


COUNTY OF CLINTON, INDIANA

PERSONNEL POLICIES HANDBOOK EFFECTIVE 8/7/2023

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1. PERSONNEL POLICIES HANDBOOK

The policies contained in this chapter and throughout the Clinton County Personnel Policies Handbook apply to all Clinton County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.

1.1 USE AND REVISION OF PERSONNEL POLICIES HANDBOOK

This handbook is designed to acquaint you with Clinton County and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by Clinton County to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.

No employee handbook can anticipate every circumstance or question about policy. Additionally, the variation in the functions performed by the many offices and departments of County government necessitates variations in working conditions, policies, and in the administration of some of the non-compensation benefits. Clinton County therefore reserves the right to revise, supplement, or rescind any policies or portion of the policies from time to time as it deems appropriate, in its sole and absolute discretion. Employees will, of course, be notified of such changes as they occur.

Nothing in this policy is intended to, in any sense, constitute a contract of employment. Clinton County is an "At-Will" employer which refers to the nature of the employment relationship which means that the employee may resign at any time and the employer may discharge an employee at any time with or without cause. This personnel policy is not a contract of employment and in no way grants property interests or contractual rights to County employees. This policy does not create entitlement or an expectation of continued employment.

While Clinton County believes these policies are accurate, some sections, like insurance, are only summaries, and any discrepancies between these summaries (such as insurance policies) shall be governed by the actual terms of the underlying, more detailed plan documents. Any questions regarding summaries, their underlying policies and procedures, if applicable, and any discrepancies between them should be directed to the employees' Elected Official/Department Head.

1.2 EXCEPTIONS AND SPECIAL CONDITIONS

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

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

These provisions supersede all existing policies and practices and may not be amended or added to by any department or office of county government without the express written approval of the Board of Commissioners.

All Elected Officials are excluded from the provisions of these County personnel policies except as noted.

1.3 "CLINTON COUNTY" DEFINED

In this personnel policy, the "County" shall be defined to mean the Clinton County Board of County Commissioners, and the Clinton County Council, acting individually or in conjunction with each other within their areas of assigned responsibility or as defined by applicable statute, constitutional provision, ordinance, case law, or resolution.

1.4 EQUAL EMPLOYMENT OPPORTUNITY

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at Clinton County will be based on merit, qualifications, and abilities. Clinton County does not discriminate in employment opportunities or practices on the basis of race, color, creed, religion, gender, national origin, age, disability, genetic disposition, limited English proficiency, sexual orientation or gender identity, military status, or any other classification protected under applicable law.

This policy governs all aspects of employment including recruitment, selection, job assignment, probation, training, promotion, demotion, transfer, compensation, discipline, termination, access to benefits, assistance, layoff, recall, employee facilities, and retirement.

1.5 MANAGEMENT RIGHTS

Clinton County retains the responsibility and authority to manage and direct on behalf of the public the operations and activities of the County to the full extent authorized by law. Such responsibility and authority shall include but not be limited to:

1. The right to direct the work of its employees;
2. The right to establish policy;
3. The right to maintain the efficiency of public operations;
4. The right to design and implement safety programs for employees;

5. The right to design and implement job training for employees;
6. The right to determine what services shall be rendered to the public;
7. The right to determine job content and job descriptions;
8. The right to determine and implement objectives and goals of the County;
9. The right to establish, allocate, schedule, assign, modify, change, and discontinue County operations, work shifts, and working hours;
10. The right to establish, change, and discontinue work standards;
11. The right to hire, examine, classify, train, transfer, assign, and retain employees; suspend, discharge, or take other disciplinary action against employees in accordance with applicable law and to relieve employees from duties due to disciplinary reasons or other legitimate reasons; and make promotions and demotions;
12. The right to change, modify, and alter the composition of the work force;
13. The right to determine, establish, and implement policies for the selection, training, and promotion of employees in accordance with applicable law;
14. The right to establish, implement, modify, and change procedures and policies for the safety, health, and protection of County property and personnel;
15. The right to adopt, modify, change, enforce, or discontinue any existing rules, regulations, procedures, and policies;
16. The right to establish, select, modify, change, or discontinue equipment, materials, and the layout and arrangement of equipment;
17. The right to determine the size and character of inventories and their disposal;
18. The right to control the use of property, machinery, inventories, and equipment owned, leased, or borrowed by the County;
19. The right to determine the location, establishment, and organization of new departments, divisions, subdivisions, or facilities thereof, and the relocations of departments, subdivisions, locations, and the closing and discontinuance of same; and
20. The above enumeration of management rights is not inclusive of all such rights and all rights granted the County by constitution, statute, charter, ordinance, or in any manner are retained by the County.

1.6 **PRODUCTIVE WORK ENVIRONMENT**

It is a policy of Clinton County to maintain a productive work environment. Verbal or physical conduct by any supervisor or employee which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment will not be tolerated.

1.7 AUTHORIZED ALIEN STATUS AND CITIZENSHIP

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

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form, I-9 Form, and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the County within the past three (3) years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Board of Commissioners. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

1.8 E-VERIFY

The Auditor's office shall administer the **e-verify enrollment** of all County new-hires; and shall ensure that appropriate forms are properly completed and retained as required by law.

2. EMPLOYMENT POLICIES

The policies contained in this chapter and throughout the Clinton County Personnel Policies Handbook apply to all Clinton County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.

2.1 RECRUITMENT

Whenever vacancies occur or new positions are created, job information shall be publicly posted by the County Commissioners' Secretary within County facilities for a minimum of seven (7) calendar days and until the position is filled. Bulletin boards located in each applicable County building will be used for posting job openings. The County encourages internal promotion and transfer whenever possible.

Newspaper, trade journal, and website advertising may be used in recruiting employees. Advertisements shall describe the position, basic qualifications, and state that the County is "An Equal Opportunity Employer."

Basic qualifications of formal education, background, and experience shall be determined before recruiting begins and shall be based upon job requirements as well as dictates of applicable federal, state, and local laws.

Authorization to recruit and hire to fill a vacancy in an existing position rests solely with the Elected Official and designated department heads with permission of County Commissioners. Elected Officials/Department Heads shall forward vacant job postings to the Commissioners' Secretary for posting in designated locations and on the County website. Authorization to create a new position will need to be approved by the Commissioners and/or Council.

2.1.1 Residency Requirements

The County is committed to hiring residents of Clinton County whenever possible. Therefore, when applicants are similarly qualified and in keeping with the County's EEO policy, Clinton County residents shall be given preference over non-residents at the time of employment. The County may also require employees within various departments to maintain their principal residence within the County pursuant to State law.

2.2 EMPLOYMENT APPLICATIONS

Clinton County relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in exclusion of the individual from further

consideration for employment or, if the person has been hired, termination of employment. The original copy of the employment application will be kept in the employee's personnel file in the Auditor's office.

All applicants are required to complete a Clinton County Employment Application. Prospective employees may only complete and submit a job application in conjunction with a posted position. This standardized job application form shall be submitted to and maintained by the Auditor's Office. The Auditor's Office shall provide Elected Officials/department heads with copies of all submitted applications.

Applications for County employment shall request only information necessary for rational decision making. Only questions specifically related to occupational standards shall be asked.

All applicants must complete the Clinton County Employment Application in its entirety. Applicants must account for periods of employment and unemployment.

Placement of an employment application with the County does not mean that an applicant will be interviewed. Equal consideration will be given to all applicants based on qualifications listed for the job.

Applications will be retained in active files for forty-five (45) days, or for the duration of applicant recruitment lists when used. Applications shall be returned to the Auditor's Office prior to hiring or being placed on the County payroll. All newly hired employees shall report to the Auditor's Office to submit documents necessary for compliance with federal, state, and local law and for enrollment in any eligible benefit programs.

2.3 APPLICANT TESTING

Applicant tests including, but not limited to, basic skills written tests, mechanical or physical agility, drug/alcohol testing, and psychological tests may be used by the County in the selection process for certain positions. Such tests are to be related to the requirements of the position. The County Commissioners must approve the use of any tests for prospective employees.

2.4 PRE-EMPLOYMENT INTERVIEWS

Pre-employment interviews are used to gather information and screen applicants for County employment. Interviews shall be conducted by the administrative officer making the employment decision.

The Auditor's Office is available to assist and advise in the selection process through conducting pre-employment interviews upon request.

2.5 CONDITIONAL OFFER OF EMPLOYMENT

Applicants may receive a conditional offer of employment conditioned on the successful completion of all established prerequisite requirements of the position, which may include passing medical, physical, and mental examinations or requirements. All applicants receiving a conditional offer of employment shall be required to pass a criminal background check. Positions in which an employee will be required to handle County money are subject to mandatory credit checks before the offer of employment will be issued. Any employee required to operate a County vehicle will be required to pass a motor vehicle check and drug/alcohol screening prior to the offer of employment being issued.

Applicants who receive a conditional offer of employment are not employees of the County unless they receive an official letter of employment. Clinton County may withdraw the conditional offer of employment at any time for any reason, except as otherwise prohibited by law.

2.6 OFFER OF EMPLOYMENT

Applicants who receive a Conditional Offer of Employment are not employees of the County unless they receive an official Offer of Employment.

The Offer of Employment will outline:

- Position/Department;
- Employment Status;
- Work Schedule;
- Pay Rate;
- Probationary Period;
- FLSA status;
- Benefits Eligibility; and
- Required Position Certifications.

The Offer of Employment is contingent on satisfactory proof of permission to work in this county and the receipt of satisfactory references.

The Offer of Employment shall be signed by the applicant and authorized official and a copy submitted to the Auditor's office before the applicant is considered an employee of Clinton County. The Offer of Employment form will be maintained by the Elected Official, Department Head or their designee, with a copy forwarded to the Auditor's office.

2.7 MEDICAL EXAMINATIONS

To help ensure that employees are able to perform their duties safely, medical examinations may be required of those positions responsible for public safety and health prior to hiring, or anytime during the course of employment with the County.

After a conditional offer of employment has been extended, applicants may be required to undergo a pre-employment medical examination by a health professional of the County's choice, at the County's expense. (Refer to forms "Conditional Offer of Employment" and "Medical Review.")

Employees shall be required to submit to fitness for duty medical or psychological evaluations prior to returning from military leave or employee illness or injury leave under the Family and Medical Leave Act (FMLA), or to meet terms and conditions associated with performing job duties. Applicants for safety sensitive positions shall be required to submit to a drug test prior to being hired by the County.

Information on an employee's medical condition or history shall be kept in a confidential medical file that is separate from other employee information. Medical information shall be maintained by the Auditor's Office. Access to this information will be limited to the employee, Elected Official/Department Head of the employee, designated employees responsible for processing insurance and workers' compensation claims, and others on a need-to-know basis.

2.8 EMPLOYMENT CATEGORIES

It is the intent of the County to clarify the definitions of employment classifications; therefore, employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Each employee is assigned to one of the following employment categories. **Any changes to an employee's employment category shall be in writing. No change in employment status is to be construed or inferred without written notification to the employee from the Auditor's office.**

Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and the Department Head or Elected Official.

REGULAR FULL-TIME: Employees who are not in a part-time, introductory, temporary or seasonal status and who are hired to work a regular schedule of at least thirty two (32) hours per week. These employees are eligible for the County's benefit package, subject to the terms, conditions, and limitations of each benefit program. Regular full-time employees include exempt and non-exempt classifications. The County Council sets the full-time compensation rates annually for all positions.

FULL TIME AFFORDABLE CARE ACT employees are those who are not in a part time or temporary status and who average thirty (30) hours or more per week or (130) hours in a month during the County's designated measurement period are also eligible for the County's health insurance plan beginning January 1st of the year following the designated measurement period. These employees are eligible for legally mandated benefits such as Worker's Compensation, Social Security benefits, and certain County benefits such as Health Insurance subject to the terms, conditions, and limitations of each

benefit program. Affordable Care Act employees are not eligible for any other County benefits provided.

REGULAR PART-TIME: Employees are those who are not assigned to a regular full-time or temporary status and who are regularly scheduled to work no more than twenty eight (28) hours per week and have a specific work schedule. Elected Officials and Department Heads must have prior approval of the Board of Commissioners to schedule a part time employee for more than (28) hours per week. While they do receive all legally mandated benefits (such as workers' compensation and Social Security benefits), they are ineligible for the County's other benefit programs. The County Council sets the part-time compensation rates annually for all positions.

TEMPORARY employees are those who are hired as interim replacements to temporarily supplement the workforce, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration and may work a schedule up to or exceeding forty (40) hours during a work week.

Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until notified of a change. While temporary employees receive all legally mandated benefits (such as workers' compensation and social security), they are ineligible for all of the County's other benefit programs.

It is the policy of the County that a Temporary employee who works for (120) days in a calendar year shall not be rehired by the County without a minimum of six (6) months separation period between temporary engagements.

2.9 INTRODUCTORY PERIOD

The introductory period is intended to give new, rehired, promoted, and/or transferred employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The County uses this period to evaluate employee capabilities, work habits, and overall performance.

All new, rehired, promoted, and/or transferred employees work on an introductory basis for the first ninety (90) calendar days after their "date of hire", except when the ninety (90) days is in direct conflict with statutory requirements (such as merit officers of the Sheriff's Department whose introductory period is one [1] year). Any significant absence will automatically extend the introductory period by the length of the absence. If the County determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period.

During the introductory period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security. They

may also be eligible for other employer provided benefits, subject to the terms and conditions of each benefit program. Employees should read the information for each specific benefit program for the details on eligibility requirements.

2.10 EMPLOYMENT REFERENCE CHECKS AND CRIMINAL BACKGROUND CHECKS

To ensure that individuals who are employed by the County are well qualified and have a strong potential to be productive and successful, it is the policy of Clinton County to conduct background checks and verify the employment references of those applicants who may be extended an offer of employment. At the time of hire, a criminal history check will also be conducted.

For employment reference checks requested by outside employers of past or current County employees, the County will respond in writing only to those reference check inquiries that are submitted in writing. Responses to such inquiries will be limited to inclusive dates of employment, positions held, and whether or not the employee's last Department Head or Elected Official would re-hire the employee under any circumstances. No employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry.

2.11 PERSONNEL FILES

The employment selection procedure shall be documented and recorded and shall remain strictly confidential. Required personnel records shall be kept in an electronic Policies file for each employee for a period of not less than seventy-five (75) years and should be used to substantiate and support the employment decision in the event of inquiry.

The County maintains five (5) separate personnel records concerning the employee's employment history.

1. **Personnel File:** Each employee's personnel file shall contain the employee's employment application, emergency information sheet, employment data information sheets concerning history of employment, insurance enrollment forms retirement enrollment forms, change in address and beneficiary forms, and job description and handbook acknowledgment forms, and shall be maintained in the Auditor's Office. Certain documents in this file shall be deemed confidential and released only to persons on a need-to-know basis.
2. **Administrative File:** The employee's administrative file shall contain documentation of performance and salary increases, education accomplishments, records of training, disciplinary records, and other documentation concerning disciplinary actions, including grievance, absences, tardiness, and other related data.

This confidential file shall be deemed as exempt under the Indiana Public Records Law. This file shall be maintained by the Elected Officials/department heads, with copies provided to the Auditor's Office affecting compensation and/or benefits.

3. **Confidential Medical File:** The employee's confidential medical file shall contain all medical information, including disability information, ADA accommodations, workers' compensation documents, results of alcohol and drug tests, and other medical related information. This confidential file shall be deemed as exempt under the Indiana Public Records Law. This file shall be maintained by the Auditor's Office.
4. **Commercial Driver's License Records:** The Highway Department shall maintain CDL records according to the Federal Highway Administration requirements. This file shall be updated each calendar year.
5. **I-9 File:** The I-9 file shall contain the I-9 forms. This file shall be maintained in the Auditor's Office.

2.12 ACCESS TO PERSONNEL FILES

Personnel files are property of Clinton County and access to the information they contain is restricted. Generally, only individual employees, Auditor's Payroll Clerk, Auditor, County Attorney, members of the County Council and the Board of Commissioners or representatives of the County who have a legitimate reason to review information in a file are allowed to do so. With an appointment with their supervisor, an employee may review material in their file. Upon request, the County will provide the employee with copies of any documents contained in their personnel file.

No information shall be provided to any person concerning the employment of an employee other than the information set out in this policy.

2.13 PERSONAL INFORMATION CHANGES

It is the responsibility of each employee to notify promptly the Auditor's Payroll Clerk of any changes in personal data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, drivers' license status change, change in marital status, proof of insurance (where applicable), and other such status reports should be accurate and current at all times. If any personal data has changed, the employee is responsible for notifying the Auditor's Payroll Clerk and Department Head/Elected Official in writing.

Any unreported changes in personal status may impact eligibility under the County's benefit plans.

Employees requesting a change in their payroll withholding or voluntary deductions shall make the request in person with the Auditor's Payroll Clerk. No changes will be accepted through any other names.

2.14 ORIENTATION/EXIT INTERVIEWS

Payroll & Benefits Administrator conducts an informal orientation to familiarize a new employee with the County. The employee shall receive a copy of the Clinton County Personnel Polices Handbook and any applicable workplace rules, including the drug-free workplace policy.

It is the responsibility of the employee to read and understand the Personnel Handbook. Each employee shall sign the Employee Acknowledgement form; periodic updates will also be acknowledged.

Department Heads and Elected Officials will schedule exit interviews for their employees with the Payroll & Benefits Administrator at the time of employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the County, or return of County owned property. Suggestions, complaints, and questions can also be voiced.

Elected Officials/Department Heads must notify the Auditor's Payroll Clerk that an employee is terminating employment as soon as notice is given by the employee. This includes part-time and seasonal employees. This will facilitate the proper payment of time worked in compliance with state law.

2.15 PERFORMANCE EVALUATION

Elected Officials/Department Heads and employees are strongly encouraged to discuss job performance and goals on an informal, day to day basis. Formal performance evaluations should be conducted at the end of an employee's introductory period in any new position. This allows the Elected Official/Department Head and the employee to discuss the job responsibilities, standards, and performance requirements of the new position.

Additional formal performance evaluations should be conducted on an annual basis to provide Elected Officials/Department Heads and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

2.16 OUTSIDE EMPLOYMENT/CONFLICT OF INTEREST

Employees may hold outsidess job as long as they, in the opinion of the County, satisfactorily meet the performance standards of their job with the County, and the outside job does not conflict with an active ordinance. Employees should consider the impact that outside employment may have on their ability to efficiently perform their

work, as well as any conflicts of interest that may arise. All employees will be judged by the same performance standards and will be subject to the employer's scheduling demands, regardless of any existing outside work requirements.

Employees who are provided Family and Medical Leave under the County's FMLA policy for their own serious illness or injury shall not be engaged in outside employment while on FMLA.

If an Elected Official/Department Head determines that an employee's outside work interferes with performance or the ability to meet the requirements of the County as they are modified from time to time, the employee may be asked to terminate the outside employment if they wish to remain employed with the County.

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

Employees may not enter into dealings or financial interests in contracts and services performed by Clinton County. This includes deriving any direct or indirect profit resulting from the sale, service, contracting, or purchases made on behalf of Clinton County.

County employees may not accept financial benefits that would reasonably tend to influence decisions or encourage that employee to disclose confidential County information. Any offers of money, services, benefits, favors, or other possible conflicts should be reported to supervisors and/or the County Commissioners. Employees having financial interest in a company or substantial investments in a corporation that might benefit from their dealings with the County must file a conflict of interest statement with the County Clerk with a copy to the State Board of Accounts.

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. Conflicts of interest are defined by Indiana Code 36-1-20.2 which may, under some circumstances, prohibit a transaction or require written disclosure and approval before a contract or transaction is entered. The County will follow the state statute regarding conflicts of interest. Employees may refer questions about actual or potential conflicts to the Clerk's office.

2.17 REQUESTS FOR INFORMATION

Occasionally, employees of the County are contacted by outsiders for information about current or former employees, or about the organization's policies, practices, or projects. Communication with the public about County issues is the responsibility of the designated official/department head. Any controversial or unusual request or question from the public must be referred to that official. Employees are advised to consult with their supervisor before releasing information which is confidential or privileged by law.

Elected Officials/Department Heads are encouraged to forward requests to Commissioners.

2.18 LAYOFF AND RECALL

Clinton County maintains the right to reduce its workforce. Examples of reasons when a reduction might occur include, but are not limited to:

1. Lack of work;
2. Lack of funds or projected lack of funds;
3. Job abolishment; and/or
4. Reorganization.

Whenever a reduction is necessary, the County will determine the classifications in which the layoffs shall occur and the number of employees to be laid off in each department.

Employees will be laid off with consideration of length of continuous service and the operational needs of the County. Employees may displace less senior employees in other departments provided they possess the minimum qualifications and licenses required for the position. Length of service is one factor in the layoff/displacement decision. The operational needs of the County may require the retention of less senior employees over a more senior employee. Attendance, punctuality, and performance may also be a factor in determining who shall be retained and who shall be laid off.

A recall list will be established for each classification affected by the layoff listing each laid off employee in order of layoff.

A laid off employee will be eligible for recall for a period of two (2) years following the date of layoff. An employee who is laid off retains reinstatement rights in the department from which they were laid off. Reinstatement rights continue for two (2) years from the date of layoff.

During this two (2) year period, the County will not hire or promote anyone into that classification until all persons on a layoff list for that classification are reinstated or decline the position when it is offered.

The employee will be responsible for keeping a current address on file with the Auditor's Office. Failure to do so may result in the inability to notify the employee of their eligibility for reinstatement.

Each recalled employee shall be allowed fourteen (14) calendar days from the date of receipt of the certified letter to return to work. The County will consider extenuating circumstances submitted in writing by the laid off employee. Any recalled employees needing more than the fourteen (14) days to report to work must have written approval from their Elected Official/department head. Any employee accepting or declining

reinstatement to the same classification from which the layoff or displacement initially occurred shall be removed from eligibility for further recall.

2.19 FULL-TIME TO ELECTED OFFICIAL EMPLOYMENT

In the event that a full-time employee is elected to a full-time Clinton County elective office they shall be compensated for any accrued vacation, or compensatory time earned as a regular full-time employee. Such employee's sick days will be frozen and available for use in the event the Elected Official returns to a non-elected full-time position with a one (1) month or less interruption in County employment. Also, if such Elected Official returns to a non-elective full-time position their time in elective office shall count as years of service for the purposes of determining the amount of eligible vacation time, longevity, or other benefits based on years of service with the County.

2.20 NEPOTISM

Indiana Code 36-1-20.2 specifies that relatives may not be employed by the County in positions that result in one relative being in the direct line of supervision of the other relative.

Employees who are relatives of an Elected Official or Department Head may not be employed by the County in a position that results in one (1) relative being in the direct line of supervision of the other relative.

Direct line of supervision means an Elected Official or Department Head 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 the County as provided by law, to make decisions regarding salary ordinances, budgets, or personnel policies of the County.

Employed means an individual who is employed by the County 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 employee who is a party to an employment contract with the County.

Relative means any of the following: (1) Spouse, (2) Parent or stepparent, (3) Child or stepchild, (4) Brother, sister, half-brother, half-sister, stepbrother, or stepsister, (5) Niece or nephew, (6) Aunt or uncle, (7) Daughter in law or son in law. An adopted child is considered the same as natural child of the individual.

This policy does not apply to employees in their current position as of 2012 unless the employee has a break in employment.

If an employee is absent from workplace while on paid or unpaid leave, including vacation, sick or family medical leave, or worker's compensation or employment with the

County is terminated followed by immediate reemployment by the County, without loss of payroll time then they are not considered to have a break in employment.

This nepotism policy does not apply to the County Sheriff's spouse employed as the Jail Matron or to relatives of the County Coroner who have previously served as the County Coroner.

Each elected office holder of the County shall annually certify in writing that the officer is in compliance with the nepotism policy under Indiana Code 36-1-20.2. Such certification must be submitted to the County Commissioners not later than December 31 of each year.

An Elected Official or department head that is in violation of this policy may be subject to penalties for perjury which is a level 6 felony with up to three (3) years prison sentence. The County's failure to adopt policies under Indiana Code 36.1.20.2 (Nepotism) will result in the Department of Local Government Finance not approving the County's budget or any additional appropriations for the ensuing calendar year until the State Board of Accounts certifies the County is in compliance.

2.21 ELECTIVE OFFICER AND COUNTY EMPLOYMENT RESTRICTED

Indiana Code 3-5-9 specifies that a County employee is considered to have resigned from employment with the County if the employee assumes the elected executive office of the County or becomes an elected member of the County's legislative or fiscal body.

A volunteer firefighter may not assume or hold a position on the executive, legislative, or fiscal body of the County if the County receives fire protection services from the department in which the volunteer firefighter serves. Fire protection services provided under mutual aid agreements are excluded. An employee or volunteer who assumes or holds an elected office on January 1, 2013 may continue to hold the office and be employed by the County or serve as a volunteer firefighter until the expiration of the term of office.

2.22 CONTRACTING WITH THE COUNTY

Indiana Code 36-1-21 states that the County may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with: (1) an individual who is a relative of an Elected Official or; (2) a business entity that is wholly or partially owned by a relative of an Elected Official only if the Elected Official files a full disclosure which must:

- Be in writing
- Describe the contract or purchase
- Describe the relationship of the official to the business
- Be affirmed under penalty of perjury
- Be submitted to the legislative body prior to final action

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- Be filed (within 15 days of final action) with the State Board of Accounts and the County Clerk.

If a contract is entered into with a relative the appropriate agency of the County shall make a certified statement that the contract amount or purchase price was the lowest amount or price offered or make a certified statement of the reasons why the vendor or contractor was selected. Contracts in existence prior to July 1, 2012 are excepted.

An Elected Official that is in violation of this policy may be subject to penalties for perjury which is a level 6 felony with up to three (3) years prison sentence. The County's failure to adopt policies or failure to include a statement in the R-100 Personnel Report under Indiana Code 36-11-21 (Contracting with a Unit) will result in the Department of Local Government Finance not approving the County's budget or any additional appropriations for the ensuing calendar year.

3. SALARY ADMINISTRATION

The policies contained in this chapter and throughout the Clinton County Personnel Policies Handbook apply to all Clinton County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.

3.1 NORMAL WORKWEEK

The official work week for all employees begins at 12:01 a.m. on Saturday and ends at 12:00 midnight on Friday. The open hours for the Courthouse and Annex are 8:00 a.m. to 4:00 p.m. Monday through Friday.

3.2 WORK HOURS

Elected Officials/Department Heads will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week. Work schedules for employees vary throughout the County.

The regular schedule for Area Plan, Clerk, Circuit Court, Commissioners' Office, Extension, EMS Administration, Maintenance, Probation, Prosecutor, and Superior Court employees will be 35 hours per week, Monday through Friday.

The regular schedule for Dispatch, Jail Administration, Community Corrections Administration, Highway, and Soil and Water Conservation District employees will be 40 hours per week, Monday through Friday.

The regular schedule for Assessor, Auditor, EMA, Health, Recorder, Surveyor and Treasurer employees will be 32 hours per week, Monday through Friday.

The regular schedule for employees of Solid Waste will be 37.5 hours per week.

The official work period for those engaged in 7K law enforcement activities (Corrections Officers, and Sheriff Deputies) will be 84 hours in a pay period.

The official work period for EMS will be 96 hours in a pay period.

3.3 MEAL PERIODS

All regular employees are provided with one meal period of one hour in length each workday. Elected Officials/Department Heads will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal period and will not be compensated for that time.

3.4 JOB DESCRIPTIONS

Clinton County positions, except those of Elected Officials, have been described in job descriptions. Job descriptions are maintained in the Auditor's office. Copies of job descriptions are available in each office or department and provided to each employee.

3.5 COMPENSATION

The Clinton County Council adopts an annual salary ordinance establishing pay rates for all County positions, except as provided by law.

Elected Officials shall be paid an annual salary, which covers the period beginning on January 1, and ending on December 31; and are paid on regular pay days throughout the year.

3.6 WAGE POLICY

Employees violating the sick leave, personal leave, and/or vacation policy of the County shall be penalized as follows:

- A. Unauthorized time away from work shall be subtracted from existing leave time in the following order: accrued compensatory time, personal leave days, and vacation days.
- B. If employees paid on an hourly wage have no existing leave time as described above, unauthorized time from work shall be deducted from their wages.
- C. For employees paid at a salary rate with no existing leave time as described above, the penalty shall be computed by the normal work hours in a year divided into the gross annual salary to determine the hourly rate of pay.
- D. The wages of an Elected Official cannot be deducted, as set by law.

Additional disciplinary actions may be taken for violations of the Paid Time Off policy, up to and including termination of employment with Clinton County.

3.7 FLSA TIMEKEEPING

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

All employees except for Elected Officials must accurately record the time they begin, and end work each day. They also must record the hours of any departure or absence

from work for personal reasons. Overtime work must always be approved before it is performed, and an unencumbered balance must exist in the budget for that department for overtime purposes.

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

The Fair Labor Standards Act (FLSA) and Family and Medical Leave Act (FMLA) require that certain records be kept on each covered non-exempt worker.

The record must include accurate information about the employee and data about hours worked and wages earned. Employers are required to maintain the following records:

1. Employee's full name, as used for Social Security purposes, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records;
2. Address, including zip code;
3. Birth date if younger than 19;
4. Sex and occupation;
5. Time of day of week when employee's workweek begins, hours worked each day, and total hours worked each workweek;
6. Basis on which the employee's wages are paid;
7. Regular hourly rate;
8. Total daily or weekly straight-time earnings;
9. Total overtime earnings for the workweek;
10. All additions to or deductions from the employee's wages;
11. Total wages paid each pay period; and
12. Date of payment and the pay period covered by the payment.

3.8 INDIANA TIMEKEEPING REQUIREMENTS

IC 5-11-9-4 requires that all public sector employees (except Elected Officials) maintain records showing which hours were worked each day by officers and employees.

These records are subject to audit by the State Board of Accounts. Time worked is all the time actually spent on the job performing assigned duties.

Every employee is responsible for accurately recording their time worked on County forms or time keeping machines.

Employees should accurately record the time they begin and end their work and the time they begin and end each meal period. Employees should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved by the Elected Official/department head before it is performed.

Tampering, altering, or falsifying time records or recording time on another employee's time record shall result in disciplinary action, up to and including discharge.

3.9 WORK TIME RESTRICTED

Non-exempt employees shall not commence any work activities on behalf of Clinton County before seven (7) minutes preceding the start of the work shift or continue work activities more than seven (7) minutes after completion of the work shift, unless specifically authorized by their department head/Elected Official.

3.10 ROUNDING

Time is to be recorded to the quarter hour, using the seven (7) minute rule (i.e. leeway of seven [7] minutes before and seven [7] minutes after scheduled start and stop times). All employee work commenced more than seven (7) minutes before the start time work hour will be paid on a quarter hour schedule; all employee work continued more than seven (7) minutes after the end of the last work hour will be paid on a quarter hour schedule.

3.11 MULTIPLE POSITIONS

Non-exempt employees working in more than one Clinton County position shall count the combined hours worked in more than one position in determining overtime obligations under the Fair Labor Standards Act (FLSA). Employees who perform work in two different jobs with different rates of pay will be paid overtime at the rate of pay for the job that takes them over forty (40) hours in a work week.

3.12 TIMESHEETS/TIMEKEEPING SYSTEM

It is the responsibility of those employees who are required to maintain a timesheet, to properly record the time that they have worked during a payroll period. Any used accrued compensatory time, benefit time, or any other approved leave must be listed where indicated.

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

For detailed instructions on how and when to complete timesheets, employees should consult with their Elected Official/Department Head.

It is the employee's responsibility to approve their time sheet to certify the accuracy of all time recorded. The Elected Official/Department Head will review and then sign the time record before submitting it for payroll processing.

Should an employee fail to initial such a timesheet the record shall be submitted by the Elected Official/Department Head with an acknowledgment that the employee has reviewed the modification. Failure by an employee to submit a timesheet when required or submitting a falsified timesheet may result in disciplinary action.

Each office may utilize employees' time differently within the framework of the standard hourly workweek. For this reason, the Elected Official/Department Head will have the discretion to permit individual employees to arrive or depart earlier or later, or to work through part of a lunch period and otherwise adjust their employees' schedules to meet demands of the office while adhering to the standard hourly workweek.

3.13 PAYDAYS/DIRECT DEPOSIT

All employees are paid bi-weekly on every other Friday by direct deposit. Each pay will include earnings for all work performed through the end of the previous payroll period.

In the event that a regularly scheduled payday falls on a holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

Employees requesting a change to their payroll withholding, voluntary deductions or direct deposit shall make the request in person in the Auditor's Office or in person through their Elected Official/Department Head. No changes will be accepted through any other names.

Direct deposits should go into effect for the pay date following the date that the Auditor's Office receives the authorization form. On payday, employees will receive a check stub detailing all payroll information and indicating the check was direct deposited.

3.14 PAY CORRECTIONS

The County takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck, and that employees are paid properly on the scheduled payday. The County prohibits improper deductions from wages. Any employee who thinks that they have had incorrect deductions from their paycheck or was not paid the proper amount should give notice on the day of receipt of such pay or any day thereafter, in writing, to their department head with a copy of the notice sent to the Auditor's Payroll Clerk.

The prompt reporting of errors is in everyone's best interest. All reports will be investigated. If it is determined that an error was made, the error will be corrected on the next payroll date.

3.15 PAY DEDUCTIONS/GARNISHMENTS

The law requires that Clinton County make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes.

The County also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." The County matches the amount of Social Security taxes paid by each employee.

Other taxes, such as delinquent property taxes, may be deducted from employee compensation. Under Indiana Code 6-1.1-22-14, the County's payroll list must be given to the County Treasurer bi-annually. The County Treasurer then certifies any delinquent property taxes owed by a County employee. The code further instructs the Auditor's Office to make periodic deductions from money due the employee and direct payment to the Treasurer's Office.

Clinton County offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs that have been authorized by the Commissioners.

When decreed by court order of state law, including past due taxes, the County will deduct an amount determined by the court or the state from the gross wages of the employee.

Questions concerning why deductions were made from an employee's paycheck or how deductions are calculated should be directed to the Elected Official/Department Head.

Employees requesting a change to their payroll withholding, voluntary deductions or direct deposit shall make the request in person in the Auditor's Office or in person through their Elected Official/Department Head. No changes will be accepted through any other names.

3.16 OVERTIME COMPENSATION AND COMPENSATORY TIME

Each County position is designated as either **NON-EXEMPT, EXEMPT, or EXCLUDED** from federal and state wage and hour laws (such as the Fair Labor Standards Act [FLSA]). Excluded and exempt employees are excluded from specific provisions of federal and state wage and hour laws. The County Council establishes an employee's position status according to prescribed FLSA criteria, and employees holding such positions are treated accordingly:

Employees holding **NON-EXEMPT** positions are entitled to overtime pay or compensatory time off under the specific provisions of federal and state laws. All positions within the County except those listed under Exempt or Excluded are considered Non-Exempt and are entitled to overtime pay or compensatory time off.

Employees holding **EXEMPT** positions are excluded from specific provisions of federal and state wage and hour laws and are not entitled to overtime compensation or compensatory time off. Exempt employees must maintain time keeping records to satisfy Indiana statutes governing public employers.

Employees holding **EXCLUDED** positions include Elected Officials, their policymaking appointees, and their personal staff and legal advisors. These employees are not covered by the FLSA and are not eligible for or entitled to receive overtime compensation or compensatory time off. Excluded employees except for Elected Officials must maintain time keeping records to satisfy Indiana statutes governing public employers. Elected Official positions within the County are considered Excluded and are not entitled to and shall not receive FLSA overtime compensation or FLSA compensatory time off.

3.16.1 Overtime

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. Overtime is defined as over 40 hours/week. Time worked up to 40 hours will be paid at regular pay. Time worked over 40 hours per week will be paid at time and one half.

Overtime reimbursement is based on actual hours worked. Time off on vacation, sick time, compensatory time, or any other leave of absence will not be considered as hours worked for purposes of calculating overtime hours. Holidays shall be considered as hours worked for purposes of calculating overtime hours. When possible, advance notification of these mandatory assignments will be provided.

All overtime work must receive the Elected Official/Department Head prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Employees who perform work in two different jobs with different rates of pay will be paid overtime at the rate of pay for the job that takes them over forty (40) hours in a work week.

Failure to work scheduled overtime or overtime worked without prior authorization from the Elected Official/Department Head may result in disciplinary action, up to and including termination of employment.

3.16.1 (A) Overtime for Sheriff Merit Officers

Non-exempt Sheriff Department Merit Police Officers are scheduled on a 28-day work period under the FLSA 7(k) exemption.

The work period for the Sheriff's Department Merit Deputies shall be one hundred and seventy-one (171) hours within twenty-eight (28) days.

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime. When possible, advance notification of these mandatory assignments will be provided. Overtime is defined as over 171 hours in a 28 day period. Time worked up to 171 hours will be paid at regular pay. Time worked over 171 hours per 28 day period will be paid at time and one half.

Time off for Jury Duty, Witness Duty, and scheduled Holidays worked will be considered as hours worked for purposes of calculating overtime. Vacation time, holidays that fall on a scheduled day off or other leave time will not be considered as hours worked.

All overtime work must receive the Division Supervisor's or the County Sheriff's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Failure to work scheduled overtime or overtime worked without prior authorization from the Division Supervisor or County Sheriff may result in disciplinary action, up to and including termination of employment.

3.16.1 (B) Overtime for Highway Department

An emergency call-out will be considered overtime. An emergency call out will carry a minimum of (2) hours per call.

In cases of inclement weather or other emergencies requiring work by Highway Department employees, the Department Head may require all or any part of the Department's employees to report to work at earlier hours. The Department Head shall exercise discretion in establishing a reasonable policy for calling employees to work early or to work overtime. In establishing such policy, seniority of service shall be given first consideration when only a limited number of employees are needed to work.

When the operation of the equipment to which operators are assigned require safety and economy of operation that place a premium of the operator's skill and experience, then operators may be assigned by the Department Head notwithstanding seniority. The assignments will be dependent upon the equipment needs for the nature of the weather or emergency on any given day.

Highway Department non-exempt employees who work on any day or days which have been designated by the Board of Commissioners as holidays for

County employees shall receive regular holiday pay plus time and one half for all hours worked on the holiday.

When Highway Department employees are called to work at an hour earlier than the normal workday hour, the Department Head shall have the discretion to either dismiss all employees after eight (8) hours of work (plus one-half hour for lunch) and to assign employees for overtime, if needed, or to extend employee's working to the normal hour of dismissal, if in the opinion of the Department Head, there exists sufficient work or training to actively engage the employees.

Failure to work scheduled overtime or overtime worked without prior authorization from the Department Head may result in disciplinary action, up to and including possible termination of employment.

3.16.1 (C) Overtime for Parkview Home

In cases of inclement weather or other emergencies requiring work by Parkview Home employees, the Department Head may require all or any part of the Department's employees to report to work at earlier hours. The Department Head shall exercise discretion in establishing a reasonable policy for calling employees to work early or to work overtime. In establishing such policy, seniority of service shall be given first consideration when only a limited number of employees are needed to work.

When Parkview Home employees are called to work at an hour earlier than the normal workday hour, the Department Head shall have the discretion to either dismiss all employees after eight (8) hours of work (plus one-half hour for lunch) and to assign employees for overtime, if needed, or to extend employee's working to the normal hour of dismissal, if in the opinion of the Department Head, there exists sufficient work or training to actively engage the employees.

Overtime is defined as over 40 hours/week. Time worked up to 40 hours will be paid at regular pay rate. Time worked over 40 hours per week will be paid at time and one half.

Failure to work scheduled overtime or overtime worked without prior authorization from the Department Head may result in disciplinary action, up to and including possible termination of employment.

3.16.1 (D) Overtime for Central Dispatch

Overtime is defined as over 40 hours/week. Time worked up to 40 hours will be paid at regular pay. Time worked over 40 hours per week will be paid at time and one half.

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime. When possible, advance notification of these mandatory assignments will be provided. In the case of an unscheduled absence, an employee may be required to remain over for a portion of the following shift and another employee may be called in early prior to the beginning of the normal shift.

Time off for Jury Duty, Witness Duty, and scheduled Holidays worked will be considered as hours worked for purposes of calculating overtime. Vacation time, or holidays that fall on a scheduled day off or other leave time will not be considered as hours worked.

All overtime work must receive the Director's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work. Employees who perform work in two different jobs with different rates of pay will be paid overtime at the rate of pay for the job that takes them over forty (40) hours in a work week.

Failure to work scheduled overtime or overtime worked without prior authorization from the Director may result in disciplinary action, up to and including termination of employment.

3.16.1 (E) Overtime for EMS Operations

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. Overtime is defined as over 40 hours/week. Time worked up to 40 hours will be paid at regular pay. Time worked over 40 hours will be paid at time and one half (1 ½).

Time off for Jury Duty, Witness Duty, will be considered as hours worked for purposes of calculating overtime. Vacation time or other leave time will not be considered as hours worked. When possible, advance notification of these mandatory assignments will be provided.

All overtime work must receive the Department Head's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Employees who perform work in two different jobs with different rates of pay will be paid overtime at the rate of pay for the job that takes them over forty (40) hours in a work week.

Failure to work scheduled overtime or overtime worked without prior authorization from the Department Head may result in disciplinary action, up to and including termination of employment.

3.16.2 Compensatory Time (Non-exempt employees)

If an Elected Official/Department Head elects to use compensatory time off (comp time) in lieu of extra hours and overtime compensation for non-exempt employees, the employee will be compensated at the rate of one (1) hour of comp time off for every hour worked over their regular shift up to forty (40) hours per week and one and one-half (1 ½) hours of comp time for every hour worked over forty (40) hours per week.

If the department elects to give comp time off, an employee will be required to sign a Compensatory Time Off Agreement upon initial employment in the department or prior to the pay period in which the comp time is earned.

Employees will not be allowed to earn more than two (2) times the number of hours they are regularly scheduled per week. (e.g. an employee who is scheduled to 32 hours cannot earn more than 64 hours of comp time). Extra hours and overtime worked after an employee earns the maximum amount of comp time will be paid as monetary compensation.

When an employee is promoted or transferred from a non-exempt to an exempt position, the employee may be paid the earned comp time or continue to use the comp time. In either case, an accurate record must be kept to ensure that the employee uses the comp time or receives monetary compensation at the time of promotion/transfer.

Elected Officials and Department Heads will be responsible for maintaining a record of comp time earned and used by each employee. Comp time that is earned and used should be recorded on the employee's time record.

Time off on vacation, sick time, compensatory time, or any other leave of absence will not be considered as hours worked for purposes of calculating overtime hours. Holidays will be considered hours worked in calculating overtime. Use of compensatory time must be determined in advance of submission of payroll.

At their sole discretion, Elected Officials/department heads may schedule use of employee compensatory time.

Elected Officials/Department Heads shall provide the Auditor's office with an accurate and current record of all accrued compensatory time simultaneously with the bi-weekly payroll.

All Elected Officials/Department Heads shall provide documentation showing compensatory hours is computed in accordance with this Handbook.

3.16.2 (A) Compensatory Time off for Sheriff's employees

If an Elected Official or Department Head elects to use compensatory time (comp time) in lieu of extra hours and overtime compensation for non-exempt employees, the employee will be compensated at the rate of one (1) hour of comp time off for every hour worked up to (171) hours per 28 day pay period and one and one half (1 ½) hours of comp time off for every hour worked over 171 hours per 28 day pay period.

If the department elects to give comp time off, an employee will be required to sign a Compensatory Time Off Agreement upon initial employment in the department or prior to the pay period in which the comp time is earned.

Extra hours and overtime worked after an employee earns the maximum amount of comp time will be paid as monetary compensation.

When an employee is promoted or transferred from a non-exempt to an exempt position, the employee may be paid the earned comp time or continue to use the comp time. In either case, an accurate record must be kept to ensure that the employee uses the comp time or receives monetary compensation at the time of transfer/promotion.

The Sheriff's Office will be responsible for maintaining a record of comp time earned and used by each employee. Comp time that is earned and used should be recorded on the employee's time record.

Time off on vacation, sick time, compensatory time, or any other leave of absence will not be considered as hours worked for purposes of calculating overtime hours. Time off for Holidays will be considered hours worked for calculating overtime. Use of compensatory time must be determined in advance of submission of payroll.

At their sole discretion, Elected Officials/department heads may schedule use of employee compensatory time.

Elected Officials/department heads shall provide the Auditor's office with an accurate and current record of all accrued compensatory time simultaneously with the bi-weekly payroll. All Elected Officials/Department Heads shall provide documentation showing compensatory hours is computed in accordance with this Handbook.

3.16.3 Maximum FLSA Compensatory Time Accrual

Employees may not accrue in excess of the number of hours regularly scheduled in a work week as defined in the following chart:

Scheduled Work Hours in Pay Period	Maximum Compensatory Time Accrual
32 hour work week	64 hours
35 hour work week	70 hours
37.5 hour work week	75 hours
40 hour work week	80 hours
84 hour pay period	84 hours
96 hour pay period	96 hours

Accrued compensatory hours are paid upon termination of employment. However, the county retains the right to pay compensatory time at any time.

3.16.4 Overtime Approved in Writing

All overtime compensation or compensatory time up to the maximum as set forth above shall be approved in writing by the employee's supervisor at the time it is granted.

A copy shall be maintained in the department of the employee with a copy provided to the Auditor's office.

3.16.5 Failure to Work Scheduled Overtime or Overtime without Authorization

Failure to work scheduled overtime or overtime worked without prior authorization may result in disciplinary action, up to and including termination.

This policy applies to all non-exempt employees of the County as determined by the County Council's designation of jobs as "non-exempt" under the FLSA.

3.17 EMERGENCY CLOSING

At times, emergencies such as severe weather, fires, power failures, or earthquakes, can disrupt governmental operations. In extreme cases, these circumstances may require the closing of a work facility. In the event that such an emergency occurs during non-working hours, local radio and/or television stations will be asked to broadcast notification of the closing.

When a work facility is officially closed due to an emergency declared by the Board of Commissioners, the time off from scheduled work will be paid up to a maximum of three (3) days. Employees of the Sheriff, Jail, Highway, Central Dispatch and Emergency

Management departments will be expected to report for work on a day when operations are officially closed. In these circumstances, employees who work will receive regular pay.

At the time of hire, employees will be advised if they are in a position that has been designated as “Essential” by the Elected Official or Department Head. These positions are those deemed necessary to maintain critical operations of the County in emergency situations such as severe weather, power failures or other situations where it is necessary to close certain offices of the County yet maintain essential services to the County.

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

When operations are not officially closed, but some employees are unable to get to work, time will be charged to accrued benefit time or unpaid time off. Employees may be allowed to make up time missed if it is made up during the same pay period.

At the Commissioners’ authority the Courthouse Security Officer is responsible for notifying all other courthouse employees of proper safety and evacuation procedures to follow during an emergency. The Auditor will contact the Sheriff, City Police, State Police, or Emergency Management Director depending on the nature of the emergency.

3.18 HEALTH PANDEMIC EMERGENCY CLOSING

When a health pandemic has been declared by the State of Indiana, County Commissioners may alter, modify, and suspend necessary procedures as recommended by the County Health Department, the Indiana State Health Department, and Centers for Disease Control.

The County Commissioners will take under consideration all guidelines and directives provided by the County Health Department, and follow the Indiana State Health Department, and Centers for Disease Control to determine facility closures.

When County facilities are officially closed by the County Commissioners for health pandemic conditions, the time off from scheduled work will be paid to all employees affected by the facility closing. Temporary, seasonal, and part-time employees will be paid for hours regularly scheduled to work.

The County Commissioners will identify essential employees that will be required to work or telecommute during the health pandemic emergency closing. Essential employees will be determined based upon the circumstances of each health pandemic. Essential employees that are required to work will receive straight time pay.

During any health pandemic emergency closure, the County Commissioners will establish restricted travel policies, meeting protocols, and health precautions for

employees and facilities. The County Commissioners may establish protocols to reduce employee exposure to the public.

Accruals for benefit calculations, such as vacation, sick leave, or holiday benefits, shall accrue during the health pandemic emergency closing.

3.19 **EMPLOYMENT TERMINATION**

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

Resignation: Voluntary employment termination initiated by the employee. The employee will be required to complete a Resignation Form, which can be obtained from the Auditor's Office. Although advance notice is not required, Clinton County requests at least two (2) weeks written notice of resignation from non-exempt employees, and four (4) weeks notice from exempt employees. If an employee does not provide advance notices as requested above, the employee will be considered ineligible for rehire. The Elected Official/Department Head shall determine whether the employee may work out their notice.

Discharge: Involuntary employment termination initiated by the County. Elected Officials and Department Heads must notify Security and Information Technology prior to an involuntary termination and advise both functions of the date and time of the termination so appropriate steps can be taken to ensure building and system security are maintained.

Reduction in Force/Layoff: Involuntary employment termination initiated on behalf of the County by the Appointed Department Head or Elected Official for non-disciplinary reasons, which may include but is not limited to lack of work, lack of funds or projected lack of funds, job elimination, and/or reorganization.

Whenever a reduction is necessary, the County will determine the classification(s) in which the layoff(s) will occur and the number of employees to be laid off in each department.

Employees will be laid off with consideration of length of continuous service and the operational needs of the County.

Retirement: Voluntary employment termination initiated by the employee meeting established State and/or County retirement criteria, such as age and length of service. Clinton County requests more than a four (4) week notice from the employee. Employees will receive their final pay in accordance with applicable state law.

Employees will receive their final pay in accordance with applicable state law. Employee benefits will be affected by employment termination in the following manner: All accrued, vested benefits that are due and payable at termination will be paid if requirements are met. Some benefits may be continued at the employee's expense if the employee chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

An employee's termination date shall always be the last day worked. An employee's termination date may not be extended to include accrued and/or unused paid or unpaid time off.

The County may schedule exit interviews at the time of employment separation to afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the County, or return of County-owned property. Suggestions, complaints, and questions may also be expressed.

If an employee fails to return to work after a leave of absence expires, the employee shall be considered to have voluntarily resigned and will be responsible for repaying the County for insurance premiums paid during that period.

3.20 RETURN OF PROPERTY

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. All property must be returned by employees on or before their last day of work. If an employee does not return their keys and/or key fob they will have \$25 deducted from their final check.

The County may also take all action deemed appropriate to recover or protect its property.

4. EMPLOYEE BENEFITS

The policies contained in this chapter and throughout the Clinton County Personnel Policies Handbook apply to all Clinton County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.

Clinton County provides a wide range of benefits to eligible employees. Programs such as social security, workers' compensation, and unemployment insurance cover all employees in the manner prescribed by law. Eligibility for additional benefits depends on a variety of factors, many of which are described elsewhere in this handbook. The County Auditor can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in the personnel policies handbook.

Some benefit programs require contributions from the employee.

4.1 VACATION BENEFITS

Vacation time off with pay is available to eligible regular full-time employees to provide opportunities for rest, relaxation, and personal pursuits. Regular part-time and Full-time Affordable Care Act employees are not eligible to earn and shall not receive vacation time.

New employees shall earn vacation for the year in which they are hired based on the schedule below.

Hours of Vacation Earned First Year of Employment

Month Hired	40 Hour week	37.5 Hour week	35-Hour week	32-Hour week
January	40	37.5	35	32
February	40	37.5	35	32
March	32	30	28	28
April	32	30	28	28
May	24	22.5	21	21
June	24	22.5	21	21
July	16	15	14	14
August	16	15	14	14
September	8	7.5	7	7
October	0	0	0	0
November	0	0	0	0
December	0	0	0	0

Hours of Vacation Earned First Year of Employment

Month Hired	96-Hour pay period	84 Hour pay period
January	48	42
February	48	42
March	48	42
April	24	28
May	24	28
June	24	28
July	24	14
August	24	14
September	24	14
October	0	0
November	0	0
December	0	0

Once employees enter an eligible employment classification, they begin to earn paid vacation time based on their length of service for the upcoming year and the schedule below. However, before vacation time can be used, the Introductory Period of 90 calendar days must be completed.

An employee who is terminated during their Introductory Period will not be entitled to pay for accrued vacation. An employee whose Introductory Period is extended will be entitled to vacation unless terminated during the extended Introductory Period.

Any Regular Part Time or Temporary employee hired as Regular Full Time who has accumulated 3 months or more of employment in said calendar year, (not necessarily consecutive days), may have the Introductory Period waived by the department head or elected official into which that individual enters as a regular employee.

Vacation benefits are evenly accrued throughout the year. The following is a summary of maximum accrued vacation benefits based on the employee's length of service.

VACATION EARNING SCHEDULE

Length of service	Annual Vacation Hours			
	40 Hour week	37.5 Hour week	35 Hour week	32 Hour week
1 st Year through 9 th Year	80	75	70	64
10 th Year through 19 th Year	120	112.5	105	96
20 th Year and subsequent years	160	150	140	128

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Length of service	Annual Vacation Hours	
	96 Hour pay period	84 Hour pay period
1 st Year through 9 th Year	96	120
10 th Year through 19 th Year	144	180
20 th Year and subsequent Years	192	240

Paid vacation time can be used in increments of one hour or more. To take vacation, employee must request advance approval from their department head or Elected Official. Requests will be reviewed based on a number of factors, including department needs and staffing requirements.

An employee must take any portion or all of the allowed vacation during the calendar year subject to approval of the Department Head or Elected Official.

All employees, except for Elected Officials are responsible for recording vacation time used.

No accrued but unused vacation balance will be carried forward to the next calendar year. Therefore, vacation is either used or lost. No compensation will be paid for vacation not used. Employees who have earned twenty (20) or more years of service and leave their employment on a voluntary basis will be paid for all unused vacation time upon termination of employment. Employees who voluntarily resign from employment will be paid for unused vacation time on a pro-rated basis.

Vacation can be used immediately at the beginning of the year with Department Head or Elected Official approval. If the employee voluntarily or involuntarily terminates employment during the year and has taken more of their vacation time than they have accrued, the amount taken above the accrual will be deducted, to the extent possible, from their final paycheck. This provision will not apply to employees who are subject to Layoff.

Vacation time off is paid at the employee's base rate at the time of vacation. In the event a holiday falls while an employee is on vacation, the employee will not be charged a vacation day for that holiday.

Vacation time shall be paid at the base rate at the time of which it is used. Time off on vacation shall not be counted as hours worked when calculating overtime.

No vacation shall accrue while an employee is on unpaid leave

4.1.1 EMS

Employees will earn vacation hours as outlined below. The order of selecting vacation will be determined by years of employment with Clinton County EMS, longest years of service to least years of service. Each vacation selection can be requested one month or more in advance. Only one Medic and one EMT will be able to be off at the same time.

New employees shall earn vacation for the year in which they are hired based on the schedule below.

Month Hired	Hours Earned
January	48
February	48
March	48
April	24
May	24
June	24
July	24
August	24
September	24
October	0
November	0
December	0

Years of eligible service	Vacation Hours Annually
1 st Year through 9 th Year	96
10 th Year through 19 th Year	144
20 th Year and subsequent years	192

Paid vacation time must be used in increments of twelve (12) hours or more. Except when used for FMLA which is increments of one (1) hour. To take vacation, employees must request advance approval from their Department Head. Requests will be reviewed based on a number of factors, including departmental needs and staffing requirements.

An employee must take any portion or all of the allowed vacation during the calendar year subject to the approval of the Department Head.

All vacations may be postponed, split, or rescheduled by the EMS Director at any time, based on manpower levels are below the minimum acceptable standards and over-time funds are completely expended.

4.2 HOLIDAYS

The Board of Commissioners will establish a holiday schedule on an annual basis and post it prior to the beginning of the upcoming year. The Board of Commissioners may permit the Courthouse and other County Departments to be open on a designated holiday.

If a full-time non-exempt employee works on a holiday when offices are closed, they will be paid for all hours worked and receive personal time equal to the number of hours worked on the holiday.

Regular Full Time and Introductory employees are eligible for holiday time off. Part Time employees are eligible for holiday pay when the holiday falls on a regularly scheduled work day. Temporary employees are not eligible for holiday under any circumstances

Holiday pay will be based on the employee's base pay rate, as of the date of the holiday times the number of hours the employee would otherwise have worked on that day.

Employees shall receive monetary compensation for holiday pay and shall not be credited with compensatory time-off credit in lieu of monetary compensation. Employees may not substitute another day off instead of the designated day off.

Time off for Holidays shall be considered hours worked in calculating overtime.

To be eligible for holiday pay, employees must work the last scheduled day immediately preceding and the first scheduled day immediately following the holiday unless excused by the Department Head or Elected Official.

Holidays that fall during an eligible employee's paid absence (e.g. vacation, annual leave), holiday pay will be provided instead of the paid time off benefit that would otherwise be applied.

4.2.1 EMS

If a full-time non-exempt EMT is scheduled to work on a holiday, they will receive their regular pay and a \$400 holiday allowance. To be eligible for the holiday allowance, employees must work the entire 24-hour shift unless excused by the Department Head.

If a full-time non-exempt Paramedic is scheduled to work on a holiday, they will receive their regular pay and a \$600 holiday allowance. To be eligible for the holiday allowance, employees must work the entire 24 hours shift unless excused by the Department Head.

Employees not scheduled to work on a holiday will not receive holiday allowance.

4.2.2 Parkview

Part-time employees scheduled to work on a holiday shall receive one and one-half their hourly rate for all hours worked.

4.2.3 Highway

Highway Department non-exempt employees who work on any day or days which have been designated by the Board of Commissioners as a holiday for County employees shall receive regular holiday pay plus time and one half for all hours worked on the holiday.

4.2.4 Sheriff/Jail/Dispatch

Employees of the Sheriff Department, Jail, and Dispatch shall receive one half (1/2) of the holiday hours in January and June of each year to be scheduled and taken. Employees who schedule and take the holiday hours off prior to the actual holiday and then terminate employment will have their final pay check deducted for those hours or will be responsible for reimbursement to the County for those hours.

4.3 PERSONAL TIME

Regular Full Time Employees are eligible for paid personal time to provide them the opportunity to take time off from work for personal reasons without necessarily scheduling the time off as far in advance as for vacation time off as described in this policy.

Paid personal time is not to be regarded as “earned” time off, or being “vested” at any time, nor as an additional form of compensation.

New employees will accrue personal time at the rate of 1 day of leave for each 3 full months worked. At the beginning of each year, eligible employees will be credited with 4 days of personal time. Effective January 1 following their first year of employment, new employees will be credited with 4 days paid personal time. For the calculation of personal time, one (1) day of leave is equal to one work shift.

Paid personal time may not be carried forward from one year to another, and no payment of cash equivalent shall be due for any unused paid personal time.

Payment for personal time shall be made with payment for the payroll period in which the leave was taken. Paid personal time may not be taken to extend the length of vacation (either at the beginning or end) unless it is requested and approved in advance by the Department Head, Elected Official or their designee.

The work requirements of each Department must take priority in scheduling paid personal time. The Department Head, Elected Official or their designee may cancel previously scheduled paid personal time if the Department Head, Elected Official or their designee determine that performance of essential public functions of the department is jeopardized by the employee's scheduled absence on paid personal time.

If an employee is absent, without advanced approval by the Department Head or Elected Official, the employee will generally not be permitted to charge the time against available but unused paid personal time and will be subject to disciplinary action up to and including termination of employment. The Department Head or Elected Official may, however, allow time off that was not scheduled in advance to be charged against available but unused paid personal time if the Department Head or Elected Official, in their discretion, judges the circumstances to have constituted an emergency.

No employee shall be entitled to payment of the cash equivalence of any unused paid personal time upon termination of employment.

4.4 SICK LEAVE

Clinton County provides paid sick leave benefits to all Regular Full-Time employees for periods of temporary absence due to illnesses or injuries. New employees will accrue sick leave benefits at the rate of 1 day of leave for each 2 full months worked. At the beginning of each year, eligible employees will be credited with 7 days of sick leave benefits. Effective January 1 following their first year of employment, new employees will be credited with 7 days of paid sick leave. For the calculation of sick time, one (1) day of leave is equal to one regularly scheduled work shift.

Unused sick leave benefits will be allowed to accumulate until the employee has accrued a total of 490 hours of sick leave benefits. If the employee's benefits reach this maximum, further accrual of sick leave benefits will be suspended until the employee has reduced the balance below the limit. Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence.

Paid sick leave can be used in minimum increments of one hour. Employees may use sick leave benefits for an absence due to personal illness or injury or for illness or injury to a family member.

Clinton County defines "immediate family" as the employee's spouse, parent, child, or sibling; the employee's spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren. Special consideration will also be given to any other person whose association with the employee was similar to any of the above relationships.

All employees except for Elected Officials are responsible for recording the use of sick leave benefits.

Before returning to work from a personal sick leave absence of three calendar days or more, an employee must provide a physician's verification that they may safely return to work.

As an additional condition of eligibility for sick leave benefits, an employee on an extended absence must apply for any other available compensation and benefits, such as workers' compensation. Sick leave benefits can be used to supplement any payments that an employee is eligible to receive from state disability insurance, workers' compensation or County-provided disability insurance programs.

The combination of any such disability payments and sick leave benefits cannot exceed the employee's normal weekly earnings.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury and may not be used for any other absence. Unused sick leave benefits will not be paid to employees while they are employed or upon termination of employment.

4.5 Maternity/Paternity Leave

After successful completion of the 90 day introductory period, employees who are the parent or guardian will be eligible for two (2) weeks at full pay for the birth of a son or daughter, and to care for the newborn child, or the placement of a son or daughter for adoption or foster care. Following that, the parent(s) will then be required to use (1) compensatory time off, (2) unused sick leave benefits, (3) personal leave, and (4) one half of their vacation time in that order before taking unpaid leave.

4.6 FAMILY AND MEDICAL LEAVE (FMLA)

The County shall comply with all regulations as described in the Family and Medical Leave Act (FMLA) of 1993 including all subsequent revisions. This policy serves as a general description of employee's FMLA rights; therefore, in the event a conflict arises between this policy and applicable law, employees shall be granted all such rights allowed by law. Clinton County shall adhere to the "General Notice Requirements" prescribed by the Department of Labor through the following actions:

1. Posting required FMLA information explaining provisions of the Act and procedures for filing complaints of violations of the Act with the Wage and Hour Division of the Department of Labor. This information shall be posted prominently where it can be readily viewed by employees and applicants for employment; and
2. Providing this general notice to each County employee by including the notice in the Personnel Policies Handbook or other written guidance to employees concerning employee benefits and leave rights. The general notice may be distributed electronically as deemed appropriate by Clinton County.

4.6.1 Entitlement

Eligible employees are entitled to twelve (12) weeks of unpaid FMLA leave for the following situations:

1. The birth of a son or daughter, and to care for the newborn child;
2. The placement with the employee of a son or daughter for adoption or foster care;
3. To care for the employee's spouse, son, daughter, or parent with a serious health condition; and
4. The employee's own serious health condition that makes the employee unable to perform the functions of one's position.

4.6.1(A) Serious Health Condition Defined

For purposes of FMLA, a "serious health condition" is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care (an overnight stay in a hospital, hospice, or residential medical care facility), including any period of incapacity or any subsequent treatment in connection with such inpatient care, or a condition that requires continuing care by a licensed health care provider. This policy is intended to cover illnesses of a serious and long-term nature resulting in recurring or lengthy absences.

4.6.1(B) Chronic, Permanent, or Long-term Health Condition Defined

For purposes of FMLA, a "chronic serious health condition" requires periodic visits, defined as at least twice a year, for treatment by a health care provider, or by a nurse under direct supervision of a health care provider. Such condition continues over an extended period of time, including recurring episodes of a single underlying condition, and may cause episodic rather than a continuing period of incapacity.

A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective, represents a "permanent or long-term health condition." The employee or family member, with such condition, must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

This policy is intended to cover chronic, permanent, and long-term health conditions as defined by the FMLA.

4.6.2 Eligibility

An “eligible employee” is an employee of a covered employer who:

1. Has been employed by the employer for at least 12 months;
2. Has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of leave; and
3. Is employed at a worksite where 50 or more employees are employed by the employer within 75 miles of that worksite.

Separate periods of employment with the County shall be counted towards the twelve (12) month requirement provided that the break in service does not exceed seven (7) years, unless the separate periods of employment are due to National Guard or Reserve military service obligations or where a written agreement exists concerning the employer’s intention to rehire the employee after a break in service.

4.6.2(A) Intermittent Leave or Reduced Leave Schedule

Intermittent leave or leave on a reduced leave schedule must be medically necessary due to a serious health condition or a serious injury or illness.

An employee shall advise the County, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable. The employee and Clinton County shall attempt to work out a schedule for such leave that meets the employee’s needs without unduly disrupting the County’s operations, subject to the approval of the health care provider.

4.6.3 Employee Notice Requirements

4.6.3(A) Foreseeable FMLA Leave

An employee must provide the County at least thirty (30) days advance written notice before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a family member.

If thirty (30) days notice is not practicable, because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given

as soon as practicable – typically either the same day or the next business day of needing such leave.

Those employees who do not provide at least thirty (30) days notice for foreseeable leave, shall be required to explain the reason(s) why such notice was not practicable under the County’s FMLA policy.

When planning medical treatment, the employee must consult with the employer and make a reasonable effort to schedule the treatment so as not to disrupt unduly the employer’s operations, subject to the approval of the health care provider.

4.6.3(a) Employee Failure to Provide Notice

When the need for FMLA leave is foreseeable at least thirty (30) days in advance and an employee fails to give timely advance notice with no reasonable excuse, the employer may delay FMLA coverage until thirty (30) days after the date the employee provides notice. The need for leave and the approximate date leave would be taken must have been clearly foreseeable to the employee thirty (30) days in advance of the leave.

When the need for FMLA leave is foreseeable fewer than thirty (30) days in advance and an employee fails to give notice as soon as practicable under the particular facts and circumstances, the extent to which an employer may delay FMLA coverage for leave depends on the facts of the particular case.

4.6.3(B) Unforeseeable FMLA Leave

When the approximate timing of the need for leave is not foreseeable, an employee must provide notice to the County as soon as practicable under the facts and circumstances of the particular case.

It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by the employer’s usual and customary notice requirements applicable to such leave.

Notice may be given by the employee’s “spokesperson” (e.g., spouse, adult family member, or other responsible party) if the employee is unable to do so personally.

4.6.3(b) Employee Failure to Provide Notice

When the need for FMLA leave is unforeseeable and an employee fails to give notice in accordance with the County's FMLA policy, the extent to which the County may delay FMLA coverage for leave depends on the facts of the particular case.

4.6.3(C) Requesting FMLA Leave

All requests for FMLA leave shall be submitted, in writing on forms prescribed by the County, to the Auditor Office to assist the Elected Official/Department Head in making a determination for approval. Such requests shall be supported by medical certification on FMLA forms prescribed by the County.

When an employee seeks leave due to a FMLA-qualifying reason for which the County has previously provided the employee FMLA-protected leave, the employee **must** specifically reference either the qualifying reason for leave or the need for FMLA leave.

Employees should contact Auditor to secure such forms and procedures used for requesting leave under the County's Family and Medical Leave policy.

4.6.4 Employer Notice Requirements

4.6.4(A) Eligibility and Rights & Responsibilities

When an employee requests FMLA leave, or when the County acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the County must notify the employee of the employee's eligibility to take FMLA leave within five (5) business days, absent extenuating circumstances.

Employee eligibility is determined, and notice shall be provided, at the commencement of the first instance of leave for each FMLA qualifying reason in the applicable twelve (12)-month period.

The County shall use the Department of Labor form **WH-381 (Notice of Eligibility and Rights & Responsibilities)** to satisfy requirements under this section.

4.6.4(B) Designation Notice

The employer is responsible in all circumstances for designating leave as FMLA-qualifying, and for giving notice of the designation to the employee. When the County has enough information to determine whether the leave is being taken for a FMLA-qualifying reason (e.g., after receiving a certification), the County shall notify the employee whether the leave will be designated and will be counted as FMLA leave within five (5) business days absent extenuating circumstances. Only one (1) notice of designation is required for each FMLA-qualifying reason per applicable twelve (12)-month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or intermittent or reduced schedule leave.

If the County determines that the leave will not be designated as FMLA-qualifying (e.g., if the leave is not for a reason covered by FMLA or the FMLA leave entitlement has been exhausted), the County shall notify the employee of that determination.

If the County has sufficient information to designate the leave as FMLA leave immediately after receiving notice of the employee's need for leave, the County may provide the employee with the designation notice at that time.

If the information provided by the County to the employee in the designation notice changes (e.g., the employee exhausts the FMLA leave entitlement), the County shall provide, within five (5) business days of receipt of the employee's first notice of need for leave subsequent to any change, written notice of the change.

The County shall use the Department of Labor form **WH-382 (Designation Notice)** to satisfy requirements under this section.

4.6.5 Certification

Clinton County shall require that an employee's leave to care for the employee's covered family member with a serious health condition, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position, be supported by a certification issued by the health care provider of the employee or the employee's family member. Initial certification requests by the County shall be at the employee's expense.

Clinton County shall give notice of a requirement for certification each time a certification is required. Employees shall be notified through form **WH-381 (Notice of Eligibility and Rights & Responsibilities)**.

Clinton County shall provide an employee with the appropriate certification form at the same time the County provides an employee with form **WH-381 (Notice of Eligibility and Rights & Responsibilities)**. The County shall use Department of Labor forms as follows: **WH-380-E (Employee's Serious Health Condition)** or **WH-380-F (Family Member's Serious Health Condition)**.

At the time the County requests certification, the County shall also advise the employee of the anticipated consequences of the employee's failure to provide adequate certification.

The employee must provide the requested and complete certification to the County within fifteen (15) calendar days after the County's request.

4.6.5(A) Complete and Sufficient Certification

The employee must provide a complete and sufficient certification to the County. The County shall advise an employee whenever the County finds a certification incomplete or insufficient and shall state in writing what additional information is necessary to make the certification complete and sufficient. The employee shall have seven (7) calendar days to fix any such deficiency.

If the deficiencies specified by the County are not fixed in the resubmitted certification, the County may deny the taking of FMLA leave, in accordance with Federal law.

4.6.5(B) Clarification and Authentication

If an employee submits a complete and sufficient certification signed by the health care provider, the County may not request additional information from the health care provider. However, the County may contact the health care provider for purposes of clarification and authentication of the medical certification (whether initial certification or recertification) after the County has given the employee an opportunity to fix any deficiencies (see above). To make such contact, the Auditor or designated official by the County Commissioners will be responsible for obtaining clarification and/or authentication. Under no circumstances, may the employee's direct supervisor contact the employee's health care provider.

The County shall not ask health care providers for additional information beyond that required by the certification form. The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule must be satisfied when individually identifiable health information of an employee is shared with the County by a HIPAA-covered health care provider.

4.6.5(C) Second and Third Medical Opinion

The County reserves the right to require a second medical opinion from an independent medical provider. The County shall pay for the second opinion, including reasonable “out-of-pocket” travel expenses, and shall designate a provider who is not an employee of the County. If the two (2) opinions conflict, the County shall pay for a third opinion, including reasonable “out-of-pocket” travel expenses.

The opinion of the third provider is final and binding on both the County and the employee.

The County may deny FMLA leave to an employee who refuses or whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. The County shall provide the employee with a copy of second and/or third medical opinions within five (5) business days.

4.6.5(D) Recertification

The County may require an employee to report periodically during the leave period on the employee's leave status and the employee's intention to return to work.

The County may seek recertification for leave taken due to an employee's own serious health condition or the serious health condition of a family member, no more than every thirty (30) days unless the employee requests an extension of leave, circumstances described by the previous certification have changed significantly, or the County receives information that casts doubt upon the employee's stated reason for the absence or the continuing validity of the certification.

Where the employee's need for leave due to the employee's own serious health condition, or the serious health condition of the employee's covered family member, lasts beyond a single leave year, the County shall require the employee to provide a new medical certification in each subsequent leave year.

The employee must provide the requested recertification to the County within fifteen (15) calendar days after the employer's request.

Any recertification requested by the County shall be at the employee's expense.

4.6.5(E) **Fitness-for-Duty Certification**

The County may require a fitness-for-duty certification before an employee returns to work from FMLA leave other than intermittent leave. The County shall notify an employee in form **WH-382 (Designation Notice)** whether a fitness-for-duty certification shall be required.

The cost of the certification shall be borne by the employee, and the employee is not entitled to be paid for the time or travel costs spent in acquiring the certification.

The County may delay restoration to employment until an employee submits a required fitness-for-duty certification.

4.6.6 **Calculation of FMLA Leave**

For purposes of calculating employee entitlement for a subsequent FMLA leave, the "twelve (12)-month period" is measured forward from the date when the employee's previous FMLA leave began. For example, under this method an employee is entitled to twelve (12) weeks of leave the first time FMLA leave is taken (e.g., March 7, 2022); the next twelve (12)-month period would begin the first time leave is taken after completion of that twelve (12)-month period ending on (e.g., March 6, 2023).

In situations where spouses work for the County and FMLA leave is requested and approved to care for a newborn child or a child newly placed for adoption or foster care, the employee(s) **combined total** leave is limited to twelve (12) weeks. Such leave must be taken within twelve (12) months from the date of birth or the date of placement.

An employee must use any accrued paid leave (compensatory time, sick leave, personal days, and ½ of vacation days) for any part of the twelve (12) week period of such leave under the County's FMLA policy. At the option of the employee, all vacation days may be utilized to provide compensation during an employee's FMLA leave. Any holiday that occurs during an FMLA leave shall be paid.

Accruals for benefit calculations, such as vacation, sick leave, or holiday benefits, shall not be affected by taking FMLA leave.

4.6.6(A) **Intermittent Leave or Reduced Leave Schedule**

Intermittent leave shall be calculated using one (1) hour increments.

4.6.6(B) Health Benefits

Any health plan, including self-insured plans, provided by the County will be continued for the employee on FMLA leave on the same terms that would have been provided if the employee had continued their work during the period that they were on approved FMLA leave. County employees are responsible for paying their share of the premium costs while on FMLA leave. If an employee chooses not to return to work for reasons other than a continuing serious health condition of the employee or the employee's family member, or a circumstance beyond the employee's control, the County shall require the employee to reimburse the employer the amount it paid for the employee's health insurance premium during the leave period.

4.6.7 Employee Reinstatement

On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or their position has been restructured to accommodate the employee's absence.

However, the County may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate situations of intermittent leave.

If the employee fails to return to work, they shall repay the County's portion of the premium costs and any of the employee's portions that were not paid by the employee during the FMLA leave.

The County shall consider an employee's failure to report to work at the end of the leave period as an employee resignation.

While an employee is on FMLA leave for their own serious illness or injury, they shall not be engaged in outside employment.

4.6.8 Military Family Leave Entitlements

4.6.8(A) Employee Notice Requirements

Employees seeking to use Military Caregiver leave **must** provide thirty (30) days advance written notice of the need to take such leave for planned medical treatment for a serious injury or illness of a covered servicemember. If leave is foreseeable but thirty (30) days advance notice is not practicable, the employee must provide notice as soon as practicable – generally, either the same or next business day.

An employee must provide written notice of the need for foreseeable leave due to a qualifying exigency as soon as practicable.

When the need for Military Family leave is not foreseeable, the employee must provide notice to the County as soon as practicable under the facts and circumstances of the particular case.

Generally, it should be practicable to provide notice for unforeseeable leave within the time prescribed by the County's usual and customary notice requirements. Please see section "Requesting FMLA Leave" above.

4.6.8(B) Entitlement

Eligible employees are entitled to **twelve (12) weeks** of unpaid Military Family leave for the following situation:

1. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces.

Eligible employees are entitled to **twenty-six (26) weeks** of unpaid Military Family leave for the following situation:

2. To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember.

4.6.8(C) Covered Active Duty Defined

The term "covered active duty" means, in the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country or international waters; and in the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country or international waters under a call or order to active duty pursuant to applicable law.

4.6.8(D) Covered Servicemember Defined

The term "covered servicemember" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in

outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness, or condition that existed before the servicemember's active duty but was aggravated by service in the line of duty on active duty; or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury, illness, or condition that existed before the servicemember's active duty but manifested before or after becoming a veteran, and who was a member of the Armed Forces, including a member of the National Guard or Reserves, at any time during the period of five (5) years preceding the date on which the veteran undergoes such medical treatment, recuperation, or therapy. The employee's first date of leave must occur within the five (5) year period; however, the employee may continue to take such leave throughout the "single 12-month period" of leave even if the leave extends beyond the five (5) year period.

4.6.8(E) Qualifying Exigency Leave

Eligible employees may take **up to a total of twelve (12) weeks** of unpaid Military Family leave during the normal twelve (12)-month period established by the County for FMLA leave for qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent (the "covered military member") is on covered active duty, or has been notified of an impending call or order to covered active duty, in the Armed Forces.

A call to covered active duty for purposes of leave taken because of a qualifying exigency refers to a Federal call to covered active duty. State calls to covered active duty are not covered unless under order of the President of the United States pursuant to applicable law.

Such leave may commence as soon as the military member receives the call up notice. **This type of leave will be counted toward the employee's twelve (12)-week maximum of FMLA leave in a twelve (12)-month period.**

Qualifying exigencies include the following:

1. **Short-notice deployment:** Issues arising from a covered military member's short notice deployment (i.e., deployment on seven [7] or less days of notice) for a period of seven (7) days from the date of notification;
2. **Military events and related activities:** Events and activities, such as official ceremonies, programs, or events sponsored by the military or family support or assistance programs and informational briefings sponsored or promoted by the military,

military service organizations, or the American Red Cross that are related to the covered active duty or call to covered active duty status of a covered military member;

3. **Childcare and related activities:** Certain childcare and related activities arising from the covered active duty or call to covered active duty status of a covered military member, such as arranging for alternative childcare, providing childcare on a non-routine, urgent, immediate need basis, enrolling or transferring a child in a new school or day care facility, and attending certain meetings at a school or a day care facility if they are necessary due to circumstances arising from the covered active duty or call to covered active duty of the covered military member;
4. **Financial and legal arrangements:** Making or updating financial and legal arrangements to address a covered military member's absence;
5. **Counseling:** Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of the covered military member, the need for which arises from the covered active duty or call to covered active duty status of the covered military member;
6. **Rest and recuperation:** Taking up to fifteen (15) days of leave to spend time with a covered military member who is on short-term temporary, rest, and recuperation leave during deployment;
7. **Post-deployment activities:** Attending to certain post-deployment activities, including attending arrival ceremonies, reintegration briefings and events, and other official ceremonies or programs sponsored by the military for a period of ninety (90) days following the termination of the covered military member's covered active duty status, and addressing issues arising from the death of a covered military member; and
8. **Additional activities:** Any other event that the employee and County agree is a qualifying exigency.

4.6.8(a) Certification

The first time an employee requests leave because of a qualifying exigency arising out of the covered active duty or

call to covered active duty status of a covered military member, the County shall require the employee to provide a copy of the covered military member's covered active duty orders or other documentation issued by the military which indicates that the covered military member is on covered active duty or call to covered active duty status, and the dates of the covered military member's covered active duty service. This information need only be provided to the County once. A copy of new covered active duty orders or other documentation issued by the military shall be provided to the County if the need for leave because of a qualifying exigency arises out of a different covered active duty or call to covered active duty status of the same or a different covered military member.

The County shall use the Department of Labor form **WH-384 (Qualifying Exigency)** to satisfy requirements under this section.

The employee must provide the requested and complete certification to the County within fifteen (15) calendar days after the County's request.

4.6.8(b) Verification

If an employee submits a complete and sufficient certification to support their request for leave because of a qualifying exigency, the County shall not request additional information from the employee. However, if the qualifying exigency involves meeting with a third party, the County shall contact the individual or entity with whom the employee is meeting for purposes of verifying a meeting or appointment schedule and the nature of the meeting between the employee and the specified individual or entity. The employee's permission is not required in order to verify meetings or appointments with third parties, but no additional information may be requested by the County. The County also shall contact the appropriate unit of the Department of Defense to request verification that a covered military member is on covered active duty or call to covered active duty status; no additional information may be requested and the employee's permission is not required.

4.6.8(F) Military Caregiver Leave

Eligible employees who are a spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness may take **up to a total of twenty-six (26) weeks** of unpaid Military Family leave during a “single twelve (12)-month period” to care for the servicemember.

Eligible employees may not take leave under this provision to care for military members on the permanent disability retired list.

This is the only type of FMLA leave that may extend an employee’s leave entitlement beyond twelve (12) weeks to a **combined total** of twenty-six (26) weeks of leave for any FMLA-qualifying reason during the “single twelve (12)-month period.” However, only twelve (12) of the twenty-six (26) weeks total may be for a FMLA-qualifying reason other than to care for a covered servicemember.

The “single twelve (12)-month period” for leave to care for a covered servicemember with a serious injury or illness begins on the first day the employee takes leave for this reason and ends twelve (12)-months later, regardless of the twelve (12)-month period established by the employer for other types of FMLA leave.

Spouses who are eligible for FMLA leave and are both employed by the County shall be limited to a **combined total** of twenty-six (26) weeks of leave during the “single twelve (12)-month period” if the leave is taken for birth of the employee’s son or daughter or to care for the child after birth, for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement, to care for the employee’s parent with a serious health condition, or to care for a covered servicemember with a serious injury or illness.

4.6.8(b) Next of Kin Defined

The “next of kin of a covered servicemember” is the nearest blood relative, other than the covered servicemember’s spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as their nearest blood relative for purposes of Military Caregiver leave under the FMLA.

4.6.8(c) Designating Leave

In the case of leave that qualifies as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition during the “single twelve (12)-month period,” the County shall designate such leave as leave to care for a covered servicemember in the first instance. Leave that qualifies as both leave to care for a covered servicemember and leave taken to care for a family member with a serious health condition during the “single twelve (12)-month period” will not be designated and counted as both leave to care for a covered servicemember and leave to care for a family member with a serious health condition.

This section also applies to leave taken for other FMLA-qualifying reasons.

4.6.8(d) Certification

When leave is taken to care for a covered servicemember with a serious injury or illness, the County shall require an employee to obtain a certification completed by an authorized health care provider of the covered servicemember. Certification requests by the County shall be at the employee’s expense.

The County, if appropriate, shall seek authentication and/or clarification of the certification as stated above in the County’s FMLA policy. However, second and third opinions and recertifications, as outlined above in the County’s FMLA policy, are not permitted for leave to care for a covered servicemember.

The County shall require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember.

The County shall use the Department of Labor form **WH-385 (Serious Injury or Illness of Covered Servicemember)** to satisfy requirements under this section.

The employee must provide the requested and complete certification to the County within fifteen (15) calendar days after the County’s request.

4.6.8(e) ITOs and ITAs Certification

The County, in place of the Department of Labor form WH-385, shall accept “invitational travel orders” (“ITOs”) or “invitational travel authorizations” (“ITAs”) issued to any family member to join an injured or ill servicemember at their bedside as sufficient certification under this policy. An ITO or ITA is sufficient certification for the duration of time specified in the ITO or ITA.

During that time period, an eligible employee may take leave to care for the covered servicemember in a continuous block of time or on an intermittent basis. An eligible employee who provides an ITO or ITA to support their request for leave shall not be required to provide any additional or separate certification that leave taken on an intermittent basis during the period of time specified in the ITO or ITA is medically necessary. An ITO or ITA is sufficient certification for an employee entitled to take FMLA leave to care for a covered servicemember regardless of whether the employee is named in the order or authorization.

If an employee will need leave to care for a covered servicemember beyond the expiration date specified in an ITO or ITA, the County shall request that the employee have an authorized health care provider complete the Department of Labor form **WH-385 (Serious Injury or Illness of Covered Servicemember)**, as requisite certification for the remainder of the employee’s necessary leave period.

The County, if appropriate, shall seek authentication and/or clarification of the ITO or ITA as stated above in the County’s FMLA policy. However, second and third opinions and recertifications, as outlined above in the County’s FMLA policy, are not permitted during the period of time in which leave is supported by an ITO or ITA.

The County shall require an employee to provide confirmation of covered family relationship to the seriously injured or ill servicemember.

In all instances in which certification is requested, it is the employee’s responsibility to provide the County with

complete and sufficient certification and failure to do so may result in the denial of FMLA leave.

4.7 MILITARY LEAVE

Clinton County is committed to protecting the job-related rights of employees absent on military leave. In accordance with federal and state law, including the Uniformed Services Employment and Re-employment Rights Act (USERRA) of 1994, the County will not discriminate against any employee on the basis of that person's membership in or obligation to perform service for any of the uniformed services of the United States.

4.7.1 Annual Training

A military leave of absence will be granted to all full-time Clinton County employees to attend scheduled drills or training, or to respond to call to active duty with the U.S. armed services. Employees with appropriate military orders will be granted paid leave for annual training for Reserve or National Guard for a period of up to fifteen (15) days per year; and are entitled to civilian (Clinton County) and military pay up to fifteen (15) days per year. Such military leave will not be charged against an employee's vacation time, and seniority will continue to accrue in the same manner as for employees not on military leave.

Subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible, the employer will continue to provide health insurance benefits for the full term of the annual training period.

Employees on two-week active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time.

4.7.2 Active Duty/Enlistment

The Uniformed Services Employment and Re-employment Rights Act (USERRA) of 1994 grants special considerations and rights to employees that are either called to active military status or enlist in the armed forces. Active duty military leave will be unpaid.

USERRA requires employers to grant such employees reinstatement of the position held at the time of departure for military service, or in some cases to a position of equivalent or equal stature and pay provided the employee is discharged from service honorably. The cumulative length of service that causes an absence from a position may not exceed five (5) years, except where provided by law.

USERRA also requires that returning eligible employees be granted seniority and benefits at the same level as if the employee had not left employment for service. Benefit time will continue to accrue while an employee is on military leave. Additionally, service members are able (but are not required) to use accrued vacation or annual leave while performing military duty.

If an employee's health plan coverage would terminate because of an absence due to uniformed service, the person may elect at their own cost to continue the health plan coverage for up to 18 months after the absence begins, or the period of service, whichever is shorter.

Upon returning from military leave of absence an employee will be reinstated to a Clinton County position provided the employee is discharged from military status under honorable conditions and makes a request for reinstatement within thirty (30) days after release from active duty, or one year after release from hospitalization due to military accident. The employee must also be qualified to perform the essential functions of the position for which they are being reinstated and shall be required to undergo a medical examination by medical provider(s) paid for by the County.

Employees on such leave must notify Clinton County of the intent to return to employment in accordance with all applicable state and federal laws.

4.7.3 Military Family Leave

Eligible employees that are a parent, spouse, grandparent, or sibling of a person who is ordered to active duty for a period exceeding eighty-nine (89) days may be allowed military family leave under qualifying circumstances. In order for an employee to be eligible for military family leave, the employee must have worked for Clinton County for the previous twelve (12) months and worked a minimum of 1,500 hours during that period.

Eligible employees may take leave during either the thirty (30) days before active duty orders are in effect or during the period in which the person ordered to active duty has their orders terminated. Military family leave may not exceed a total ten (10) working days annually. Employees must notify their Elected Official/Department Head thirty (30) days in advance of the days they intend to take military family leave, unless the person ordered to active duty receives deployment orders less than thirty (30) days in advance. Clinton County requires verification of the military orders in order to approve military family leave.

Military family leave is unpaid and employees are responsible for paying their own benefits while on military family leave. An employee may substitute any earned paid vacation leave, personal leave, or compensatory time available to the employee for leave provided for any part of the ten (10) day period of military family leave.

4.8 LEAVE OF ABSENCE WITHOUT PAY

Regular full time employees who have exhausted all available paid leave, compensatory time, and unpaid FMLA leave time, and have a FMLA qualifying medical condition or serious injury necessitating additional leave time, may be granted a leave of absence without pay for the employee's own serious illness or injury not to exceed sixty (60) days. Such leave shall be supported by medical certification.

Likewise newly hired full-time employees who do not qualify for FMLA and have exhausted all available paid leave and compensatory time, may be granted a leave of absence without pay for the employee's own serious illness or injury as defined by the FMLA not to exceed sixty (60) days. Such leave shall be supported by medical certification.

Employees are not eligible for an additional leave without pay in a twelve (12) month period following the last day of the leave of absence without pay. During a leave of absence without pay, sick leave and vacation leave shall accrue, and such employee shall not receive compensation for designated holidays. During a leave of absence without pay, the employee's health insurance and INPRS benefits shall continue with the employee paying their portion.

Authorization for such leave shall be subject to the initial approval by the employee's Elected Official/Department Head and final approval by the County Commissioners.

Part-time and temporary/seasonal employees are not eligible for leave of absence without pay.

Terms and Conditions

Employees must exhaust all accrued leave and compensatory time before being granted a leave of absence without pay. The Elected Official/Department Head does not have the discretion to approve any employee unpaid leave time without County Commissioners' approval. All such leaves may be approved only after consideration of the effect of the leave on the department's operation and receipt of the appropriate supporting documentation.

Requests for leave without pay must be made in writing on the County Leave Without Pay Request Form submitted to the employee's Elected Official/Department Head. Leave requests shall be forwarded to the County Commissioners for final approval. Except in emergencies, the employee is required to make their request at least two weeks in advance of the anticipated leave.

The employee is expected to return to work as noted on the approved leave request, unless an extension has been granted. If the employee wishes to return to work before the approved date, two weeks' notice must be given to their Elected Official/Department Head.

Prior to returning to work the employee must submit a medical certification from their medical provider that they are fit for duty and can perform the full range of duties and meet job requirements that are specified in their job description.

If a leave of absence expires and the employee fails to return to work, the employee shall be considered to have voluntarily resigned.

4.9 BEREAVEMENT LEAVE

Regular full-time and part-time employees are entitled to paid bereavement leave. An employee wishing to take time off for the death of a family member should notify their Elected Official/Department Head immediately.

Employees are eligible for up to a maximum of five (5) consecutive regularly scheduled working days with pay upon death of a member of the employee's immediate family. The immediate family is defined to include husband or wife, parents, child or step-child, brother, sister, or other relative living in the employee's household or any association with the employee similar to that listed above. Such days must be in conjunction with the date of the death, the funeral, or memorial service.

Employees are eligible for up to a maximum of three (3) consecutive regularly scheduled working days with pay upon the death of an employee's father/mother-in-law, daughter/son-in-law, grandparent, grandchild, or brother/sister-in-law. Such days must be in conjunction with the date of the death, the funeral, or memorial service.

Employees are eligible for up to a maximum of one (1) scheduled work day with pay upon the death of an employee's aunt, uncle, nephew, niece, or cousin to attend the funeral. This day shall be granted only if the employee is scheduled to work on the day of the funeral. This does not apply to "great" aunt/uncle/niece/nephew.

Bereavement leave applies to blood relatives as well as relationships through marriage, or any association with the employee that was similar to any of the above relationships.

Bereavement leave shall be in conjunction with the time of death or date of funeral or memorial service and must be used consecutively. The employee's Elected Official or Department Head may ask the employee to provide a copy of the obituary or death notice of the deceased to be retained with the Employee's Service Record.

The Elected Official/Department Head may grant an employee additional time for travel to and from the funeral site, for other funerals, or for other necessary funeral duties, but will be charged against accrued compensatory time or vacation leave.

4.10 JURY DUTY AND COURT APPEARANCES

Clinton County encourages employees to fulfill their civic responsibilities by serving jury duty when summoned in any state, federal, or local court. All employees who are lawfully required to report to jury duty or to serve as witness in any Clinton County related cause of action in court, or to appear before any governmental agency, will be granted leave with pay by Elected Official/Department Head during the absence required for such duty.

Employees must show the jury duty summons to their Department Head or Elected Official as soon as possible so that the supervisor may make arrangements to accommodate their absence. Employees are expected to report for work whenever the court schedule permits. The amount of per diem paid to an employee for jury duty shall be paid to the County or deducted from the employee's pay if kept by the employee. Mileage compensation shall be kept by the employee.

If an employee is released from local jury duty with more than half of their regularly scheduled shift remaining, the employee is expected to report to work within one (1) hour.

The employee is not entitled to overtime compensation should the jury duty service time exceed their normal work hours for the day. The time the employee is away from work during jury services is not counted as "hours worked" for the purposes of calculating overtime.

Either Clinton County or the employee may request an excuse from jury duty if, in County's judgment, the employee's absence would create serious operational difficulties.

Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence.

Regular Full Time, Regular Part Time and Introductory Employees are eligible for paid jury duty leave.

Clinton County will continue to provide health insurance benefits for the full term of the jury duty absence. Vacation, sick leave, and holiday benefits will continue to accrue during unpaid jury duty leave.

The County will not reimburse employees when appearing in court for criminal or civil cases when the case is being heard in connection with the employee's personal matters, such as traffic court, divorce proceedings, custody, appearing as directed with a juvenile, etc. Such absences will be charged against the employee's comp time, or personal time as applicable.

4.11 AMERICANS WITH DISABILITIES ACT (ADA)

It is the policy of Clinton County that qualified individuals with disabilities not be excluded from participation in or benefit from the services, programs or activities of the County. It is the policy of the County not to discriminate against a qualified individual with a disability in job application procedures; the hiring, advancement or discharge of employees; employee compensation; job training, and other terms, conditions and privileges of employment. It is the intent of the County to comply with all applicable requirements of the Americans with Disabilities Act (ADA).

If a person is not able to perform the essential functions of a job, even with reasonable accommodation, the person is not qualified for the position.

The County will reasonably accommodate persons with a disability on a case-by-case basis, which may include making facilities readily accessible to individuals with a disability, restructuring jobs, modifying work schedules, modifying equipment, or similar accommodations.

Accommodations may not create an undue hardship for the County or other employees. An individual who cannot be reasonably accommodated for a job, without undue hardship, will not be selected for that position. A **Conditional Offer of Employment form** is available for use in the ADA Coordinator/County Commissioner Assistant.

All employees are required to comply with safety standards. Applicants who pose a direct threat to the health or safety of other individuals in the workplace, and which the threat cannot be eliminated by reasonable accommodation, will not be hired or retained. Current employees who pose a direct threat to the health or safety of the other individuals in the workplace will be placed on appropriate leave.

Further, disabled individuals cannot pose a direct threat to the safety of themselves or others. Generally, a "direct threat" means a significant risk to the health or safety of others that cannot be eliminated by reasonable accommodation.

Benefits provided to disabled individuals who are qualified to perform the work are not different from the benefits provided to other employees.

Members of the public, including individuals with disabilities and groups representing individuals with disabilities, are encouraged to submit suggestions to the ADA Coordinator/County Commissioners Assistant so the County might better meet the needs of individuals with disabilities pursuant to this policy.

Employee requests for accommodation under the County's ADA policy shall be submitted in writing on ADA forms (**Reasonable Accommodation Request form**) available in the ADA Coordinator/County Commissioner Assistant.

Clinton County requires medical certification to support a request of reasonable accommodation on the County's **Medical Review Form** available in the ADA Coordinator/County Commissioner Assistant. It shall be the responsibility of the employee to submit such forms in a timely manner.

Clinton County reserves the right to require a second medical opinion from an independent medical provider. Clinton County must pay for the second opinion. If the two opinions conflict, the County may seek and pay for a third medical opinion that will be final and binding on both the County and the employee.

Based on medical information provided, Clinton County will evaluate what, if any, reasonable accommodation may be extended to the employee. A determination for granting or denying a reasonable accommodation will be delayed until medical certifications are provided by the employee.

Any individual who believes they have received treatment inconsistent with the policies set forth above or any other requirement of ADA may file a complaint within sixty (60) days of the date of the alleged discriminatory act or practice with the ADA Coordinator/County Commissioner Assistant.

4.12 WORKERS' COMPENSATION

Clinton County provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period. While on workers' compensation disability, employee benefits shall accrue. Employee income received while on leave under this policy shall not exceed wages the employee would have normally received pre-major illness in-line-of-duty leave.

Any employee who sustains a work-related injury or illness should inform their Elected Official/Department Head immediately and the **Auditor's Office** within 24 hours. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

If the employee has a life threatening condition, they should proceed directly to the nearest hospital or medical facility.

Employees should contact the Auditor's Office to obtain information and forms regarding filing workers' compensation claims. Medical certifications are required. Once completed, all such forms are to be filed by the employee's Elected Official/Department Head with the insurance carrier, with a copy forwarded to the Auditors' Office.

As specified by Indiana workers' compensation statutes, when a compensable injury renders an employee unable to work, compensation for lost wages is paid starting on the eighth (8th) day. However, on the twenty-second (22nd) day of disability the employee will receive compensation for the first seven (7) days.

The first weekly installment of compensation is due fourteen (14) days after the disability begins. Not later than fifteen (15) days from the date that the first installment is due, the employer/carrier must tender to the employee an Agreement of Compensation, along with compensation due.

If however, the employer/carrier denies liability, a written notice of denial must be mailed within twenty-nine (29) days after the employer's knowledge of the alleged injury. The employer may obtain an additional thirty (30) day period if it establishes that the delay is due to an inability to obtain the medical information necessary to make a determination as to liability.

Certain injuries are excluded from workers' compensation coverage (e.g., employee intoxication, self-inflicted injuries, failure to use safety appliances, committing a violation of work rules, failing to obey a reasonable written or printed safety rule, knowing failure to perform a statutory duty). Neither the County or the insurance carrier will be liable for the payment of workers' compensation benefits or major illness/injury in-line-of-duty leave pay for off-duty injuries or illnesses that occur during an employee's voluntary participation in any off-duty recreational, social or athletic activity sponsored or not-sponsored by the County.

While an employee is on workers' compensation leave, they shall not be engaged in outside employment.

Holiday pay will not be paid in addition to major illness/injury in-line-of-duty leave pay.

During workers' compensation leave employees may be required to submit periodic medical certifications on their serious health condition. Before returning to work, the employee shall provide medical certification from a health care provider verifying that they may safely return to work.

Workers' compensation leave is designated as Family and Medical Leave Act (FMLA) leave beginning with the first day of leave. All such leave time used counts against the employee's twelve (12) week FMLA entitlement.

4.13 EMPLOYEE INSURANCE

Clinton County provides a medical, dental, vision, and life insurance programs for employees in a full-time position eligible for such benefits. Effective day of coverage will begin the first day of the month following thirty (30) days of full-time employment as stated in the Clinton County Employee Benefit Plan. A part-time employee who has been employed with the County for over sixty days will have the sixty day period waived when becoming a full-time employee. Effective coverage will begin on the first day of the month following the beginning of full time status. A portion of the annual premiums are paid by the County. Optional benefits programs are available through a payroll deduction program at a cost to the employee.

In the event that an employee takes an unapproved and/or unpaid leave for any reason other than bereavement or FMLA they shall be required to repay the County's portion of the Health insurance and any of the employee's portion. The County portion of health insurance premium shall be determined by the County Commissioners.

Each employee shall receive an insurance handbook describing all benefits upon completion of their orientation interview. The terms and conditions specified in such plans shall govern coverages. Group insurance benefits will continue while an employee is on disability leave and Family Medical Leave Act leave; however, employees will be responsible for the timely payment of those insurance premiums that are normally deducted from gross pay.

4.13.1 Supplemental Programs

Supplemental group medical, disability, and life insurance, including policies for family members, are available to eligible employees. The costs of such supplemental policies are paid entirely by the participating employee through voluntary payroll deductions. Information about these programs is available at the Auditor's Office.

4.14 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT (HIPAA)

The Health Insurance Portability and Accountability Act of 1996 (HIPAA) has four major administrative requirements for private and government sponsored health plans: portability, nondiscrimination, fraud and abuse, and administration simplification.

Clinton County is compliant with applicable HIPAA requirements and standards; and has established guidelines regarding the privacy of individually identifiable health information accordingly. Clinton County has designated the Auditor as the County's "privacy official" who is responsible for developing and implementing privacy policies and procedures; and is the contact person who is responsible for receiving complaints regarding compliance.

All County HIPAA inquiries shall be directed to the Auditor.

4.15 BENEFITS CONTINUATION (COBRA)

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the employer's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the employer's group rates plus, an administration fee.

The County, through a third-party administrator, provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the employer's health insurance plan. The notice contains important information about the employee's rights and obligations.

Specific details regarding eligibility and coverage are available in the Auditor's Office.

4.16 INDIANA PUBLIC RETIREMENT SYSTEM (INPRS)

All Regular Full-time County employees and Elected Officials are covered by INPRS, a retirement program established and maintained by the State of Indiana. INPRS pays benefits to covered workers or their dependents upon retirement, death, and in certain cases, serious illness or injury. The County contributes a percentage to the pension account. The amount the County contributes varies and is determined actuarially annually. The employee's contributions and

accumulated interest credits are refundable when an employee terminates employment prior to being eligible for benefits. INPRS's Employer Financed Pension requires ten (10) years of service for employees, and eight (8) years of service for Elected Officials to become vested and is paid by the County based on an employee's length of employment, average salary, retirement option selected and age at retirement.

Questions concerning the program should be directed to the County Auditor's Office and/or the Indiana Public Retirement System at One North Capital, Suite 001, Indianapolis, IN. 46204.

4.17 DEFERRED COMPENSATION

Clinton County offers a voluntary deferred compensation program to eligible employees.

Full-time employees may participate in a deferred compensation program. This program is a way to set-aside part of an employee's income through voluntary payroll deductions to defer the tax liabilities of such income until retirement rather than when it is earned. Different investment options are available. Employees interested in participating should contact the Auditor's Office.

Affordable Care Act, Part-time, and Seasonal employees are not eligible for this benefit.

5. WORKING CONDITIONS

The policies contained in this chapter and throughout the Clinton County Personnel Policies Handbook apply to all Clinton County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.

5.1 SAFETY

Clinton County provides information to employees about workplace safety and health issues through regular internal communication channels such as Department Head or Elected Official meetings with employees, bulletin board posting, memos, or other written communications.

Employees are expected to obey safety rules and to exercise caution in all their work activities. Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe conditions to the appropriate supervisor. Supervisors and employees at all levels of Clinton County are expected to correct unsafe conditions as promptly as possible. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify their Department Head or Elected Official, and the Elected Official/Department Head shall inform the Auditor within twenty-four (24) hours. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

In the case of an injury requiring medical attention, the employee should proceed directly to the nearest hospital or medical facility.

If a workplace injury requires long term medical attention, the injured employee will work with the supervisor to decide when to return to work, light duty job opportunities, and eligibility for continuing employment. In the case of permanent disability due to job injury, a final release will be arranged, if appropriate.

5.2 LACTATION SUPPORT

Clinton County shall provide for reasonable paid break time for an employee to express breast milk for their infant child for one (1) year after the child's birth each time such employee has need to express the milk. It is the responsibility of the employee to inform their supervisor of this need.

Clinton County shall provide a room or other location, other than a toilet stall, in close proximity to the work area, where employees can express their breast milk in privacy

which is shielded from view and free from intrusion from coworkers and the public during any period away from their unassigned duties.

The County shall make reasonable efforts to provide a refrigerator or other cold storage space for storing breast milk; or allow employees to store their breast milk in their own portable storage device until the end of their workday.

Except in cases of willful misconduct, gross negligence, or bad faith, Clinton County is not liable for any harm caused by or arising from either of the following that occur on the County's premises:

- a) The expressing of employees' breast milk; or
- b) The storage of expressed milk.

5.3 BLOODBORNE PATHOGENS

County employees working in high risk jobs will be offered bloodborne pathogen training and a series of Hepatitis B vaccinations for their protection. The County will provide this service free of charge for those employees wishing to participate in this program.

The Occupational Safety and Health Administration (OSHA) has determined that certain employees in the workplace face a significant risk to bloodborne pathogens due to their job duties. To ensure that County employees are aware of occupational exposure to bloodborne pathogens, an exposure control plan has been prepared to minimize or eliminate employee contact with human blood or other bodily fluid which may contain bloodborne pathogens such as Hepatitis B virus and HIV. This control plan is available for all County employees and is located in the Health and EMS departments.

5.4 USE OF TELEPHONES AND COUNTY MAIL

Employees should practice discretion in using company telephones when making local personal calls and will be required to reimburse the County for any charges resulting from their personal use of the telephone. Personal telephone calls should be limited in frequency and duration. The use of County paid postage equipment for personal correspondence is not permitted. Employees should refrain from sending or receiving personal mail at work.

To ensure effective telephone communications, employees should always use the appropriate greeting and speak in a courteous and professional manner. Please confirm information received from the caller and hang up only after the caller has done so.

5.5 USE OF CELLULAR/MOBILE PHONES

The use of personal cellular/mobile phones during work hours should be limited in frequency and duration. Employees may use personal cellular/mobile phones during

meal periods in locations that do not pose a disruption to others. Employees using personal or County-issued cellular/mobile phones excessively during work hours will be subject to appropriate disciplinary action.

Personal and County-issued cellular/mobile phones should be turned off during meetings and training courses, except in circumstances when it is absolutely necessary to take an urgent business phone call. In these circumstances, it is courteous to alert others in attendance to the fact that such a call is expected.

Employees shall reimburse the County for charges resulting from any personal use of County issued cell phones.

5.5.1 Use of Cellular/Mobile Phones and Electronic Devices While Driving

The use of cellular/mobile phones and electronic devices while driving may present a hazard to the driver, other employees, and the general public. This policy is meant to ensure the safe operation of County vehicles and equipment, and the safe operation of private vehicles while an employee is on work time conducting County business. This policy applies to all uses of cellular/mobile phones and communication devices, including but not limited to computers, text messaging, e-mail, electronic calendars, multi-media devices, and printers.

Employees shall adhere to all federal, state, and local rules and regulations regarding the use of cellular/mobile phones and electronic devices while driving. Accordingly, employees shall not use cellular/mobile phones if such conduct is prohibited by law, regulation, or other ordinance.

Should an employee need to make or receive a business call while driving, they should locate a lawfully designated area to park and make or receive the call.

Employees may use hands-free cellular/mobile phones to make or receive business calls. Such calls should be kept short and should the circumstances warrant (such as heavy traffic or inclement weather), the employee should locate a lawfully designated area to park to continue the call.

5.6 SOCIAL MEDIA POLICY

Social media can take many different forms, including internet forums, blogs and micro-blogs, online profiles, wikis, podcasts, pictures and video, instant messaging, music-sharing, and voice over IP to name just a few. Examples of social media applications are LinkedIn, Twitter, Facebook, YouTube, Wikipedia, Yelp, Flickr, Second Life, Yahoo groups, Wordpress, Zoominfo---the list is endless.

5.6.1 General Guidelines

Ultimately employees are solely responsible for what they post online. Before

creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees, or otherwise adversely affects the public, and people who work on behalf of Clinton County; or Clinton County legitimate business interest may result in disciplinary action up to and including termination.

Discussion debate and sharing one's opinion occur in many forms and forums including online conversations. Social media is defined as media designed to be disseminated through social interaction, created using highly accessible and scalable publishing techniques.

Clinton County has developed a series of guidelines to assist its employees when engaging in such forums and discussions. The guidelines are intended to assist employees both when participating personally as well as when acting on behalf of the County.

5.6.2 Know and Follow County Policies and Work Rules

There are several Clinton County personnel policies that employees need to consider when posting on social media sites.

Please carefully read these policies contained in other sections of this handbook: the County Equal Employment Opportunity Policy, Productive Work Environment Policy, Request For Information Policy, Use of Information Technologies Policy, Use of Internet and Electronic Mail (E-Mail) Policy, Internet Policy, Cellular/Mobile Phones Policy, Harassment/Hostile Work Environment Policy, Business Ethics and Conflict of Interest Policy, Solicitation/Distribution Policy, Political Activity Policy, Workplace Violence Policy, and the Confidentiality Policy.

Ensure that your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence, retaliation, or similar inappropriate or unlawful conduct will not be tolerated and shall subject you to disciplinary action up to and including termination.

5.6.3 Be Respectful

Always be fair and courteous to fellow employees, County vendors, and the public on behalf of Clinton County. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or the public rather than posting comments or complaints to a social media outlet.

However, if you do post comments, complaints, or criticism avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, and threatening or intimidating, or that disparage co-workers,

County vendors, or the public, or that might constitute harassment or bullying. Examples of such conduct include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or County policy.

5.6.4 Be Honest and Accurate

Make sure you are honest and accurate when posting information and news, and if you make a mistake, correct it quickly.

Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the County, fellow co-workers, County vendors, or the public.

5.6.5 Restrictions

- a. Do not post confidential or propriety information about the County, co-workers, County vendors, or the public. Never violate federal law such as HIPAA (Health Insurance Portability and Accountability Act).

Employees who share confidential information are subject to disciplinary action, up to, and including termination.

- b. Do not use Clinton County logos or any other images or iconography on personal social media sites. Do not use the County's name to promote a product, cause, or political party or candidate. Do not impersonate Clinton County, Clinton County Elected Officials/Department Heads, or falsely represent yourself as Clinton County.
- c. Do not discuss your job responsibilities for the County on the Internet. Do not state or imply that you speak for the County, for a County office or department, or for County officials. Be aware of your association with the County when using social networks.
- d. If you publish to a blog or some other form of social media, make it clear that whatever you say is your view or opinion by stating: "these are my personal views and opinions and not necessarily the views and opinions of my employer."
- e. Photographs posted on social media sites easily can be appropriated by others. Do not post pictures of County Office or Department events, County employees, or citizens visiting County offices or departments.

- f. Do not post obscenities, slurs, or personal attacks that could slander or libel you or the County which could result in civil or criminal penalties.
- g. Do not infringe on copyrights or trademarks.

5.6.6 Respect Time and Property

The County's computers and time on the job are reserved for work-related business. Employees may use personal cellular/mobile phones during break periods, including meal breaks in locations that do not pose a disruption to others. Employees using cellular/mobile phones during office hours will be subject to appropriate disciplinary action up to and including termination.

5.6.7 Think Twice Before Posting

Privacy does not exist in the world of social media. Consider what could happen if a post becomes widely known. Search engines can turn up posts years after they are created and comments can be forwarded or copied. Exercise sound judgment and common sense, and if there is any doubt, DO NOT POST IT.

5.6.8 Know That the Internet is Permanent

Once information is published online, it is essentially part of a permanent record, even if that information is removed/deleted later, or an attempt is made to make it anonymous. If a complete thought, along with its context, cannot be squeezed into a character restricted space (such as Twitter), provide a link to an online space where the message can be expressed completely and accurately.

5.6.9 Social Media Accounts of Public Officials

Clinton County Elected Officials/Department Heads or employees shall notify the Office of County Commissioners prior to the creation of a public social media account that is intended to promote or update the public on events or matters involving the County.

A social media account created by an Elected Official/Department Head, or any County employee with the intention to use the account to promote or update the public of official County business and/or events and gives the account the name of the County office or office holder is subject to Indiana's Access to Public Records Act.

The purpose of the Clinton County social media account is to present matters relevant to the services, activities, issues, or policies of the County. The account is not to be considered a public forum.

The administrator of the social media account shall include the following policy on the site:

Clinton County reserves the right to remove material that:

- *Contains profanity, obscenity, vulgarity, nudity, or sexual content;*
- *Advertises or promotes private business ventures, services, or products;*
- *Advocates or depicts illegal activities;*
- *Is spam;*
- *Promotes or fosters discrimination on the basis of race, national origin, color, age, religion, gender, marital status, status with regard to public assistance, disability, or other type of group;*
- *Contains personal attacks of any kind;*
- *Campaigns for public office or promotes a political organization or candidate;*
- *Infringes on copyrights or trademarks;*
- *Contains computer viruses or may disrupt, damage, or restrict the use of any computer software, hardware, or telecommunications equipment;*
- *Jeopardizes the safety of Clinton County personnel, or the conduct of operations or investigations; and*
- *Comments that are inappropriate, unrelated to the topic, excessively repetitive, and/or considered disruptive.*

Material posted on this site or links created by anyone other than Clinton County does not reflect the opinions and position of Clinton County. Programs and events provided by organizations that serve Clinton County residents and receive funding or support from Clinton County or provide professional services to special populations served by Clinton County programs are not considered private business ventures, services, or products.

Repeated and/or serious violations to the above restrictions shall cause the author to be blocked from the social media page.

5.7 DRUG-FREE WORKPLACE

Drug and alcohol use is highly detrimental to the safety and productivity of employees in the workplace. No employee may be under the influence of any illegal drug, alcohol, or CBD while in the workplace, while on duty, or while operating a vehicle or equipment owned or leased by the County.

In accordance with The Drug-Free Workplace Act of 1988, and the State of Indiana Drug-Free Workplace Executive Order No. 90-5 of 1990, the County must maintain a drug free workplace. Failure to comply with this law could jeopardize government funds the County receives. The unlawful manufacture, possession, distribution, transfer, purchase, sale, use, or being under the influence of CBD, alcoholic beverages, or illegal drugs while on the employer's property, while attending business related activities, while on duty, or while operating a vehicle or equipment leased or owned by the County is

strictly prohibited and may lead to disciplinary action, including suspension without pay, or discharge.

While on official County business, an employee must comply with this policy as a condition of employment. Should an employee be convicted of a drug related crime that occurred in the workplace, they must notify their Elected Official/Department Head within twenty four (24) hours of the conviction and the Department Head/Elected Official shall immediately inform the County Auditor and/or Commissioners' Assistant.

Employees may keep prescription drugs and over-the-counter medications on County premises when ordered by a medical physician by prescription; or on an as-needed basis for over-the-counter medications. Employees shall notify their Elected Official/Department Head of such drugs and prescriptions. Failure to report the use or storage of prescription drugs and/or over-the-counter medications may lead to disciplinary actions as deemed appropriate by the Elected Official/Department Head with approval by the County Commissioners.

5.7.1 Drug Testing

Clinton County is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks.

To help ensure a safe and healthful working environment, employees may be asked to provide body substance samples (such as urine and/or blood) to determine the illicit use of drugs, including but not limited to marijuana, cocaine, opiates, amphetamines, alcohol, barbiturates, and phencyclidine (PCP) and alcohol. The County reserves the right to conduct drug and alcohol testing without notice. The County will attempt to protect the confidentiality of all drug test results. Refusal to submit to drug testing may result in disciplinary action, up to and including termination of employment.

Copies of the drug testing policy will be provided to all employees. Employees will be asked to sign an acknowledgement form indicating that they have received a copy of the drug testing policy. Questions concerning this policy or its administration should be directed to the Board of Commissioners.

5.7.1(a) Pre-Employment Testing

Clinton County will not employ individuals known to use illegal drugs or misuse prescription drugs. Prospective new employees may be subject to drug and alcohol testing. Offers of employment may be contingent on passing the pre-employment drug and alcohol screen. Applicants who refuse to complete the test, test positive, or refuse to complete related documentation will not be hired by the County.

5.7.1(b) Reasonable Suspicion

An employee may be requested to submit to a drug or alcohol test when the Elected Official, Department Head, or supervisor has reasonable suspicion that the employee has used alcohol or drugs or is impaired from the use of alcohol or drugs during their employment with the County. In the event that an employee is requested to submit to a drug test, the Elected Official, Department Head, or supervisor shall complete the appropriate form setting forth the observations leading to the determination of reasonable suspicion including the following:

1. Observation of drug or alcohol use;
2. Observation of drugs, alcohol, or containers traditionally used for drugs or alcohol;
3. Observations of behavior of the employee, including balance, speech, reactions, and other characteristics supporting reasonable suspicion of use of drugs or alcohol or impairment by drugs or alcohol;
4. A pattern of abnormal or erratic behavior by the employee; or
5. Information provided by reliable or credible sources of the above.

In the case of a positive test, the County reserves the right to exercise any disciplinary action deemed appropriate up to and including termination based on the severity of the situation and the totality of the circumstances surrounding the incident.

5.7.1(c) Post-Accident

This policy shall apply to all employees, including those employees that drive a personal or County-owned vehicle in the performance of their County position. Testing of this kind occurs when an employee is involved in an accident resulting in:

1. The death or injury of a County employee or member of the general public;
2. Damage to public or private property and/or equipment if at least one of the vehicles is disabled to the extent that it must be towed from the accident scene or operating a vehicle or equipment owned by or leased by the County if the driver receives a citation for a moving violation; or

3. Damage to public or private property and/or equipment or injury to self or others resulting from a workplace accident that does not involve a vehicle.

The County reserves the right to order post accident tests as it deems appropriate based on the totality of the circumstances surrounding the accident. Post-accident tests may include screens for both drugs and alcohol.

5.7.2 Federal Motor Carrier Safety Regulations/Safety Sensitive Positions Drug & Alcohol Policy

The County Highway Department and the Clinton County Commissioners recognize the critical and growing problem that alcohol and controlled substances abuse poses to the community. It is the policy of the Clinton County Highway Department to provide and maintain a safe, healthy, and productive work environment for our drivers. The provisions of this policy are established to address the use and possession of alcohol, Schedule I Controlled Substances, physician-prescribed medications, and over-the-counter medications by employees in positions that have been classified as safety sensitive.

It is also the policy of Clinton County to comply with and abide by all laws and regulations that have been established by PART 382 - CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING of the Federal Motor Carrier Safety Regulations, U.S. Department of Transportation (DOT), and the Federal Highway Administration (FHWA). (website: [ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-382](https://www.ecfr.gov/current/title-49/subtitle-B/chapter-III/subchapter-B/part-382))

In complying with these regulations, Clinton County hereby institutes a comprehensive controlled substance and alcohol testing, training, and record keeping program for employees in positions that have been classified as "safety sensitive" according to federal regulations. In accordance with DOT/FHWA regulations, included in this classification of safety sensitive positions are all positions which require an employee to operate a commercial motor vehicle and/or hold a Commercial Driver's License (CDL). The Highway Superintendent is required to implement this policy and program, including a periodic review of the program to address any problems, changes and/or provisions of it, maintenance of all records required by the federal regulations and determination by the Board of Commissioners on approval of how the program will be accomplished, whether in-house, contracted, or by consortium.

The Highway Superintendent is responsible for communicating this policy to all employees and is accountable for its consistent enforcement. The Highway Superintendent is designated to answer questions about this policy and all other matters involved in alcohol and controlled substance testing of CDL drivers.

Training concerning this policy will be provided to all employees and supervisors of employees holding safety sensitive positions. Employees shall be required to attend such training; and shall be disciplined for failure to do so, up to and including termination.

5.8 TOBACCO PRODUCTS

State law (HEA #1149) prohibits smoking and Commissioners Order No. 2021-04 prohibits the use of any form of tobacco in any of the County's places of employment and within eight (8) feet of any public entrance to the County's places of employment.

Definitions: For the purpose of this policy "Smoking" is defined as inhaling, exhaling, burning, or carrying a lighted cigarette, cigar, pipe, e-cigarette, or other apparatus used to smoke tobacco or any other organic or non-organic material.

"E-cigarette" means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine, or any other substances, and the use or inhalation of which simulates smoking. The term "e-cigarette" shall include such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other project name or descriptor.

"Vaping" means inhaling, exhaling, or using any e-cigarette or similar device which creates a vapor in any manner or in any form.

"Tobacco product" means any product made or derived from tobacco that is intended for human consumption, this includes, among other products, cigarettes, cigarette tobacco, and smokeless tobacco.

Each Elected Official/Department Head shall ask any person found smoking in any area under their direct supervision or in any common area of the Courthouse within their personal observation, or within eight (8) feet of the public entrance to any county office or place of employment to refrain from smoking.

Any person who refuses to refrain from smoking in violation of this policy shall be asked by the Elected Official/Department Head to leave the building, and in event of such person's refusal to do so, assistance of law enforcement shall be requested.

In accordance with HEA 1149, a person who smokes in an area where smoking is prohibited commits prohibited smoking, a Class B infraction. If the person has been adjudged to have committed at least three (3) prior unrelated infractions under HEA 1149 or Indiana Code 16-41-37-4 (before its repeal) commits a Class A infraction.

This policy applies to all Department Heads, Elected Officials, employees, customers, and visitors. The smoking and/or use of tobacco products by employees in County vehicles is prohibited.

In addition to the potential infraction penalties applicable to violations of Indiana law on smoking, violation of this policy by an employee is subject to disciplinary action up to and including termination. Violations of this policy by others in the presence of employees shall be handled in accordance with the policies and procedures adopted by the Board of Commissioners for all premises under the control of the County.

5.9 USE OF EQUIPMENT AND VEHICLES

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

Employees should notify their Department Head or Elected Official if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The Department Head or Elected Official can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

Each occupant in a County or personal vehicle operated for the purpose of County business is required to wear a seat belt at all times while the vehicle is in motion. Employees who operate County vehicles or operate personal vehicles for County business are required to notify their Elected Official/Department Head in the event that their driver's license is suspended or revoked. An employee's failure to notify their Elected Official/Department Head of a driver's license suspension or revocation is subject to disciplinary action, up to and including termination.

Employees who operate a County vehicle or operate a personal vehicle for County business are required to keep a copy of their valid driver's license that covers the type of vehicles to be operated and proof of insurance on file with the Auditor Office.

All applicants applying for a position in which driving is a duty must have a valid Indiana driver's license that covers the type of vehicle to be operated. A copy of the license must be presented to the Department Head or Elected Official at the time of hire.

Each employee is personally responsible for any fines incurred as a result of driving or parking violations. In addition, no employee is permitted, under any circumstances, to operate a County vehicle or personal vehicle for County business when any physical or mental impairment causes the employee to be unable to drive safely. This prohibition includes, but is not limited to, circumstances in which the employee is temporally unable to operate a vehicle safely or legally because of illness, medication, or intoxication.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, including termination.

5.10 USE OF INFORMATION TECHNOLOGIES

Additional responsibilities may be associated with specific networks. Any network traffic exiting the County is subject not only to provisions of this policy, but also to the acceptable use policies of any network through which or into which it flows. Employees should immediately report any violation of this policy to their Elected Official/ Department Head and the IT Administrator. Questions concerning these policies should be directed to the employee's Elected Official/Department Head and/or the IT Administrator.

5.10.1 System Security

Employees shall not use the network resources of the County to gain or attempt to gain unauthorized access to remote computers, networks, or systems, nor shall they attempt to circumvent data protection schemes or exploit security loopholes. Employees may not place on any County-owned computer system any type of information or software that gives unauthorized access to another computer account or system.

5.10.2 Data Backup

Users of personal computers are responsible for protecting their work by making regular backup copies of their work files and storing the copies in a safe location. They should set the frequency of backup based on their ability to recreate information added since the last backup.

5.10.3 Prohibited Uses of Information Technologies Resources

Employees shall not deliberately perform acts which are wasteful of computing resources or which unfairly monopolize resources to the exclusion of others. Conduct that presents a risk to the operating integrity of the information technologies systems is strictly prohibited.

Employees shall not deliberately perform acts that will impair the operation of computing equipment, peripherals, other devices, or networks. This includes, but is not limited to, tampering with components of a local area network (LAN) or the high-speed backbone network, otherwise blocking communication lines, or interfering with the operational readiness of a computer.

Employees shall not install on any of the computer systems of the County, or give to another user, a program that could result in the eventual damage to a file or computer system and/or the reproduction of itself. This includes, but is not limited

to, the classes of programs known as computer viruses, such as “Trojan horses” and “worms”.

5.11 USE OF INTERNET AND ELECTRONIC MAIL (E-MAIL)

Employees may be provided access to the internet and e-mail to assist them in the performance of their duties and such access is intended for business use. Violations of this policy may result in disciplinary action, up to and including termination. Violations of federal, state, or local laws resulting from the use of County information technologies will result in referral to the appropriate legal authorities. To ensure compliance with this policy, computer and e-mail use may be monitored.

Clinton County strives to maintain a workplace that is free of harassment and is sensitive to the diversity of its employees. Therefore, the County prohibits the use of information technologies such as computers, e-mail, and the internet, in ways that are disruptive, offensive to others, or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, jokes, or anything that may be construed as harassment or showing disrespect to others.

Employees should immediately report any violation of this policy to their Elected Official/ Department Head. Questions concerning these policies should be directed to the employee’s Elected Official/Department Head, the IT Administrator, and/or Auditor’s Office.

5.11.1 Downloading From the Internet

All material downloaded from the internet or from computers or networks that do not belong to Clinton County MUST be scanned for viruses and other destructive programs before being placed onto the computer system. All employees will be expected to follow the instructions from their Elected Official/Department Head and/or the Information Technology Department for the proper scanning process. Any questions should be referred to the Elected Official/ Department Head prior to being placed on the computer system or being used.

Employees are responsible for the material they review and download on the internet. Violations of this policy are subject to disciplinary action, up to and including termination.

5.11.2 Electronic Mail (E-Mail)

Employees should exercise the same care in drafting e-mail, communicating in chat groups and blogs, and posting items to news groups as they would for any other written communication. The Clinton County e-mail system is subject to public records laws and certain e-mails to and from County employees may be deemed public records.

The e-mail system may be monitored when the County deems it necessary to ensure its legitimate business interest in the proper utilization of its property and to ensure that this policy is being followed.

Violations of this policy are subject to disciplinary action, up to and including termination.

5.11.3 Prohibited Uses of the Internet

Sending, receiving, displaying, printing, or otherwise disseminating material that is fraudulent, harassing, illegal, embarrassing, sexually explicit, obscene, intimidating, or defamatory is prohibited. **Employees encountering such material should report it to their Elected Official/Department Head immediately.** Employees are responsible for the material they review and download on the internet.

Employees may not use County internet or e-mail resources for commercial or personal advertisements, solicitations, promotions, viruses, political material, or any other unauthorized personal use. County e-mail resources may not be used to forward chain letters. Employees may not disseminate County property or confidential information via the internet.

Due to export restrictions, programs or files containing encryption technology are not to be placed on the internet or transmitted in any way outside the United States without prior written authorization from Clinton County. Employees must comply with all software licenses, copyrights, and all other federal, state, and local laws governing intellectual property and online activity.

The County maintains the right to monitor any and all aspects of its computer system, including, but not limited to, monitoring sites employees visit on the internet, monitoring chat and news groups and blogs, reviewing material downloaded or uploaded by employees, and reviewing e-mail sent and received by employees. Employees do not retain any right to privacy in any documents, messages, or images they create, store, send, or receive on the computer or the internet under the Electronic Communications Privacy Act and any other federal, state, or local law regarding e-mail and internet use.

Violations of this policy are subject to disciplinary action, up to and including termination.

Any message or file created, stored, and/or sent using the County's computer or communications equipment is Clinton County property. Employees should have no expectation of privacy in any message stored, received, or sent using Clinton County equipment.

5.12 PERSONAL USE OF ORGANIZATION FACILITIES

To minimize unnecessary expenses, prevent the loss of valuable work time, and prevent lowered morale, personal use of County facilities, vehicles, and equipment is prohibited. This policy applies to all employees and restricts the personal use of County facilities, including bulletin boards, vehicles, and equipment.

5.13 APPEARANCE OF WORK AREAS

The County expects the work areas of all employees to be well organized, clean, and attractive. These qualities promote health, productivity, safety, good morale, and customer respect. This policy applies to all employees.

5.14 BUSINESS TRAVEL

This policy is intended to provide a uniform system for all Clinton County offices and to report ordinary and necessary business related expenses incurred while traveling on County business. This policy applies to all Elected Officials, Department Heads, and employees.

The County will reimburse travelers for reasonable business expenses while employees are away from their normal work location. Items not provided for in this policy will be considered personal and therefore not reimbursable.

Elected Officials and Department Heads are responsible for budgeting conference and travel expenses as part of the annual budget process.

All business travel for employees must be approved in advance by their Elected Official or Department Head. Elected Officials and Department Heads are expected to use good judgment in scheduling and attending conferences as well as the related travel expenses.

A daily record of expenses is required. All items listed on the Accounts Payable Voucher should show date, business location and business purpose. Itemized receipts must be attached for individual meals, lodging, business entertainment, auto rental, commercial travel and taxi fares.

All original receipts should be taped on letter size plain paper in chronological order.

An individual is considered to be covered under this policy from the time they leave either home or work location until the time they return to the home or work location.

When meals are not included in the registration fee paid by the County, travelers are entitled to a per diem allowance for up to the maximum amounts listed below:

Maximum Reimbursement
Up to \$15.00 for breakfast, lunch or midday meal
Up to \$30.00 for evening meal
Up to \$60.00 for entire day

Individuals who travel between the hours of 10:00 a.m. and 5:00 p.m. are allowed a midday meal not to exceed the 8 – 12 hour reimbursements listed above.

The maximum reimbursement includes the cost of the meal, applicable taxes and gratuity of up to 20%. No reimbursement will be made for meals included as a part of the conference or program.

Travelers are not entitled to a per diem allowance or hotel accommodation the night before a meeting if the travel distance is forty (40) miles or less of Clinton County, Indiana, unless authorized by the County Commissioners, excluding statutorily mandated expenses except for Road School.

The Board of Commissioners will consider variations provide they are submitted in writing prior to the travel. A copy of the approval must be submitted with the claim for reimbursement.

Registration fees or similar expenses for County approved training courses, conferences, seminars, and conventions are reimbursable. Individuals who register for any of the above are responsible for adhering to the cancellation policy.

Individuals who do not attend an above event will be responsible for reimbursing the County for all fees and expenses associated with a cancellation or non-attendance. The Board of Commissioners will consider exceptions provided they are submitted in writing to the Board.

Certain expenses may be paid directly by the County. Examples include such items as airline tickets, rental cars, hotel deposits, and registration fees. The receipts for these prepaid expenses must accompany the claim for reimbursement.

An employee may claim lodging for each day of travel. When making reservations for lodging, a request should be made in regard to the facilities' policy on sales tax exempt status for the County. If so, the facility may require a tax-exempt certificate to be sent or presented upon check in.

The certificate can be obtained from the Auditor's office.

Requests for the tax exempt certificate should be submitted well in advance in order for the certificate to be mailed or for the individual to take the certificate with them.

Individuals on business travel may be accompanied by a family member or friend when the presence of a travel companion will not interfere with the successful completion of

business objectives. All expenses related to accompaniment by family member or friend is the responsibility of the employee.

Individuals are also permitted to combine personal travel with business travel as long as the time away from work is approved in advance. All expenses related to personal travel are the responsibility of the individual. If personal travel is involved, individuals must use their own personal vehicle.

Every effort should be made to use the lowest priced transportation available. Reimbursement will be made for the following modes of transportation:

- Coach class for commercial air travel.
- Depending on the number of travelers, the lowest price class of rental car. If the County has a negotiated rate with a rental agency, this arrangement should be used whenever possible. Individuals should not purchase any additional insurance.
- Personal auto expense will be reimbursed at the prevailing IRS mileage rate or the rate established by the County Council. For long distance travel, the personal mileage reimbursement cannot exceed the applicable coach class fare. The mileage reimbursement rate covers all vehicle expenses including gas and any other fuel replacements. Mileage expenses will be based on a formula approved by the Board of Commissioners.

Mileage expenses between the employee's departure point, home or work location are reimbursable. The County Council will determine the applicable mileage rate for reimbursement.

Expenses incurred for items of a business nature such as telephone, fax, postage or small supplies on an emergency basis are reimbursable. Laundry and valet expenses are reimbursable when an individual is requested by the County to extend a scheduled trip or when an individual is away for an extended stay exceeding 5 days or more. These expenses should be detailed on the voucher and substantiated by applicable receipts.

Individuals who are in an accident involving a County owned, leased or rented vehicle while traveling on business must promptly report the accident to their Elected Official or Department Head. Elected Officials and Department Heads should report the accident to the Board of Commissioners.

Employees should contact their Elected Official or Department Head for guidance and assistance or if they have any questions regarding this policy.

Elected Officials and Department Heads should contact the Board of Commissioners with their questions.

The Board of Commissioners may make exceptions for lodging, per diem allowance, or overnight travel if the travel takes the individual forty (40) miles or less under the following circumstances:

- The event has an early morning start time.
- The event is scheduled for multiple days.
- The event has scheduled meetings or meals that would require the individual to travel late in the evening.
- Current or predicted weather conditions that may create unsafe travel conditions.
- The individuals physical condition may create an unsafe travel condition.

When travel is completed, employees should submit completed travel expense reports within 30 days. Receipts for all individual expenses should accompany reports. All travel expenses must be submitted on the standard County form which is available from the Auditor's office.

If a person in travel status received a meal without charge, then the meal allowance must be reduced. Meal expenses are not allowed for meals during normal duty hours for routine employee duties requiring travel.

Meal allowance and mileage rates are subject to change as approved and adopted by the County Council.

Employee pay for travel time shall be determined according to applicable provisions of the Fair Labor Standards Act (FLSA).

5.14.1 State Called Meetings

The County will reimburse County employees for a state called meeting specified by statute or the State Board of Accounts. Reimbursement for state called meetings will be for:

1. Reasonable hotel/motel accommodations;
2. State rate for mileage for using privately owned vehicle in lieu of public transportation; and
3. The County Council shall establish meal allowance rates for individuals attending a meeting.

5.14.2 Other Meetings/Job-Related Training

An employee on authorized official County business requiring overnight accommodations will be reimbursed for:

1. Reasonable hotel/motel accommodations;
2. Bus, taxi, and airport transportation;

3. Air, rail, or bus tickets as lowest possible fare;
4. State rate for mileage for using privately owned vehicle in lieu of public transportation; and
5. The County Council shall establish meal allowance rates for individuals attending a meeting.

An employee on authorized official County business attending a meeting not requiring overnight accommodations will be reimbursed for:

1. Bus, taxi, and airport transportation;
2. Air, rail, or bus tickets as lowest possible fare;
3. State rate for mileage for using privately owned vehicle in lieu of public transportation;
4. Necessary parking and storage fees; and
5. The County Council shall establish meal allowance rates for individuals attending a meeting.

5.15 POLITICAL ACTIVITY

County employees shall not be required to participate, financially or otherwise, in any political campaign or party activity during their working hours. This policy includes any threats or coercion by Elected Officials/Department Heads or political party officials.

County owned equipment shall not be used to generate, copy, or reproduce campaign materials. County vehicles shall not be used to distribute campaign materials. County telephones or facsimile machines shall not be used for campaign purposes.

County employees are prohibited from using their county position to assist in political campaigns and from using work hours to engage in political activity. Employees are prohibited from campaigning in any form during office hours. Non-verbal exhibits supporting or opposing a political candidate are prohibited on county premises during work hours including but not limited to, shirts, pins, buttons, pens, and brochures.

5.16 INDIANA INTERNAL CONTROL STANDARDS

Indiana Code 5-11-1-27(e) provides that through the compliance guidelines authorized under IC 5-11-1-24 the State Board of Accounts (SBoA) shall define the acceptable minimum level of internal control standards for internal control systems of political subdivisions, including the following: (1) Control Environment. (2) Risk Assessment. (3) Control Activities. (4) Information and Communication. (5) Monitoring.

IC 5-11-1-27(g) requires that the Clinton County Board of County Commissioners must adopt the minimum internal control standards as defined by SBoA. Additionally, the Commissioners must ensure that employees receive training concerning the internal control standards and procedures adopted by the County.

The Clinton County Commissioners have adopted the internal control standards as defined by SBoA under IC 5-11-1-27(e). Personnel training of employees shall be evidenced through a certification process. The County Commissioners will be responsible for developing and overseeing the administration of the internal control standards policy, training, and certifications.

At the time of submission of the annual report, the County Auditor must certify that the minimum internal control standards have been adopted and that personnel who are not otherwise on leave status have received training regarding these standards and procedures.

Apart from the required certification to be filed by the County Auditor, Elected Officials, appointees, and employees must sign the Internal Control Training Certification form for Elected Officials, Appointees, and Employees as evidence for their training. These certifications are to be maintained by Clinton County on-site.

5.17 TAKE HOME VEHICLES

The Internal Revenue Code (IRC) requires the taxable value for the use of employer provided vehicles be reported as additional compensation to employees. The employer and employee must timely report personal use as a wage. Such reports are processed by the Auditor's office.

Full time Elected Officials/Department Heads (Assessor, Auditor, Clerk, Recorder, Surveyor, Treasurer, and/or Highway) and employees may be assigned to a take home vehicle on an annual basis by the Clinton County Commissioners.

Law enforcement vehicles are considered non-personal use vehicles. The Sheriff and Merit Deputies are required to use the vehicle for commuting and personal use is considered incidental. Personal use of County vehicles, other than commuting to and from work, for travel outside of Clinton County is prohibited (e.g. vacation use).

All approved employees and Elected Officials/Department Heads with an assigned take home vehicle shall follow the following procedures:

Only employees and Elected Officials possessing a valid driver's license appropriate for the vehicle, are authorized to operate County owned/leased vehicles.

Employees and Elected Officials shall not transport any persons other than County employees in a county vehicle, except in the course of official County business, or when the “de minimus” task is dropping off/picking up the employees/Elected Officials own child from school.

Take home vehicles may only be used for personal purposes on a “de minimus” basis, such as an occasional use for a personal errand while using the take home vehicle for a business purpose or during commute to or from work. Service vehicles (tow trucks, plows, etc.) may be used for personal use to the extent that such personal use is reasonably necessary for the County employee to do their job. Example: a highway department employee may plow snow from their driveway in order to facilitate travel to and from work to conduct official business.

Employees, Elected Officials, and authorized passengers are expected to observe all traffic regulations, including seatbelt usage, and all polices and procedures of the County, while operating a take home vehicle.

All incidents involving County vehicles must be reported to the law enforcement office of the appropriate jurisdiction, the employee’s supervisor, and the Clinton Count Commissioners’ Assistant. County employees and Elected Officials with take home vehicles will provide copies of any accident reports, citations, etc., concerning the vehicle or its’ operation to their supervisor and the County Commissioners’ Assistant within forty-eight (48) hours.

Elected Officials and employees are expressly prohibited from making any cosmetic or mechanical modification to any County owned or leased vehicle without the prior approval of the County Commissioners. The County Commissioners reserve the right to remove any or all modifications that may impair the vehicles’ safety or usefulness and/or cosmetic changes that are not in keeping with County policies.

Unattended take home vehicles shall be legally parked and locked at all times, except in emergency circumstances. Elected Officials and County employees shall not leave electronic devices, sensitive information, or public documents other than reference material in the vehicle while off duty.

Elected Officials and employees assigned to a take home vehicle are required to commute in the vehicle for valid business reasons.

Violations of this policy and procedures may result in the revocation of take home vehicle assignment.

5.18 COUNTY CREDIT CARDS

Clinton County Officials and Department Heads are hereby authorized to obtain and use a credit card for use in carrying out the official functions of that office, and other purposes. The Elected Official/Department Head shall control the use of such credit card, and when the use of the card has been accomplished, maintain custody of the card.

The Elected Official/Department Head shall maintain an accounting system or log including the names and positions of individuals requesting use of such card, the estimated amounts to be charged, the fund and account numbers to be charged, and the date the card is issued and returned. If a card is lost or stolen, the employee should report the missing card immediately to the Elected Official/Department Head.

The credit card cannot be used to bypass the county's accounting system. The Elected Official/Department Head shall timely submit claim for payment of such charges, together with original receipts or paid bills documenting the purchase, in the manner of other claims and meeting minutes or other documentation providing explanation for the purchase. The Elected Official/Department Head shall personally pay any interest or penalty incurred due to late submission of claims or late furnishing of documentation.

Violations of this policy shall be subject to disciplinary action, up to and including termination.

6. PERSONAL CONDUCT

The policies contained in this chapter and throughout the Clinton County Personnel Policies Handbook apply to all Clinton County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.

6.1 EMPLOYEE CONDUCT AND WORK RULES

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

Employees are expected to maintain high standards of personal appearance, conduct, cooperation, efficiency, and economy in their work. All employees should attempt to correct any faults in their performance which are called to their attention and should also avoid any behavior and actions which conflict with County rules and regulations.

6.2 ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, the County expects employees to be reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on Clinton County.

In the rare instances when employees cannot avoid being late to work or is unable to work as scheduled, they should notify their Elected Official/Department Head or on duty shift supervisor as soon as possible in advance of the anticipated tardiness or absence.

Unacceptable attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

6.2(A) Sheriff Office

To maintain a safe and productive work environment, the Sheriff's Office employees are expected to be reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the Sheriff's Office.

In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their Division Supervisor or the County Sheriff's Office as soon as possible in advance of the anticipated tardiness or absence.

Employees are expected to report to work as scheduled, on time and prepared to start work. Employees are also expected to remain at work for their entire work

schedule. Late arrival, early departure, or other absences from scheduled hours are disruptive and must be avoided. The purpose of this policy is to promote the efficient operation of the Sheriff's Office and minimize unscheduled absences.

Prescheduled times away from work using vacation time are not considered occurrences for the purpose of this policy.

Excused Absence occurs when all four of the following conditions are met:

- The employee provides sufficient notice to the Division Supervisor.
- The reason is found credible or acceptable by the Division Supervisor.
- The absence request is approved by the Division Supervisor.
- The employee has sufficient accrued compensatory, vacation, sick, or personal time to cover the absence.

Sufficient Notice – To be considered an excused absence as defined above, sufficient notices must be given to the Shift Supervisor. Sufficient notice is:

- For a scheduled absence of 8 hours or more, employees must give a notice of one week (7 days).
- For a scheduled absence of less than 8 hours, employees must give notice of two working days.
- employees must notify the Division Supervisor within 60 minutes prior to the beginning of their shift and b) during the employee's shift, employees must notify the Division Supervisor prior to leaving the premises.

Employees are expected to report to work on time. Employees, who can't report to work as scheduled, should notify the Division Supervisor no later than 60 minutes prior to the regular starting time. This notification does not excuse the tardiness but simply notifies the Division Supervisor that a schedule change may be necessary.

The Division Supervisor must approve any exceptions to this provision or any conflicts in scheduling.

Unexcused Absence occurs when one of the four conditions in (1) above are not met. If it is necessary for an employee to be absent or late for work because of illness or an emergency, employees must notify the Division Supervisor no later than 60 minutes before the scheduled starting time on that same day. Employees who are unable to call may have someone make the call for them.

Sixteen (16) hours of unexcused absence may subject the employee to immediate termination. Hours are counted in a rolling six month period. Unexcused hours expire six months from the date of the incident.

Although hours will roll off an employee's record after six months, habitual offenders (those who have established a pattern of absences, or routinely call off on Mondays and/or

Fridays) may trigger step discipline even though six month old hours have fallen off, if the employee continues to incur occurrences.

Employees who have three (3) consecutive days of excused absences must give the Sheriff's office proof of physician's care. If an illness or injury prevents an employee from performing their regularly scheduled duties, a physician's statement must be provided verifying (a) the nature of the illness or injury; (b) if and when the employee will be able to return to work, if applicable; and (c) whether the employee is capable of performing their regularly scheduled duties, and if not, what duties the employee is capable of performing.

The employee is responsible for providing the Sheriff's Office with the above described physician's proof of physician's care. Without an acceptable excuse, the employee may be subject to immediate termination.

Any employee who fails to report to work without notification to his or her supervisor for a period of three days or more will be considered to have voluntarily terminated their employment relationship.

Progressive Discipline for Unexcused Absences:

First Instance	Verbal Warning
Second & All Future Instances Totaling Fewer Than 16 Hours	Written Warning
At 16 Hours of Accumulated Unexcused Absences	Subject to Termination

6.2(B) Dispatch

To maintain a safe and productive work environment Central Dispatch employees are expected to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on Central Dispatch.

In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify the on duty shift supervisor or the Central Dispatch office as soon as possible in advance of the anticipated tardiness or absence.

Employees are expected to report to work as schedule, on time and prepared to start work. Employees are also expected to remain at work for their entire work schedule. Late arrival. Early departure, or other absences from scheduled hours are disruptive and must be avoided. The purpose of this policy is to promote the efficient operation of Central Dispatch and minimize unscheduled absences.

Prescheduled times away from work using vacation time are not considered occurrences for the purpose of this policy.

Excused Absence occurs when all four of the following conditions are met:

- The employee provides sufficient notice to the Shift Supervisor.
- The reason is found credible or acceptable by the Shift Supervisor.
- The absence request is approved by the Shift Supervisor.
- The employee has sufficient accrued compensatory, vacation, sick, holidays, or personal time to cover the absence.

Sufficient Notice – To be considered an excused absence as defined above, sufficient notices must be given to the on duty Shift Supervisor. Sufficient notice is:

- For an emergency absence occurring at the beginning of the employee's shift,
- For an emergency absence occurring a) at the beginning of the employee's shift, employees must notify the Shift Supervisor within 60 minutes prior to the beginning of their shift and b) during the employee's shift, employees must notify the Shift Supervisor prior to leaving the premises.

Employees are expected to report to work on time. Employees who can't report to work as scheduled, should notify the Shift Supervisor no later than 60 minutes prior to the regular starting time. This notification does not excuse the tardiness but simply notifies the Shift Supervisor that a schedule change may be necessary.

The Shift Supervisor or Director must approve any exceptions to this provision or any conflicts in scheduling.

Unexcused Absence occurs when one of the four conditions in (1) above are not met. If it is necessary for an employee to be absent or late for work because of illness or an emergency, employees must notify the Shift Supervisor no later than 60 minutes before the scheduled starting time on that same day. Employees who are unable to call may have someone make the call for them. Calls must be on a recorded line.

Sixteen (16) hours of unexcused absence may subject you to immediate termination. Progressive discipline will be administered according to the table. Hours are counted in a rolling six month period. Unexcused hours expire six months from the date of the incident.

Although hours will roll off an employee's record after six months, habitual offenders (those who have established a pattern of absences, or routinely call off on Mondays and/or Fridays) may trigger step discipline even though six month old hours have fallen off, if the employee continues to incur occurrences.

Employees who have three (3) consecutive days of excused absences must provide Central Dispatch with proof of physician's care. If an illness or injury prevents an employee from performing their regularly scheduled duties, a physician's statement must be provided verifying (a) the nature of the illness or injury; (b) if and when the employee will be able to return to work, if applicable; and (c) whether the employee is capable of

performing their regularly scheduled duties, and if not, what duties the employee is capable of performing.

The employee is responsible for providing the Central Dispatch Office with the above described physician's proof of physician's care. Without an acceptable excuse, the employee may be subject to immediate termination.

Any employee who fails to report to work without notification to the on duty shift supervisor or Director for a period of three days or more will be considered to have voluntarily terminated their employment relationship.

Progressive Discipline for Unexcused Absences:

First Instance	Verbal Warning
Second & All Future Instances Totaling Fewer Than 16 Hours	Written Warning
At 16 Hours of Accumulated Unexcused Absences	Subject to Termination

6.3 PERSONAL APPEARANCE

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image Clinton County presents to members of the community and visitors.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.

Consult your Department Head or Elected Official if you have questions as to what constitutes appropriate attire and appearance.

6.3(A) EMS Uniforms

All employees shall wear the appropriate uniform as defined in this section at all times while on duty.

Shift employees shall maintain a change of uniform on station in the event a uniform is damaged, stained or soiled.

While employed with Clinton County EMS, employees will be provided with their uniforms, this is coordinated through the EMS Director. You may be subject to a uniform inspection at any time. Any uniform found to be in need of repair or replacement will be taken care of immediately.

Upon employee's termination or resignation from Clinton County EMS, the employee must surrender all equipment, and accessories back to Clinton County EMS. Clinton County EMS retains ownership of all equipment, and accessories.

Citizens observe employees of Clinton County often in the course of their work. As Clinton County representatives, employees are asked to meet high standards both in the quality of their work and in presenting a professional image to the public. While there is no formal dress code, employees are expected to maintain good physical grooming, have a neat and clean appearance, and display a pleasant disposition to citizens and colleagues.

Uniforms may be required for certain Clinton County jobs. Employees will be responsible to keep their uniforms clean and neat.

6.4 HARASSMENT/HOSTILE WORK ENVIRONMENT

Harassment is a form of employee misconduct that undermines the integrity of the employment relationship. All employees are entitled to work in an environment free from harassment or inappropriate conduct. While it is difficult to define what constitutes illegal harassment under the law, Clinton County realizes that any type of harassing behavior based on race, color, sex/gender, pregnancy, religion, age, marital status, sexual orientation, gender identity, national origin, disability, veteran status, genetic information, ancestry, or any other category protected by law is inappropriate in the workplace. Therefore, Clinton County will not tolerate any behavior that creates an intimidating, offensive, or hostile work environment or that interferes with work performance.

Examples of harassing behavior include, but are not limited to: racial slurs, ethnic jokes, stereotyping, the display of posters or other materials that are offensive or show hostility to a group or individual based on a protected category as defined above, or any other category protected by law.

Clinton County strongly disapproves of and will not tolerate inappropriate conduct or harassment of employees by supervisors, co-workers, or other in the workplace, such as customers or vendors.

The County is committed to complying with all applicable local, state, and federal laws prohibiting discrimination and harassment in the workplace.

6.4.1 (a) Types of Workplace Harassment

- 1. Physical Harassment:** Physical harassment can come in the form of violence, both physically or to property. This can also be threatening behavior. In its extreme, it can even be termed assault. An employee may be physically abused, such as pushing, punching, or slapping, as well as other kinds of physical abuse. It can also involve a car, for example.

One worker may damage the vehicle by tampering, breaking, scratching, or inflicting other kinds of damages.

2. **Personal Harassment:** The victim may be subjected to unwanted remarks, insults, offensive and derogatory statements. Being constantly put down with condescending statements can all be seen as personal harassment. Personal harassment can also be called bullying.
3. **Discriminatory Harassment:** Discriminatory harassment in the workplace is directed at someone's race, age, sex, or some other form of protected class who is subjected to offensive or intimidating remarks.
4. **Psychological Harassment:** Psychological harassment occurs when a victim is put down, belittled, or has to listen to needless condescending remarks that can affect them. These negative remarks can be aimed at the victim from both a professional as well as a personal level.
5. **Cyberbullying:** Cyberbullying occurs online. Cyberbullying includes making threatening statements to the victim or spreading rumors on social media.
6. **3rd Party Harassment:** 3rd party harassment occurs with someone who is not a Clinton County employee. Examples of 3rd Party may include suppliers, vendors, and citizens.

6.4.2 Reporting a Complaint

While the County encourages individuals who believe they are being harassed to firmly and promptly notify the offender that their behavior is unwelcome, the County also recognizes that power and status disparities between an alleged harasser and a target may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, the following steps should be followed in reporting a harassment complaint.

In order to take corrective action, the County must be aware of harassment or related retaliation. Therefore, anyone who believes that they have experienced or witnessed harassment or related retaliation should promptly report such behavior.

Any employee who experiences harassment should contact their Elected Official/Department Head immediately. If unresolved, or in the event the harassment is alleged against the Elected Official/Department Head, the employee is advised to obtain, a harassment complaint form from the **Auditor's Office**. The employee is directed to

submit the completed form to the Elected Official/Department Head, or in the event the alleged harassment is against the Elected Official/Department Head, the completed form is to be submitted to the **Auditor's Office**. The best time to register a complaint is immediately after the act occurs.

Any supervisor who has witnessed or becomes aware of the alleged occurrence of harassment or retaliation or receives a complaint of harassment involving a person within that supervisor's purview is required to take prompt corrective action and to report the incident to the Auditor or **County Attorney**. Failure of a supervisor to immediately take corrective action or to report the incident shall constitute misconduct subject to disciplinary action.

6.4.3 Description of Misconduct

An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint of harassment.

Verbal reports of harassment must be recorded in written form either by the complainant or the individual(s) designated to receive complaints and be signed by the complainant. Individuals who believe they have been or currently are being harassed should maintain a record of objectionable conduct to effectively prepare and corroborate their allegations.

While the County encourages individuals to keep written notes in order to accurately record offensive conduct or behavior, it must be recognized that, in the event that a lawsuit develops from the reported incident, the confidentiality of the complainant's written notes may not be recognized under Indiana law, and the notes may have to be disclosed.

County Elected Officials/Department Heads and the Auditor's Office have copies of the County harassment complaint form. Employees are directed to obtain, complete, and submit this form to initiate a formal complaint.

6.4.4 Time Frame for Reporting Complaints

The County encourages prompt reporting of complaints so that rapid response and appropriate action may be taken. However, due to the sensitivity of these problems and because of the emotional toll such misconduct may have on an individual, no limited time frame will be instituted for reporting harassment complaints. Late reporting of complaints will not in and of itself preclude the County from taking remedial action.

6.4.5 Protection against Retaliation

The County will not in any way retaliate against the individual who makes a report of harassment nor permit any supervisor or employee to do so. Retaliation is a serious violation of this harassment policy and should be reported immediately. Any person

found to have retaliated against another individual for the good faith reporting of harassment will be subject to the same disciplinary action provided harassment offenders.

6.4.6 Investigating the Complaint

Any allegation of harassment that is reported will be promptly investigated in as discreet a manner possible to protect the privacy of persons involved. The County will use its best efforts to maintain confidentiality throughout the investigatory process to the extent practical and appropriate under the circumstances; however, confidentiality is not guaranteed. The alleged harasser will be notified of the nature of the complaint made against them.

Upon completing the investigation of a harassment complaint, the County will communicate its findings to the complainant and the alleged harasser. If determined that harassment occurred, appropriate disciplinary action will be taken. The complainant will be informed of the disciplinary action to be taken.

In determining whether alleged conduct constitutes harassment, the County will look at the investigative file as a whole and the totality of the circumstances, such as the nature of the conduct and the context in which the alleged incidents occurred. The determination of whether disciplinary action is to be taken will be made from the facts, on a case-by-case basis.

6.4.7 Identification of Investigators

Complaints will be investigated by the Auditor and the appropriate Department Head or designees retained by the County. In addition, other individuals may be included in reviewing the investigation and outcome at the discretion of the County Attorney.

6.4.8 False Accusations

Clinton County also recognizes that careful consideration must be given to questions regarding whether a particular action or incident is purely personal or social without any discriminatory employment effect. False accusations of harassment can have devastating effects on the lives and reputations of innocent women and men. Therefore, the County may discipline, up to and including termination of employment, those employees who after an investigation are found to have falsely accused others of harassment, knowingly or in a malicious manner.

6.4.9 Sanctions

Individuals found to have engaged in misconduct constituting harassment, creating a hostile work environment, or related retaliation will be severely disciplined, up to and including discharge. Additional action may include: referral to counseling, withholding

of a promotion, reassignment, demotion, temporary suspension without pay or termination.

Although the County's ability to discipline a non-County employee harasser is limited, any County employee who has been subjected to harassment by a non-County employee at the workplace and work-related setting should file a complaint so that action may be taken.

6.4.10 Maintaining a Written Record of the Complaint

The County will maintain a complete written record of each complaint and how it was investigated and resolved. Written records shall be maintained in the **County Auditor's Office**, and if disciplinary action was taken, a record shall be maintained in the offender's personnel file.

6.4.11 Prevention

Prevention is the best policy for the elimination of harassment. Employees shall remain cognizant of harassment to avoid contributing conditions that would encourage such activity. Harassment and hostile work environment violations will result in disciplinary action, up to and including termination of employment.

6.5 WHISTLEBLOWER POLICY

A whistleblower as defined by this policy is an employee of Clinton County who reports an activity that they consider to be illegal or dishonest. The whistle blower is not responsible for investigation of the activity or for determining fault or corrective measures. The Board of Commissioners is charged with these responsibilities.

Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee shall submit those concerns in writing to the Compliance Officer appointed by the Board of Commissioners or any member of the Board of Commissioners. Such employee reports of wrongdoing will be investigated by investigators selected by the County Attorney. In addition, other individuals may be included in reviewing the investigation finding at the discretion of the County Attorney.

The individual should exercise sound judgment to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing shall be subject to disciplinary action up to and including termination of employment.

An employee who intentionally files a false report of wrongdoing shall be subject to disciplinary action up to and including termination of employment.

Whistleblower protections are provided in two important areas—confidentiality and no retaliatory actions. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, confidentiality is not guaranteed, the identity of the reporting individual may have to be disclosed to conduct a thorough investigation, to comply with the law, and to provide the accused individuals their legal rights of defense.

Clinton County will not retaliate against a whistleblower. This includes protection from retaliation in: firing or laying off, demotion, denying overtime or promotion, disciplining, denial of benefits, intimidation/harassment, reassignment affecting prospects of promotion, or reducing pay or hours.

Any whistleblower who believes they are being retaliated against should submit their concerns in writing immediately to the Compliance Officer immediately. Any report of retaliation shall be made within (30) days of the alleged incident of retaliation, or where the retaliation is of an ongoing nature, within (30) days from the most recent incident. Any report of retaliation must state with particularity those action that the employee making the report believes constitute retaliation. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities will be promptly submitted to the Compliance Officer who will be responsible for investigating and coordinating corrective action.

The Compliance Officer will be appointed by the Board of Commissioners and the name posted with the County's legal postings.

6.6 VISITORS IN THE WORKPLACE

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

Authorized visitors will receive directions or be escorted to their destination. Employees are responsible for the conduct and safety of their visitors. If an unauthorized individual is observed on the County's premises, employees should immediately notify their Department Head, Elected Official or, if necessary, direct the individual to the office of the Board of Commissioners.

This applies to Solicitors since the County has a No Soliciting policy and signs are posted at each entrance.

6.7 COMMISSION OF A FELONY OR UNLAWFUL ACT

Clinton County is committed to providing its citizens with qualified staff who possess good character and standards. This policy provides basic safeguards in maintaining a safe working environment for employees and citizens and in fulfilling this commitment.

Whenever an employee is cited for an infraction while on or off duty or arrested for any misdemeanor or felony while on or off duty, the employee shall report this matter, in writing, to their Elected Official/Department Head within twenty-four (24) hours of the arrest or citation. Failure to report in accordance with this policy shall be considered a violation of the personnel policies subject to disciplinary actions up to and including termination.

Citations for moving traffic violations or arrests for misdemeanors or felonies which occur during an employee's off-duty hours must be reported to the Elected Official/Department Head in writing within five (5) calendar days of receiving the citation or the arrest. All citations for moving traffic violations that occur in a county leased/owned vehicle must be reported in writing to the Commissioners' Assistant within three (3) calendar days of receiving the citation.

Unauthorized time away from work shall be subject to the County's attendance and wage policies. Time spent under arrest or in jail is not considered a valid excuse for missing work.

An employee who is cited for an infraction or arrested for any misdemeanor or felony, whether the citation or arrest happened while the employee was on duty or not, may be suspended without pay pending an administrative investigation and/or the disposition of any charges filed against the employee.

The investigation will be used to determine if the accused employee is in violation of the personnel policies and to determine if disciplinary action is warranted, up to and including termination.

The determination as to whether an employee shall be suspended will be based upon the nature and circumstances of the alleged offense and the impact the charges may have on the employee's ability to adequately perform their job duties and/or remain in compliance with the County's personnel policies.

It is the responsibility of any employee with pending criminal charges to provide their Elected Official/Department Head written documentation such as a court record of the disposition of the charges within five (5) calendar days after receiving notification. Employees who receive a moving traffic violation which occur while operating a County owned or leased vehicle must be reported to the Clinton County Commissioners in writing within five (5) calendar days of receiving the citation.

Failure to do so will be considered a violation of this policy and may subject the employee to discipline, up to and including termination.

If the employee is on a leave of absence pending administrative investigation and/or the disposition of any charges, and the employee is not found to have been in violation of the personnel policies, they shall be returned from suspension.

Factors to be used in determining appropriate discipline, which may range from no disciplinary action up to termination of employment, will include the employee's assigned duties and responsibilities, the nature of the offense, sentences imposed, other convictions/infractions, relevant provisions of Indiana statutes, licensing requirements, risk of recidivism, reasonable inferences about problems with self control, propensity for violence, honesty, and damage to the reputation of the employee, the employee's department, and/or Clinton County government.

Any employee found guilty, admitting guilt, or pleading no contest or *nolo contendere* of/to a felony will be subject to immediate dismissal.

6.8 GIFTS OR GRATUITIES

Employees may not accept a gift, favor, service, entertainment, food or drink that has more than a nominal value or that could create the public perception that it is intended to influence the employee's action. Employees may not solicit or accept outside payments for the performance of county duties or for any activity related to their service to the County.

6.9 GHOST EMPLOYMENT

Clinton County is committed to providing efficient and lawful services to its citizens and to maintaining public trust. Therefore, "ghost employment" is a violation of County policy and of Indiana Code 35-44.1-1-3. Ghost employment is a Level 6 felony.

A public servant who knowingly or intentionally hires an employee for a governmental entity and fails to assign the employee any duties, or assigns duties not related to the operation of the governmental entity, is committing ghost employment.

Additionally, a public servant employed by a governmental entity knowing that they have not been assigned any duties to perform for the entity and accepts property (compensation) from the entity, or a public servant who knowingly or intentionally accepts property (compensation) from the entity for the performance of duties not related to the operation of the entity, commits ghost employment.

Examples of violations of this policy include, but are not limited to, performing work on public property that is not job related, authorizing or receiving payment for time not worked, and authorizing or receiving payment for leave time not authorized by County

paid leave policies. Violations of this policy shall result in disciplinary action up to and including termination, in addition to potential prosecution under Indiana Code 35-44-2-5.

6.10 BUSINESS ETHICS/CONFLICT OF INTEREST

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

Our continued success is dependent upon our citizens' trust and we are dedicated to preserving that trust. Employees owe a duty to Clinton County government, its customers, and citizens to act in a way that will merit the continued trust and confidence of the public.

Clinton County will comply with all applicable laws and regulations and expects its Department Heads, Elected Officials and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your Department Head or Elected Official.

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

The County recognizes and respects the right of individual employees to engage in private activities outside of the organization that do not in any way conflict with, or reflect poorly on, Clinton County.

Indiana Code 35-44-1-3 states that a person who knowingly or intentionally obtains a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the governmental entity served by the public servant commits a Level 6 felony, unless a financial disclosure form is approved in advance and filed as required by law.

The County also recognizes its right and obligation to determine when an employee's activities present a conflict of interest with the organization. At such times, the County must take whatever action is necessary to resolve the situation, including but not limited to, termination of employment. This policy applies to all employees, as well as to former employees, where applicable.

Employees having financial interest in a company or substantial investments in a corporation that might benefit from their dealings with the County must file a conflict of interest statement with the County Clerk with a copy to the State Board of Accounts. If deemed by County Commissioners to be in the best interest of the County, those employees shall either divest themselves of such interest or investments or be ineligible for continued employment with the County.

6.11 SOLICITATION/DISTRIBUTION

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

Clinton County recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time. Working time does not include lunch periods, work breaks, or any other periods in which employees are not on duty.

If employees have a message of interest to the workplace they may submit it to the Board of Commissioners for approval. The Board will post all approved messages.

This policy is designed to protect the interests of the citizens of Clinton County by ensuring that only official County business is transacted in work areas during employees' work time.

This section does not apply to vendors and/or charity organizations who have received the approval of the Board of County Commissioners.

Employees violating this policy shall be subject to disciplinary action, up to and including discharge.

6.12 SECURITY OF PREMISES

Clinton County wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, Clinton County prohibits the control, possession, transfer, sale, or use of such materials on premises owned or leased by Clinton County or while engaged in County business. However, Ind. Code 34-28-7 allows employees who may lawfully possess a firearm to bring firearms and ammunition onto County property as long as the firearm and ammunition are locked in a glove box or trunk or stored out of plain sight in the employee's personal locked vehicle. This exception does not apply to employees driving or riding in County-owned vehicles where firearms and ammunition are prohibited. Employees of a penal facility (Clinton County Jail) or other County facilities listed in Ind. Code 34-28-7-2(a) (2) do not have these rights. Except for law enforcement officers, employees working at the Clinton County Jail shall not bring firearms or ammunition onto County property including in their personal vehicles.

The County prohibits the possession of firearms, ammunition, and the possession of other weapons by persons other than County employees and the law enforcement officers on County property. The County requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees but remain the sole property of the County. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the County at any time, either with or without prior notice.

6.13 WORKPLACE VIOLENCE

The safety and security of Clinton County employees and customers is very important. It is the intent of the County to provide a workplace for all employees which is free of violence. Threats, threatening behavior, acts of violence, or any related conduct which disrupts another's work performance or the organization's ability to execute its mission will not be tolerated.

Workplace violence includes, but is not limited to, intimidation, threat, physical attack, or property damage. These terms are defined as follows:

- A. "Intimidation" includes, but is not limited to, stalking or engaging in actions intended to frighten, coerce, or induce duress.
- B. "Threat" is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the person communicating the threat has presented the ability to carry it out and without regard to whether expression is contingent, conditional, or future.
- C. "Physical attack" is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, throwing objects, firing a weapon, causing an explosion of hazardous materials, or discharge of hazardous substances.
- D. "Property damage" is intentional damage to property which includes property owned or leased by the County, employees, visitors, or vendors.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on County-owned or leased property may be removed from the premises. Additionally, illegal firearms, weapons, and other dangerous or hazardous devices or substances are strictly prohibited on County property without proper authorization as specified in *Section 6.12 Security of Premises of this Personnel Policies Handbook*.

Threats, threatening behavior, or acts of violence executed off County-owned or leased property but directed at County employees or members of the public while conducting official County business, is a violation of this policy. Off-site threats include, but are not limited to, threats made via the telephone, fax, electronic or conventional mail, or any other communication medium.

Violations of this policy may lead to disciplinary action that may include termination of employment and may also result in arrest and prosecution. In addition, if the source of such inappropriate behavior is a member of the public, the response may also include barring the person(s) from County-owned or leased premises, termination of business relationships with the individual(s), arrest, and prosecution of the person(s) involved.

Employees are responsible for notifying their Elected Official/Department Head of any threats which they have witnessed, received, or have been told that another person has witnessed or received.

Employees should also report any behavior they have witnessed which they regard as threatening or violent when the behavior is job related or might be carried out on County-owned or leased property or in connection with County employment.

Any employee who receives a protective or restraining order which lists County-owned or leased premises as a protected area is required to provide their Elected Official/Department Head with a copy of such order.

If an emergency exists, contact the police department at 911 and notify your supervisor. If not an emergency, employees should inform their Elected Official/Department Head. If the Elected Official/Department Head is unavailable or if the nature of the complaint is such that the employee does not believe they can discuss it with the Elected Official/Department Head, the employee may bring concerns to the County Commissioners.

Employees who act in good faith by reporting real or implied violent behavior violations of this policy need not fear retaliation.

6.14 CONFIDENTIAL RECORDS

All records of Clinton County and its agencies and departments are public records with the exception of the following:

1. Records declared confidential by state statute.
2. Records required to be kept confidential by Federal Law.
3. Records containing trade secrets.
4. Records declared confidential under rules of the Supreme Court of Indiana.
5. Patient medical records and patient health information unless written consent is given by the patient or the patient's authorize representative.
6. Investigatory records of a law enforcement agency or officer of the Courts.
7. Work product of an attorney representing Clinton County, its governing bodies, agencies, departments or officers in their official capacity.
8. Records which are identified by governing bodies, agencies or departments of Clinton County as confidential under the Indiana Access to Public Records statutes.

9. Computer programs, computer codes, computer filing systems, and other software owned by Clinton County, its agencies or departments, or entrusted to any of them by their owners.
10. Personnel files of employees or appointees of Clinton County or of its officers, boards and departments except for:
 - a. The name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;
 - b. Information relating to the status of any formal charges against the employee; and
 - c. Information concerning disciplinary actions in which final action has been taken and that resulted in the employee being disciplined or discharged.

However, all personnel file information shall be made available to the affected employee or his representative. The limitations upon disclosure of personnel file information do not apply to disclosure of personnel information generally on all employees or for groups of employees so long as information on a particular employee has not been requested.

No Clinton County or Clinton County related information, including without limitation, documents, notes, files, records, oral information, computer files or similar materials, except in the ordinary course of performing duties on behalf of Clinton County may be removed from the courthouse without permission from the Department Head or Elected Official.

Employees who are unsure about the confidential nature of any particular record or information should ask their Department Head or Elected Official for clarification, who may refer the applicability of any of the foregoing exceptions to the attorney representing Clinton County. Employees will be subject to appropriate disciplinary action, up to and including dismissal, for knowingly or unknowingly divulging or releasing information or records of a confidential nature.

Employees are advised to consult with their Elected Official/Department Head before releasing information which is confidential or privileged by law. It is a violation of state law for a public servant to knowingly or intentionally disclose information classified as confidential.

6.15 EMPLOYEE CONDUCT AND WORK RULES

Employee job performance and personal conduct directly impact Clinton County's ability to achieve its mission of public service. Therefore, the following work rules and principles of job performance are adopted as guidelines for monitoring behavior and exercising disciplinary actions. Clinton County employees are expected to follow procedures and guidelines set forth by the County and the employee's office/department policies and procedures.

Behavior of Employees. In monitoring the behavior of its employees, the County has classified offenses as first, second, and third level offenses based upon their seriousness. **These classifications are provided only to illustrate the procedures that will generally be followed in respect to such conduct.**

This classification system should not be construed to in any way limit the County's discretion in exercising discipline as it finds appropriate based on the severity of the misconduct or the totality of the circumstances.

The following conduct is prohibited and will subject the individual involved to disciplinary action, up to and including termination. **This list of examples is merely illustrative of the kinds of conduct that will not be permitted. It is not intended to be all inclusive or to in any way limit rules, guidelines, and restrictions set out elsewhere in this handbook.**

GROUP I OFFENSES

(Examples of, but not limited to the following:)

1. Tardiness or failure to report to duty within a reasonable time after call.
2. Reporting to work clothed or groomed in an unclean or inappropriate manner.
3. Littering or otherwise contributing to unsanitary conditions on County property.
4. Neglect or carelessness in signing in or out.
5. Failure to cooperate with other employees as required by job duties.
6. Distracting the attention of others, unnecessarily shouting, demonstrating, or otherwise causing a disruption on the job.
7. Malicious mischief, horseplay, wrestling, or other undesirable conduct.
8. Unauthorized use of telephone, fax, or mail for personal use.
9. Unsatisfactory work or failure to maintain required standard of performance.
10. Unauthorized breaks.
11. Failure to report accidents, injury or equipment damage.

GROUP I DISCIPLINE

First Offense	Oral warning
Second Offense	Written reprimand
Third Offense	Three (3) working days suspension without pay
Fourth Offense	Discharge

GROUP II OFFENSES

(Examples of, but not limited to the following:)

1. Leaving the job or work area during the regular working hours without authorization.
2. Threatening, intimidating, coercing, or interfering with subordinates or other employees.
3. Obligating Clinton County for any expense, service, or performance without authorization.
4. Unauthorized sleeping during working hours.
5. Reporting for work or working while unfit for duty.
6. Unauthorized use of County property or equipment.
7. Performing private work on County time.
8. Failure to sign in or out when required.
9. Failure to report for overtime work without good reason after being scheduled to work according to overtime policy.
10. Making or publishing of false, vicious, or malicious statements concerning employees, supervisors, or the County and its operations. Making abusive or threatening remarks to supervisors, other employees, or the public.
11. Refusing to provide testimony in court during an accident investigation, or during any type of public hearing.
12. Giving false testimony during a complaint, investigation, or hearing.
13. Unauthorized posting, removal, or alteration of notices or signs from bulletin boards.
14. Distributing or posting written or printed matter of any description on County premises unless authorized.
15. Unauthorized presence on County property.
16. Disregard of department rules.
17. Discourteous treatment of the public.
18. Excessive absenteeism.
19. Failure to give medical certifications and/or physician's excuse in a timely manner.
20. Failure to notify authorized personnel not later than one-half (1/2) hour before regular work starting time when unable to report to duty.

GROUP II DISCIPLINE

First Offense	Five (5) working days suspension without pay
Second Offense	Discharge

If an employee at any time, during a twelve (12) month period starting with the first reprimand, has been issued a total of three (3) reprimands for Group I and/or Group II offenses, the employee shall be subject to discipline, up to and including termination.

Reprimands obtained shall become ineffective after the twelve (12) month period for purposes of an employee's reprimand total; however, all disciplinary documents shall remain in an employee's Administrative File and may be considered for future disciplinary actions.

GROUP III OFFENSES

(Examples of, but not limited to the following:)

1. Being in possession of, or drinking alcoholic beverages, on the job.
2. Neglect in the performance of assigned duties or in the care, use, or custody of any County property or equipment. Stealing, abuse, or deliberate destruction in any manner of County property, tools, equipment, or the property of employees.
3. Punching, signing, or altering other employees time cards, time sheets or unauthorized altering of own time card or sheet.
4. Falsifying testimony regarding accident investigations; falsifying or assisting in falsifying or destroying any County records, including work performance reports; or giving false information or withholding pertinent information in applying for employment.
5. Making false claims or misrepresentations in an attempt to obtain any County benefit.
6. Unlawful or negligent handling of public monies.
7. Using controlled substances without a prescription thereof or selling controlled substances.
8. Fighting or attempting to injure other employees, supervisors, or other persons.
9. Except for authorized employees of the Sheriff's department, carrying or possession of firearms on County property at any time without proper authorization.
10. Knowingly exposing others to hazardous conditions, such as communicable diseases, which may pose a health or safety risk.
11. Misusing or removing County records or information without prior authorization.
12. Instigating, leading, or participating in any illegal walkout, strike, sit-down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the County's work stations.
13. Dishonesty or any dishonest action. Some examples of "dishonesty" or "dishonest action" are theft/pilfering/opening desks assigned to other employees without authorization; theft/pilfering through property of the County or other employees without authorization; and making false statements to justify an absence or tardiness. The foregoing are examples only and do not limit the terms "dishonesty" or "dishonest action."
14. Insubordination by refusing to perform assigned work or to comply with written or oral instruction of the supervisors, creating a hostile work environment for supervisors, employees, and the public.
15. An absence of more than one (1) work day without notification of absence.
16. Violating the County's sexual harassment policy.
17. Failure to report accidents, injury, or equipment damage.
18. Disclosure of confidential information.
19. Failure to disclose at time of employment the past conviction of a misdemeanor and/or felony, if reasonably related to the employee's duties or the public trust.
20. Failure to submit to a blood test, urinalysis, or Breathalyzer examination, pursuant to the Drug-Free Workplace Policy.
21. Failure to maintain required certifications required of the position.
22. Failure to follow safety regulations when safety of an employee or others is affected.

23. Refusal to take or failure to pass any examination required for the job, including fitness for duty medical examinations.
24. The posting, transmitting, reproducing, and/or dissemination of information (text, pictures, video, and/or audio) to the internet or any other forum (public or private) by an employee that would discredit or reflect unfavorably upon the County Department, employee, or its employees.

GROUP III DISCIPLINE

First Offense Any appropriate discipline, up to and including discharge.

7. PROBLEM RESOLUTION

The policies contained in this chapter and throughout the Clinton County Personnel Policies Handbook apply to all Clinton County employees, except when in direct conflict with special employment conditions set forth by various statutes governing employment relationships.

Employees and supervisors will benefit from a process that allows for the free discussion of matters of mutual concern and effectively addresses complaints on specific issues.

These procedures provide for open discussion and speedy resolution of issues of serious concern to any employee who thinks that Clinton County's policies have been violated, or who believes that they have been treated unfairly. A complaint is an employee's expressed dissatisfaction with what that employee believes, rightly or wrongly, to be unfair treatment or a mistake in the administration of a rule, plan, or County policy. **This section does not apply to disciplinary actions taken by Elected Officials/Department Heads having the authority to take disciplinary actions.**

When a complaint arises, it should be heard and resolved at the lowest organizational level. The employee has the following steps available:

STEP 1: Elected Official/Department Head (Oral complaint)

An employee with a complaint should first schedule a time to discuss the complaint with the Elected Official/Department Head. Every effort should be expended to resolve the issue satisfactorily at this meeting.

STEP 2: Elected Official/Department Head (Written complaint)

If the complaint cannot be solved satisfactorily by the employee and Elected Official/Department Head through discussion, or if the decision is not satisfactory, the employee may reduce the complaint to writing. The employee may take or send the written complaint to the Elected Official/Department Head. Elected Official/Department Head is encouraged to give a written response to the complaint within five (5) days.

STEP 3: Auditor/Board of County Commissioners (Written Complaint)

If a satisfactory solution is not reached at Step 2 the employee may take or send the written complaint to the Auditor for review and submission to the Commissioners. The Board of Commissioners shall hear the complaint, and render a decision.

SEVERABILITY

The policies and procedures contained in this handbook are subject to all applicable federal and state laws and County of Clinton, Indiana rules and regulations, and shall be interpreted wherever possible so as to comply fully with such laws, provisions, or any judicial interpretations. If an article or section of this handbook shall be held invalid by operation of law or tribunal of competent jurisdiction, or compliance with or enforcement of any article or section of this handbook shall be restrained by such tribunal, the remainder of this and any amendments thereto shall not be affected and shall remain in full force and effect. The County of Clinton, Indiana, reserves the right to delete, modify, or amend the policies contained herein or allocate new policies as needed.

INDEMNIFICATION

In the event that a Department Head, Elected Official, or any other County employee becomes a defendant, either in their representative capacity or individually in any litigation arising out of the administration of this policy, the County and/or its insurers shall defend the employee of that action and pay any judgment entered in the action provided by the County, so long as the Elected Official, Department Head or County employee has made a good faith effort to comply with the terms and conditions set out in this handbook.

ENABLING ORDINANCES

This handbook shall be approved by Ordinance passed by the Board of Commissioners of Clinton County. The terms and conditions of this handbook shall be incorporated by reference in the Salary Ordinance approved annually by the Clinton County Council and the terms and conditions set out herein shall be deemed a condition of compensation under that Ordinance.

AMENDMENTS

This handbook may be amended from time to time by an Ordinance in substantially the same form approved by the Board of Commissioners of Clinton County. Any amendments shall be distributed to each department of the County and shall be conspicuously posted for at least ninety (90) days throughout the offices of the County after their passage.

EMPLOYEE ACKNOWLEDGMENT FORM

The Clinton County Personnel Policies Handbook adopted by the County Commissioners on _____, describes important information about employment with Clinton County. I understand that I should consult the Auditor regarding any questions not answered in the handbook.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the County Commissioners have the ability to adopt any revisions to the policies in this handbook.

I acknowledge that this handbook is not a contract of employment. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any subsequent revisions.

EMPLOYEE'S SIGNATURE

DATE

EMPLOYEE'S NAME (TYPED OR PRINTED)

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