipality as employer will pay up to one month of group health insurance coverage at the level in which the public safety employee was enrolled just before retirement provided the public safety employee is eligible for a retirement benefit under Section 6.07 of this policy and I.C. 5-10-8-2.2. The coverage will be for up to one month or when the public safety employee obtains coverage under another health insurance plan, whichever occurs earlier.**
- (F) A surviving spouse's eligibility for the retiree's health insurance under this section ends on the earliest of the following:
1. When the surviving spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.;
 2. When the municipality terminates the health insurance program for active public safety employees;
 3. The date of the surviving spouse's remarriage;

4. When health insurance becomes available to the surviving spouse through employment;
- (G) A dependent's eligibility for the retiree's health insurance under this section ends on the earliest of the following:
1. When dependent becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.;
 2. When the municipality terminates the health insurance program for active public safety employees;
 3. When the dependent no longer meets the criteria defining a dependent as set forth in this enactment;
 4. When health insurance becomes available to the dependent through employment;

(Amended by Ordinance No. 1646 24 April 2017)

§ 6.08 Insurance Plan for Retired and Separating "Public" Employees

(A) A Retired Public Employee as defined in I.C. 5-10-8-1(7)(A), who:

- (i) Will have reached fifty-five (55) years of age on or before the employee's retirement date but will not be eligible on that date for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.;
- (ii) Who will have completed twenty (20) years of creditable employment with a public employer on or before the employee's retirement date, ten (10) years of which must have been completed immediately preceding the retirement date; and
- (iii) Who will have completed at least fifteen (15) years of participation in the retirement plan of which the employee is a member on or before the employee's retirement date; or

Separating Employees who:

- (iv) Will have reached sixty (60) years of age on or before the employee's separation date but will not be eligible on that date for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and
- (v) Who will have completed five (5) years of creditable employment with the municipality on or before the employee's separation date, all five years of which must have been completed immediately preceding the separation date;

shall be eligible for participation in a Retirees' Group Health and Life Insurance plan as established by the Municipality. In order to be eligible, the public employee must be a participant in **INPRS**, qualify for a benefit under I.C. 5-10.3-8-2.6.

(B) A retired public employee who is eligible for group health and life insurance under this **policy** may elect to have the person's spouse covered under the group health insurance plan at the time the person retires. In order to participate in this program, the retired or separating public employee, must perform the following:

1. The eligible party must file a written request for insurance coverage with the municipality in the Office of the Clerk-Treasurer within ninety (90) days after the person retires or begins receiving benefits;
2. The eligible party must pay an amount equal to the total of the employer's share and the employee's share of the premium for the group health insurance by a date certain

each month. The eligible party must pay an amount equal to the employee's share of the premium for the group life insurance by a date certain each month. No additional notice or any invoicing will be given. For the retirees' plan, the employee share of the group health or medical insurance shall be One Hundred Percent of the premium (100%). For the retirees' plan, the employee share of the group life insurance shall be fifty percent (50%) and the employer share shall be fifty percent (50%).

- (C) **The municipality as employer will pay up to one month of group health coverage at the level in which the public employee was enrolled just before retirement provided the public employee is eligible for a retirement benefit under Section 6.08 of this policy and I.C. 5-10-8-2.6. The coverage will be for up to one month or when the public employee obtains coverage under another health insurance plan, whichever occurs earlier.**
- (D) A retired or separating public employee's eligibility for the retiree's health insurance under this section ends on the earlier of the following:
1. When the public employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.;
 2. When the municipality terminates the health insurance program for active public employees;
- (E) A retired public employee's surviving spouse covered at the time of the employee's retirement may continue coverage by paying premiums according to the same terms as the retired employee would have been required to pay for coverage selected by the spouse. A surviving spouse's eligibility for the retiree's health insurance under this section ends on the earliest of the following:
1. When the surviving spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.;
 2. When the municipality terminates the health insurance program for active public employees;
 3. The date of the surviving spouse's remarriage;
 4. Two years after the date of the employee's death;
- (F) A dependent's eligibility for the retiree's health insurance under this section ends on the earliest of the following:
1. When dependent becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.;
 2. When the municipality terminates the health insurance program for active public employees;
 3. When the dependent no longer meets the criteria defining a dependent as set forth in this enactment;
 4. When health insurance becomes available to the dependent through employment;

§ 7.00 COMMUNICATIONS

§ 7.01 Bulletin Boards

You will be expected to watch the department bulletin boards frequently and carefully. One is for notices that may be required by federal, state or local laws, rules or regulations. Another will be used by the Town to keep employees informed at all times of special announcements, activities, work schedules, open job positions and other matters.

§ 7.02 Resolving Employee Complaints

The Town recognizes that there are going to be times when you have a problem or complaint that needs to be resolved. We seek to ensure that any problem or complaint you may have receives prompt and thorough consideration. In most cases, any problems or complaints you may have can be resolved by a frank and friendly discussion with your supervisor. If for any reason this proves unsatisfactory or inadequate, we want you to bring your problems to the attention of the Department Manager. If the Department Manager can't resolve your problem or complaint, we want you to bring the topic to the governing board of jurisdiction. (In Parks & Recreation, the Parks and Recreation Board is the governing board; in Public Works, the Town Council is the governing board; in the Police Department, the Metropolitan Police Commission is the governing board).

In order to provide you with an effective means to bring your problems or complaints concerning your well being at work to the attention of Town management, we have established a "Complaint Procedure" to be used by all employees. Remember, the only way we can answer your questions or help solve your problems is for you tell us about them. We hope you will feel free to use our Complaint Procedure. You, as well as all of us at the Town, can benefit from it.

§ 7.03 Complaint Procedure

§ 7.03.01 First, see your Supervisor. If you have a complaint or problem that has not been resolved to your satisfaction, talk to your immediate supervisor about it. In most cases, any problems or complaints you may have can be resolved by frank and friendly discussion with your supervisor since he or she knows more about you and your job than any other Town Official. Your supervisor is there to help you and to see that you are treated fairly; you should feel free to speak with him or her candidly.

§ 7.03.02 If not satisfied, ask for a review by the Department Manager. Shortly after receiving your complaint, your immediate supervisor will give you an answer. If you are not satisfied with his or her answer, you may then present your complaint in writing to the Department Manager. The Department Manager will review your complaint and discuss it with your supervisor. After three (3) working days, the Department Manager will make a final decision as to the merits of your complaint.

§ 7.03.03 If the problem or complaint is still unresolved, the decision of the Department Manager may be reviewed by the governing board of jurisdiction if it is submitted in writing to the president of the governing board within fifteen (15) working days after the decision of the Department Manager. After receipt of an employee complaint, the governing board will meet with the employee and the Department Manager in an attempt to solve the problem or complaint. The governing board will give a written response within thirty (30) working days after receipt of the complaint. The decision of the governing board shall be final and binding on the Town and the employee or employees involved.

§ 7.03.04 In special cases, you can go directly to the Department Manager. If you have a complaint that, for some special reason, you do not want to discuss with your immediate supervisor, you can request a personal meeting with the Department Manager.

§ 8.00 EMPLOYEE CONDUCT AND DISCIPLINE

§ 8.01 Work Rules

The work rules set forth below have been established by the Town to ensure that all employees are provided with a safe, orderly and productive work environment. They describe certain acts that have been determined to be violations of acceptable work behavior. You are expected to read these rules carefully and to conduct yourself accordingly. The Town will endeavor to follow the procedures set forth in this section. Alleged violations of the rules will be investigated to see if they are supported by the facts. You will be given the opportunity to present your side of the incident before final disciplinary action is taken. When it is determined that the work rules have been disregarded or violated, you will be subject to one of the following forms of disciplinary action: a verbal warning, a written warning, a final written warning or discharge.

These work rules do not constitute an exhaustive list of all of the acts that will subject an employee to disciplinary action. No set of work rules can cover all situations and the penalties may be waived or increased depending on the particular facts involved. They do cover the most common types of employment misconduct. Cases of unacceptable work behavior not covered by these rules will be handled on an individual basis, subject to such penalties, as the Town may deem appropriate for the type of misconduct involved. You should note that an accumulation of offenses over a period of time that have not been corrected even though unrelated is unacceptable.

Accordingly, it is the Town's policy to discharge any employee who has been disciplined on three (3) previous occasions with disciplinary counseling during any twelve (12) month period, whether because of specific work rule violations, unsatisfactory job performance, other misconduct, or any combination thereof.

We believe members of the municipal workforce will understand that Work Rules are necessary to fairly and openly administer the daily affairs of a growing Town. In that way, one can expect to be treated by the Town and by your fellow employees with

consideration and fairness. It is hoped that you will, in turn, treat your fellow employees and the Town in the same manner.

§ 8.01.01 Authority for Leaves with pay during the pendency of investigations.

- (A) During the course of investigating alleged violations of work rules or employee misconduct, department managers are authorized to suspend from the work schedule an employee or employees with pay and continuation of benefits about whom the allegations are made.
- (B) The suspension may not exceed ten (10) days, excluding weekends, unless specifically approved by the relevant governing board of jurisdiction.
- (C) When the alleged violations of work rules or employee misconduct allege a department head, the authority to suspend the department head with pay and continuation of benefits is conferred upon the relevant governing board of jurisdiction.

(Amended by Ordinance No. 1653 adopted 08.28.2017)

§ 8.02 Major Infractions

Employees who commit any of the following acts, which have been determined to be serious violations of acceptable work behavior, will be subject to discharge for the first offense.

- (A) Insubordination, including failure or refusal to promptly carry out the orders or instructions of any Supervisor or member of management while on duty or on Town property.
- (B) Provoking or engaging in a fight while on duty or on Town property.
- (C) Threatening physical harm to a Supervisor, member of management, citizen or fellow employee.
- (D) Directing profane, abusive, insulting or threatening language at a Supervisor, member of management, fellow employee or citizen.
- (E) Destruction, damage or abuse of Town property or the property of other employees, or citizens.
- (F) Theft of Town property or the property of other employees or citizens, or the unauthorized use or possession of any such property.
- (G) Possession, display or use of explosives, firearms or other dangerous weapons while on duty or on Town property unless your job specifically requires such use or possession.
- (H) Using, possession, selling, distributing or being under the influence of alcoholic beverages, illegal drugs or controlled substances while on duty or on Town property.
- (I) Commission of any criminal offense (other than a minor traffic violation) while on duty or on Town property, or commission of any criminal offense that might adversely affect the employee's work or work relationships.
- (J) Misrepresentation or omission of material facts on an employment application or any other document used to secure or retain employment with the Town.
- (K) Acts of dishonesty, including falsification or alteration of time sheets, production records or any other documents used in connection with work.

- (L) Punching/marking another employee's time card or having another employee punch/mark your time card.
- (M) Failure to report to work on three (3) consecutive working days without notifying your Supervisor or the Department Manager. (Under these circumstances, the employee will be deemed to have voluntarily quit employment with the Town.)
- (N) Overstaying a leave of absence without written authorization from the Town. (Under these circumstances, the employee will be deemed to have voluntarily quit employment with the Town.)
- (O) Encouraging or engaging in any unprotected work stoppage, slowdown, walkout, cessation of work or any other activity designed to restrict or delay the production, shipment, delivery or receipt of goods or services by the Town.
- (P) Engaging in acts of sexual harassment.
- (Q) Engaging in acts of discrimination prohibited by state and/or federal law.

§ 8.03 Minor Infractions

Employees who commit any of the following acts, which have been determined to be violations of acceptable work behavior, will be subject to corrective disciplinary action through the procedures established for performance management.

- (A) Exceeding time limits on break or meal periods or taking break or meal periods other than the designated times without proper authorization.
- (B) Stopping or leaving work before the end of a scheduled work period without proper authorization.
- (C) Sleeping, loafing or wasting time during a scheduled work period.
- (D) Using work hours for personal matters. This includes making or receiving non-emergency personal telephone calls, personal e-mails, personal use of computers and the Internet during scheduled work periods.
- (E) Directing profane, abusive, insulting or threatening language at a fellow employee.
- (F) Creating disharmony among employees or interfering with other employees on the job.
- (G) Working time is for work. Solicitation by employees is prohibited during the working time of the solicitor and the employee being solicited. Distribution of literature by employees, including handbills, leaflets, circulars or other matter is prohibited in any working area, including aisles and corridors, at any time. "Working time," means the time when you are actually scheduled to work as opposed to mealtime, breaks, etc.
- (H) Posting materials on bulletin boards without the prior written approval of the Department Manager, or defacing, marking, damaging, destroying, or removing materials posted on the bulletin boards authorized by management.
- (I) Failure to observe safety rules or regulations, or engaging in any other unsafe or unhealthful conduct.
- (J) Having or allowing unauthorized or unregistered visitors in your work area.
- (K) Engaging in conduct that violates the Town's policy concerning business ethics and conflicts of interest.

- (L) Failure to report any work-related injury or accident -- no matter how minor -- to your Supervisor or the Department Manager.
- (M) Irregular attendance or excessive tardiness or absenteeism, whether with or without proper notice.
- (N) Failure to provide adequate and acceptable verification of illness or injury, or substantiating documentation for absences due to other reasons when required by your Supervisor or the Department Manager.
- (O) Unauthorized entry into designated limited access areas.
- (P) Poor workmanship, low productivity or substandard performance.
- (Q) Smoking in non-smoking areas.

§9.00 SPECIFIC EMPLOYMENT POLICIES

§9.01 Non-Smoking Policy

No smoking is permitted in any Town Building.

§9.02 Anti-Theft Policy

The security of your property, the Town's property and the property of our citizens is a serious concern to each of us with the municipality. Property losses resulting from theft reduce profits, harm morale, cause suspicion and mistrust and threaten the future of our jobs. As a result, we have a policy to ensure that all suspected theft cases are handled consistently, fairly and with dignity. In the event of theft or suspected theft, the Town will thoroughly investigate the matter. Law enforcement may be called to investigate such thefts. Any employee caught stealing will subject themselves to possible criminal prosecution and/or termination from employment with the Town of Highland. Of course, the Town cannot be held accountable for any loss, destruction or theft of employee's personal property. However, the Town is hopeful that this Policy will help minimize the risk of your personal property or other property being stolen.

§9.03 Non Fraternalization and Sexual Harassment Policy

§ 9.03.01 Sexual Harassment Prohibition

(A) All our employees should be able to work in an atmosphere free from all forms of employment discrimination, including sexual harassment. The Town's policy is to forbid sexual harassment, and this policy extends to each and every level of our operations. Accordingly, sexual harassment, whether by a fellow employee, supervisor, or manager, will not be tolerated. Activities of this nature serve no legitimate purpose; they have a disruptive effect on your ability to perform, and they undermine the integrity of the employment relationship.

(B) Allegations of sexual harassment are taken very seriously. Any employee who believes that he or she is the victim of sexual harassment should immediately bring the matter to the attention of his or her supervisor, or to any other member of management (if the employee would feel more comfortable speaking with someone other than his or her supervisor). All such matters will be treated confidentially, and with the utmost discretion. The Town will actively investigate all sexual harassment complaints, and if it is determined that sexual harassment has occurred, management will take appropriate disciplinary action against the offending party, up to and including discharge.

(C) Acts considered to constitute sexual harassment include, but are not limited to, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature where: (1) submission to such conduct is either an express or implied term or condition of employment; (2) submission to or rejection of such conduct is used as a basis for an employment decision affecting the harassed person; or (3) the purpose or the effect of such conduct is to substantially interfere with the

affected individual's job performance or to create an intimidating, hostile or offensive work environment.

§9.03.02 Prohibited Relationships among employees where there is direct supervision or control between the parties

(A) *Purpose and Scope.* The Town strives to provide an environment for its employees that is respectful, fair and free of unlawful harassment and discrimination. In keeping with its commitment to provide equal opportunity to its employees, and in order to avoid potential conflicts of interest, favoritism, exploitation, harassment or breaches of professional standards, the Town prohibits romantic or sexual relationships among employees where there is supervision, direction or control between the parties.

(B) This policy applies to *all employees*, as defined herein.

(C) For purposes of this policy the following definitions shall apply:

"Supervisor" shall mean any person who has the authority and/or responsibility to hire, promote, discipline, evaluate, assign or direct employees of the Town.

"Employee" shall mean any person employed by the Town in any capacity.

§ 9.03.03 Non Fraternization Policy

(A) No supervisor shall have or pursue a romantic or sexual relationship with any employee who reports to the supervisor or over whom the supervisor has the authority and/or responsibility to hire, promote, discipline, evaluate, assign or direct. If such a relationship exists, both the involved supervisor and involved employee shall report such relationship to the next-level supervisor, to whom the supervisor reports. The next-level supervisor shall take appropriate steps consistent with this policy, including the removal of any reporting or similar relationship between the supervisor and the employee.

(B) Any employee who becomes aware of a relationship prohibited by this policy shall report such relationship to their next-level supervisor (who is not the involved employee/supervisor), or to any other member of management (if the employee would feel more comfortable speaking with someone other than his or her supervisor). The supervisor or manager receiving the report shall inform the department head, which shall coordinate with the supervisor or manager of the involved employee/supervisor to take appropriate action consistent with this policy.

(C) Employees who violate this policy will be subject to discipline, up to and including termination of employment.

(D) Upon request, the Town, **through the Town Council**, may grant exceptions to this policy if it determines that an otherwise prohibited relationship (1) existed prior to the professional relationship of the parties at the Town, and (2) does not present a likelihood of abuse of power by or exploitation of either party.

(E) Questions regarding the applicability of or reporting requirements contained in this policy may be directed to any supervisor or manager. Allegations of harassing

behavior must immediately be reported to his or her supervisor, or to any other member of management.

(F) It is unlawful to take adverse actions against any employee/supervisor of the Town for filing a complaint of harassment or discrimination, or for cooperating in an investigation of such a complaint. Retaliation against any employee of the Town who, in good faith, reports alleged harassment or who participates in an investigation is a violation of our policy and is subject to appropriate discipline. Retaliation may have an adverse impact in the following areas: hiring, firing, promotions, demotions, compensation, benefits, ignoring or refusing requests for assistance. This list is not exhaustive.

§ 9.04 Computer Use Policy

§ 9.04.01 Acceptable Use Policy

The Town of Highland is committed to the effective use of computer technology, but safeguards must be established to ensure that investment in hardware and software is achieving the benefits of technology and minimizing adverse consequences. The goal in providing computer network service is to promote resource sharing, innovation and communication. Implementation of this policy is the responsibility of all Town employees. These guidelines are established to ensure that all computer users are making appropriate and ethical use of computers as well as computer networks. A computer user is required to acknowledge he or she has read these policies and guidelines prior to use of the Town's computer networks. These policies and guidelines are subordinate to State and Federal law, departmental policies, and rules or operating guides where they may be more prescriptive. Standard Operating Policy 5.10 issued January 1, 2006, as it may be amended from time to time, governs computer and Internet use by law enforcement officers engaged in criminal investigations authorized and sanctioned by the Highland Police Department.

§ 9.04.02 Internet

Access to computers enables access to people all over the world and brings with it the availability of material that may not be considered to be of educational value. On a global network, it's impossible to control all materials and information. Eventually, Internet users may discover some information that is controversial, vulgar or otherwise inappropriate. Although the Town may use Internet filter software, there are no guarantees that computer network user will not eventually be exposed to inappropriate material. However, the benefits of informational interaction on the worldwide Internet network far outweigh the negative possibilities.

§ 9.04.03 Terms and Conditions of Computer Network Use

(A) General Policies:

- (1) The Town's Computer Network Administrator or designee will provide account numbers and will maintain security. Use of these accounts will be monitored.
- (2) The Town's Computer Network Administrator or designee must be notified prior to the downloading or installation of any software program or connecting hardware onto town-owned computers. All software programs and/or hardware connections must be approved and installed by the Town's Computer Network Administrator or designee. The Town is not responsible for maintaining or servicing non-approved programs or for any problems caused by or related to such programs. The Town reserves the right to delete any unauthorized software programs.
- (3) Making unauthorized copies of software found on any computer is prohibited.
- (4) Access and/or use of another user's account is prohibited.
- (5) Copying, changing, reading or using files of another user without his or her consent is prohibited.
- (6) Unauthorized access to system programs or computer equipment is prohibited.
- (7) Responsibility – Users remain responsible for their accounts and computers until logged out.

(B) Acceptable Use

Transmission of any material in violation of any applicable federal or state law or regulation is prohibited. This includes, but is not limited to, copyrighted material, threatening or obscene material or political activity.

(C) Privileges

The use of this network is a privilege, not a right; and is subject to regulation, denial, and discipline for misuse. Non-work related use of the computer shall not be abused and shall result in disciplinary action consistent with the most current edition of employee work rules.

(D) Network Etiquette

Computer users are expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to, the following:

- (1) Any speech transmitted by the use of a town owned computer does not constitute speech in a "public forum" and is subject to regulation by the Town.
- (2) There should be no expectation of privacy when transmitting information over computer networks. Information transmitted over the town's computer networks will be regarded as "public records". An e-mail that is sent, received or stored on a computer server of the Town may be retained by the Town.

- (3) Only proper and courteous language is permitted; vulgarities or any other inappropriate language is prohibited. Messages shall not contain bigotry, racism, violence, threats or hate.
- (4) To access, upload, download, or distribute violent, threatening, pornographic, obscene, or sexually explicit materials is prohibited.
- (5) Users shall not reveal their personal address or phone number and are not to reveal the name, personal phone number or address of any other individual.
- (6) Persons who operate the Town's computer network have access to e-mail. Messages relating to or in support of illegal activities shall be reported to the appropriate authorities.
- (7) The network shall not be used in such a way to disrupt the use of the network or other users.
- (8) All communications and information accessible via the networks shall be assumed to be the private property of those providing the information. Copying, downloading, etc., without implied or direct permission of the provider and any violation of copyright laws or policies, shall be considered a violation of these rules and code of ethics.

(E) Warranties and Responsibilities

The Town makes no warranties of any kind, expressed or implied, for computer services provided. The Town is not responsible for any damages incurred by a computer user, including loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions caused by the Town's own negligence or the user's errors or omissions. Use of any information obtained via a computer network is at the user's risk. The Town specifically does not have any responsibility for the accuracy or quality of information obtained through its computer services.

(F) Unsolicited On-line Contact

Town of Highland employees are not to respond to any unsolicited on-line contact. Users should be aware that some materials accessible via the Internet might contain items that are illegal, defamatory, inaccurate, violent, sexually explicit, or potentially offensive to some people. In addition, it is possible to purchase certain goods and services via the Internet that could result in unwanted financial obligations for which a user would be liable. Vandalism – Vandalism is defined as any attempt to harm or destroy data or equipment. This includes, but is not limited to: uploading or creating computer viruses, changing of system defaults or passwords, destroying network data, and damaging computer equipment. Anyone responsible for vandalism is subject to denial of privileges and/or discipline. There are criminal statutes pertaining to computer tampering (such as Indiana Code 35-43-1-4) and computer trespass (Indiana Code 35-43-2-3). Computer tampering deals with the knowing or intentional alteration or damage to a computer program or data without consent, and computer trespass deals with the knowing or intentional access to a computer system network or a part thereof without consent. Computer tampering is a Class D Felony, and computer trespass is a Class A Misdemeanor. In addition, there are other criminal

offenses which deal with theft and criminal mischief with similar or greater penalties of imprisonment, depending on the circumstance.

§ 9.04.04 Hold Harmless Provision and Indemnification. A computer user who accesses computer equipment, software and networks of the Town of Highland, agrees to hold the Town of Highland harmless and agrees to indemnify the Town from any and all liability, loss or damages the Town may suffer as a result of claims, demands, attorney's fees, costs or judgments against the Town arising out of the user's violation of terms and conditions of computer network use.

§ 9.04.05 Consequences. Violations of the terms and conditions described above shall result in disciplinary action. It is a criminal act under Indiana law to access a computer system and/or damage or alter a computer program, data, or hardware without the consent of the computer owner. A computer user who violates these terms and conditions shall lose computer privileges and be subject to disciplinary action.

§ 9.05 Substance Abuse Policy

§ 9.05.01 Drug and Alcohol Use

The municipality holds that drug and alcohol use is highly detrimental to the safety and productivity of our people, to our Town, and its citizens. Additionally, the Town supports and complies with both State and Federal Drug Free Work-Place Acts. The Town is committed to maintaining a drug-free workplace.

Pursuant to the Drug-Free Workplace Act, all employees are advised that they are required to report to their immediate supervisor in writing any drug or substance abuse related conviction for a work place violation within five (5) calendar days of the conviction. The unlawful manufacture, possession, distribution, transfer, purchase, sale, use, or being under the influence of alcoholic beverages or illegal drugs while on the Town's property, while attending work related activities, while on duty, or while operating a vehicle or machine leased or owned by the Town is strictly prohibited and may lead to disciplinary action, including suspension without pay or discharge.

You may use physician-prescribed or over-the-counter medications, provided that the use of such drugs does not adversely affect your job performance or the safety of other employees or other individuals in the Town. Where the use of such drugs adversely affects your performance, it may be in the best interest of all parties that you be temporarily relieved of your duties.

When a supervisor or management representative believes an employee is unfit for work due to drugs or alcohol, the supervisor or management representative may require the employee to report to a hospital or clinic for a fitness for duty examination.

Further, an accident involving property damage or injury to an employee shall require the involved employee(s) to have a "fitness for duty" examination, a urine and/or blood test to determine the presence of drugs or alcohol. Additionally,

employees returning from an approved leave of absence or layoff exceeding 30 days will be required to take a drug test. The exam will be on Employer time, at Employer expense and include a urine and/or blood test to determine the presence of drugs or alcohol. Positive test results may be resubmitted for confirmation. If you refuse to submit to the exam, you will be deemed to be in violation of this policy and will be suspended without pay pending possible termination for refusal to take the medical exam. The Town will use its best efforts to keep all information involving proceedings under this policy strictly confidential.

If you have a drug or alcohol dependency, you will be offered a rehabilitation referral, the successful completion of which could possibly permit continued employment. Subsequent violation of this policy will result in immediate discharge. Any costs incurred for treatment are your responsibility and the insurance coverage provided, as long as the treatment is within the insurance policy guidelines. Otherwise, all costs are your responsibilities.

§ 9.05.02 Drug and Alcohol Policy for Commercial Drivers License (CDL) Drivers

(A) Policy

It is the policy of the TOWN OF HIGHLAND ("Town") that its drivers (CDL) be free of substance abuse and alcohol abuse. Consequently, the use of illegal drugs by drivers is prohibited. Further, drivers shall not use alcohol or engage in "prohibited conduct" as defined herein. The overall goal of this policy is to ensure a drug and alcohol-free transportation environment and to reduce accidents, injuries, and fatalities. This policy is not intended nor should it be construed as a contract between the Town and the employee. This policy may be changed at any time at the sole discretion of the Town.

(B) Types of Tests

Pursuant to Regulations promulgated by the Department of Transportation (DOT), the Town has implemented six circumstances for drug and alcohol tests:

- (1) Pre-employment testing
- (2) Post-accident testing
- (3) Random testing
- (4) Reasonable suspicion testing
- (5) Return-to-duty testing
- (6) Follow-up testing.

(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 driver/applicants and terminate employment of existing drivers. A refusal to test is defined to be conduct which would obstruct the proper administration of a test. A delay in providing a urine or breath specimen could be considered a refusal. If a driver cannot provide a sufficient urine specimen or adequate breath he/she will 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 urine or breath), it will be considered a refusal to test. In that circumstance the driver has violated one of the prohibitions of the regulations.

(D) Consequences of Policy Violation

Any driver who becomes unqualified or engages in prohibited conduct as set forth herein may be subject to termination of employment.

(E) Pre-Employment Testing

- (1) All applicants for driving positions must submit to urine drug tests. A driver/applicant is not required to submit to urine drug tests if the Town can verify that the driver has participated in a valid drug testing program within the preceding thirty (30) days and while participating in that program was either tested within the past six (6) months or participated in a random selection program for the previous twelve (12) months.
- (2) The Town must also ensure that no prior employer of the driver has knowledge or records of a violation of the DOT alcohol rules within the previous six (6) months.
- (3) If the driver/applicant has an alcohol test result between .02 and .0399, he/she shall not be allowed to drive for 24 hours. The driver shall be removed from safety-sensitive functions and the applicant is not allowed to operate a commercial motor vehicle for 24 hours.

(F) Random Testing

- (1) The Town conducts random drug and alcohol testing on a quarterly basis. The Town or its agents will submit all drivers to a random selection system. The random selection system provides an equal chance for each driver 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, 50 percent of the average number of driver positions in each calendar year. The Town will select, at a minimum, 25 percent of the average number of driver positions for random alcohol testing. Random selection, by its very nature, may result in drivers being selected in successive selections or more than once a calendar year. Alternatively, some drivers may not be selected in a calendar year.
- (2) If a driver is selected at random, for either drug or alcohol testing, a Town official will notify the driver. Once notified, every action the driver takes must lead to a collection. If the driver engages in conduct that does not lead to a collection as soon as possible after notification, such conduct may be considered a refusal to test.

(G) Post-Accident Testing

- (1) When a driver is involved in an accident where a fatality is involved, the driver shall submit to post-accident drug and alcohol testing. When a driver is involved in a recordable accident and receives a citation for a moving violation arising from the accident, the driver also must submit to a drug and alcohol test. Following any accident, the driver must contact the Town as soon as possible.
- (2) The DOT requires that any time a post-accident drug or alcohol test is required, that it be performed as soon as possible following the accident. If no alcohol collection can be made within (8) hours, attempts to collect a breath sample shall cease. If no urine collection can be obtained for purposes of post-accident drug testing within thirty-two (32) hours, attempts to make such collection shall cease.
- (3) 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, these tests shall be considered to meet the requirements of this section, provided the tests conform to applicable federal, state, or local requirements. The employee will sign a release allowing the Town to obtain the test results from federal, state, or local officials.
- (4) In the event a driver is so seriously injured that the driver cannot provide a urine or breath specimen at the time of the accident, the driver must provide necessary authorization for the Town to obtain hospital records or other documents that would indicate whether there were controlled substances or alcohol in the driver's system at the time of the accident.

(H) Reasonable Suspicion Testing

Reasonable suspicion for requiring a driver to submit to drug/or alcohol testing shall be deemed to exist when a driver manifests physical or behavioral symptoms or reactions commonly attributed to the use of controlled substances or alcohol. Such driver conduct must be witnessed by at least one supervisor trained in compliance with State Statute 382.603.

(I) Prohibited Conduct

The following shall be considered "prohibited conduct" for purposes of this policy:

- (1) No driver shall report for duty or remain on duty while having an alcohol concentration of .04 or greater.
- (2) No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol unless the alcohol is manifested and transported as part of a shipment.
- (3) No driver shall use alcohol while performing safety-sensitive functions.
- (4) No driver shall perform safety-sensitive functions within four (4) hours after using alcohol.

- (5) No driver required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test, whichever occurs first.
- (6) No driver shall refuse to submit to a post-accident, a random, a reasonable suspicion, return-to-duty, or a follow-up breath alcohol or urine drug test.
- (7) No driver shall report for duty or remain on duty when the driver uses any controlled substance, except when use in pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to operate a commercial motor vehicle.

If the Town has actual knowledge or has reason to believe that a driver has engaged in prohibited conduct, the Town may require the driver to submit to drug and/or alcohol testing. If a driver engages in prohibited conduct, the driver is not qualified to drive a commercial motor vehicle and shall be immediately removed from service. The Town may in its discretion, at the request of the driver, keep the driver's position open while such driver attempts to become re-qualified. The Town may also take action against the employee up to and including termination.

(J) Substance Abuse Evaluation

- (1) Any driver who engages in prohibited conduct shall be provided with the names, addresses, and telephone numbers of qualified substance abuse professionals. If the driver desires to become re-qualified, the driver must be evaluated by a Substance Abuse Professional (SAP) and submit to any treatment prescribed by the SAP. Following evaluation and treatment, if any, in order to become re-qualified the driver must submit to and successfully complete a return-to-duty drug and/or alcohol test. Such driver is also subject to follow-up testing. Follow-up testing is separate from and in addition to the Town's reasonable suspicion, post-accident, and random testing procedures. Follow-up testing shall be on a random basis and be in accordance with the instructions of the Substance Abuse Professional.
- (2) Follow-up testing may continue for a period of up to 60 months following the driver's return to duty. No fewer than six (6) tests shall be performed in the first twelve (12) months of follow-up testing. The costs of any SAP evaluation or prescribed treatment shall be borne by the driver. The Town does not guarantee or promise a position to the driver should he/she regain qualified status.

(K) Authorization for Previous Test Records

Within 14 days of performing a safety-sensitive function, federal regulations require that the Town obtain certain drug and alcohol testing records from the driver's previous employers for the previous two years. As a condition to employment, the driver shall provide the Town with a written authorization for all previous employers within the past two years to release such drug and alcohol testing records as are required under federal regulation.

(L) Drug Urinalysis

Drug testing will be performed through urinalysis. Urinalysis will test for the presence of drugs and/or metabolites of the following controlled substances: (1) marijuana, (2) cocaine, (3) opiates, (4) amphetamines, (5) phencyclidine (PCP).

The urinalysis procedure starts with the collection of a urine specimen. Urine specimens will be submitted to a SAMHSA-certified laboratory for testing. As part of the collection process, the specimen provided will be split into two vials: a primary vial and a secondary vial. The SAMHSA-certified laboratory will perform initial screening on all primary vials. In the event that the primary specimen tests positive, a confirmation test of that specimen will be performed before being reported by the laboratory to the Medical Review Officer (MRO) as a positive.

All laboratory results will be reported by the laboratory to a MRO designated by the Town. Negative test results shall be reported by the MRO to the Town.

Before reporting a positive test result to the Town, the MRO will attempt to contact the driver to discuss the test result. If the MRO is unable to contact the driver directly, the MRO will contact the Town management official designated in advance by the Town, who shall in turn contact the driver and direct the driver to contact the MRO. Upon being so directed, the driver shall contact the MRO immediately or, if after the MRO's business hours and the MRO is unavailable, at the start of the MRO's next business day. In the MRO's sole discretion, a determination will be made as to whether a result is positive or negative.

Pursuant to DOT regulations, individual test results for driver/applicants and drivers will be released to the Town and will be kept strictly confidential unless consent for the release of the test results has been obtained. Any individual who has submitted a drug testing in compliance with this policy is entitled to receive the results of such testing upon timely written request.

An individual testing positive may make a request of the MRO to have the secondary vial tested. The driver may request that the secondary vial be tested by a different SAMHSA-certified lab than tested the primary specimen. The individual making the request for a test of the second specimen must pre-pay all costs associated with the test. The request for testing of a second specimen is timely if it is made to the MRO within 72 hours of the individual being notified by the Town of a positive test result.

(M) Alcohol Test

The Town will perform alcohol tests using an evidential breath-testing device. The Town may provide use of an evidential breath-testing device through a vendor or agent. The driver shall report to the site of an evidential breath-testing device as notified by the Town. The evidential breath-testing device will be operated by a breath alcohol technician. The driver shall follow all instructions given by the breath alcohol technician. In the event that a driver, on the basis of the evidential breath test, has a blood alcohol content of .02 to .0399, the driver shall be removed from duty for 24 hours or until his/her next scheduled on-duty time, whichever is longer.

Applicants are not medically qualified until after the 24-hour time frame expires. Drivers with tests indicating a blood alcohol concentration of .04 or greater are considered to have 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 duty.

(N) Training

Town shall ensure supervisors designated to determine whether reasonable suspicion exists to require a driver to undergo testing under State Statute 382.307 received at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training shall cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. The Town shall provide educational materials that explain the requirements of State Statute IC 382.601, consequences of violating the regulations, and the employer's policies and procedures with the respect to meeting these requirements. The materials supplied to drivers may include information on additional employer policies with respect to the use or possession of alcohol or controlled substances, for example, the consequences for a driver found to have a specified alcohol or controlled substances level based on the employer's authority independent of State Statute 382.601. Town shall ensure each driver is required to sign a statement certifying that he or she has received a copy of these materials described in State Statute 382.601.

§ 9.06 Workplace Safety Rules

All employees are responsible for maintaining a safe workplace. Accidents do not "merely happen." The work equipment and facilities have been engineered to provide a safe work environment; however, no mechanical safeguard has been devised that is as effective as a safety-conscious employee. You must consider safety as the most essential aspect of your job. Specific rules vary from job to job. The following rules apply to all jobs and have been established for your protection:

- (1) Use the safety equipment and follow the safety procedures for each job.
- (2) If an injury or illness occurs while on the job, you must notify a supervisor. All injuries, no matter how slight, must be reported at once. In any case, you should never treat your own or another employee's injury nor remove foreign particles from the eye.
- (3) If you desire to leave work before the end of a scheduled shift because of illness or injury, the permission of your supervisor is required.
- (4) Report immediately to your supervisor any unsafe acts, hazards, equipment, or condition that is a safety hazard. Before starting any job, be sure you understand the job and the hazards involved.
- (5) If treatment is required for an injury, notify the supervisor so that proper OSHA (Occupational Safety and Health Administration) records can be maintained
- (6) Aisles, passageways, and floors shall be kept clean, dry, in a sanitary condition and free from stumbling and tripping hazards at all times.

- (7) Safety glasses must be worn at all times in designated areas of the workplace. The Town will provide standard safety glasses or safety shields, or goggles at no cost to employees.
- (8) Ear protection devices must be worn in the specified areas. The Town will provide appropriate protective items. These items must be returned to the Town upon termination.
- (9) Guards and other safety devices are installed for your protection. Do not remove them except for maintenance purposes & replace all guards before starting equipment. Never tie down or block guards on machinery. Federal law requires guards. These guards are there for your protection and safety.
- (10) Before doing any type of work on moving machinery, it must be stopped and tagged to prevent accidental start-up.
- (11) Before using any ladder, see that it has good safety feet and is free from cracks, broken rungs, and other defects. When necessary to prevent slipping, have another worker hold the bottom of the ladder.
- (12) Never use "makeshift" or defective scaffolding, rigging, or stages.
- (13) Do not attempt to lift or push objects that may be heavy. ASK FOR HELP when needed. Learn to lift the RIGHT WAY to avoid strains; bend at the knees, keeping the body erect, then push upward with the legs. It is easier and safer.
- (14) Shut down machines before cleaning, adjusting, or repairing. Use appropriate lock-out/tag-out system.
- (15) Never use defective chisels, sledgehammers, punches, wrenches or other tools. Flying chips from tools with mushroomed or split heads can cause many injuries. Replace or ensure that defective tools are repaired.
- (16) Know the location of the nearest fire extinguisher in your vehicle or work area. If seal is broken, pin pulled, or extinguisher is used, notify your supervisor at once so that it can be replaced or re-charged.
- (17) Learn the location of all fire exits and alarm boxes in the department.
- (18) Learn the location and proper use of the firefighting equipment in the department.
- (19) Gloves should not be worn when operating any machine unless their use has been approved by the supervisor. Do not wear gloves, ragged or loose clothing around moving machinery.
- (20) If working where there are heavy fumes or dust, the provided respirators are to be worn for protection.
- (21) If someone is working carelessly and is liable to be hurt, warn him/her about it and advise him/her to work carefully.
- (22) Do not make electrical repairs unless you are qualified to make those repairs. Make sure all power is off. Never touch any loose or broken electrical wires. They may be HOT. Notify your supervisor immediately.
- (23) Pay attention to warning signs; they indicate danger.
- (24) Any employee exposed to vehicular traffic shall wear warning vests of high visibility material.
- (25) All mobile equipment must be inspected before use or at start of the work-day. Do not use defective equipment.
- (26) Read the safety bulletins on the bulletin board. They assist in accident prevention.

§ 9.07 “Ride Along” Program Waiver and Rules

Civilians who ride in vehicles owned by the Town must sign a waiver with a parental consent in the case of minors that includes a hold harmless clause whereby the individual agrees to hold harmless the Town of Highland from any and all liability resulting from accidents or injuries involving ride along activity. All ride-a-long participants must sign a copy of the rules verifying that the participant has read and understands the rules governing the ride along program.

Acknowledgement of Receipt

I have received a copy of the Highland Municipal Employee Handbook as authorized and enacted as the Compensation & Benefits Ordinance. I understand that it is my responsibility to become familiar with the contents of this book, as it outlines my benefits and the municipality's policies. I also understand that nothing contained in this Handbook shall be construed as a contract or guarantee of employment.

Should I have any questions regarding these benefits and policies, I understand that I am encouraged to talk them over with my supervisor.

Signed: _____

Employee: _____ Date: _____

Print Name: _____

Counter Signed:

Supervisor: _____ Date: _____

Print name: _____

12.27.2021