

**RESOLUTION NO. 01-12**

**A RESOLUTION TO APPROVE UPDATES TO  
CERTAIN POLICIES CONTAINED IN THE  
PERSONNEL MANUAL FOR WEST LAFAYETTE  
CITY EMPLOYEES**

WHEREAS, the City's Director of Human Resources, after consultation with representatives from various departments, city employees and the Common Council Personnel Committee, has prepared an update to certain policies contained in the Personnel Manual for City employees; and

WHEREAS, the Common Council Personnel Committee has recommended the approval of the updates to certain policies contained in the Personnel Manual; and

WHEREAS, the West Lafayette Board of Public Works and Safety has adopted the updates to certain policies contained in the Personnel Manual for employees of the City of West Lafayette; and

WHEREAS, it would be in the best interest of the City to approve these changes;

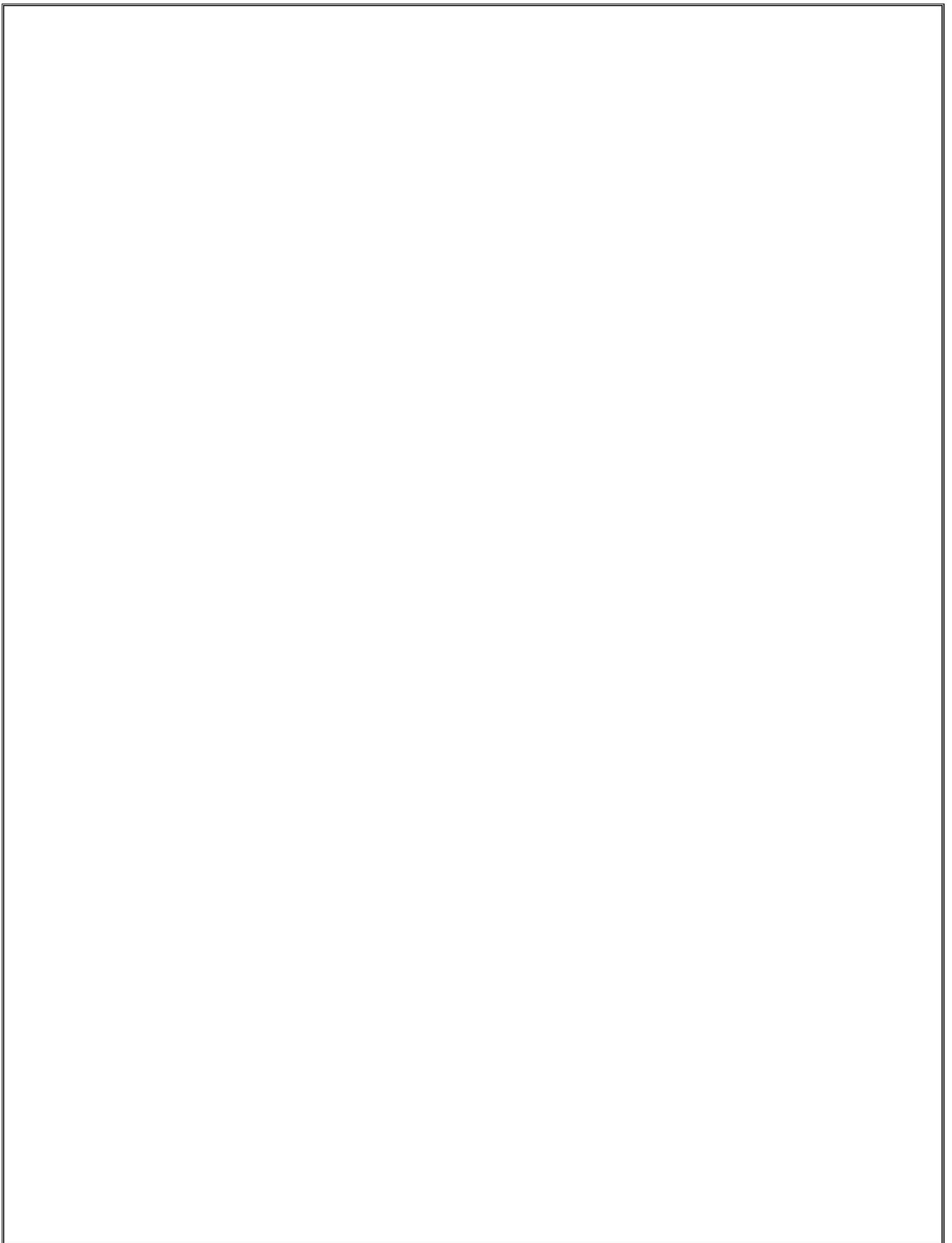
BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF WEST LAFAYETTE that:

The attached updates to certain policies in the personnel manual are ratified.



# **Personnel Manual**

**EFFECTIVE: JANUARY 1, 2012**



# West Lafayette Personnel Manual

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## 1.00 PURPOSE AND AUTHORITY FOR PERSONNEL POLICIES AND PROCEDURES

### 1.01 POLICY

This personnel manual has been established to provide a uniform approach to the implementation and administration of the personnel policies of the City of West Lafayette. THIS PERSONNEL MANUAL IS NOT A CONTRACT BETWEEN THE CITY AND ITS EMPLOYEES. THE CITY REMAINS FREE AT ALL TIMES TO CHANGE WAGES AND ALL OTHER WORKING CONDITIONS, EXCEPT AS OTHERWISE PROVIDED BY LAW OR CONTRACT, WITHOUT CONSULTATION OR AGREEMENT WITH THE EMPLOYEE AND CONTINUES TO HAVE THE POWER TO TERMINATE ANYONE WITH OR WITHOUT GOOD CAUSE. THIS PERSONNEL MANUAL SUPERSEDES AND REPLACES ALL PREVIOUS PERSONNEL MANUALS

### 1.02 GENERAL PROVISIONS

- A. This Personnel Manual covers all City civilian employees. The West Lafayette Fire Department and Sworn Police Officers are covered by separate policies. This policy shall be effective beginning January 1, 2012.
- B. This Personnel Manual, the West Lafayette Fire Department Personnel Policies and Procedures and the West Lafayette Police Department Standard Operating Procedures Manual shall be kept on file in the Human Resources Director's Office and the Clerk Treasurer's Office.
- C. Policies and procedures found to be in violation of federal law, state statute, or city ordinance shall be declared null and void without effect on other policies and procedures.

## 2.00 DEFINITIONS

Active Paid Status - An employee is in active paid status when he/she is drawing earned compensation for employment, or is on paid sick leave, paid personal time, a paid holiday or paid vacation.

Board - Refers to the West Lafayette Board of Public Works and Safety or the West Lafayette Board of Parks and Recreation.

City - Refers to the City of West Lafayette, Indiana.

Equal Employment Officer - Refers to Mayor's designee who oversees the City's E.E.O. compliance.

Introductory Period - An employee is considered to be in an introductory period for a minimum of 90 calendar days from the start of his/her employment. This introductory period may be extended in individual cases with the consent of the department head and the Human Resources Director. During the introductory period, a newly appointed employee is required to demonstrate satisfactory performance of the duties of the position.

Regular Full-Time - Includes all employees who are regularly scheduled to work at least thirty (30) and up to forty (40) hours per calendar week. Regular full-time employees are entitled to benefits associated with full-time employment.

Regular Part-Time - Includes all employees who are regularly scheduled to work between twenty (20) and thirty (30) hours per calendar week. Regular part-time employees are entitled to accrued leave benefits on a *pro rata* basis according to their regularly scheduled work week.

Seasonal - Includes all employees whose employment schedule is for a specific seasonal period as determined by a department. Seasonal employees are not eligible for any benefit programs.

Temporary - Includes all employees whose employment schedule is short-term or intermittent. Temporary employees are not

eligible for any benefit programs. Temporary employment placements are subject to review and change, including termination, at the discretion of the Department Head and the Human Resources Director.

Special Employees - Includes those employees who occupy job positions which may, from time-to-time, be created as a result of grants or supplemental assistance, grants-in-aid or other such funding. Special employees are not eligible for any benefit programs.

## 3.00 EQUAL EMPLOYMENT OPPORTUNITY, AMERICANS WITH DISABILITIES ACT AND AFFIRMATIVE ACTION POLICIES

### 3.01 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The City of West Lafayette recruits, hires, advances, and compensates without regard to race, religion, color, sex, age, marital status, familial status, sexual orientation, national origin, or ancestry in order to provide equal employment opportunity to all employees and applicants for employment in accordance with state and federal law. (See Appendix 3 for comprehensive policy against harassment and discrimination and complaint procedure.)

### 3.02 AMERICANS WITH DISABILITIES ACT POLICY

West Lafayette is committed to complying with all applicable provisions of the Americans with Disabilities Act ("ADA") and other laws governing disability discrimination. The City of West Lafayette will not discriminate against any qualified employee or applicant with regard to any term or condition of employment because of such individual's disability or perceived disability so long as the employee can perform the essential functions of the job, with or without reasonable accommodation. Consistent with this policy of nondiscrimination, the City will provide reasonable accommodations to a qualified individual with a disability, as defined by the ADA, who has made the City aware of his/her disability, provided that such accommodation does not constitute an undue hardship on the City. This includes making reasonable accommodation to allow individuals with disabilities to participate in the application and hiring process. Employees or applicants with a disability who believe they need a reasonable accommodation should contact their interviewer, immediate supervisor, a department head, or the Human Resources Director. The City encourages individuals with disabilities within the meaning of the ADA to come forward and request reasonable accommodation. (See Appendix 3 for comprehensive policy against harassment and discrimination and complaint procedure.)

### 3.03 AFFIRMATIVE ACTION POLICY

The City of West Lafayette will not discriminate against any employee or applicant for employment because of race, color, religion, sex or national origin. The City is committed to taking affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action will include, but not be limited to the following: employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. (See the City's Affirmative Action Program, attached to this policy as Appendix 2.)

## 4.00 RECRUITING AND SELECTION

### 4.01 RECRUITING

If a vacancy occurs in a department, the department head will contact the Human Resources Director to initiate the following procedure:

- A. A formal job notice shall be publicly posted in City Hall and in each department. Copies shall also be sent to the Indiana

Department of Employment and Training Services and other pertinent agencies. Newspaper advertising may be utilized.

B. Job notices shall be posted for a minimum of five (5) working days before being closed.

C. All job notices, postings, ads, recruiting literature, etc. shall contain the phrase “*AN EQUAL OPPORTUNITY EMPLOYER*”.

**4.02 QUALIFICATIONS**

Hiring qualifications are listed in the job description for the position to be filled. Each job description will specify essential and non-essential duties and qualifications. An employee must perform all duties, essential and non-essential, unless such duties can be reassigned as a reasonable accommodation without undue hardship.

**4.03 INTERNAL PLACEMENT**

When a vacancy occurs, consideration shall be given to current employees who possess the knowledge, skill and ability necessary to fill the vacant position.

All qualified internal candidates who request consideration for a position will be interviewed. Employees are encouraged to advise their current supervisor of their interest in a posted position. An employee selected for a position through the internal placement process may be retained in their former position until a replacement is obtained or satisfactory arrangements are made with their present department.

Civilian employees who are transferred between departments will maintain their seniority for accrued leave benefits. The head of the department into which the employee is transferring shall have the discretion of requesting that any unused accrued vacation and/or unused accrued compensatory time be paid to the employee before starting in his/her new position.

Non-civilian employees who are re-hired as civilian employees with the City shall be paid for any unused accrued sick leave benefits before starting work in their new position. His/her vacation allotment, not to exceed twenty (20) days, will transfer with the re-hired employee. Any vacation that exceeds the twenty (20) day maximum will be paid by the department from which the employee is transferring. The State mandated separation of employment as defined by the Indiana Public Employee’s Retirement Fund (“PERF”) must be satisfied before starting work as a civilian employee. The re-hired employee will be subject to the normal waiting periods for accrued leave and for his/her health and welfare benefits as for any new employee.

**4.04 APPLICATION**

All applicants will be required to complete the City’s standard application form which is available from the Human Resources Director. A resume may be used as addendum to the application to provide the information specified in the job notice. No resume may be accepted which indicates that a candidate is member of a protected status category. False or misleading information given during the application process will result in rejection of the application and termination of employment if the applicant has been hired.

**4.05 SELECTION**

Department heads shall be responsible, after consultation with the Human Resources Director, for choosing the best qualified applicants for openings in their respective departments. Final hiring approval must come from the Board of Public Works and Safety or the Board of Parks and Recreation. This section does not apply to the Clerk-Treasurer’s office.

**4.06 NEPOTISM**

In no event will any department head employ a relative in his/her department. In addition, the Parks and Recreation Department will not hire relatives of the Mayor, Clerk-Treasurer, Board of Parks and Recreation members or members of the Common Council. For purpose of this policy, “relatives” are defined as father, mother, spouse, child, brother, sister, brother-in-law, sister-in-law, son-in-law, daughter-in law, mother-in-law, father-in-law, stepfather, stepmother, stepson, stepdaughter, niece, nephew, grandparent, uncle, or aunt.

**4.07 NEW EMPLOYEE PROCEDURE**

Upon acceptance of a job offer, the new employee shall meet with the Human Resources Director for orientation and to complete certain forms.

As a condition of employment, every new employee must complete the Immigration and Naturalization Form I-9, with supporting documents within three business days of the date of employment. The City participates in E-Verify and will provide the Social Security Administration and, if necessary, the Department of Homeland Security, with information from the Form I-9 to confirm work authorization. The new employee shall also complete payroll, tax and insurance forms. The Human Resources Director will forward the completed forms to the Clerk-Treasurer’s office. Payroll records will be maintained by the Clerk-Treasurer’s office. The Human Resources Director will maintain all other information.

**5.00 ATTENDANCE POLICY**

Punctuality and regular attendance are essential functions of each employee’s job with the City. Any tardiness or absence causes problems for fellow employees and supervisors. When an employee is absent, others must perform his/her work.

Employees are expected to report to work as scheduled, on time and prepared to start work. Employees also are expected to remain at work for their entire work schedule, except for break periods or when required to leave on authorized City business. Late arrival, early departure, and leaving City premises during work hours without permission of the employee’s supervisor or department head while not on City business are grounds for discipline up to and including termination. For shift employees, the employee shall not leave his/her post until replaced by the employee for the next shift or until the supervisor relieves him/her.

In the event of an absence or tardiness, employees must provide their supervisor with an honest reason or explanation. Documentation of the reason may be required. Employees also must inform their supervisor of the expected duration of any absence. Absent extenuating circumstances, an employee must call in advance of his/her regular starting time on any day on which the employee is scheduled to work and will not report to work or will be tardy. This policy applies for each day of an employee’s absence. Not calling in to report an absence from work, being absent without proper explanation or giving a false reason for absence or tardiness are all grounds for disciplinary action up to and including termination. Excessive absenteeism and excessive tardiness may be grounds for discipline up to and including termination of employment. Generally, any unpaid absence not protected by law (e.g., FMLA) will be considered excessive. Each situation of excessive absenteeism or tardiness will be evaluated on a case-by-case basis.

Any employee who, without valid reason, fails to report to work without notification to his/her supervisor for a period of three days

or more will be considered to have terminated the employment relationship.

## **6.00 HOURS OF WORK**

### **6.01 WORK DAY, WEEK AND PAYROLL WEEK**

The Common Council, the Board of Public Works and Safety (for the Wastewater Treatment Utility) or the Board of Parks and Recreation as appropriate, will set the regularly scheduled work hours in compliance with the FLSA. The designated hours of work for each department will be established by the department head with approval from the Mayor. The Clerk-Treasurer can designate the hours of work for the Clerk-Treasurer's staff. Generally speaking, these hours of work will be from 8:00 a.m. to 4:30 p.m. Monday through Friday. Certain offices may need to observe earlier opening hours and later closing hours in order to better serve the public. The payroll week shall be the calendar week beginning Saturday and ending Friday. The payroll period shall consist of two (2) consecutive weeks, with adjustments as needed.

### **6.02 BREAKS**

Employees are entitled to receive two paid 15 minute breaks during each work day, one during each half of the employee's shift. These breaks are to be taken at a time not disrupting to departmental work activity as judged by the supervisor.

### **6.03 OVERTIME AND COMPENSATORY TIME**

When operating requirements or other needs cannot be met during regular working hours, employees will be scheduled to work additional hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive prior authorization from the supervisor.

Compensatory time may be given as a substitute for overtime pay for exempt and non-exempt employees. Exempt and non-exempt employees who are subject to receiving compensatory time will follow the "Compensatory Time Off Agreement" attached as Appendix 1.

Non-exempt employees that are not subject to the Compensatory Time Off Agreement shall receive monetary overtime compensation at a rate of one and one-half (1-1/2) times their regular rate of pay for each hour actually worked over forty (40) hours per workweek. Any exempt employee subject to receiving compensatory time who is required to work additional hours beyond the regularly scheduled workweek, up to forty (40) hours per week, will receive compensatory time on an hour-for-hour basis. The Department in which an exempt employee works may elect to pay straight time for hours worked beyond the regularly scheduled workweek, up to and above forty (40) hours per week.

Holiday, jury duty, and military leaves are considered hours worked for the computation of overtime pay. However, the maximum hours of work credited per day cannot exceed the hours in an employee's regularly scheduled workday. Other absences, including vacation, sick leave, personal days, compensatory time, bereavement leave, or any other leave of absence will not be considered hours worked for the computation of overtime pay. (See Compensatory Time Off Agreement attached as Appendix 1)

### **6.04 CALL-IN**

Non-exempt employees who maintain their availability to come back to work to perform emergency or needed procedures during off-duty hours at the request of a supervisor or department head will be compensated for a minimum of two (2) hours at the regular

rate of pay or for the actual time worked at one and one-half times their regular rate of pay, whichever is greater, regardless of the hours actually worked in the work week. Failure to report for duty within a reasonable time, not to exceed one hour, after being called into work by a supervisor or department head will be grounds for disciplinary action. Failure to inform the supervisor or department head of any change in phone number, address or personal data will be grounds for disciplinary action.

### **6.05 ON-CALL**

An employee may be required by the department head or supervisor to be available on a stand-by basis, outside scheduled working hours, to respond immediately to a call back to work as required for reasons of operational necessity. An employee who is on call is required to carry a cell phone, pager or other immediate contact device, which will be provided by the City. Failure to answer a call or respond to a page within a reasonable time, not to exceed one hour, after being called into work, will be grounds for disciplinary action. Failure to inform the supervisor or department head of any change in phone number, address or personal data will be grounds for disciplinary action.

## **7.00 RECORD KEEPING**

It is the responsibility of the department head or his/her designee to keep records of hours worked, all overtime, sick leave, vacations, compensatory time, other leave or lateness, as required by the State Board of Accounts. The Clerk-Treasurer shall prescribe all payroll and account forms for all city departments.

It is the responsibility of each employee to update his/her work and leave record on a biweekly basis and to obtain approval of his/her service record from the department head.

Supervisors and department heads must report information regarding changes in an employee's job status, job description and salary to the Human Resources Director with a copy to the Clerk-Treasurer.

## **8.00 EMERGENCY CLOSINGS**

The Mayor, in consultation with the Police Chief and Public Works Director, will determine if emergency conditions exist to close City Hall and/or other departments within the City. Emergencies include, but are not limited to, inclement weather conditions, equipment failure, fire or other forced evacuations.

In the event of an emergency closing, some operations must continue to provide services. Department heads shall predetermine and designate the mandatory/essential operations that will remain open and designate the emergency employees to staff these operations. (e.g. maintenance personnel may be deemed as essential for the on-going operation of a department whereby administrative/clerical personnel may be deemed non-essential to the operation of a department during a closing at the discretion of the department head and depending upon the emergency.) Employees who are designated mandatory/essential will remain at work and will be paid their regular rate of pay up through forty (40) hours actually worked per work week. All non-essential employees will be released and will receive regular pay for all normally scheduled hours not worked due to the emergency closing.

Non-essential employees who have been requested by the department head to remain at work to complete a required work assignment will be compensated at the rate of one and one-half times their regular rate of pay for the time worked beyond the designated close time.

Employees who do not report for work because of weather-related conditions when City Hall and/or their Department is open and City services are available to the public, will be required to use a personal day, vacation leave, or compensatory time.

**9.00 APPROPRIATE ATTIRE**

The City requires employees to always appear for work in attire that is “professional” and suitable for the work setting. This may vary from one department to another depending on the nature of the work, exposure to the general public, customers, and the extent to which the employee works outdoors.

Personal appearance and hygiene play an important role in projecting a professional image in the community and to the citizens we serve. An employee’s appearance should always reflect what is appropriate for the job, work setting, and personal safety.

Employees should use good judgment and common sense when dressing for work. Unacceptable attire includes, but is not limited to: sweatpants or workout attire; sheer clothing or clothing that is excessively revealing, distracting or provocative; t-shirts with foul or obscene words or graphics; clothing that is torn.

If there is doubt as to whether a piece of clothing is appropriate, do not wear it in the workplace. An employee observed wearing unacceptable attire may be sent home to change with a dock in pay.

**10.00 GIFTS AND GRATUITIES**

No employee of the City shall solicit or accept gifts, gratuities, or special favors from outside vendors, contractors or companies with whom they do business on behalf of the City. An occasional, nominal business courtesy, such as lunch, dinner, or promotional item provided by a vendor, contractor or outside company, is acceptable under this policy.

**11.00 ACCESS TO PUBLIC RECORDS**

Employees of the City shall make a reasonable effort to satisfy requests for public records as per Ind. Code 5-14-3. Any employee unable to do so, or with questions regarding responding to a request for public records access, is responsible for requesting assistance from his/her supervisor.

**12.00 OUTSIDE EMPLOYMENT**

Any employee who is also employed by an entity other than the City, is responsible for notifying his/her supervisor of this outside employment. Any conflict or potential conflict (such as the outside employer is subject to City regulation or enforcement or is a City vendor) should be discussed with the department head, Clerk-Treasurer and/or Mayor as appropriate, who will determine whether a conflict exists. If it is determined that a conflict exists between the employment with the City and outside employment, the employee will be required to choose which employment to maintain and which to discontinue. If the employee does not choose within two weeks of the decision that a conflict exists, the employee will be terminated from his/her position with the City. Record of an employee’s outside employment and the resolution of any conflict or potential conflict shall be maintained in the employee’s file in his/her department and by the Human Resources Director.

**13.00 DAMAGE TO PERSONAL PROPERTY**

The City shall reimburse any employee whose personal property (glasses, dentures, etc.) has been destroyed in the line of duty without negligence or fault by the employee. All claims must be substantiated by the department head and documented with a

corresponding invoice. The Board of Public Works and Safety or Board of Parks and Recreation must approve these claims.

**14.00 ELECTRONIC MAIL AND INTERNET USAGE**

The purpose of this policy is to promote the productive use of internet and electronic mail resources while preventing the abuse and misuse that can negatively impact productivity and expose the City of West Lafayette to potential liabilities.

The use of electronic information is a privilege and requires responsible and ethical use. All employees shall use common sense and sound judgment when utilizing the e-mail or internet system just as they would if they were writing memoranda or letters. All e-mails should be courteous and professional. Examples of unacceptable use of the internet and e-mail include but are not limited to: reviewing non-business related sites or pornographic sites; downloading or copying software from the internet; e-mailing chain letters and other types of mass mailings; and, transmitting messages or materials that violate the City’s policy against harassment and discrimination or for transmitting otherwise inappropriate messages or materials that contain defamatory, abusive, harassing, obscene, pornographic, profane, sexually oriented, threatening, racially offensive or otherwise biased, discriminatory, or illegal material, whether self-generated or involuntarily received from inside or outside the City.

Limited personal use of e-mail and the internet should, with infrequent exceptions, occur on the user’s own time and shall not interfere with the employee’s job responsibilities. Personal use of e-mail and the internet must be consistent with the City’s policy on Electronic Mail and Internet Usage.

The computer technology and e-mail systems are the property of the City of West Lafayette and are subject to monitoring. All data entered, created, received, stored or transmitted via City systems are considered City Property. Users should be aware that e-mail messages cannot be considered private and may be subject to inspection by outside third parties and the employee’s supervisor, department head or the Human Resources Director.

The use of a password to access the internet or e-mail system does not assure the confidentiality of any message stored in, created, received, or sent from the City e-mail system. Use of passwords or other security measures does not in any way diminish the City’s rights to access materials on its system, or create any privacy rights of employees in the messages and files on the system. Any password used by a City employee must be provided to his/her supervisor or department head, as an employee’s file may need to be accessed in an employee’s absence.

E-mails to and from the City’s legal counsel must be treated with special care to protect attorney/client privilege. They should not be forwarded to others (inside or outside the City) without the attorney’s prior direction.

Any employee who abuses the privilege of using the City’s e-mail system or internet access will be subject to appropriate disciplinary action up to and including termination.

**15.00 CELLULAR PHONE USAGE**

While at work, employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of work phones. Personal calls during the works hours, regardless of the phone used, can interfere with employee productivity, safety and be distracting to others. Employees should keep personal calls to a minimum.

**15.01 DISTRACTED DRIVING**

Studies have demonstrated how the use of cell phones while driving pose a significant safety risk to motorists, their passengers

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and others on the road. Employees whose job responsibilities include driving or equipment operation are expected to refrain from using their cellular device (including hands free) while driving or operating equipment. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short and use hands free options if available. Safety must come before all other concerns.

CDL holders are held to an even higher standard and, regardless of the circumstances, may not use cell phones or any other mobile electronic devices while operating a motor vehicle. This includes, but is not limited to, answering or making phone calls, engaging in phone conversations, reading or responding to emails and text messages, adjusting a Global Positioning System (GPS) and accessing the Internet.

Texting and emailing while driving is never acceptable. State law prohibits the use of a telecommunications device to transmit a text message or electronic mail message while operating a moving motor vehicle. All employees must pull over to a safe place and stop the vehicle before sending or replying to a text or email.

Employees who are charged with traffic violations resulting from the use of their phone while driving will be solely responsible for all liabilities that result from such actions. Violations of this policy may result in disciplinary action, up to and including termination.

## 16.00 PAY SCHEDULE

Payroll checks shall be computed on the basis of pay periods as specified in the applicable ordinance or resolution fixing the salary and shall have a statement attached showing earnings and amounts deducted. All mandatory federal, state and local taxes; social security deductions; and, the employee's portion of retirement and health insurance benefits for the employee and dependents will be withheld. (See Appendix 6 for Permissible Deductions for Salaried Employees.)

## 17.00 BENEFITS

### 17.01 INSURANCE COVERAGE

The City of West Lafayette provides health benefits, long-term disability and life insurance coverage to its regular full-time employees. These benefits and any costs to the employee may vary from time to time because of availability or affordability. Selection of the coverage and the amount of any payment by an employee will be set from time-to-time by the Board of Public Works.

### 17.02 LONG-TERM DISABILITY

Active full time employees are eligible to participate in the City's Long-Term Disability ("LTD") Plan once they have completed six (6) full months of continuous employment. If an employee becomes unable to perform some or all of the material and substantial duties of his/her position due to sickness or injury that lasts longer than 180 consecutive days, he/she may be entitled to benefits under the City's LTD Plan. Certificates of coverage are provided to eligible employees and are available from the Human Resources Director. The Plan Administrator, not the City of West Lafayette, has the authority to approve or deny claims for long-term disability benefits, based on medical documentation.

### 17.03 PUBLIC EMPLOYEE'S RETIREMENT FUND ("PERF")

All eligible employees of the City who are covered by this Policy are required to participate and be enrolled in the Indiana Public Employee's Retirement Fund ("PERF"). The terms, conditions, benefits, eligibility requirements and contribution rates for PERF are defined by statute and/or the Fund. Information concerning

PERF is available during an employee's orientation and through the Human Resources Director.

### 17.04 HOLIDAYS, VACATION, COMPENSATORY TIME, SICK LEAVE, PERSONAL TIME, UNPAID LEAVES.

Other benefits are available and specified by category. Regular part-time employees are provided accrued leave benefits on a *pro rata* basis according to their regularly scheduled work week.

### 17.05 UNIFORM/CLOTHING ALLOWANCE

A uniform or clothing allowance is granted to qualified personnel pursuant to the annual City budget and payable in two (2) installments (April and October) subject to the availability of funds. This allowance is to purchase, repair and maintain uniforms or clothing. Accrual is calculated on a six month basis.

The City may purchase uniforms for qualified personnel that consists of apparel with City and departmental identification if the following conditions are met: the apparel is required to be worn during the work day for a work-related purpose, is prohibited from being worn outside of work except *de minimis* (to and from home), shall not be worn by anyone else, and is to be returned upon termination of employment. A violation of the uniform policy may result in disciplinary action and will also result in the uniform being reported as a taxable fringe benefit according to Internal Revenue Service guidelines.

## 18.00 VACATION

### 18.01 ELIGIBILITY

Vacation with pay is available to regular full-time and regular part-time employees. Full-time and part-time employees are eligible to use vacation after completing one full year of continuous service. Vacation is awarded on a calendar-year basis. At the discretion of the Mayor, department heads may be granted vacation before completion of a year's continuous service. Seasonal and Temporary employees are not eligible for paid vacation.

### 18.02 AMOUNT OF VACATION

Your vacation allotment during the calendar year will be in accordance with the following schedule:

#### LENGTH OF SERVICE                      VACATION DAYS PER YEAR

If employee is hired by:

March 1	10 days
April 1	9 days
May 1	8 days
June 1	7 days
July 1	6 days
August 1	5 days
September 1	4 days
October 1	3 days
November 1	2 days
December 1	1 day
2 <sup>nd</sup> calendar year of cont. service	10 days
5 <sup>th</sup> calendar year of cont. service	15 days
12 <sup>th</sup> calendar year of cont. service	20 days

For example, an employee who was hired prior to May would not be eligible to take any vacation until his/her anniversary date the following year (one full year of continuous employment). That employee would then have 8 days of vacation to use from his/her anniversary date through the end of the remaining calendar year.

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Regular part-time employees, who are scheduled to work 20 hours or more per week, will be awarded vacation time on a pro rata basis.

## 18.03 CARRY-OVER PROVISION

An employee may elect to carry over up to five days of accrued vacation into the following calendar year. Excess days will be forfeited at the end of the calendar year.

## 18.04 REQUESTS FOR VACATION

Vacation leave will be granted at a time which is mutually acceptable to the employee, his/her supervisor and the department head, consistent with the demands of the department and should be requested of the department head as far in advance as possible. The department head has the discretionary authority to approve, deny and cancel any vacation leave request for good cause. Each department head may set criteria for vacation scheduling that take into account specific conditions of his/her department. Vacation time may be taken in 30 minute increments.

## 18.05 HOLIDAYS DURING VACATION

Paid holidays and official holidays occurring during an employee's vacation period will not be counted against the vacation leave.

## 18.06 RECORDING VACATION

The department head or his/her designee is responsible for maintaining a permanent record of vacation leave for each regular employee, as required by the State Board of Accounts.

## 18.07 VACATION LEAVE UPON TERMINATION

When an employee terminates, the department head will report the actual number of hours of vacation leave accrued, as supported by available service records. Except as otherwise stated, accrued vacation leave which is unused at the time of termination will be granted in the form of compensation for that time. The employee's termination date may not be extended to include unused vacation time for the purpose of extending benefits. The employee's effective termination date shall always be the last day worked. If employment is terminated during the introductory period, accrued vacation leave will be paid out at the time of separation.

If an employee fails to give at least fourteen (14) days written notice before resigning from employment, he/she will not be entitled to unused, accrued vacation upon termination.

## 18.08 INTERRUPTION OF SERVICE

An employee who has worked a minimum of three (3) consecutive years who has an interruption in employment of one year or less shall be credited with prior full-time service after completing one year's additional service. After an interruption of more than one year, a returning employee shall be treated as a new employee for purposes of calculating vacation time earned and shall not receive credit for prior service.

## 19.00 PERSONAL LEAVE

### 19.01 POLICY

The City of West Lafayette provides personal leave to employees who must be absent from normal duties to take care of personal business. Personal leave will not be considered hours worked for the computation of overtime pay or earning compensatory time.

### 19.02 MAXIMUM PERSONAL DAYS GRANTED

After the Introductory Period, a regular full-time employee hired prior to July 1 shall be granted two regularly scheduled work days of personal leave in a calendar year. Regular part-time employees hired prior to July 1 shall be entitled to 2 days personal leave on a

*pro rata* basis. During a non-election year only, an employee shall be granted one additional personal day, or a total of three personal days in a calendar year. Personal leave cannot be carried over from one year to the next. Upon termination an employee will **not** be compensated for unused personal leave. (For Patrol Dispatchers see 20.02 for explanation of personal days.)

### 19.03 REQUESTING PERSONAL LEAVE

An employee should request personal leave from his/her supervisor or department head 48 hours in advance of the period to be absent from normal duties unless the need for personal leave is not foreseeable or it is otherwise not possible to make the request in advance. An employee may use personal leave in increments less than one regularly scheduled workday, subject to approval by his/her supervisor and department head.

### 19.04 INTRODUCTORY, SEASONAL AND TEMPORARY EMPLOYEES

Introductory, Seasonal and Temporary employees are not eligible for personal leave.

### 19.05 RECORDING PERSONAL LEAVE

The department head or his/her designee is responsible for maintaining a permanent record of absences due to personal leave for each employee with a copy of all documents to go into the employee's personnel file.

### 19.06 EXTENDED LEAVE WITHOUT PAY

The Board or Public Works and Safety, upon the request of a department head, may grant an extended leave without pay and/or fringe benefits to an employee. Extended leave shall total no more than 60 working days, excluding leave taken under the Family and Medical Leave Act. The department head or his/her designee is responsible for maintaining a permanent record of extended leave for each employee. An employee will not be granted extended leave under this section until he/she has exhausted any unused vacation leave, personal leave and compensatory time.

## 20.00 HOLIDAYS WITH PAY

### 20.01 POLICY

The City of West Lafayette designates certain days to be observed as paid holidays in each calendar year for all regular full and part-time employees. The holiday pay will be based upon the normal scheduled work day. Regular part-time employees shall be entitled to holiday leave on a *pro rata* basis. Holidays will be considered hours worked for the computation of overtime pay or earning compensatory time.

### 20.02 DESIGNATED HOLIDAYS

The days of the official holidays for the City of West Lafayette for the succeeding calendar year will be designated and presented by memorandum from the Mayor by December 20<sup>th</sup> of each year. The Street and Sanitation Department may schedule other days to be observed in lieu of such holidays in order to maintain services. Patrol Dispatchers are entitled to one hundred (100) hours of personal time per calendar year in lieu of the City designated holidays. During the first calendar year of a patrol dispatcher's employment, personal days will be prorated by multiplying .24 by the number of calendar days remaining in the year. Requests for personal days must be submitted to his/her Head Dispatcher.

The Mayor, at his/her discretion, will designate which days departments and offices of the City of West Lafayette will be open and closed.

Any employee with an unexcused absence either the day before or the day after a designated holiday will not receive holiday pay.

**20.03 WORKING ON A DESIGNATED HOLIDAY**

Wastewater Treatment Utility operators whose normal day off falls upon a designated holiday of the City shall have a regularly scheduled work day off with pay as assigned by the immediate supervisor. Parks and Recreation employees who work at a facility required to remain open on a designated City holiday due to business necessity will work the scheduled holiday at their regular rate of pay for the hours worked. A substitute day off will be assigned by the immediate supervisor equal to the hours worked on the holiday. All other employees (other than a police dispatcher) who work a designated holiday will be compensated in accordance with the salary ordinance regardless of hours actually worked in the scheduled work week.

**20.04 NON-PAID HOLIDAYS**

Seasonal and Temporary employees are not eligible for paid holidays.

**21.00 BEREAVEMENT LEAVE**

**21.01 POLICY**

The City of West Lafayette provides its regular full-time employees with bereavement leave to attend the funeral of a family member and to handle personal affairs.

1. Employees will be allowed up to three days of paid leave for the death of a member of the immediate family or household. Immediate family or household includes the employee's spouse, sibling, children, parent, step-mother/father, step-children, grandparent, spouse's mother/father, step-mother/father, spouse's siblings, or a step- brother/sister, and significant others.

2. Employees will be allowed one day of paid leave for the death of an aunt/uncle or a spouse's grandparent.

3. Employees will be allowed one-half day of paid leave to attend a funeral service for a co-worker in the same department.

Additional leave may be granted at the discretion of the department head. Any such additional leave shall either be deducted from vacation accrual or personal time. Bereavement leave will not be considered hours worked for the computation of overtime pay or earning compensatory time.

**21.02 RECORDING BEREAVEMENT LEAVE**

Each department is responsible for maintaining a permanent record of absences due to bereavement leave for each employee, as required by the State Board of Accounts. The employee may be asked to provide documentation of the death, such as a newspaper report.

**22.00 PAID SICK LEAVE**

**22.01 POLICY**

The City of West Lafayette provides sick leave to its regular employees and allows for the accrual of unused sick leave, within certain limitations. Annual sick leave is a privilege granted to an employee as a protection, IN CASE OF NEED, should he/she become ill and not able to work, should an illness strike a member of the immediate family or for medical appointments of the employee or a spouse or child of the employee. Sick leave will not be considered hours worked for the computation of overtime pay or earning compensatory time. Paid sick leave may be used in one-quarter (1/4) hour increments.

**22.02 REGULAR EMPLOYEES**

Annual sick leave will accrue at the rate of .0385 hours per regularly scheduled work hours, including all paid leave, for regular full-time employees, but not for hours worked in excess of regularly scheduled work hours. Ninety days is the maximum sick

leave which can be accumulated by an employee during the course of his/her employment. Sick leave will accrue on a *pro rata* basis for regular part-time employees based on the number of hours scheduled in his/her work week.

**22.03 DOCTOR'S CERTIFICATION**

Upon the request of a supervisor or department head, an employee may be required to present a doctor's certificate, signed by the attending physician, to be entitled to paid sick leave.

**22.04 SEASONAL AND TEMPORARY EMPLOYEES**

Seasonal and Temporary employees are not eligible for paid sick leave.

**22.05 SICK LEAVE UPON TERMINATION**

Upon termination of employment, employees will be paid for unused sick leave, up to a maximum of 45 full days. Employees hired before May, 1986 who have up to 60 days of accrued sick leave upon termination of employment will be compensated in full for the first 30 days of accrued sick leave, and will be compensated for one half of the next 30 days, for a total of 45 full days of compensation. Employees hired after May, 1986 who have up to 90 days of accrued sick leave upon termination of employment will be compensated for one half of the balance, or a total of 45 full days of compensation.

A statement of unused sick leave, supported by available service records, shall be prepared and signed by the department head. A day shall mean a regularly scheduled work day for that employee.

If an employee fails to give at least fourteen (14) days written notice before resigning from employment, he/she will not be entitled to unused, accrued sick leave upon termination.

**23.00 COURT AND JURY LEAVE**

The City of West Lafayette grants employees leave to serve on a jury in any state, federal, or local court without loss of pay. An employee should notify his/her supervisor or department head upon receipt of a summons. In order to be entitled to jury duty leave, an employee must refund any jury duty compensation from the court to the City. While on jury duty leave, the employee will retain all benefits and continue to accrue sick leave and vacation. The duration of the jury duty will be considered hours worked for the computation of overtime pay and earning compensatory time. However, the maximum hours of work credited per day cannot exceed the hours in the employee's regularly scheduled workday. An employee appearing in court on his/her own behalf, as a subpoenaed witness, or as a party in a law suit, is required to use a paid personal day, vacation leave or must take the time off as unpaid leave.

**24.00 FAMILY AND MEDICAL LEAVE ACT**

**24.01 POLICY**

The City of West Lafayette provides up to twelve weeks of leave in accordance with the Family and Medical Leave Act ("FMLA") to all eligible employees. The City of West Lafayette utilizes a rolling twelve month period for the determination of eligibility for FMLA leave.

The Human Resources Director is responsible for administering the City of West Lafayette's FMLA policy. Any questions about the application of the FMLA to an employee's circumstances or any other questions about the FMLA or this policy should be directed to the Human Resources Director.

**24.02 ELIGIBLE EMPLOYEES**

An employee is eligible for FMLA leave if he/she:

- A. has been employed by the City for at least 12 months, and

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B. has been employed by the City for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.

Employees who do not satisfy these requirements are not eligible for FMLA leave, but may be eligible for other leave in accordance with the City of West Lafayette policy.

## 24.03 REQUIREMENTS

An employee may request a total of 12 weeks (60 work days) of leave during a 12 month period for the following reasons:

- A. because of the birth of a child of the employee and in order to care for such child;
- B. because of the placement of a child with the employee for adoption or foster care and to care for such child;
- C. in order to care for a husband or wife, or a son or daughter, or parent of an employee who has a serious health condition, or
- D. because of a serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position.

"Serious health condition" is a term that is specifically defined in the FMLA. The Human Resources Director can provide additional information regarding this term.

## 24.04 PAID AND UNPAID LEAVE

An employee is required to exhaust all accrued paid vacation, personal and sick leave for any part of the 12 week period of FMLA leave, unless the FMLA leave is due to a work-related injury/illness. If an employee is on FMLA leave, the unused accrued leave will remain intact but not accrue during that leave.

After the exhaustion of all accrued paid vacation, personal and sick leave, the remaining time in the FMLA leave period shall be unpaid.

An employee may request to use accrued compensatory time for an FMLA reason. If the employee is paid during the absence from the employee's accrued compensatory time account, it may not be counted against the employee's FMLA leave entitlement.

## 24.05 REQUEST FOR FMLA LEAVE

If leave is foreseeable, i.e. expected birth or placement of a child, planned medical treatment for a serious health condition of the employee or the employee's spouse, child or parent, the employee must notify the Human Resources Director of the duration of the leave and the date leave will begin at least 30 days in advance of leave commencing. When the need for leave is not foreseeable, or when it is not possible to give 30 days notice, an employee must give notice as soon as practicable, or within no more than two working days of learning of the need for leave.

In the case of a worker's compensation claim that is also covered by FMLA leave, the Director of Human Resources will notify the employee in writing the effective starting date of the leave.

## 24.06 FAMILY AND MEDICAL LEAVE TAKEN INTERMITTENTLY OR ON A REDUCED LEAVE BASIS

An employee may take FMLA leave on an intermittent or a reduced leave basis when medically necessary for medical treatment for or recovery from a serious health condition or periods of incapacity due to an employee's or an employee's spouse, child, or parent's serious health condition. Such leave must be supported by a certification from the employee's or the employee's spouse, child, or parent's health care provider stating that the medical need can best be accommodated through an intermittent or reduced leave schedule.

## 24.07 TIME LIMIT

The maximum amount of FMLA leave an employee may take is 12 weeks (60 work days), including all accrued paid vacation, personal and sick leave, within any 12 month period.

## 24.08 CERTIFICATION

When the need for leave is foreseeable, the employee should provide the Human Resources Director with a certification supporting the need for FMLA leave from his/her health care provider or from the spouse's, child or parent's health care provider before the leave begins. If this is not possible, the employee must provide the certification within 15 calendar days after the City's request for such certification. The certification must be on the form provided by the City and can be obtained from the Human Resources Director. If the City has reason to doubt the validity of the certification, the employee may be required to obtain a second opinion of a health care provider, designated or approved by the City of West Lafayette, and at the expense of the City of West Lafayette. If the opinion of a third healthcare provider is required, it will be at the expense of the City and the City and the employee must jointly approve the health care provider.

Except as otherwise provided by the Family and Medical Leave Act and accompanying regulations, during a period of FMLA leave, the employee is required to provide to Human Resources subsequent re-certifications every 30 days for the duration of leave.

Upon return from FMLA leave for an employee's serious health condition, the employee shall be required to supply Human Resources with certification, at the employee's expense, from his/her health care provider that he/she is able to resume work.

## 24.09 MAINTENANCE OF BENEFITS

During any FMLA leave, the City of West Lafayette shall maintain all group health plan benefits the employee was entitled to at the time the leave commenced. However, the City of West Lafayette will only maintain the portion of the employee's group health plan benefits that it was paying at the time the employee's FMLA leave commenced. It is the responsibility of the employee to pay his/her portion of his/her health plan benefits during the period of FMLA leave in a timely manner as specified by the Clerk Treasurer's Office.

Employees do not accrue additional seniority or employment benefits during unpaid FMLA leave. An employee returning from FMLA leave is entitled to no greater right, benefit or position than the employee would have been entitled to had he/she not taken the period of FMLA leave.

The City of West Lafayette may recover the premiums paid for maintaining group health plan benefits for the employee during the period of FMLA leave if the employee fails to return because of any reason or circumstance other than the continuation of, reoccurrence or onset of a serious health condition that would entitle the employee to a period of FMLA leave or any other circumstance that is beyond the control of the employee.

## 24.10 RESTORATION

Subject to 29 C.F.R. § 825.216 and provisions of this policy. Upon return from FMLA leave, an employee is entitled to be restored to the position of employment he/she held at the time the period of leave commenced or to be restored to an equivalent position, with equivalent benefits, pay and other terms and conditions of employment.

## 24.11 RECORDING OF LEAVE UNDER THE FAMILY AND MEDICAL LEAVE ACT

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The Human Resources Director is responsible for maintaining a permanent record of an employee's FMLA leave.

## 24.12 *CONSEQUENCES OF EMPLOYEE'S FAILURE TO MEET HIS/HER OBLIGATIONS UNDER THE FMLA*

An employee who fails to meet his/her obligations to the City under the FMLA as described above may be denied the benefits and protections of the FMLA in accordance with applicable law.

## 24.13 *UNLAWFUL ACTS OF EMPLOYERS*

The FMLA makes it unlawful for any employer to:

(a) interfere with, restrain, or deny the exercise of any right provided under FMLA;

(b) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

The FMLA does not affect any federal or state law prohibiting discrimination.

## 24.14 *FMLA – MILITARY FAMILY LEAVE ENTITLEMENTS*

The National Defense Authorization Act of 2010 (NDAA 2010) was signed into law on October 28, 2009. This new law includes an expansion of the recently-enacted exigency and caregiver leave provisions for military families under the Family and Medical Leave Act of 1993.

## 24.15 *MILITARY CAREGIVER LEAVE*

A. An employee is eligible for military caregiver leave if he/she is the service member's spouse, child, parent, or nearest blood relative.

B. A "Covered Service Member" is a current member of the Armed Forces, including the National Guard, or Reserves.

C. An eligible employee is limited to a **combined** total of up to 26 weeks of unpaid leave in a 12 month period.

## 24.16 *QUALIFYING EXIGENCY LEAVE*

A. An employee is eligible for exigency leave if he/she has a spouse, son, daughter, or parent on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation.

B. Qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves; it only extends to family members of military members in the Regular Armed Forces if deployed on active duty in a foreign country.

C. An eligible employee may take up to a total of 12 weeks of unpaid leave.

D. Qualifying exigencies include: short-notice deployment (a week or less in notice of deployment); military events and related activities; urgent child care and related activities; financial and legal arrangements; counseling; rest and recuperation; post-deployment activities; and any other event that the employee and the employer agree is a qualifying exigency.

## 24.17 *NOTICE REQUIREMENTS*

A. Employees seeking to use military caregiver leave must provide 30 days advance notice of the need to take FMLA leave for a planned medical treatment for a serious injury or illness of a covered service member. If 30 days advance notice is not practicable, then he/she must provide notice as soon as practicable – generally, either the same or next business day.

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

## 24.18 *CERTIFICATION REQUIREMENTS*

A. Leave to care for a covered service member must be supported by a certification completed by an authorized health care provider or by a copy of an Invitational Trade Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family.

B. Leave for a qualifying exigency must be supported by a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party.

## 25.00 **MILITARY FAMILY LEAVE**

Effective July 1, 2007, Governor Daniels signed into law the Military Family Leave Act. Under this Act, employees may take up to 10 days of unpaid leave per year during one or more of the following periods:

A. during the 30-days before active duty orders are in effect,

B. during a period in which the person ordered to active duty is on leave while active duty orders are in effect,

C. during the 30 days after the active duty orders are terminated.

## 25.01 *ELIGIBLE EMPLOYEES*

An employee is eligible for military family leave if he/she:

A. is the spouse, parent, grandparent, or sibling of the service person, as defined in Ind. Code Section 22-2-13, and

B. has been employed by the City for at least 12 months, and

C. has been employed by the City for at least 1,500 hours of service during the 12-month period immediately preceding the commencement of the leave.

## 25.02 *REQUEST FOR LEAVE*

Employees must give written notice of a request for leave, including a copy of the active duty order if available, to Human Resources of a request for leave at least 30 days prior to the requested leave, unless the service person's active duty orders are issued less than 30 days prior to the requested leave. If an employee fails to provide verification, the city may consider the employee's absence unexcused.

## 25.03 *MAINTENANCE OF BENEFITS*

During any family military leave, the City of West Lafayette shall maintain all group health plan benefits the employee was entitled to at the time the leave commenced. However, the City of West Lafayette will only maintain the portion of the employee's group health plan benefits that it was paying at the time the employee's family military leave commenced. It is the responsibility of the employee to pay his/her portion of his/her health plan benefits during the period of family military leave in a timely manner as specified by the Clerk Treasurer's Office.

## 25.04 *RESTORATION*

An employee returning from military family leave will be restored to the same or equivalent position of employment he/she held at the time the period of leave commenced unless the reason for not restoring the employee to the same or equivalent position is unrelated to his/her use of military family leave.

## 25.05 *PAID AND UNPAID LEAVE*

An employee may choose to substitute accrued vacation leave or compensatory time for any or all of the unpaid family military leave.

## 26.00 **MILITARY LEAVE**

The City of West Lafayette provides military leave to any City employee who is a member of the Indiana National Guard, a

member of a reserve component or branch of the United States Military, or a member of the retired personnel of the naval, air or ground forces of the United States in compliance with the Uniformed Services Employment and Re-employment Rights Act and the Indiana Code. All employees requiring military leave shall give advance notice as soon as practicable to their supervisor of when they shall require military leave. In accordance with I.C. § 10-16-7-5, a City employee is entitled to receive a leave of absence in addition to regular vacation period without loss of time or pay for the time the employee is on training duties of the state of Indiana under the order of the governor as commander in chief; or, for the time a City employee is a member of any reserve component under the order of the reserve component authority. This leave shall be paid military leave for any consecutive or nonconsecutive period that does not exceed a total of fifteen (15) days in any calendar year. Paid military leave pursuant to I.C. § 10-16-7-5 will be considered hours worked for the computation of overtime pay and earning compensatory time. However, the maximum hours of work credited per day cannot exceed the hours in the employee's regularly scheduled workday. A City employee who is a member of the Indiana National Guard is also entitled to military leave of absence in addition to the employee's regular vacation period for the total number of days that the employee is on state active duty in accordance with I.C. § 10-16-7-7. Military leave pursuant to I.C. § 10-16-7-7 shall be unpaid; however, an employee may use his/her personal leave or vacation on those days when military leave is required. Eligibility for reinstatement after completion of military duty or training is determined in accordance with applicable federal and state laws.

**26700 TOBACCO FREE WORKPLACE POLICY**

Effective July 1, 2007, in keeping with Ordinance No. 28-05 and with the City of West Lafayette's intent to provide a safe and healthful work environment for its employees, customers, and visitors, smoking is prohibited in any City owned or leased building.

**27.01 POLICY**

Smoking shall not be permitted in any indoor work area. This includes common work areas, conference and meeting rooms, private offices, elevators, hallways, employee lounges, stairs, restrooms, shops, warehouses, and vehicles used for business. This policy applies to all employees, suppliers, visitors, and customers.

Employees who need to smoke at work may do so during their scheduled 15-minute break period. Each building owned or leased by the City shall establish a smoking area in accordance with this policy and utilize the following guideline:

- Smoking shall occur at a distance not closer than 15 feet from a ventilation system or a public entrance to any area where smoking is prohibited to insure that tobacco smoke does not enter the area through entrances, windows, ventilation systems or any other means.

**27.02 SUPPORT FOR SMOKERS**

Smokers who want to quit may contact the Human Resources Director for information on smoking cessation programs and other available resources.

**27.03 COMPLIANCE**

Compliance with the smoke-free workplace policy is mandatory for all employees and persons visiting the City, with no exceptions. Employees who violate this policy are subject to disciplinary action.

**28.00 SAFETY POLICY**

Supervisors and employees share responsibility for creating and maintaining a safe workplace. Maintaining a safe workplace requires the continuous cooperation of all employees. Safety must be a primary concern in every aspect of planning and performing all City activities. The following are examples, but not an exclusive list, of violations of this policy:

- failure to wear required personal protective equipment, including but not limited to steel-toed boots if applicable;
- failure to use safety lights and other safety devices on City equipment or vehicles or on vehicles being operated while performing City business; and,
- failure to keep work area clean and clear of litter or objects or material that may be hazardous.

Please report these or any other safety concerns to your supervisor or department head as soon as you are aware of them.

**29.00 WORKER'S COMPENSATION**

**29.01 POLICY**

The City provides coverage according to the Indiana Worker's Compensation Act for employees who sustain a work-related injury or illness while performing his/her work as a City employee.

**29.02 REPORTING PROCEDURE**

In the case of an injury, *no matter how slight*, the injured employee or another employee must immediately notify the supervisor and the Human Resources Director. If the injury is life threatening, a supervisor or an employee should call 911 immediately. In the case of a less severe injury, the employee must be transported to the City's designated provider as directed by the injured employee's supervisor, department head, or the Human Resources Director. This procedure is discussed in orientation. It is the responsibility of each employee to understand this procedure. More details on this procedure are available in Human Resources and within individual departments. The City reserves the right to require an employee involved in an accident at work or during work hours or in a City vehicle to submit to drug and alcohol testing as permitted by law.

**30.00 USE OF CITY-OWNED VEHICLES**

**30.01 POLICY**

A. Use of City-owned vehicles is restricted to City employees carrying out the business of the City. Employees must use assigned City vehicles for the purpose(s) authorized and must not permit unauthorized passengers.

B. The Board of Public Works and Safety shall approve the Take Home Vehicle Policy effective January 1 of each year in compliance with the Internal Revenue Code, subject to change at the discretion of the Board of Public Works and Safety.

C. Vehicles which are not designated for commuting status shall be kept on City premises during non-business hours and shall not be used for personal purposes.

D. Employees using a City vehicle will be subject to periodic driving record checks by the Bureau of Motor Vehicles at least annually. An employee convicted of a moving violation, an alcohol or drug related offense, or whose license is expired, suspended, or revoked and/or who is unable to obtain required endorsements must notify his/her department head immediately. The City's property and casualty insurer may determine, based on an employee's driving record, that the employee will no longer be covered under the City's insurance policy. If a non-CDL employee does not meet the City's insurer's standards, he/she may temporarily be placed in a non-driving capacity or may be

terminated depending on the employee's position. A CDL driver may be subject to termination if he/she does not meet the City's insurer's standards. If having a driver's license is part of an employee's job description, and the employee's driver's license has not been reinstated within thirty (30) days, then the employee is subject to termination.

E. Damages or accidents involving city vehicles and equipment should be reported to the department head or supervisor immediately.

**30.02 COMMERCIAL DRIVER'S LICENSE**

Employees required to have a Commercial Driver's License (CDL) must comply with all Department of Transportation drug and alcohol testing procedures and the City's controlled substances policy for CDL drivers. Employees are responsible for keeping their CDL current. Loss of a CDL may result in termination of employment if one of the employee's primary job functions is driving a city-owned vehicle. If one of an employee's primary job functions is driving a vehicle that requires a CDL, and the CDL is suspended for a period not to exceed thirty days, an employee will be suspended from employment for the length of the CDL suspension. The employee may use accrued personal leave or vacation, but the remainder of the thirty day period is unpaid. Loss of a CDL may result in termination of employment if one of the employee's primary job functions is driving a vehicle that requires a CDL and the license suspension is for more than thirty days, or regardless of the period of the suspension, if the CDL is suspended for a reason that constitutes a violation of City policy.

**31.00 TRAVEL**

City employees may be reimbursed for actual miles traveled in their own vehicles on official business at a rate per mile as fixed by the Board of Public Works and Safety. Reimbursed mileage shall not include travel to and from the employee's home and the governmental office in which he/she works.

When traveling outside the county on official business, officers and employees may be reimbursed for meals, lodging and other necessary traveling expenses. The claim for reimbursement must be itemized and supported by receipts as required by the State Board of Accounts.

**32.00 GRIEVANCE PROCEDURE**

**32.01 POLICY**

The City of West Lafayette strives to provide prompt consideration and equitable resolution of employee grievances. It is the desire of the City of West Lafayette to resolve grievances informally whenever practicable. Both supervisors and employees are expected to make a good faith effort to resolve each situation as it arises.

Terminated employees are not eligible for the grievance procedure unless the grievance falls under EEOC, ADA or FMLA. If you believe that you have been terminated due to harassment and discrimination based on sex (with or without sexual conduct) race, color, religion, national origin, ancestry, age, handicap, disability, sexual orientation or protected activity (such as, opposition to prohibited discrimination or participation in the statutory complaint process) or for exercising a right under the FMLA, please refer to Appendix 3.

**32.02 EQUAL EMPLOYMENT OPPORTUNITY, AMERICANS WITH DISABILITIES ACT AND FAMILY MEDICAL LEAVE ACT GRIEVANCES**

Please refer to Appendix 3, the City's comprehensive Policy against Harassment and Discrimination and Complaint Procedure.

**32.03 PROCEDURE**

A grievance should be relayed by an employee to his/her immediate supervisor, in writing, within the working hours of the day that the event causing the grievance occurred. The supervisor will report the grievance to the department head and the Human Resources Director and will then attempt to resolve the grievance as soon as possible and will render his/her decision either orally or in writing to the aggrieved within twenty-four (24) hours.

**Appeal to the department head:** a grievance not resolved by the supervisor must be presented to the department head.

If the aggrieved employee presents the grievance to the department head, it must be in writing, signed and dated by the aggrieved and presented to the department head within two (2) working days of the decision rendered by the supervisor.

The department head will contact the Human Resources Director and will review the grievance and render his/her written decision to the aggrieved within three (3) working days.

**Appeal to the Board of Public Works and Safety or the Board of Parks and Recreation:** a grievance not resolved by the supervisor or department head must be written and submitted to the president of the appropriate board by the aggrieved. Grievances originating from the Clerk-Treasurer's Office shall be appealed to the City Council.

A. The written grievance must be signed and dated by the aggrieved and submitted to the appropriate board within two (2) working days of the decision rendered by the department head. A copy of the written grievance shall be delivered to the Human Resources Director.

B. The appropriate board shall review the grievance and render a written decision to the aggrieved within three (3) working days of the second regularly scheduled meeting of the appropriate board, following the submission of the grievance.

C. When resolution is reached, the supervisor or department head must document the resolution. Copies must be forwarded to all involved parties and the Human Resource Director.

**33.00 DRUG-FREE WORKPLACE**

The City of West Lafayette is committed to providing a drug-free workplace. In order to maintain the safety and reputation of our working environment, the City will take all reasonable measures to ensure that drugs and alcohol do not jeopardize the safety of our operations or the quality of City services. The manufacture, sale, purchase, distribution, dispensation, possession, or illegal use of drugs or alcohol while on City premises, during working hours, including break and meal periods, while operating a City vehicle or while operating any other vehicle while on City business at any time is strictly prohibited. It is also a violation of City policy for an employee to report to work under the influence of alcohol or illegal drugs. These actions constitute serious violations of the City policy and can create situations that are unsafe or that substantially interfere with job performance. If the City has a reasonable suspicion that an employee is under the influence of drugs and/or alcohol, the City will require the employee to undergo a drug and/or alcohol test. The City may also require a drug and/or alcohol test if an employee is involved in an accident at work or during work hours or in a City vehicle. Refusal of

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testing will result in termination of employment. A positive test result will result in disciplinary action up to and including termination, even for the first violation of this policy.

As a condition of employment with the City of West Lafayette, employees shall:

(i) abide by the terms of the City's Drug Free Workplace Policy; and

(ii) notify the Human Resources Director or the employee's department head of any criminal drug or alcohol statute conviction or guilty plea for a violation occurring in the workplace, during work hours or while operating or occupying a City vehicle or while operating any other vehicle while on City business no later than five (5) days after the conviction or guilty plea.

The City provides a confidential Employee Assistance Program ("EAP") for employees who desire counseling and/or rehabilitation services. Information regarding the City's EAP is available from the Human Resources Director.

City employees who are required to hold a commercial driver's license ("CDL") because of work they may be required to perform as City employees are subject to additional requirements mandated by the U.S. Department of Transportation. A separate policy addresses these additional requirements and will be provided to employees who hold CDLs.

## 34.00 DISCIPLINARY ACTION

### 34.01 POLICY

It shall be the duty of all employees to maintain high standards of cooperation, efficiency, economy and ethics in their work for the City of West Lafayette. The department head and/or supervisor shall organize and direct the work of his/her units to achieve these objectives.

Behavior which falls below these standards may subject the employee to disciplinary action. Disciplinary action includes verbal or written reprimand, days off or termination as determined by the supervisor and/or department head.

All written records regarding disciplinary action will be maintained in the employee's file within the department and in Human Resources. The employee shall have the right to review his/her own records during normal work hours at a mutually agreeable time.

In order to protect the employee's privacy, all written records shall be kept confidential, except as prescribed by law, and shall be accessible only to those in the direct chain of command, the Human Resources Director or others with a specific legal right to the information.

### 34.02 PROCEDURE

Whenever an employee's work habits, attitude, production or personal conduct falls below the prescribed standard, the department head or supervisor shall point out the deficiencies within a reasonable time after they are observed and remind the employee of the City's acceptable level of performance. A reasonable time to correct the deficiencies may be provided before disciplinary action is taken, depending on the severity of the deficiency.

Oral and written warnings may precede other disciplinary action depending on the severity of the deficiency. However, some incidents warrant immediate formal disciplinary action. The above shall not prohibit immediate formal disciplinary action, including discharge, whenever the interest of the City requires such action.

### 34.03 GROUNDS FOR DISCIPLINARY ACTION (including immediate termination):

- a. Actions which discredit the City of West Lafayette or hinder the function of City government may result in discipline up to and including termination. Examples of this include, but are not limited to: unacceptable work performance, such as failure to follow operational procedures or other misconduct, inefficiency, neglect of duties, incompetence, insubordination, laziness, sleeping on the job or malfeasance;
- b. providing false or misleading information on the employment application or other employment record, including but not limited to time-keeping records;
- c. falsifying City documents or documents that an employee provides to the City;
- d. discourtesy to citizens or persons doing business with the City;
- e. unauthorized possession of firearms, knives, weapons, explosives and other dangerous or hazardous substances during work hours whether on or off City premises;
- f. violation of the City's attendance policy;
- g. reporting to work under the influence of alcohol or other intoxicants, illegal substances or drugs not prescribed by a practicing physician or dentist, or the use, possession, distribution, transfer or trafficking of these substances on the job, job site or during working hours, including when on break, whether on or off City premises or other violation of the City's Drug Free Workplace Policy;
- h. willful, reckless or careless misuse or abuse of City property;
- i. pleading guilty or no contest to a crime or being convicted of a crime while employed by the City that is reasonably related to City business, that occurs on City premises or that involves a City vehicle, including but not limited to driving under the influence or moving traffic violations, such as reckless driving or speeding while operating a City vehicle or while on City business;
- j. theft or other removal of City property without authorization;
- k. removal of articles of value without authorization of a property owner while performing City services;
- l. verbal or physical assault by an employee on other City employees or citizens, including but not limited to threatening, intimidating, or harassing fellow employees or members of the public or other disorderly conduct that is a hindrance to the function of City services;
- m. verbally or physically refusing to perform assigned or directed work responsibilities;
- n. behavior which disrupts the work of others or which in any way contributes to a disharmonious or hostile work environment;
- o. engaging in or condoning racial, sexual or other harassment in the workplace or other violation of the City's Equal Employment Opportunity policy.
- p. excessive use of telephone, e-mail or internet for personal reasons or otherwise conducting personal business during work hours ;
- q. failure to work safely, including but not limited to failure to wear required personal protective equipment or other violations of the Safety Policy listed in this Personnel Manual;
- r. working carelessly or otherwise not following safety procedures that result in personal injury to co-workers or damage to City property
- s. failure to follow any other policy listed in this Personnel Manual.

In addition to the above list of actions, the Street and Sanitation Department and the Wastewater Treatment Utility employees have

additional "Uniform Rules and Regulations" which they are informed of and must abide by. Additionally, Street and Sanitation Department employees have separate Operational Procedures which they are also informed of and must abide by. (See Appendices 4 and 5.) Neither the above listing nor the separate appendices governing Wastewater Treatment Utility and Street and Sanitation departments is an exclusive listing of all grounds for discipline and/or immediate termination.

compensatory time, accrued clothing allowance, life insurance and sick leave due at the next pay period.

**35.00 EMPLOYEE CONFERENCES**

Employee conferences shall be conducted and documented on at least an annual basis by the department head. At that time, discussions will focus on job performance and goals. Both the supervisor and the employee shall sign the document reflecting the conference. The signature only verifies the accuracy of the written description of the discussion and does not necessarily indicate agreement with the review. The original document shall be maintained in the Human Resources Department and shall only be viewed by the employee's immediate supervisor, department head and Mayor. If the employee is a Clerk-Treasurer's office employee, then the documentation of the employee conference shall only be viewed by the Clerk-Treasurer.

**36.00 SEPARATION**

**36.01 RESIGNATION**

To resign in good standing, any employee should give at least fourteen (14) calendar days prior notice in writing to his/her supervisor. If an employee fails to give at least fourteen (14) days notice, he/she will not be entitled to paid accrued vacation or sick leave upon resignation.

**36.02 IMPLIED RESIGNATION**

An employee who without valid reason fails to report to work or make contact with his/her department head for three (3) consecutive working days without authorization shall be considered as having resigned.

**36.03 LAY-OFF**

Any involuntary separation other than for disciplinary reasons shall be considered a lay-off.

A. When, for any reason, it becomes necessary to reduce the workforce in West Lafayette, employees shall be laid off on the basis of the requirements as determined by department heads and the appropriate board.

B. Regular employees to be laid off shall be notified in writing by the supervisor at least fourteen (14) calendar days prior to the effective date of lay-off if feasible.

**36.04 TERMINATION**

Employees who have resigned, been discharged, or who have retired 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. Some benefits may be continued at the employee's expense if the employee chooses. The employee will be notified in writing regarding benefits that may be continued and of the terms, conditions, and limitations of such continuance. An employee's termination date shall be the last day actually worked. An employee's termination date may not be extended to include accrued and/or unused paid or unpaid time off (e.g., sick days).

**36.05 DEATH**

When a regular employee dies, his/her estate shall be eligible to receive the earned salary and accrued vacation, payment for

## APPENDIX 1

### COMPENSATORY TIME OFF AGREEMENT

Effective April 15, 1986, exempt and non-exempt employees may receive compensatory time off in lieu of monetary overtime compensation in accordance with Section 7(o) of the Fair Labor Standards Act ("FLSA"), and the terms of this Agreement. This Agreement is an express condition of employment. The compensatory time received may be preserved, used or cashed out consistent with §7(o) of the FLSA. Compensatory time off for non-exempt employees required to work beyond forty (40) hours per week, will be earned at the rate of one and one-half (1-1/2) times for each hour actually worked over forty (40) hours in an established workweek. Exempt employees will earn compensatory time on an hour-for-hour basis for each hour actually worked over forty (40) hours in a workweek. This Agreement does not apply to elected officials and, unless compensatory time is authorized by the Mayor in writing, does not apply to department heads.

Exempt and non-exempt employees may accumulate up to 240 hours of compensatory time off. Exempt employees may not exceed, nor will they be compensated for additional hours in excess of the 240 hour maximum. Non-exempt employees will receive monetary compensation at one and one-half (1 ½) times their regular pay rate at the time of payment for any additional overtime hours. A department head or elected official can elect to pay off all or a portion of the accrued compensatory time anytime during the calendar year. In order to earn compensatory time off, exempt and non-exempt employees must keep daily service records.

Holiday, jury duty, and military leaves will be considered hours worked for the computation of compensatory time. However, the maximum hours of work credited per day cannot exceed the hours in an employee's regularly scheduled workday. Other absences, including vacation, sick leave, personal days, bereavement leave, or any other leave of absence shall not be considered hours worked for the computation of compensatory time off. Accrued vacation and sick leave cannot be converted to compensatory time off.

You may use earned compensatory time off with the approval of your supervisor. Your request for compensatory time off will be granted within a reasonable period, unless the requested time off would unduly disrupt operations. You will receive compensation based on your regular pay rate in effect when the compensatory time off is actually taken.

The City of West Lafayette may elect to substitute monetary overtime for earned compensatory time off, either at the time overtime is actually worked or in any later period. Monetary overtime compensation will be based on your regular pay rate at the time of payment.

The City of West Lafayette may also elect to apply earned compensatory time off to hours you have missed due to personal absence, short workweeks, layoffs, or leaves of absence, including medical leaves if not covered by paid sick days, disability pay, etc., but excluding leave under the Family and Medical Leave Act. In periods of slack work, it may be necessary to schedule time off, to which earned compensatory time off will be applied.

In the event you leave employment for any reason, you will be paid for earned compensatory time off at your final regular rate of pay, or your average rate during the last three years of employment, whichever is higher.

This Agreement is intended only to set forth our understanding concerning your compensatory time and overtime compensation; it

does not constitute an employment agreement or an employment contract. Either you or the City of West Lafayette may terminate your employment at any time and for any lawful reason. In such case, final compensation will be provided for all work actually performed on or before the next regular pay date following termination.

The City of West Lafayette will presume your agreement with and understanding of this condition of employment unless you express your unwillingness to accept compensatory time off in lieu of overtime compensation to the Human Resources Director.

**APPENDIX 2**

**AFFIRMATIVE ACTION POLICIES & PRACTICES**

The employment policies and practices of the City of West Lafayette, Indiana are to recruit and to hire employees without discrimination because of race, religion, color, sex, age, marital status, familial status, national origin, ancestry, handicaps, disabilities and disadvantages unrelated to job requirements and to treat employees equally with respect to compensation and opportunities for advancement, including upgrading, training, promotion, and transfer.

The City will ensure that criteria for all personnel actions, including recruitment, hiring, promotion, granting of tenure, compensation, employee benefits, transfer, demotion, layoff, return from lay-off, discipline, termination and all other terms, conditions and privileges of employment are job-related.

The City adopts these policies and practices to assure compliance with Executive Order 11246, and to reaffirm its continued commitment to a program of equal opportunity and merit employment policies. It agrees to assert leadership within the community and to put forth the maximum effort to achieve full employment and utilization of the capabilities and productivity of all its citizens without regard to race, religion, color, sex, marital status, familial status, national origin, ancestry, handicaps, disabilities or disadvantages unrelated to job requirements.

This City further recognizes that the effective application of a policy of merit employment involves more than just a policy statement and will, therefore, undertake a program of affirmative action to make known that equal employment opportunities are available on the basis of individual merit and to encourage all persons to seek employment with the City and to strive for advancement on this basis.

**Assignment of Responsibilities**

The Mayor will have the overall authority and responsibility for enforcement of the Affirmative Action Program. The Mayor hereby assigns responsibility for coordination and implementation of the Affirmative Action Program to the City's Human Resources Director.

**Dissemination of Policy**

The Human Resources Director will take appropriate steps to ensure that all employees are advised of this policy of nondiscrimination and of its interest in actively and affirmatively providing equal employment opportunity, such as:

1. The Human Resources Director will advise all department heads and any others in a position to implement this policy, including those engaged in recruiting, training and other personnel activities, of their responsibilities with respect to this Affirmative Action Program as set forth in "Duties of Department Heads" below.
2. The Human Resources Director will make a copy of the Affirmative Action Program available to all employees to ensure the program is known.
3. The Human Resources Director will send written notification of the City's Affirmative Action Program to all contractors, subcontractors, vendors and suppliers.

**Additional duties of Human Resources Director:**

1. The Human Resources Director will establish a system of communication and feedback within all departments to assure application of the policy throughout the entire City that:
  - (a) measures the effectiveness of the City's Program;
  - (b) determines the degree to which Affirmative Action objectives are met; and,
  - (c) identifies the need for remedial action.
2. The Human Resources Director will periodically advise all department heads and supervisors in writing of the importance of providing full and complete equal employment opportunity on all jobs and all phases of work.
3. The Human Resources Director will implement affirmative action policies in recruitment, hiring and employment by communicating policies internally and developing programs to achieve affirmative action objectives; and,
4. The Human Resources Director will direct a review by department of recruitment, hiring and employment procedures and goals annually in order to monitor program effectiveness and to determine where progress has been made and where further action is needed.

**Duties of Department Heads:**

The head of each department shall:

1. Report all pertinent affirmative action data and progress including but not limited to departmental procedures regarding affirmative action, information regarding the employment of minorities and women by the department, pertinent personnel actions of the department as well as anticipated future action to the Human Resources Director annually;
2. Assist in the identification of problem areas and in formulating solutions; and,
3. Provide the Human Resources Director with information to assist with assessing the effectiveness of the City's Affirmative Action Program and determining whether the goals of the Affirmative Action Program are being met.

**Recruitment**

The City will seek qualified women and minority group applicants for the various job categories and will make particular efforts to increase women and minority group representation in occupations at the higher levels of skill and responsibility.

1. All schools, colleges, employment offices, and other recruiting sources used by the City will be advised in writing of this policy, and will be urged to refer qualified women and minority groups applicants.
2. Where appropriate, employment advertisements will be placed in newspapers which are widely read by, and devoted to the interests of, women and minority groups. In addition, the City will request appropriate minority group agencies to assist in making known the City's policy and will advise such groups of available employment opportunities. It will also encourage similar employment referrals from present employees.

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3. Special efforts will be made to assist qualified women and minority applicants in obtaining employment in city government.
4. The Human Resources Director will analyze current recruiting methods and revise those methods which reflect any discriminatory practice.
5. The Human Resources Director will review and update its recruiting methods annually to insure the methods do not reflect any discriminatory practice.
6. The Human Resources Director will conduct annual analysis of job descriptions to ensure they accurately reflect job functions.

## **Hiring:**

The Human Resources Director and each department, agency, board or commission of the City involved in hiring employees shall:

1. Review hiring decisions of the last five (5) years and revise those hiring procedures which reflect any discriminatory practice;
2. If necessary, set remedial goals for hiring qualified minorities and women within each job category of the department, agency, board or commission in order to measure its progress in eliminating any under representation of minorities and women, as follows:
  - (a) Jobs which do not require special skills. The goals for job categories which do not require special skills shall be in proportion to the overall percentage of minorities and women within the area work force;
  - (b) Jobs which require special skills. The goals for job categories which require special skills shall be in proportion to the overall percentage of minorities and women within the area work force who have the educational and experience requirements for the job category; and
3. Review and reevaluate its hiring procedures, decisions and goals annually by January 31 in order to insure that they do not reflect any discriminatory practice and in order to measure its progress in eliminating any under representation of minorities and women, as follows:
  - (a) Review hiring decisions of the year and revise those hiring procedures which reflect any discriminatory practice;
  - (b) Review hiring decisions in light of the remedial goals established for the year and report progress in eliminating the under representation of minorities and women or lack thereof to the Mayor, including any reasons why despite good faith efforts the department, agency, board or commission was unable to meet its goals for the year;
  - (c) Reevaluate remedial goals established for each job category to insure that the goals are realistic in relation to the number of qualified minorities and women in the area work force and to insure that the goals are being used as guidelines rather than as quotas which must be met; and
  - (d) Discontinue the remedial goal for a particular job category when the under representation of minorities and women is eliminated in that category.

## **Placement and Promotion**

1. The Human Resources Director will review job categories where few minority group persons are presently employed, and seek to determine the cause of such low minority representation. When necessary, remedial efforts may include such actions as the following:
  - (a) Actively encouraging the promotion of minorities and women to positions for which they are qualified;
  - (b) Posting promotional opportunities;

(c) Special discussions with appropriate management, supervisory, or other personnel, regarding the City's policy and its desire to ensure the utilization of qualified women and minority group personnel at all job levels; and,

(d) Re-evaluation of qualifications of the lower echelon of women and minority group employees to determine whether their skills and capabilities may be more fully utilized at higher job levels or would warrant their transfer to other types of jobs more readily leading to advancement.

2. Promotions will be made entirely on the basis of performance and achievement without regard to race, religion, color, sex, age, marital status, familial status, national origin, ancestry, handicaps, disabilities or disadvantages unrelated to job requirements. All employees will have an equal opportunity to compete and produce.
3. Transfers of personnel at all levels will be monitored to ensure that equal consideration, as required by the City policy, has been given to qualified minority group employees.

## **Training**

In-house and on-the-job training programs, as well as all other training and educational programs to which the City gives support or sponsorship, will be regularly reviewed to ensure that minority group candidates as well as all other employees are given equal opportunity to participate.

## **Layoffs, Termination, and Downgrading**

The City will ensure that layoffs, terminations, downgrading and recalls from layoffs are made without regard to race, religion, color, sex, age, marital status, familial status, national origin, ancestry, handicaps, disabilities or disadvantages unrelated to job requirements.

If possible, all City employees will be notified in advance of any general layoff, termination and/or downgrading. The reason for any general layoff, termination and/or downgrading will be clearly stated.

## **Other Activities**

1. The City will review personnel actions of the past five years, including but not limited to actions related to employee promotions, raises, benefits, transfers, layoffs, returns from layoffs, and training or educational programs, and revise those personnel procedures which reflect any discriminatory practice.
2. The City will insure that there is no disparity in the compensation received by minority group employees and other employees for performing equivalent duties, and that opportunities for performing overtime work or otherwise earning increased compensation are afforded without discrimination to all employees.
3. It is the City's policy that none of its facilities will be segregated, and the same policy will be observed with respect to any employee programs or activities which are sponsored or supported by the City.
4. The City will participate in community service, educational and other programs which assist in providing equal opportunity to all persons without regard to race, religion, color, sex, age, marital status, familial status, national origin, handicaps, disabilities or disadvantages.
5. The City will assist others by sharing its experience and programs to provide full and equal employment opportunities.
6. The City will maintain records and resource files on its EEO programs. Continuous and on-going research will be conducted to develop and implement programs for equal employment

opportunities. Programs will be revised, updated and improved upon wherever possible.

7. The City will make every reasonable effort to engage qualified minority group Contractors for its projects. They will be invited to propose for work, and technical advice will be given for the preparation and submission of proposals and quotations, including purchase of materials and equipment. Contractors will be encouraged to increase minority group participation in the competitive market of their trades. Periodic reviews will be made to ensure that minority contractors are invited to propose and that assistance is offered to them.

**APPENDIX 3**

**Policy AGAINST HARASSMENT AND DISCRIMINATION**

**Policy**

It is the policy of the City of West Lafayette that the following types of harassment and discrimination against employees and members of the public are prohibited and will not be tolerated: harassment and discrimination based on sex (with or without sexual conduct) race, color, religion, national origin, ancestry, age, handicap, disability, sexual orientation or protected activity (such as, opposition to prohibited discrimination or participation in the statutory complaint process). Prohibited harassment and discrimination demean individual dignity and lower the productivity of the City’s workforce in serving the public and is in violation of long-standing policy of the City. This policy covers prohibited harassment and discrimination by anyone in the workplace—supervisors, co-workers, and non-employees.

**Responsibility**

No employee of the City shall engage in harassment or discrimination based on sex (with or without sexual conduct) race, color, religion, national origin, ancestry, age, handicap, disability, sexual orientation or protected activity (such as, opposition to prohibited discrimination or participation in the statutory complaint process). It is the special responsibility of department heads to ensure that this prohibited harassment or discrimination does not occur and to make it known that prohibited harassment and discrimination are not tolerated in their respective departments.

Employees are subject to this policy while on City premises or acting as City representatives on any occasion. This policy forbids prohibited harassment and discrimination of other employees or any members of the public or other persons with whom the employee has contact in the course of employment.

**Prohibited Conduct**

**A. Discrimination and Harassment**

Examples of harassment and discrimination based upon race, color, sex, religion, national origin, ancestry, age, handicap, disability, sexual orientation and protected activity (such as, opposition to prohibited discrimination or participation in the statutory complaint process), may include but are not limited to:

1. A pattern of conduct which has the intent or effect of discomforting or humiliating that may include any of the following: (a) comments regarding sex, race, age, color, religion, national origin, ancestry, handicap, disability, sexual orientation and protected activity (such as, opposition to prohibited discrimination or participation in the statutory complaint process), (b) questions, jokes or anecdotes regarding sex, race, age, color, religion, national origin, ancestry, handicap, disability, sexual orientation and protected activity (such as, opposition to prohibited discrimination or participation in the statutory complaint process), (c) stereotyping based upon sex, race, color, religion, national origin, ancestry, age, handicap, disability or sexual orientation, or (d) remarks about sex, race, color, religion, national origin, ancestry, age, handicap, disability, sexual orientation and protected activity (such as, opposition to prohibited discrimination or participation in the statutory complaint process).
2. Displays of materials, such as pictures, posters or cartoons, which have the effect of creating a hostile environment based upon sex, race, color, religion, national origin, ancestry, age, handicap, disability or sexual orientation.

3. Discrimination or unfair treatment because of sex, race, age, color, religion, national origin, ancestry, handicap, disability, sexual orientation and protected activity (such as, opposition to prohibited discrimination or participation in the statutory complaint process) in hiring, firing, pay promotion, benefits, working environment or any other job aspect or employment decision.

4. Sexual harassment is one type of sex discrimination. (See “B”.)  
The existence of all types of prohibited harassment and discrimination, particularly the creation of a “hostile environment”, is judged based upon the perception of a reasonable person, as well as the subjective perception of the victim. As an employee or a supervisor, you should be sensitive to whether any behavior is causing discomfort to another person, whether intended or not.

**B. Sexual Harassment**

Examples of sexual harassment include but are not limited to, sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. Submitting to the conduct is an explicit or implicit condition of employment, promotion or advancement or avoiding adverse action or the receipt of City services; or
2. The conduct has the purpose or effect of substantially interfering with an individual’s employment or creating an intimidating or hostile or offensive environment for the individual’s employment or receipt of City services.

The following are examples of conduct that may constitute sexual harassment:

- a. Physical assault.
  - b. Direct propositions of a sexual nature.
  - c. Direct or implied threats that submission to sexual advances will be a condition of employment, promotion, advancement or avoiding adverse action.
  - d. Unwelcome attention, which is reasonably perceived to be pressure for sexual activity, such as repeated and unwanted staring or comments with sexual overtones.
  - e. A pattern of conduct which has the intent or effect of discomforting or humiliating that includes any of the following: (1) comments of a sexual nature, (2) sexually explicit statements, questions, jokes or anecdotes, (3) gender stereotyping, (4) remarks about sexual activities, or (5) unnecessary touching, patting, hugging or brushing against a person’s body.
  - f. Displays of sexual materials, such as pictures, posters or cartoons, which have the effect of creating a hostile environment.
- Amorous or sexual relationships, sexual activity of any kind and requests for sexual activity of any kind, even those that are allegedly “consenting”, between any management employee and any person over whom he/she has any degree of power or authority, are prohibited.

**Complaint Procedure**

Employees, or members of the public in the case of discrimination in the provision of City services, are strongly encouraged to rely on this policy and the commitment of the City that prohibited harassment and discrimination will not be tolerated.

All employees or members of the public who believe that they have been harassed or discriminated against in any manner because of race, religion, color, sex (including sexual harassment), age, national origin, ancestry, handicap, disability, sexual orientation or protected activity are strongly encouraged to use this procedure. Additionally, all employees who believe that they

have been denied an Equal Employment Opportunity (i.e. hiring, firing, lay-off, pay, promotion, benefits, working atmosphere, and any other term, condition, or privilege of employment) in any manner because of race, religion, color, sex (including sexual harassment), age, national origin, ancestry, handicap, disability or sexual orientation are strongly encouraged to use this procedure. Employees or members of the public who believe that they have been discriminated against in violation of the Americans with Disabilities Act and employees who believe their rights under the Family and Medical Leave Act have been interfered with may also use this procedure.

If you are an employee and you believe you have been harassed or discriminated against as described in this policy, you should contact your supervisor as soon as possible. If you believe your supervisor is involved with or engaging in the harassment or discrimination, or if for any other reason you are uncomfortable talking to your supervisor, you may contact the City's Director of Human Resources, Diane Foster at 775-5108 or your department head.

All supervisors who receive complaints of harassment or discrimination or are otherwise aware of harassment or discrimination must immediately report the complaints of harassment or discrimination to the City's Human Resources Director, Diane Foster.

Complaints of harassment and discrimination may be brought by any employee as outlined above. Employees are encouraged to report harassment before it becomes severe or pervasive. The City is committed to preventing harassment and stopping it before it reaches this level.

Any member of the public may report prohibited harassment or discrimination to a department head or the Mayor.

All complaints by employees and members of the public regarding harassment and discrimination will be investigated promptly, thoroughly and impartially in accordance with the City's procedure. The City will protect the confidentiality of allegations of harassment and discrimination to the extent possible.

**Employees or members of the public who make complaints of harassment or discrimination or provide information related to such complaints will be protected against retaliation. The City will not tolerate adverse treatment of employees or members of the public because they report harassment or discrimination or provide information related to such complaints.**

Employees who feel that they have been harassed or discriminated against on the basis of race, religion, color, sex (including sexual harassment), age, national origin, ancestry, handicap, disability, or protected activity should also be aware that they have the right to file charges of unlawful harassment or discrimination with the EEOC or Indiana Civil Rights Commission. The deadline for filing a complaint of discrimination with the Indiana Civil Rights Commission is 180 days from the date of unlawful harassment or discrimination, and the deadline for filing a charge of discrimination with the EEOC is in some instances 180 days and in some instances 300 days from the date of unlawful harassment or discrimination, NOT from the date that the complaint to the employer is resolved. You should contact the Indiana Civil Rights Commission and the EEOC to ensure you meet the correct deadline. Although the City intends to fully, promptly and impartially investigate all complaints of harassment and discrimination, employees are not required to wait until the City has completed its investigation to file a charge of discrimination with the EEOC or Indiana Civil Rights Commission.

## Employee Discipline

A person directly involved in prohibited harassment or discrimination as described in this policy will be subject to discipline up to and including termination. Any supervisor who knows or reasonably should know that prohibited harassment or discrimination is occurring and fails to act reasonably to halt or prevent the harassment or discrimination will be subject to discipline up to and including termination. All employees, and especially supervisory personnel, have a responsibility to assure that employees and members of the public are not subjected to prohibited harassment or discrimination of any nature by a City employee, including the existence of a "hostile environment."

Making charges of harassment or discrimination that are knowingly or intentionally false may be the basis for discipline.

# WEST LAFAYETTE PERSONNEL MANUAL

## APPENDIX 4

### Street and Sanitation Department and Wastewater Treatment Utility Uniform Rules and Regulations

Except where otherwise indicated, the foregoing progressive disciplinary action for the following violations consist of the following steps:

- First Offense.....Written Reprimand
- Second Offense..... 3-day Unpaid Suspension
- Third Offense.....Discharge

Reprimands and suspensions MAY precede other disciplinary action depending on the severity of the incident. The City has discretion, regardless of the discipline listed with these rules, to take other immediate formal disciplinary action, including discharge, for any rule or policy violation.

#### I. Vehicle Damage and/or Accidents

- A. Accidents determined to be attributable to the driver (as the direct result of recklessness, negligence, carelessness, or who openly displays a total disregard for the safe operation of the vehicle and its occupants) may result in the suspension of driving privileges pending further investigation. As a result of such actions, the driver may also be held financially responsible to reimburse the City for all associated costs for damages attributable to the incident.
- B. Failure to report all vehicular accidents immediately to the department head and to law enforcement as required by law including personal injury, and/or damage to equipment or vehicle:  
Discharge

#### II. Equipment

- A. Failure to exercise proper care of City-owned vehicles, including but not limited to, failure to report mechanically defective condition of equipment, and failure to keep assigned vehicle clean and properly maintained.
- B. The following conduct will result in discharge:
  - Unauthorized use of equipment;
  - Willfully tampering with equipment;
  - Willful damage to equipment;
  - Unauthorized modification or alteration of equipment, such as removal of safety guards or devices;
  - Negligent or careless loading, unloading, checking, or handling, resulting in damage to or loss of equipment or property.
- C. Improper use of radio
- D. Misuse or loss of city issued personal safety equipment
- E. City Garage or City Tool Usage  
Use of the City garage for work on personal vehicles is forbidden. The department head must approve personal use of City tools. If the department head approves personal use of City tools, tools must be signed out and returned the next morning.

#### III. Time Cards

- A. Punching another employee's time card or record; having one's time card or time record punched by another employee; or, altering a time card or time record for any reason:  
Discharge
- B. Failure to clock in or out

#### IV. Conduct

- A. Employees shall not park in unauthorized areas (fire lanes, handicap, etc.).

- B. No employee shall be present upon City property outside of operational hours unless approved by the department head.
- C. Conviction of or guilty plea to a felony:  
Discharge
- D. Arrest on a felony or misdemeanor charge that is related to job assignment, occurs on city property, or involves a City vehicle or property.  
Indefinite Suspension Without Pay, Pending Acquittal;  
Discharge Upon Conviction
- E. Use or possession of another employee's personal tools without his/her consent.
- F. Employees shall not post, remove, or alter notices or other documents on City premises without prior written approval from a department head.
- V. Reports
- A. Failure to make out required reports properly.
- B. Tampering with or falsification of reports or required samples:  
Discharge

## APPENDIX 5

### Operational Procedures for Street and Sanitation Employees

#### Operational Hours and Breaks

Operational hours are Monday thru Friday, 7:00 a.m. to 11:30 a.m. and 12:00 p.m. to 3:30 p.m. Lunch is from 11:30 a.m. to 12:00 p.m. Employees receive two (2) fifteen (15) minute breaks, one at 9:00 a.m. and one at 2:00 p.m. Should work schedules need to be altered, different break times must be approved by the supervisor.

#### Break Location:

There shall be no more than three (3) departmental vehicles at any one location during break time. If an employee's work site is at the department, the break must be taken at the work site unless another location is approved by the supervisor or department head.

#### Overtime

Must be approved and directed by the supervisor. Overtime will be calculated to the nearest ¼ hour (15 minutes).

#### Time Cards:

All work times must be recorded and time cards signed at the end of the work week. Employees must clock in 2 minutes prior to arrival at their work stations and clock out within 2 minutes of departure from their work stations.

#### Telephone

All employees are required to have a telephone at their residence for emergency communications.

#### Work Stoppage Due to Weather Conditions

Employees shall report to work regardless of weather conditions. If the weather conditions are unfit for work (temperature -5 degrees below, wind chill factor -15 degrees below or as the department head directs), at 10:00 a.m., the department head will inform employees of work requirements for the remainder of the work day. Employees may use available leave time to cover any absence due to weather conditions. Paid time off due to weather conditions must be approved by the Board of Works. Should a sanitation pick up be missed due to the weather, employees will be notified of the next pick up date.

#### Receipts & Purchases

All purchases must be previously approved by the department head and receipts must be obtained and signed by the person picking up purchases. Signatures must be readable.

#### Non-Smoking Work Facility

This department's buildings and work sites shall be tobacco and smoke free. Employees may smoke in outside designated areas only.

#### Uniforms

Denim pants (no shorts)  
Safety vest provided by the City and/or bright orange shirts  
Steel-toed boots

#### Materials Quality Control

Recyclables are not trash and shall not be treated as such but shall be treated as a product to be sold. Recyclables must meet a particular standard of quality. Employees shall be advised of these standards during training and shall meet these standards during the course of their employment. A copy of the standards is available in the department head's office.

#### Sanitation/Recycling Guidelines

Hazardous materials are not to be collected (i.e. liquid paint, flammables, and other toxic chemicals). Consult the office or department head via radio before collecting questionable hazardous materials if you have questions.

Trash containers must be returned to the curb as not to obstruct the mailbox or driveway. Do not throw.

Recyclable containers must be returned to the curb so as not to obstruct the mailbox or driveway. Do not throw.

Unauthorized removal of garbage (trash, recyclables, or other items) meant for disposal as provided by our service is prohibited.

Yard waste is to be picked up on designated days only. Remove all foreign materials out of yard waste. (e.g., plastic bags)

Notify the office or department head immediately by radio from the location if any item cannot be collected in the sanitation and/or recycling vehicle and instructions will be given on how to handle or arrangements for a special item pick-up will be made.

**APPENDIX 6**

**Permissible Deductions for Salaried Employees**

The Fair Labor Standards Act (FLSA) is a federal law which requires that most employees in the United States be paid at least the federal minimum wage for all hours worked and receive overtime pay at time and one-half the regular rate of pay for all hours worked over 40 hours in a workweek.

However, Section 13(a)(1) of the FLSA provides an exemption from both minimum wage and overtime pay for employees employed as bona fide executive, administrative, professional and outside sales employees. Section 13(a)(1) and Section 13(a)(17) also exempt certain computer employees. To qualify for exemption, employees generally must meet certain tests regarding their job duties and be paid on a salary basis at not less than \$455 per week. Job titles do not determine exempt status. In order for an exemption to apply, an employee's specific job duties and salary must meet all the requirements of the Department's regulations.

**Salary Basis Requirement**

To qualify for exemption, employees generally must be paid at not less than \$455 per week on a salary basis. These salary requirements do not apply to outside sales employees, teachers, and employees practicing law or medicine. Exempt computer employees may be paid at least \$455 on a salary basis or on an hourly basis at a rate not less than \$27.63 an hour. Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee's work. Subject to exceptions listed below, an exempt employee must receive the full salary for any workweek in which the employee performs any work, regardless of the number of days or hours worked. Exempt employees do not need to be paid for any workweek in which they perform no work. If the employer makes deductions from an employee's predetermined salary, i.e., because of the operating requirements of the business, that employee is not paid on a "salary basis." If the employee is ready, willing and able to work, deductions may not be made for time when work is not available.

Circumstances in Which the Employer May Make Deductions from Pay

Deductions from pay are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; or, for unpaid disciplinary suspensions of one or more full days imposed in good faith pursuant to the City's disciplinary policies (§§ 31.00-31.03) or for violation of the Rules and Regulations or Operational Procedures set forth in Appendices 4 and 5 of this Personnel Manual. Also, an employer is not required to pay the full salary in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance; or, for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either partial day or full day deductions may be made.

**City Policy**

It is the City's policy to comply with the salary basis requirements of the FLSA. Therefore, the City prohibits all supervisors and department heads from making any improper deductions from the salaries of exempt employees. The City wants employees to be aware of this policy and that the City does not allow deductions that violate the FLSA.

What To Do If An Improper Deduction Occurs

If you believe that an improper deduction has been made to your salary, you should immediately report this information to the Human Resources Director who shall in turn report it to the Clerk-Treasurer's Office.

Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.