

COUNTY OF BROWN, INDIANA

PERSONNEL POLICIES HANDBOOK

Revised May 21, 2021

prepared by:

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EMPLOYEE ACKNOWLEDGMENT FORM

The Brown County Personnel Policies Handbook shall be in full force and effect on and after _____, and describes important information about employment with Brown County. I understand that I should consult the Commissioners regarding any questions not answered in the handbook.

Since the information, policies and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify or eliminate existing policies. Only the County Commissioners and County Council have the ability to adopt any revisions to the policies in this handbook.

I understand the descriptive materials contained in this handbook are only summaries. Any discrepancies between these summaries and the terms of the actual plans will be governed by the terms of the underlying, more detailed policies and procedures. Any questions regarding summaries, their underlying policies and procedures and any discrepancies between them should be directed to the County Commissioners.

I acknowledge that this handbook is not a contract of employment. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any subsequent revisions.

Finally, I acknowledge I have reviewed and understand the County's Drug and Alcohol Free Workplace policy and the circumstances under which I may be required to submit to a drug and/or alcohol test.

EMPLOYEE'S SIGNATURE

DATE

EMPLOYEE'S NAME (TYPED OR PRINTED)

EMPLOYEE'S DEPARTMENT

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1. PERSONNEL POLICIES HANDBOOK

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

1.1 USE AND REVISION OF PERSONNEL POLICIES HANDBOOK

The personnel policies set out in this manual shall be administered by the Board of Commissioners ("Board") in conformity with applicable county ordinances, federal law, and state statutes governing civil service in counties in Indiana. Policies or procedures found to be in violation of federal law, state statute, or County ordinance shall be declared null and void.

This manual is not a contract and does not create an employment contract or a guaranteed term of employment. The manual simply sets out general information as to the current personnel policies and practices of Brown County. Brown County reserves full discretion to unilaterally add, modify, delete, or otherwise change any provisions of this manual or the policies or procedures on which it may be based, at any time without advance notice or other consideration. Employees will, of course, be notified of such changes as they occur.

Employment with Brown County is considered at all time to be "at will," which means that the County can end the employment relationship at any time and for any reason, and with or without notice, except as otherwise provided by law. However, this provision does not apply to police officers, fire fighters, or any other class of employees who are entitled to certain procedures with respect to termination decisions.

Revisions may be proposed, from time to time by any interested party. The policies and any revisions shall become effective upon formal approval by the Board. Exceptions may be made at the Board's discretion and given the individual needs of each department.

Nothing in this manual is meant to abridge or undermine any rights of employees as required by applicable laws, and to the extent any provision is in conflict with a federal, state, or local law, the law will control. Any questions regarding summaries, their underlying policies and procedures, if applicable, and any discrepancies between them should be directed to the Commissioners.

1.2 EXCEPTIONS AND SPECIAL CONDITIONS

Unless specific provision is made otherwise, the procedures contained in this policy apply to all employees, including those in appointed positions, except when in conflict with special employment conditions set forth for Elected Officials or when in conflict with various statutes governing employment relationships.

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Where federal, state, or local laws or regulations supersede Brown County policies, employees will be instructed to observe the requirements of these federal, state, or local laws.

1.3 "BROWN COUNTY" DEFINED

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

1.4 PERSONNEL ADVISORY COMMITTEE

The Brown County Personnel Advisory Committee is established and shall meet as deemed necessary to review the application of County personnel policies and perform certain advisory functions such as:

1. Reviewing employee complaints in connection with the problem resolution procedures in this Handbook and providing advisory recommendations as may be warranted;
2. Monitoring personnel policies and procedures and making recommendations for revisions, modifications, additions, and deletions as deemed necessary;
3. Reviewing all standard operating procedures adopted by any department; and
4. Monitoring and overseeing administration of Internal Control Standards policy, training, and certifications.

The Brown County Personnel Advisory Committee shall serve yearly and be comprised of three (3) members. The members of the Personnel Advisory Committee shall be one (1) County Commissioner (appointed by the County Commissioners), one (1) member of the County Council (appointed by the County Council), and the County Auditor. The Human Resources/Commissioners' Assistant shall serve as Secretary to the Committee as a non-voting member. The County Commissioners' Attorney serves as legal counsel to this Committee.

1.5 EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of Brown County to provide equal opportunity for applicants and employees and to recruit, hire, promote, transfer, and terminate employment without regard to race, creed, religion, color, gender, age, disability, military status, status as a veteran, sexual orientation, genetic information, national origin, ancestry, or any other legally protected class.

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This policy applies to all terms, conditions, and privileges of employment, including training, probation, compensation, benefits, assistance, layoff, recall, employee facilities, and retirement.

All position vacancy notices, postings, advertisements, and recruiting literature shall contain the phrase "An Equal Opportunity Employer."

Any employee with questions or concerns about any type of discrimination in the workplace shall bring these issues to the attention of his/her elected official/department head. Employees may raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

1.6 MANAGEMENT RIGHTS

Brown County, as a public employer, retains the sole and exclusive responsibility and authority to manage and direct on behalf of the public, the operations and activities of the County to the full extent authorized by law. Such responsibility and authority shall include but not be limited to:

1. The right to direct the work of its employees.
2. The right to establish policy.
3. The right to maintain the efficiency of public operations.
4. The right to design and implement safety programs for employees.
5. The right to design and implement job training for employees.
6. The right to determine what services shall be rendered to the public.
7. The right to determine job content and job descriptions.
8. The right to determine, effectuate and implement the objectives and goals of the County.
9. The right to establish, allocate, schedule, assign, modify, change and discontinue County operations, work shifts and working hours.
10. The right to establish, modify, change and discontinue work standards.
11. The right to hire, examine, classify, train, transfer, assign and retain employees; suspend, discharge or take other disciplinary action against employees in accordance with applicable law and to relieve employees from duties due to disciplinary reasons or other legitimate reasons, and make promotions and demotions.
12. The right to change, modify and alter the composition of the work force.
13. The right to determine, establish, set and implement policies for the selection, training and promotion of employees; in accordance with applicable law.
14. The right to establish, implement, modify and change procedures and policies for the safety, health and protection of the County property and personnel.
15. The right to adopt, modify, change, enforce or discontinue any existing rules,

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- regulations, procedures and policies which are not in direct conflict with any provisions of this agreement.
16. The right to establish, select, modify, change or discontinue equipment, materials and the layout and arrangement of equipment.
 17. The right to determine the size and character of inventories and their disposal.
 18. The right to control the use of property, machinery inventories, and equipment owned, leased or borrowed by the County.
 19. The right to determine the location, establishment, and organization of new departments, divisions, subdivisions, or facilities thereof, and the relocations of departments, subdivisions, locations and the closing and discontinuance of same.
 20. The above enumeration of management rights is not inclusive of all such rights and all rights granted the County by constitution, statute, charter, ordinance or in any manner are retained by the County.

1.7 PRODUCTIVE WORK ENVIRONMENT

It is a policy of Brown County to maintain a productive work environment. Verbal or physical conduct by any supervisor or employee which in the determination of the Commissioners, harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment will not be tolerated and will subject the offending supervisor or employee to discipline up to and including discharge from employment.

1.8 AUTHORIZED ALIEN STATUS AND CITIZENSHIP

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

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility within the first three (3) days of employment. Former employees who are rehired must also complete a new I-9 form, unless they are rehired within a three (3) year period after the original I-9 form was completed and the County has retained the document.

Applicants who refuse to or are unable to supply the documentation necessary to prove that they are American citizens or aliens authorized to work in this County will not be considered for employment.

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

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The Auditor of Brown County cannot process payroll claims for any employee unless the appropriate forms have been obtained by the hiring authority and filed with the Auditor prior to submission of said payroll claim.

1.9 E-VERIFY

The Human Resource Department shall administer the **e-verify enrollment** of all County new-hires and shall ensure that appropriate forms are properly completed and retained as required by law.

1.10 ELIGIBILITY FOR LOCAL PUBLIC BENEFITS

All County employees shall complete a **Verification of Eligibility for Local Public Benefits Form** to ensure entitlement to a Federal public benefit as defined by I.C. 12-32-1-2 and State or Local public benefits as defined by I.C. 12-32-1-3. This form shall be administered and retained by the Auditor's Office as required by law.

2. EMPLOYMENT POLICIES

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

2.1 RECRUITMENT

Job notices shall be approved by the Board. Sample notices are available for a department's use through the Board. Advertisements shall describe the position, basic qualifications, and state that the County is "An Equal Opportunity Employer."

Basic qualification of formal education, background and experience shall be determined by the office holder or department head before recruiting begins and shall be based upon job requirements as well as dictates of applicable federal, state and local laws.

Authorization to recruit and hire to fill a vacancy in an existing or newly created position rests solely with the elected official and designated department heads.

The Human Resources Department is available to assist and advise in the selection process (i.e., testing, interviewing, interview questions, and verification of information provided by the applicants) upon request.

To encourage internal promotion and transfer whenever possible, job vacancies shall be posted in all County departments and offices. The notice shall be deemed appropriate when distributed through the county Global email list and posted in all County offices. All regular positions will also be advertised for at least one publication in the local newspaper.

2.2 EMPLOYMENT APPLICATIONS

All applicants are required to complete and sign a written Brown County Employment Application approved by the Board. This standardized job application form shall be submitted to and maintained by the Human Resources Department. The Human Resources/Commissioners' Assistant shall provide Elected Officials/Department Heads with copies of all submitted applications.

Applications for County employment shall request only information necessary for rational decision making. Only questions specifically related to occupational standards, job skills or the requirements of the position shall be asked.

The County relies upon the accuracy of information contained in the Employment Application, as well as the accuracy of other data presented throughout the hiring process and employment. The County does reserve the right to have the Brown County Sheriff conduct a background check of any applicant who files the application.

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Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the County's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

Placement of an application with Brown County does not mean that an applicant will be interviewed. Equal consideration will be given to all applicants based on the qualifications listed for the job. Applications will be retained in active files for one (1) year.

Applications shall be returned to the Human Resource Department/Commissioners' Assistant or the hiring department prior to hiring or being placed on the County payroll. Hiring decisions are the sole responsibility of the appointing authority (i.e., elected officials and designated department heads).

2.3 APPLICANT TESTING

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

2.4 PRE-EMPLOYMENT INTERVIEWS

Pre-employment interviews are used to gather information and screen applicants for County employment. Interviews shall be conducted by the Elected Official (or the Department Head and/or Boards where there is no Elected Official), or designees making the employment decision.

2.5 CONDITIONAL OFFER OF EMPLOYMENT

Applicants may receive a conditional offer of employment conditioned upon the successful completion of all established prerequisite requirements of the position, which may include passing medical, physical, and mental examinations or requirements, reference and criminal background checks, and driving record requirements. Applicants who receive a conditional offer of employment are not employees of Brown County unless they receive an official letter of employment. Brown County may withdraw the conditional offer of employment at any time for any reason, except as otherwise prohibited by law.

2.6 OFFER OF EMPLOYMENT

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

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The Offer of Employment will outline:

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

The Offer of Employment is contingent on satisfactory proof of permission to work in this country and the receipt of satisfactory references. All offers of employment for all County positions are conditioned on the prospective new employee undergoing a background check and submitting to a drug test pursuant to the County's Drug and Alcohol Free Workplace Policy.

The Offer of Employment shall be signed by the applicant and authorized official and a copy submitted to the Human Resources Department before the applicant is considered an employee of Brown County. The Offer of Employment form will be maintained by the Elected Official, Department Head or their designee.

All new hires must complete the Human Resources/Payroll packet portion, and submit all forms within the first three (3) days of employment.

Benefit forms must be submitted no later than fifteen (15) days after start date. Failure to submit forms will result in the employee waiving his/her rights to the benefit.

2.7 MEDICAL EXAMINATIONS

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

After a conditional offer of employment has been extended, applicants may be required to undergo a pre-employment medical examination by a health professional of Brown County's choice, at the County's expense. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam.

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

Information on an employee's medical condition or history shall be kept in a confidential medical file separate from other employee information. Medical information shall be maintained by the Human Resource/Commissioners' Assistant located in the Human Resources' Department.

Access to this information will be limited to the employee, Elected Official/Department Head of the employee, Human Resource/Commissioners' Assistant, and designated employees responsible for processing insurance and workers' compensation claims, and others on a need-to-know basis.

2.8 EMPLOYMENT CATEGORIES

It is the intent of Brown County to clarify the definitions of employment classifications, so employees understand their employment status and benefit eligibility. **Any changes in employment status shall be conveyed in writing. No change in employment status is to be construed or inferred without written notification. Each County employee is assigned to one (1) of the following classifications.**

Permanent Full-Time employees are those who are not in a part-time, introductory, or seasonal/temporary status and who are regularly scheduled to work at the County's full-time schedule of forty (40) hours per workweek. Full-time employees are eligible for the County's benefit package, subject to the terms, conditions, and limitations of each benefit program. Regular Full-time employees include exempt, non-exempt, and excluded classifications. The County Council sets the full-time compensation rates annually for all positions. Regular Full-time employees are eligible for the following benefits: Vacation Leave, Holidays, Sick Leave, Bereavement Leave, Personal Leave, Worker's Compensation, Social Security Benefits, Health Insurance, and Indiana Public Retirement System.

Affordable Care Act Full-Time employees are those who are not in a regular full-time, part-time, or seasonal/temporary status and who are regularly scheduled to work thirty (30) hours per workweek, but less than forty (40) hours per workweek. Affordable Care Act Full-time employees include exempt, non-exempt, and excluded classifications. The County Council sets the full-time compensation rates annually for all positions. Affordable Care Act Full-time employees are eligible for legally mandated benefits such as health insurance, Workers' Compensation, INPRS, Social Security Benefits, and pro-rated sick, personal, and vacation days subject to the terms, conditions, and limitations of each benefit program.

Permanent Part-Time employees are those who are not assigned to regular full-time, or seasonal/temporary status and who are regularly scheduled to work between twenty (20) and twenty nine (29) hours per workweek. Permanent part-time employees will be given a designated pay grade and are eligible to receive pro-rated sick, personal, and vacation days subject to the terms, conditions, and limitations of each benefit program.

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Hourly Part-Time employees are those who are not assigned to permanent part-time or seasonal/temporary status and who are regularly scheduled to work less than nineteen (19) hours per workweek. The County Council sets the hourly compensation rates annually for part-time positions. Hourly part-time employees are not eligible for, and will not receive any of the County's benefit programs.

Seasonal/Temporary employees are those who are hired as interim replacements to temporarily supplement the workforce, or to assist in the completion of a specific project. It is the policy of the County that a Seasonal/Temporary employee who works for (120) days in a calendar year shall not be rehired by the County without a minimum of six (6) months separation period between seasonal/temporary engagements. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status until notified of a change in writing. While temporary employees receive all legally-mandated benefits such as Worker's Compensation and Social Security, subject to the terms, conditions, and limitations of each benefit program, they are not eligible for any of the County's other benefit programs.

2.9 INTRODUCTORY PERIOD

The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations.

All new, transferred, and rehired employees will be required to serve a ninety (90) day introductory period, except when the ninety (90) days is in direct conflict with statutory requirements (such as merit officers of the Sheriff's Department whose introductory period is one [1] year).

During the introductory period, the employee's performance will be monitored and he/she will be advised regarding the quality of work being performed. At the end of the introductory period, whether successfully or unsuccessfully completed, a written performance evaluation shall be prepared and placed in the employee's personnel file.

An employee may be transferred to a new job or terminated at any time during the introductory period, or otherwise without following the disciplinary steps set forth in this handbook and without any right of recourse to the grievance procedure set forth in this handbook. Each employee has the status of an employee at will during the introductory period and thereafter.

Any significant absence will automatically extend the introductory period by the length of the absence.

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During the introductory period, new employees and Elected Officials/Department Heads are eligible for those benefits that are required by law, such as Workers' Compensation insurance and Social Security.

Full Time employees, and Permanent Part Time employees are eligible for other County benefits such as sick and personal leave benefits after completing one month of employment with the County, and vacation leave which starts after completing six months of employment with the County.

Insurance benefits will start the first day of the following month after a 60 day grace period has passed for eligible employees including Elected Officials/Department Heads.

When an employee moves from regular part time to permanent part time or full time their calculation towards County Benefits begins the first day of the new position.

2.10 EMPLOYMENT REFERENCE AND CRIMINAL BACKGROUND CHECKS

Applicants will be required to complete screening procedures relevant to the position. These procedures will include driver's record checks and background investigations.

To ensure that individuals who are employed by Brown County are well qualified and have a strong potential to be productive and successful, it is the policy of the County to check the employment references of all applicants.

For employment reference checks requested by outside employers of past or current Brown County employees, the County will respond in writing only to those reference check inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held.

No employment data will be released without written authorization and a release signed by the individual who is the subject of the inquiry.

All offers of employment for all County positions are conditioned on the prospective new employee undergoing a background check and submitting to drug test pursuant to the County's Drug and Alcohol Free Workplace Policy. Applicants who receive a conditional offer of employment shall be subject to a criminal background check. Applicants who may be engaged in the operation of motor vehicles and/or heavy equipment as part of their employment may be subject to a driving record check with the appropriate bureau of motor vehicles.

Requests by Elected Officials/Department Heads for reference, and/or background checks on applicants should be directed to the Human Resources/Commissioners' Assistant.

Applicants for positions within the Sheriff's Department Law Enforcement Center will be administered under the direction of the Brown County Sheriff's Department SOP.

2.11 PERSONNEL FILES

The employment selection procedure shall be documented and recorded and shall remain strictly confidential. Accurate personnel records shall be kept on file for each employee for a period of not less than seven (7) years after termination of employment and may be used to substantiate and support the employment decision in the event of inquiry.

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

1. **Personnel File:** The employee's personnel file shall contain salary information, property inventory of County issued property, emergency information sheet, e-verify enrollment form, eligibility for local public benefits form, employment application, signed offer of employment form, retirement forms, and change of address forms. This file shall be maintained by the Human Resources Department. Certain documents in this file shall be deemed confidential and released only to persons on a need-to-know basis. Information pertaining to salary and payroll shall be maintained in the Auditor's office.
2. **Administrative File:** This file shall contain documentation such as job description, personnel policies handbook acknowledgment form, performance evaluations, educational accomplishments, records of training, disciplinary records, and other documentation concerning disciplinary actions, including employee complaints, absences, tardiness, and other related information. This confidential file shall be deemed as exempt under the Indiana Public Records Law. This file shall be maintained by Elected Official, Department Head, and/or designee.
3. **Confidential Medical File:** The employee's confidential medical file shall contain all medical information, including health insurance enrollment and beneficiary forms, disability information, FMLA files, ADA accommodations, worker's compensation documents, results of alcohol and drug tests, and other medically related information. This confidential file shall be deemed as exempt under the Indiana Public Records Law. This file shall be maintained separately by the Human Resource Department.
4. **CDL File:** The CDL file will be maintained as a separate file for CDL employees by the Highway Superintendent. This file shall be updated each calendar year.
5. **I-9 File:** The I-9 file shall contain the I-9 form. This file shall be maintained by the Human Resource/Commissioners' Assistant in the Commissioners' Office.

Each step involved in the selection procedure shall be documented and recorded. Accurate personnel records should be kept on file for each employee for a period of not less than seven (7) years after the employee's separation date and should be used to substantiate and support the employment decision in the event of an inquiry.

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Each Administrative Official shall maintain an accurate personnel file for each employee. The personnel file should reflect each employee's employment history and should contain the following items: (1) application for employment, (2) any statements related to disciplinary actions, grievances, leaves of absences, tardiness, and (3) other relevant data. All medical information regarding an employee must be kept in a separate file in a locked cabinet.

Each office shall also maintain an applicant file. In the event of an opening, reference to the file may be necessary to fill the position.

Except as provided in this Handbook, and subject to the provisions of Indiana law, all personnel files, including the applicant file, shall remain confidential. Confidentiality shall be preserved by all persons using the files. Each Elected Official/Department Head shall insure that personnel and otherwise confidential files in his/her office are kept in a secure location.

The Elected Official/Department Head shall retain personnel records for seven (7) years after separation of each employee's employment. The records may be disposed of thereafter at the discretion of the Board in accordance with applicable law.

2.12 ACCESS TO PERSONNEL FILES

Each employee shall have access to his/her own file upon request. In addition, any person who has a supervisory relationship with any employee may, with the Administrative Official's approval, have access to that employee's file, with the exception of the medical file.

Personnel files are the property of Brown County, and access to the information they contain is restricted, except as provided in IC 5-14-3-1 et seq. Access to confidential personnel files shall be limited to the employee, County Attorney, Auditor or designated staff, Human Resources/Commissioners' Assistant, and the Elected Official/Department Head or their designee to which the employee is directly responsible. The employee's confidential medical file shall be maintained under the control of the Human Resources/Commissioners' Assistant and shall be available to the employee, County Attorney, and County Commissioners. The Human Resources/Commissioners' Assistant shall not provide any information pursuant to a subpoena or court order sooner than ten (10) calendar days after the date of receipt. Within five (5) calendar days of the receipt of the subpoena, the County Attorney shall notify the affected employee(s) of the subpoena to permit the employee(s) to seek any appropriate judicial relief.

Employees and/or their designated representative who wish to review their own files should contact the elected official or department head. With reasonable advance notice, employees may review their own personnel files in the Commissioners' Office in the presence of an individual appointed by the County to maintain the files.

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No information shall be provided to any person concerning the employment of the employee other than job title, salary, and date-of-hire.

2.13' PERSONAL INFORMATION CHANGES

It is the responsibility of each employee to promptly notify the Auditor's Payroll Deputy and the Human Resource/Commissioners' Assistant of any personal changes, which may affect their personnel file or payroll. It is the responsibility of each employee to promptly notify the Human Resources/Commissioners' Assistant of any personal changes which may affect their benefits. Personal mailing addresses, telephone numbers, number and names of dependents, changes in marital status, individuals to be contacted in the event of an emergency, educational accomplishments, driver's license status and proof of insurance (where applicable), and other such personal information should be accurate and current at all times. Any unreported changes in personal status may impact eligibility under the County's benefits plans.

2.14 ORIENTATION/EXIT INTERVIEWS

Once employed by the County, the Human Resources/Commissioners' Assistant and Elected Official/Department Head shall conduct an informal orientation to familiarize the new employee with the County. The Human Resources/Commissioners' Assistant shall provide the new employee with a copy of the **Brown County Personnel Policies Handbook**.

Upon termination of the employment relationship with an employee, the Auditor/Human Resources Administrator, and/or Elected Official/Department Head or designee will conduct an exit interview with the employee. The purposes of the exit interview include:

1. Verification of the return of all equipment, keys, uniforms, etc.;
2. Assurance of proper payment of unused vacation, if any, days of work, etc. shall be paid following a timesheet audit;
3. Continuation of any benefits the employee may be eligible for; and
4. Verification of reason for leaving for unemployment compensation purposes.

2.15 PERFORMANCE EVALUATIONS

Elected Officials/Department Heads are strongly encouraged to discuss job performance and work goals with employees on an informal day-to-day basis. Additional formal performance reviews may be conducted to provide both Elected Officials/Department Heads and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

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Formal performance evaluations should be conducted on an annual basis and at the end of the introductory period before entering regular full-time status, especially if such period is extended.

Performance evaluations shall be confidential and shall be made available only to the employee and their Elected Official/Department Head.

2.16 OUTSIDE EMPLOYMENT/CONFLICT OF INTEREST

2.16.1 Outside Employment

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

If Brown County determines that an employee's outside work interferes with performance or the ability to meet the requirements of the County as they are modified from time to time, the employee may be asked to terminate the outside employment if he/she wishes to remain with the County.

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

Employees who are provided Family and Medical Leave under the County's FMLA policy for their own serious illness or injury shall not be employed by outside employers when on FMLA.

2.16.2 Conflict of Interest

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the County's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to the Commissioners as soon as possible the existence of any actual or potential conflict of interest; therefore, safeguards can be established to protect all parties. Employees who have a conflict of interest are to file a conflict of interest form with the Clerk and the State of Indiana.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the County does business, but also when an employee or

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relative receives any type of kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealing involving the County.

2.17 REQUESTS FOR INFORMATION

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

2.18 LAYOFF AND RECALL

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

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

Any such reduction will be finalized by each Elected Official/Department Head who will select the employees for separation based upon seniority and ability with ability prevailing.

Reassignment or transfer to another position will be observed in as many layoff cases as possible. Reinstatement may be in the position vacated or in another job that becomes available. Insofar as practicable, Administrative Officials will try to give at least one (1) week's advance notice of any layoff. Upon separation the employee shall receive payment for all accrued vacation days not taken during the current year.

2.19 FULL-TIME TO ELECTED OFFICIAL EMPLOYMENT

In the event that a full-time or permanent part-time employee is elected to a full-time Brown County elective office he/she shall be compensated for any unused vacation or compensatory time earned as a permanent employee. Such employee's sick days will be frozen and available for use in the event the elected official returns to a non-elected full-time or permanently part-time position without any interruption in County employment. Also, if such elected official returns to a non-elective full-time position his/her time in elective office shall count as years of service for the purpose of determining the amount of eligible vacation time or other benefits based on years of service with the County.

2.20 NEPOTISM

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

An employee who is employed by the County as of June 30, 2012, is not subject to the nepotism provision unless the employee has a break in employment with Brown County in the future.

Under I.C. 36-1-20.2 this nepotism policy does not apply to the County Sheriff's spouse employed as the Jail Matron or to relatives of the County Coroner who have previously served as the County Coroner.

Direct line of supervision is defined as an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation.

Indiana Code defines relative to include a spouse; a parent or step-parent; a child or step-child; a brother, sister, step-brother, or step-sister; a niece or nephew; an aunt or uncle; a daughter-in-law or son-in-law; brother-in-law; sister-in-law; an adopted child; and a brother or sister by half blood. For the purpose of this policy, Brown County's definition of relative will also include, an individual who is residing in the same household as the employee, and first cousin.

Per Indiana Code 36-1-20.2-11 a County employee is not in violation of the nepotism policy if a relative assumes elective office if the employee was employed by the County on the date the individual's relative begins serving a term of an elected official. **Such individuals may remain employed by the County and maintain their position and rank even if the individual's employment with the County is considered to violate this policy.**

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

An Elected Official or Department Head that is in violation of this policy may be subject to penalties for perjury.

The County's failure to adopt policies under Indiana Code 36.1.20.2 (Nepotism) will result in the Department of Local Government Finance not approving the County's budget or any additional appropriations for the ensuing calendar year until the State Board of Accounts certifies the County is in compliance.

2.21 CONTRACTING WITH THE COUNTY

Effective July 1, 2012 Indiana Code 36-1-21 states that the County may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with: (1) an individual who is a relative of an Elected official or; (2) a business entity that is wholly or partially owned by a relative of an Elected official only if the Elected official files a full disclosure which must:

- Be in writing
- Describe the contract or purchase
- Describe the relationship of the official to the business
- Be affirmed under penalty of perjury
- Be submitted to the legislative body prior to final action
- Be filed (within 15 days of final action) with the State Board of Accounts and the County Clerk.

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

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

In order to comply with Indiana law and in order to avoid potential conflicts of interests, misunderstands and appearance of favoritism, impropriety or bias, the legislative body has adopted the following policy to establish certain minimum requirements regarding contracts between (i) any department, office or elected official of Brown County, Indiana (the "County"), and (ii) "relatives" (or businesses wholly or partially owned by relatives) of "elected officials" of the County. Except as otherwise provided herein, the County may enter into or renew a contract for the procurement of goods and services or a contract for public works with either: (i) an individual who is a relative of an elected official, or (ii) a business entity that is wholly or partially owned by a relative of an elected official; only if the requirements of this policy are satisfied and such contract would not result in a violation of Indiana Code 35-44-1-3 by the elected official.

Notwithstanding any provisions of this policy and Indiana Code 36-1-21, the County may enter into or renew a contract with an individual or business entity described in the paragraph above only if the following conditions are met:

1. The elected official shall file with the Board of Commissioners of Brown County, Indiana (the "Board of Commissioners") a full disclosure statement, which must:

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- (a) be in writing; (b) describe the contract or purchase to be made by the County; (c) describe the relationship that the elected official has to the individual or business entity with whom the County seeks to contract or from whom the County seeks to purchase; (d) be affirmed under penalty of perjury; (e) be submitted to the legislative body of the County and be accepted by the legislative body of the County in a public meeting of the legislative body prior to final action on the contract or purchase; and (f) be filed, not later than fifteen (15) days after final action on the contract or purchase, with (i) the State board of accounts, and (ii) the clerk of the circuit court of the County.
2. The appropriate agency of the County shall file a certified statement with the Board of Commissioners: (a) that the contract amount or purchase price was the lowest amount or price bid or offered; or (b) setting forth the reasons why the vendor or contractor was selected.
 3. The County satisfies any other contracting requirements under Indiana Code 5-22 (concerning the purchase of goods or services) or Indiana Code 36-1-12 (concerning public works).
 4. The elected official also complies with the disclosure provisions required by Indiana Code 35-44-1-3, if applicable.

Each elected officer of the County shall annually certify in writing, subject to the penalties for perjury, that the officer has not violated this policy or Indiana Code 36-1-21. Each officer shall submit the certification to the Board of Commissioners not later than December 31 of each year.

This policy is intended to implement the minimum requirements necessary to comply with Indiana Code 36-1-21, as the same may be amended from time to time. If and to the extent this policy is not in compliance with Indiana Code 36-1-21, this policy shall be deemed to include such terms not otherwise included herein, and to exclude such terms not otherwise excluded here from, as are necessary to cause this policy to implement the minimum requirements set forth in Indiana Code 36-1-21. To the extent this policy is inconsistent with any provision of Indiana law, including, without limitation, Indiana Code 36-1-21., such other provisions of Indiana law shall control. If any portion of this policy is held or deemed to be, or is invalid, illegal, inoperable or unenforceable, the validity, legality, operability and enforceability of the remaining portions of this policy shall not be affected, and this policy shall be construed as if it did not contain such invalid, illegal, inoperable or unenforceable portion.

The County reserves the right to review the specific facts of any case where this policy is implicated and make exceptions on a case-by-case basis consistent with the provisions of Indiana law, including, without limitation, the provisions of Indiana Code 36-1-21. Furthermore, the County reserves the right to modify or amend the provisions of this policy from time to time consistent with the provisions of the provisions of Indiana law, including, without limitation, the provisions of Indiana Code 36-1-21.

2.22 ELECTIVE OFFICER AND COUNTY EMPLOYMENT RESTRICTED

Effective January 1, 2013 Indiana Code 3-5-9 specifies that a County employee is considered to have resigned from employment with the County if the employee assumes the elected executive office of the County or becomes an elected member of the County's legislative or fiscal body.

3. SALARY ADMINISTRATION

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

3.1 NORMAL WORK WEEK

The normal work week typically begins on Monday at 12:01 a.m. and ends on the following Sunday at 12:00 midnight.

3.2 WORK HOURS

Full time Exempt and Non-exempt employees are required to work forty (40) hours per week. To be compensated for time not worked employees must use any available paid benefit time, flex time, or compensatory time.

Certain offices may need to observe earlier opening hours and later closing hours due to the nature of the work. The Elected Official/Department Head shall advise employees as to changes from the normal hours policy. In those offices in which earlier or later hours are needed due to the nature of the work or the needs of the clients of that office, the Elected Official/Department Head may set alternate schedules as needed. Any schedule departure from this policy, other than those specified here, will require approval from the Board of County Commissioners.

The normal work hours used are:

County Offices: A regular workday begins at 8:00 a.m. to 4:00 p.m. Monday through Friday (unless scheduled differently). A normal week's work will consist of five (5) eight (8) hour workdays, forty (40) hours per week, including a sixty (60) minute paid meal period each workday which shall be considered and counted as hours worked.

EMA: The office hours of the EMA Director will fluctuate due to the nature of the work or the needs of the office, and shall include call-in hours. The EMA Director's normal week's work will consist of forty (40) hours per week, including a sixty (60) minute paid meal period each workday which shall be considered and counted as hours worked.

Commissioners' Assistant/Human Resources: The office hours of the Commissioners' Assistant/Human Resources Benefits Manager will fluctuate due to the nature of the work or the needs of the office. The Commissioners' Assistant/Human Resources Benefits Manager's normal week's work will consist of forty (40) hours per week including a sixty (60) minute paid meal period each workday, which shall be considered and counted as hours worked.

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Highway Department: A regular workday begins at 7:30 a.m. to 4:00 p.m. Monday through Friday. The Highway department has call in hours. Employees shall have a thirty (30) minute unpaid meal period each workday, and a normal workweek shall consist of forty (40) hours. Alternate work hours and days may be scheduled by the Highway Superintendent based on workload and as described in the Highway Department's Standards of Operations.

Highway Administrative staff: A regular workday begins at 7:30 a.m. to 4:00 p.m. Monday through Friday. A normal week's work will consist of five (5) eight (8) hour workdays, forty (40) hours per week, including a sixty (60) minute paid meal period each workday which shall be considered and counted as hours worked. Alternate work hours and days may be scheduled by the Highway Superintendent based on workload and as described in the Highway Department's Standards of Operations.

Probation, Clerk and County Court Employees: A regular workday begins at 8:00 a.m. to 4:00 p.m. Monday through Friday. The work schedule will fluctuate to accommodate on-call schedules. A normal week's work will consist of forty (40) hours per week, including a sixty (60) minute paid meal period each workday which shall be considered and counted as hours worked.

Prosecutor: Employees in the Prosecutor's office shall cover the office hours of 8:00 a.m. to 4:30 p.m. Monday through Friday. A normal week's work will consist of forty (40) hours per week, including a sixty (60) minute paid meal period each workday which shall be considered and counted as hours worked.

Community Corrections: The department hours of the Community Corrections department will fluctuate due to the nature of the work and the service needs of the public. The Community Corrections' staff's normal week's work will consist of forty (40) hours per week, including a sixty (60) minute paid meal period each workday which shall be considered and counted as hours worked.

Health Department: A regular workday begins at 8:00 a.m. to 4:00 p.m. Monday through Friday. The work schedule may fluctuate to accommodate on-call schedules and emergency call outs. A normal weeks work will consist of forty (40) hours per week, including a sixty (60) minute paid meal period each workday which shall be considered and counted as hours worked.

3.2.1 Lunch and Rest Breaks

A sixty (60) minute paid lunch break will be allowed each Full-time and Permanent Part-time employee only (other than Highway Department employees) during his/her workday. Part-time employees will be allowed a thirty (30) minute unpaid lunch break. Highway Department employees will be allowed a thirty (30) minute unpaid lunch break. Lunch breaks should be scheduled between the hours of 11:00 a.m. and 2:00 p.m.

3.3 JOB CLASSIFICATION/PAY SYSTEM MAINTENANCE

All County positions, except those of elected officials, may be described and systematically grouped into job classes based on their fundamental similarities using the Factor Evaluation System (FES) as follows:

- | | |
|------------|--|
| a. (COMOT) | Computer/Office Machine Operation/Technician |
| b. (POLE) | Protective Occupations and Law Enforcement |
| c. (LTC) | Labor, Trades, and Crafts |
| d. (PAT) | Professional/Administrative/Technological |
| e. (SO) | Special Occupations |

The County Council must approve any change in a job classification or pay rate.

3.4 JOB DESCRIPTIONS

Brown County positions, except those of Elected Officials, have been described in job descriptions. Elected officials and department heads assign the duties and responsibilities specified in Department job descriptions. The County Council adopts the County's official job descriptions. Copies of job descriptions are available in the Auditor's Office and in each office or department.

3.5 COMPENSATION

Each two-week period constitutes a pay period. Payment of wages will be made on the Friday following the end of each pay period (or the preceding work day if the payday falls on a holiday). Each pay check shall reflect work performed during the then-completed pay period. **Pay will not be made in advance of the scheduled pay date.**

The Elected Official/Department Head of each department shall be responsible for submitting time sheets and the proper documented time on a transmittal sheet for each employee in his/her department to the Auditor on a two week basis. Accurate records of actual hours worked each day shall be recorded by each employee as required by the FLSA and Indiana Code 5-11-9-4. Time records shall be kept and maintained by the Elected Official/Department Head of each department. The time sheet shall also reflect any overtime, compensatory leave and absences due to vacation, holidays, personal time, sick time, FMLA, or bereavement leave.

3.6 LONGEVITY

Longevity will be added to the base salary of each full-time and permanent part-time employee and each full-time elected official except Council and Commissioners for each year of completed service on January 1 of each calendar year. Longevity is added to the annual salary of the employee and distributed throughout the year.

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Details on calculating completed years of service are outlined annually in the Brown County Salary Ordinance.

3.7 WAGE POLICY

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

- (a) Unauthorized time away from work shall be subtracted from existing leave time in the following order: accrued compensatory time, vacation time, sick leave, and personal leave.
- (b) If employees paid on an hourly wage have no existing leave time as described above, unauthorized time from work shall be docked from his/her wages on an hourly basis.
- (c) For employees paid at a salary rate with no existing leave time as described above, the penalty shall be computed by the normal work hours in a year divided into the gross annual salary to determine the hourly rate of pay.
- (d) An employee cannot be granted time off without pay if they have remaining paid time accrued; such as vacation days, sick/personal days, or compensatory time.
- (e) The wages of an Elected Official cannot be docked, as set by law.

Additional disciplinary actions may be taken for violations of sick leave, personal leave, and/or vacation policy, up to and including termination of employment with Brown County.

3.8 FLSA TIMEKEEPING

Federal and state laws require the County to keep an accurate record of time worked in order to calculate employee pay and benefits.

The Fair Labor Standards Act (FLSA) and Family and Medical Leave Act (FMLA) require that certain records be kept on each covered non-exempt worker. The record must include accurate information about the employee and data about hours worked and wages earned. Employers are required to maintain the following records:

1. Employee's full name, as used for Social Security purposes, and on the same record, the employee's identifying symbol or number if such is used in place of name on any time, work, or payroll records;
2. Address, including zip code;
3. Birth date if younger than 19;
4. Sex and occupation;
5. Time of day of week when employee's workweek begins, hours worked each day, and total hours worked each workweek;

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6. Basis on which the employee's wages are paid;
7. Regular hourly rate;
8. Total daily or weekly straight-time earnings;
9. Total overtime earnings for the workweek;
10. All additions to or deductions from the employee's wages;
11. Total wages paid each pay period; and
12. Date of payment and the pay period covered by the payment.

3.9 INDIANA TIMEKEEPING REQUIREMENTS

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

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

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

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

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

3.10 ATTENDANCE RECORDS

Non-elected exempt, non-elected excluded and non-exempt employees must fill in his/her own attendance records when work starts and ends. FLSA Excluded and Exempt employees—are subject to the same standards as Non-exempt employees of accurately recording time worked and share in the responsibility to assure their time worked is paid appropriately. This includes reporting absences for paid time off, bereavement, paid holidays, compensatory time, as well as county business.

Non-elected exempt, non-elected excluded, and non-exempt employees will be required to turn in a signed attendance record recording any exceptions. Vacation, sick, and personal time must be accrued prior to being used and an employee cannot be in a negative status except for FMLA or Leave of Absence Without Pay.

3.11 WORK TIME RESTRICTED

Non-exempt employees shall not commence any work activities on behalf of Brown County before seven (7) minutes prior to their scheduled starting time, nor stay more than seven (7) minutes after their scheduled stop time, without prior authorization from their Elected Official/Department Head.

Deviations of up to seven (7) minutes will not have an impact on overtime, compensatory time or a reduction in pay calculations.

3.12 ROUNDING

Time is to be recorded to the quarter (1/4) hour, using the seven (7) minute rule (i.e. leeway of seven [7] minutes before and seven [7] minutes after scheduled start and stop times). All employee work commenced more than seven (7) minutes before the start time work hour will be paid, or compensatory time will be awarded, on a quarter hour schedule; all employee work continued more than seven (7) minutes after the end of the last work hour will be paid, or compensatory time will be awarded, on a quarter (1/4) hour schedule.

3.13 MULTIPLE POSITIONS

Non-exempt employees working in more than one (1) Brown County position shall count the combined hours worked in more than one (1) position in determining overtime obligations under the Fair Labor Standards Act (FLSA). When combining hours a non-exempt employee cannot work over forty (40) hours in one work week.

3.14 PAY CORRECTIONS

Brown County takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck, and that employees are paid properly on the scheduled payday. The County prohibits improper deductions from wages. Any employee who thinks that he/she has had incorrect deductions from his/her paycheck or was not paid the proper amount should give notice on the day of receipt of such pay or any day thereafter, in writing, to his/her Elected Official/Department Head with a copy of the notice sent to the Auditor's Office.

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

3.15 PAY DEDUCTIONS/GARNISHMENTS

No payroll deduction will be made from an employee's paycheck unless authorized by the employee or required by law. Employees are required to report changes in family status, address, or other information that could affect amount of deductions withheld.

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The County is legally required to make certain deductions from each employee's paycheck, including federal, state and local income taxes, retirement system contributions, court-ordered child support, and any other deductions required by law. The County must also deduct social security taxes on each employee's earnings, up to a specified limit called the social security "wage base." The County matches the amount of social security taxes paid by each employee.

The County offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover costs to participate in these programs.

Questions concerning paycheck deductions and/or methods of calculation should be directed to the Auditor's Office.

3.16 FLEX SCHEDULING

The County may utilize "time-off" or flexible scheduled hours for excluded, exempt, or non-exempt positions to avoid having employees work in excess of the normal workweek schedule. For example, if an employee is required to attend a night meeting on Monday he/she may "flex" their schedule to come in late or leave early on Tuesday, Wednesday, Thursday, or Friday. Flex-Time scheduling shall be approved in advance when possible by the Elected Official/Department Head. Any Flex-Scheduling should be used by the end of the current pay periods. Non-exempt employees who have not used the time by the end of the pay period shall be paid out in overtime or compensatory time, whichever their department has budgeted for overtime.

When the Elected Official/Department Head determines that flex scheduling does not fit the department operations, the employee should record time as Compensatory time. All flex scheduling or compensatory time must be documented on each employee's time sheets as taken or banked. Notes may be made in the comment section of the time sheet when needed.

3.17 OVERTIME COMPENSATION AND COMPENSATORY TIME

The County pays overtime in accordance with all applicable laws. For the purposes of this policy, overtime is defined as hours worked in excess of forty (40) hours per work week.

For County Highway Department non-administrative employees only, overtime will be defined as hours worked in excess of the normal scheduled work day; or hours worked in excess of 40 hours per work week. Highway Department non-administrative employees required to work on a County observed holiday will be paid at time and one half for all hours worked on that holiday.

It has been the established and written policy of the County to provide compensatory time off for overtime worked by non-exempt employees rather than to provide monetary

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compensation for overtime hours. Each employee accepts this policy as a condition of employment with the County.

For computing overtime pay in the case of hourly-based employees, the regular rate of pay shall be calculated as required under the Fair Labor Standards Acts. Compensatory time is awarded at a rate of one and a half hours for each hour of overtime worked over forty (40) hours in a workweek.

Employees will be allowed to use compensatory time within a reasonable period after making a request, so long as the use does not disrupt County operations.

Any employee with more than 100 hours of compensatory time shall meet with his/her supervisor in order to develop a plan to reduce remaining compensatory balances to less than 80 hours.

All overtime work must be approved in advance by the Elected Official/Department Head. Overtime work should not be allowed as a regular practice. Employees who work overtime without prior approval will be subject to disciplinary action.

Each County position is designated either as **EXCLUDED**, **EXEMPT**, or **NON-EXEMPT**, from federal and state wage and hour laws (such as the Fair Labor Standards Act [FLSA]); and employees holding such positions are treated accordingly:

Employees holding **EXCLUDED** positions include elected officials, their policymaking appointees, and their personal staff and legal advisors. These employees are not covered by the FLSA, and are not eligible for or entitled to receive overtime compensation or compensatory time off. The following positions within the County are considered Excluded and are not entitled to and shall not receive FLSA overtime compensation or FLSA compensatory time off:

- All Elected Officials

Employees holding **EXEMPT** positions are excluded from specific provisions of federal and state wage and hour laws, and are not entitled to and shall not receive FLSA overtime compensation or FLSA compensatory time off. The following positions within the County are considered Exempt and are not entitled to and shall not receive FLSA overtime compensation or FLSA compensatory time off:

- Assistant Highway Superintendent
- Chief Probation Officer
- Community Corrections Director
- Deputy Prosecutor
- Director of Area Plan Commission
- EMA Director
- Environmental Health Supervisor
- Highway Superintendent

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- IT Director
- Jail Commander
- Park and Recreation Director
- Public Defender
- Public Health Nurse Supervisor
- Public Health Nurses
- Sheriff's Chief Deputy
- Sheriff's Matron
- Veterans' Affairs Director

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

- Assessor's First Deputy
- Auditor's First Deputy
- Clerk's First Deputy
- Health Department's Office Manager/Office Administrator
- Office Managers
- Maintenance
- Recorder's First Deputy
- Treasurer's First Deputy
- All other County positions not considered Exempt or Excluded

3.17.1 Overtime

In the event that an Elected Official/Department Head requires a non-exempt employee to work overtime, such employee shall be granted either overtime compensation in the form of monetary reimbursement at the rate of one and one-half (1 ½) times the amount of hours worked in excess of forty (40) hours in a workweek; or if overtime funds have not been appropriated, the employee will receive FLSA compensatory time as described below. Overtime monetary reimbursement is based on actual hours worked; except that time off for paid holidays, vacation, sick, personal, and bereavement days shall count as hours worked for purposes of calculating overtime compensation.

Overtime shall be worked when, in the opinion of the County, it is necessary. Performance of any overtime work requires the express approval of the employee's Elected Official or Department Head.

3.17.2 Emergency Call-Out

Those employees in the public safety departments of Brown County, who are required to respond to an immediate emergency situation occurring outside of

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normal business hours, as established by the Elected Official/Department Head shall be compensated per event in the following manner:

Upon being called to respond to afterhours emergencies : Twenty five dollars (\$25.00) call out bonus.

One and one half (1 ½) times the normal work rate when working afterhours emergencies.

Employees are paid at the call-out rate regardless of whether or not they have actually worked forty (40) hours in the workweek.

Public safety departments of Brown County shall include Highway Department (Non Exempt) and County Maintenance.

The Highway Superintendent, Assistant Superintendent, and Emergency Management Director shall receive emergency call-out pay for emergencies occurring outside of normal operating hours as follows:

0 to Two Hours	\$100.00
Two but less than Five	\$200.00
Five hours or more	\$300.00

3.17.3 Compensatory Time and Non Compensatory Time

Calculating compensatory time is based on actual hours worked; except that time off for paid holidays, vacation, sick, personal, and bereavement days which shall count as hours worked for purposes of calculating overtime compensation.

At their sole discretion, Elected Officials/Department Heads may schedule use of employee compensatory time. However, an employee who requests use of compensatory time shall be permitted to use such time within a reasonable period after such request provided its use does not unduly disrupt the operation of the Office or Department.

When compensatory time is used in place of monetary reimbursement, compensatory hours shall be awarded at a rate of one and one-half (1 ½) times the amount of approved hours over forty (40) as specified in this policy.

3.17.4 Maximum Compensatory Time Accrual

Brown County employees may accrue up to eighty (80) hours of compensatory time.

3.17.5 Failure to Work Scheduled Overtime or Overtime Without Authorization

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

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

3.18 SNOW EMERGENCIES AND OTHER EMERGENCIES

The Commissioners will work with School Transportation Director (if a school day), the Highway Superintendent, the Sheriff, and the EMA Director to determine if the conditions exist to declare a Snow Emergency. A decision to have a delayed arrival schedule or snow emergency will be made as early as possible. If it is determined that the conditions for a snow emergency have not been met, employees will be expected to report to work.

If an employee feels he/she is unable to report to work, he/she should notify his/her supervisor and use a vacation or personal day to cover the time off.

When an emergency is called and County offices are closed, certain employees may be excused from work. Those employees shall not have charged against them any vacation, personal, sick or compensatory time.

If the County is closed by the Commissioners because of weather on a regularly scheduled work day and an employee is required to report to work by the department head or elected official, they will receive their regular rate of pay plus compensatory time for hours worked.

If a County Emergency is declared by the Commissioners or other Government Entity on a paid holiday and employees report to work, they will receive holiday pay in addition to the regular rate of pay for hours worked.

Under certain circumstances, like a natural disaster, some emergencies might be called that do not necessarily cause offices to be closed. Those employees who have been personally affected or whose homes and families have been affected by the disaster will be eligible for unpaid voluntary extended leave upon approval of Elected Official/Department Head.

3.18.1 HEALTH PANDEMIC EMERGENCY CLOSING

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

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

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

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

During any health pandemic emergency closure, the County Commissioners will establish restricted travel policies, meeting protocols, and health precautions for employees and facilities. The County Commissioners may establish protocols to reduce employee exposure to the public.

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

Employees on vacation at the time of a health pandemic emergency closing will be charged with their vacation time as previously scheduled. Employees on sick leave or FMLA leave at the time of a health pandemic emergency closing will be charged with sick leave or FMLA leave as previously requested. Employees on sick leave or FMLA leave will be eligible to receive paid health pandemic emergency leave at the end of such sick leave or FMLA leave contingent upon providing the County with a medical release from the employee's medical provider.

3.19 EMPLOYMENT TERMINATION

Separation from County service can be voluntary or involuntary, temporary or permanent, and with or without prior notice.

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

3.19.1 Resignation

Employees who decide to resign their employment status with the County shall notify their Elected Official/Department Head at least two (2) weeks before the effective date of termination and must work during the notice period. If the employee provides the county with at least two (2) weeks notice and works during the notice period, the employee will be paid for all accrued, unused vacation days.

Any employee who is asked to resign for any reason other than one or more of those that may warrant immediate discharge, will be given two (2) weeks notice prior to his/her separation date.

An employee asked to resign for reasons that may warrant immediate discharge may not be given such notice.

An employee who is discharged after being asked to resign is entitled to all accrued vacation for that year as of the date of termination.

3.19.2 Retirement

The voluntary employment termination initiated by the employee meeting established State and/or County retirement criteria, such as age and length of service. Employees shall receive their final pay in accordance with applicable state law.

3.19.3 Layoff

Circumstances may arise that could require a reduction in the work force. Such reductions may be caused by budget limitations, seasonal employment, weather conditions or other similar occurrences. These terminations will be classified as layoffs.

Reassignment or transfer to another position will be observed in as many layoff cases as possible. Reinstatement may be in the position vacated or in another job that becomes available. Insofar as practicable, Elected Officials/Department Heads will try to give at least one (1) weeks advance notice of any layoff.

Upon separation the employee shall receive payment for all accrued vacation days not taken during the current year.

3.19.4 Suspension

Any employee may be suspended from his/her job. Suspension is a temporary proceeding that is generally only observed for one of two reasons:

1. As the final disciplinary step before dismissal; or,

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2. Until resolution of pending legal or administrative procedures or completion of an investigation.

3.19.5 Involuntary Dismissal or Discharge

Involuntary dismissal or discharge is the most severe form of disciplinary action. In most cases, other avenues of corrective or remedial measures may be attempted before resorting to dismissal. There are, however, circumstances in which immediate dismissal is warranted. Upon discharge, the employee shall receive payment for all accrued vacation days not taken during the current year.

Any disciplinary or separation procedures should be accurately documented at the time of occurrence.

An employee's termination date shall always be the last day he/she physically worked in the office, with the exception of employees on FMLA; and may not be extended to acquire additional compensation for County paid or unpaid leave.

Some benefits may be continued at the employee's expense if the employee so chooses. The employee should contact the Human Resources/Commissioners' Assistant for information regarding any benefits that may be continued and of the terms, conditions, and limitations of such continuance.

Prior to an employee's departure, an exit interview may be scheduled with the Elected Official/Department Head and the Human Resource/Commissioners' Assistant.

3.20 RETURN OF COUNTY PROPERTY

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. All property must be returned by employees to the Elected Official/Department Head or their designee on or before their last day of work, or upon request. The County may take all action deemed appropriate to recover or protect its property.

4. EMPLOYEE BENEFITS

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

Eligible employees of Brown County are provided a wide range of benefits. Some programs, such as Social Security, workers' compensation, and unemployment insurance, cover all employees in the manner prescribed by law. Eligibility for additional benefits is dependent upon employee classification.

Elected Officials/Department Heads, Full Time employees, and Permanent Part Time employees are eligible for other County benefits such as sick and personal leave benefits which start after 30 days, and vacation leave which starts after six months if applicable. Insurance benefits for Elected Officials will start the first day of their term; benefits for all other employees will start after a 60 day grace period has passed.

When an employee moves from regular part time to permanent part time or full time their calculation towards County Benefits begins the first day of the new position.

Employees should contact the Human Resources/Commissioners' Assistant for information regarding benefit programs for which they may be eligible. Details of many of these programs can be found elsewhere in the personnel policies handbook.

Some benefit programs require contributions from the employee.

4.1 VACATION

Department Heads, Full-time employees, and Benefit Eligible Permanent Part-time employees* with a pay grade shall be awarded vacation time on the employee's anniversary date, and shall accrue in the following manner:

Years of Continuous Service	Full-time 40 Hour Workweek Employees
6 months	20 Hours
1	40 Hours
2	80 Hours
5	120 Hours
10	160 Hours
15 +	200 Hours
Law Enforcement Center	Refer to Sheriff's SOP

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*Benefit Eligible Permanent part-time employees are those who work a percentage of the full-time work schedule working 20 hours per week or more. Such employees shall receive prorated paid vacation time based on their percentage of the work week they work.

Vacation leave may not be taken in advance of being earned.

All scheduled vacation time must be approved in advance by the Elected Official/Department Head.

Employees may carry over up to forty (40) hours of unused vacation time into the first four (4) months of the next year with approval from their Elected Official/Department Head.

Employees may use accrued vacation time in any increment they desire, down to ½ hour increments.

Vacation leave shall be paid at the base rate at the time of which it is used. Time off on vacation shall count as hours worked when calculating overtime.

No vacation shall accrue while an employee is on unpaid leave of absence, except for Family and Medical leave as specified in this policy.

In the event a holiday falls while an employee is on vacation, the employee will not be charged a vacation day for that holiday.

An employee's vacation time may not be donated to other employees except for a donation to the sick bank.

An employee's termination date may not be extended to acquire additional compensation for County paid or unpaid leave. The employee's termination date shall always be the last day worked unless on FMLA.

4.2 PERSONAL LEAVE

Department Heads, Full-time employees, and Benefit Eligible Permanent Part-time employees shall earn paid personal leave after completing thirty (30) days of employment.

Department Heads and Full-time employees shall earn and accrue four (4) hours of personal leave time per each completed calendar month of employment. Sheriff Department personnel shall refer to the Sheriff's SOP for personal hours explanation.

Benefit Eligible Permanent part-time employees shall receive prorated personal leave based on their percentage of hours worked.

Current employees may carry over up to forty (40) hours of unused personal leave into the next four (4) months of the next year with approval from their Elected Official/Department Head.

The Elected Official/Department Head shall have the right to approve or disapprove the request for personal leave with consideration given to the impact of the employee's absence on departmental efficiency.

No pay will be issued in lieu of personal leave upon separation.

Personal leave time will not accrue during leaves of absence, except for FMLA leave.

Personal leave time may be used to supplement sick leave.

Employees may use accrued personal leave time in any increments they desire, down to ½ hour increments.

In the event an employee is absent from work, to the extent the employee has any accrued personal leave time, the employee's accrued personal leave allotment will be deducted for the amount of work missed, rounded down to the nearest ½ hour, once all of his/her accrued vacation leave allotment has been exhausted, as discussed above.

Personal time off is paid at the employee's base rate at the time the leave is taken. Time off on personal time shall count as hours worked when calculating overtime.

4.3 HOLIDAYS

The Board of Commissioners shall establish holidays. Department Heads, Full-time employees, and Benefit Eligible Permanent Part-time employees shall receive their regular hourly salary or wage for holidays times the number of hours the employee would otherwise have worked on that day.

A pattern of calling in the day before or the day after a holiday (whether or not the employee has sick time accrued) will be addressed as a disciplinary matter. An employee may also be asked to provide a doctor's note when time away is extended by an unauthorized sick day prior to or after a Holiday.

Holidays that occur during a vacation shall not be charged against accrued vacation time.

Paid holidays shall count as hours worked when calculating overtime.

Highway Department non-administrative employees required to work on a County observed holiday will be paid at time and one half for all hours worked on that holiday.

4.4 SICK LEAVE

Sick leave may be allowed in cases of actual sickness or disability of the employee, or the employee's dependents, medical, dental, or eye examinations, or treatment for which arrangements cannot be made outside of normal working hours.

Department Heads, Full-time employees, and Benefit Eligible Permanent Part-time employees shall earn sick leave after completing thirty (30) days of employment.

Department Heads and Full-time employees shall earn and accrue four (4) hours of sick leave time per each completed calendar month of employment.

Benefit Eligible Permanent part-time employees shall receive prorated sick leave based on their percentage of hours worked.

Sick time may be accrued on an unlimited basis.

To be eligible for sick leave, an employee must notify the Elected Official/Department Head of the sickness or injury by the scheduled time to begin work. The employee shall inform the Elected Official/Department Head of the anticipated day of return to work. An employee who is absent from work for three (3) or more consecutive work days may be required to submit a physician's statement to the Elected Official/Department Head indicating the state of health upon return to work.

In cases of extended illness, an employee may exhaust all accrued vacation and personal time after all accrued sick time has been exhausted.

Sick leave may not be used for any purpose other than for medical or health reasons. Sick leave may not be donated to other employees, except for donations to the Sick Leave Bank.

Sick leave days will not accrue during leaves of absence, except for FMLA leave.

Vacation time or personal leave time may be used to supplement sick leave, but sick leave may not, be used to supplement or add to vacation time or personal leave time.

Employees may use accrued sick time in any increments they desire, down to ½ hour increments.

In the event an employee is absent from work due to medical or health reasons, an employee must inform the County that the absence was due to medical or health reasons so that the appropriate amount of sick hours can be deducted from the employee's accrued sick time. If the employee does not notify the County that the reason for the absence was due to medical or health reasons, then the missed time will be deducted from the employee's accrued vacation time or personal leave time, as provided above.

Unused sick days shall be forfeited upon termination of employment with the County. However, an employee may voluntarily donate up to five (5) days to the Sick Leave Bank.

4.5 SICK LEAVE BANK

The purpose of the Brown County Sick Leave Bank is to relieve full-time County employees from undue financial burdens due to absences from work because they are experiencing a serious health condition, or for self quarantine while waiting for test results or fitness for duty during a County recognized pandemic. Participation in the Sick Leave Bank is completely voluntary.

This extended sick leave policy is not intended to give sick leave to all full-time County employees. The policy is intended to provide a maximum benefit to full-time County employees who have exhausted all of their regular paid sick, personal, and vacation leave as well as, any accrued compensatory time in accordance to the prescribed County policies; and for newly hired full-time employees who are experiencing a serious illness or injury and do not have any available paid leave time.

The Brown County President of the Commissioners, County Council President, and County Auditor (or another Elected County Official) shall serve as the Sick Leave Bank Board. The Human Resources/Commissioners' Assistant shall serve as coordinator of policy procedures and secretary to the Board.

- A. The County Commissioners shall initially seed the Sick Leave Bank with twenty (20) days. Upon creation of the Sick Leave Bank all full-time Brown County employees may enroll in the Sick Bank by contributing one (1) unused sick day; or in the event they have exhausted their sick leave may contribute one (1) personal leave day or one (1) vacation leave day if available. In addition, these full-time employees may voluntarily donate up to five (5) of their unused sick leave days to the Sick Leave Bank during the start-up year. Newly hired full-time employees with no available earned paid leave time are automatically enrolled in the Sick Leave Bank.
- B. The Sick Leave Bank Board shall develop Sick Bank guidelines such as how many days may be withdrawn before mandatory donation is required, develop any application form(s), rules on requests, and monitor the size of the Sick Leave Bank. It is understood that the Sick Leave Bank cannot discriminate against any applicant.
- C. Beginning in January, 2017 and each January thereafter, full-time employees who wish to voluntarily continue enrollment in the Sick Leave Bank must donate at least one (1) of their unused sick days; and may also voluntarily donate up to five (5) additional unused sick days. All donated days lose their identity and become the property of the Sick Leave Bank and cannot be reclaimed by the contributor.

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Upon separation of employment, an employee may voluntarily donate up to five (5) accrued sick leave days to the Sick Leave Bank.

- D. The annual enrollment period to join the Sick Leave Bank shall be during the month of January of each year. Newly hired full-time employees are automatically enrolled in the Sick Bank, if they wish to voluntarily continue enrollment in the Sick Bank they must donate one (1) of their unused sick leave days during January of each year.
- E. If an employee chooses not to continue enrollment in the Sick Leave Bank by donating one (1) unused sick leave day in January they may later join the Sick Leave Bank in a future January enrollment period.
- F. To apply for use of Sick Leave Bank time the employee must have exhausted all of their available paid sick, personal, and vacation leave as well as any accrued compensatory time.
- G. Employees receiving benefits derived from public funds as partial or full compensation of illness or disability causing the absence (i.e. Workers' compensation, Social Security Disability), shall not be eligible for Sick Leave Bank days.
- H. Employees who receive a written termination of employment notice prior to the onset of an extended illness or a Family and Medical Leave qualifying condition shall not be eligible for Sick Leave Bank days.
- I. The maximum number of days that may be granted per employee shall be forty (40) days within a rolling twelve (12) month period beginning on the date when the first hour of any banked time is used. Days granted through the Sick Leave Bank will not be repaid by the employee member. Any sick days earned shall be used while using Sick Bank days.
- J. From time to time, it may be necessary for the Board to replenish the number of Sick Leave Bank days, and it shall have the authority to assess members' additional sick leave donations. The Sick Leave Bank Board shall collect no more than one (1) additional day per year from participants.
- K. A written application must be made by the employee, employee's immediate family, or authorized representative accompanied by a physician's certificate to support use of the Sick Leave Bank days for an employee's own medical illness or injury. The certification must include a statement that the employee is unable to perform the functions of his or her position and a prognosis for a return-to-work may be required. This medical information is deemed confidential.

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The application specifying the requested number of days shall be submitted to the Sick Bank Board for use in making a decision. The medical certification and all medical related information shall remain strictly confidential and exempt under the Indiana Public Records Law.

- L. An application for employee use of the Sick Leave Bank shall be considered by the Sick Bank Board who shall have the final authority for approving or denying Sick Leave Bank requests. The Sick Bank Board shall deliberate with the Elected Official/Department Head of the employee making application for use of the Sick Leave Bank before approving or denying a request for use of Sick Leave Bank days. An applicant's request for use of Sick Leave Bank days shall be approved by a minimum of two-thirds vote by the Sick Bank Board. The applicant shall be informed of the decision of the Sick Bank Board within ten (10) working days.

4.6 BEREAVEMENT LEAVE

The County wishes to protect Department Heads, Full-time employees, and Benefit Eligible Permanent Part-time employees from loss of income at the time of death of an immediate family member. Brown County will permit an employee up to a maximum of five (5) consecutive days of paid leave time in the event of a death of an immediate family member. Guidelines are listed below:

Five (5) working or shift days will be allowed off for the death of: Spouse, Parent (including step, or in-law), Child (including step), or Sibling (including step or half).

Three (3) working or shift days will be allowed off for the death of: Grandparent (including step, or in-law), Grandchild (including step), Son-in-law, Daughter-in-law, Sister-in-law, Brother-in-law, or Great Grandparent.

Two (2) working or shift days will be allowed off for the death of: Aunt (including step or in-law), Uncle (including step or in-law), Niece (including step or in-law), Nephew (including step or in-law) Great Aunt, or Great Uncle.

Employees may be asked by their Elected Official/Department Head to submit proof of relationship, death, and/or funeral/memorial service attendance.

Employees wishing to take time off for the death of a family member should notify his/her Elected Official or Department Head immediately.

Employees will be paid only for time lost from their regular schedule. Bereavement leave does not have to be taken consecutively; however, accrued leave must be taken within a ninety (90) day period following the date of death or in conjunction with the date of the memorial service. In exceptional circumstances exceptions will be made on a case-by-case basis, to be determined by the Elected Official/Department Head.

Absence for other funeral will be considered personal leave.

Bereavement Leave shall be counted as hours worked when calculating overtime.

4.7 JURY DUTY AND COURT APPEARANCES

The employee shall notify their department head after receipt of notice of selection for duty. The employee must furnish a copy of the Summons and verification of services showing the date and time served, to their department head.

If an employee is on call as a juror, and not required to be in court for the day, the employee is expected to come to work.

If services as a juror are not required for the entire day, the employee is expected to return to work after being released from jury duty.

The employee may keep the jury stipend and mileage check paid for jury duty as well as receiving their regular pay for the day. The employee is not entitled to overtime compensation should the jury duty service time exceed their normal work hours for the day. The time the employee is away from work during jury service is not "hours worked" and is not considered for the purposes of comp time or overtime.

Brown County encourages employees to appear in court for witness duty when subpoenaed to do so. If employees have been subpoenaed or otherwise requested to testify as witnesses by the County, they will receive full pay for the entire period of witness duty. Other court appearances will require use of vacation or personal time to be compensated.

4.8 FAMILY AND MEDICAL LEAVE ACT (FMLA)

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

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

4.8.1 Entitlement

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

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

4.8.1(A) Serious Health Condition Defined

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

4.8.1(B) Chronic or Long-term Health Condition Defined

A chronic or long-term health condition generally results in a period of three (3) consecutive days of incapacity, with the first visit to the health care provider within seven (7) days of the onset of the incapacity and a second visit within thirty (30) days of the incapacity.

Chronic conditions requiring periodic health care visits for treatment must take place at least twice a year.

4.8.2 Eligibility

An "eligible employee" is an employee of a covered employer who:

1. Has been employed by the employer for at least 12 months; and
2. Has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of leave.

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

4.8.2(A) Intermittent Leave or Reduced Leave Schedule

Intermittent leave or leave on a reduced leave schedule must be medically necessary due to a serious health condition or a serious injury or illness. An employee shall advise the County, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable. The employee and Brown County shall attempt to work out a schedule for such leave that meets the employee's needs without unduly disrupting the County's operations, subject to the approval of the health care provider.

Intermittent leave shall be counted in increments of one (1) hour.

4.8.3 Employee Notice Requirements

4.8.3(A) Foreseeable FMLA Leave

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

If thirty (30) days notice is not practicable, because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable – typically either the same day or the next business day of needing such leave.

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

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

4.8.3(a) Employee Failure to Provide Notice

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

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

4.8.3(b) Unforeseeable FMLA Leave

When the approximate timing of the need for leave is not foreseeable, an employee must provide notice to the County as soon as practicable under the facts and circumstances of the particular case. It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by the employer's usual and customary notice requirements applicable to such leave.

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

4.8.3(c) Employee Failure to Provide Notice

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

4.8.3(B) Requesting FMLA Leave

All requests for FMLA leave must be submitted, in writing, directly to the Elected Official/Department Head. Human Resources/Commissioners' Assistant shall process all FMLA requests

and make a recommendation to the elected official/department head for determinations of approval or denial of FMLA.

Employees should contact Human Resources/Commissioners' Assistant or their Elected Official/Department Head to secure such forms and procedures used for requesting leave under the County's Family and Medical Leave policy.

4.8.4 Employer Notice Requirements

4.8.4(A) Eligibility and Rights & Responsibilities

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

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

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

4.8.4(B) Designation Notice

The employer is responsible in all circumstances for designating leave as FMLA-qualifying, and for giving notice of the designation to the employee.

When the County has enough information to determine whether the leave is being taken for a FMLA-qualifying reason (e.g., after receiving a certification), the County shall notify the employee whether the leave will be designated and will be counted as FMLA leave within five (5) business days absent extenuating circumstances.

Only one (1) notice of designation is required for each FMLA-qualifying reason per applicable twelve (12)-month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or intermittent or reduced schedule leave.

If the County determines that the leave will not be designated as FMLA-qualifying (e.g., if the leave is not for a reason covered by

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FMLA or the FMLA leave entitlement has been exhausted), the County shall notify the employee of that determination.

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

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

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

4.8.5 Certification

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

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

Brown County shall provide an employee with the appropriate certification form at the same time the County provides an employee with form **WH-381 (Notice of Eligibility and Rights & Responsibilities)**.

The County shall use Department of Labor forms as follows: **WH-380-E (Employee's Serious Health Condition)** or **WH-380-F (Family Member's Serious Health Condition)**.

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

4.8.5(A) Complete and Sufficient Certification

The employee must provide a complete and sufficient certification to the County. The County shall advise an employee whenever the County finds a certification incomplete or insufficient, and shall state

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in writing what additional information is necessary to make the certification complete and sufficient. The employee shall have seven (7) calendar days to fix any such deficiency.

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

4.8.5(B) Clarification and Authentication

If an employee submits a complete and sufficient certification signed by the health care provider, the County may not request additional information from the health care provider. However, the County may contact the health care provider for purposes of clarification and authentication of the medical certification (whether initial certification or recertification) after the County has given the employee an opportunity to fix any deficiencies (see above).

To make such contact, Human Resources/Commissioners' Assistant or designated official by the County Commissioners will be responsible for obtaining clarification and/or authentication.

Under no circumstances, may the employee's direct supervisor contact the employee's health care provider.

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

4.8.5(C) Second and Third Medical Opinion

The County reserves the right to require a second medical opinion from an independent medical provider. The County shall pay for the second opinion and shall designate a provider who is not an employee of the County.

If the two (2) opinions conflict, the County shall pay for a third opinion. The opinion of the third provider is final and binding on both the County and the employee.

The County may deny FMLA leave to an employee who refuses or whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third

opinion. The County shall provide the employee with a copy of second and/or third medical opinions within five (5) business days.

4.8.5(D) Recertification

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

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

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

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

4.8.5(E) Fitness-for-Duty Certification

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

The cost of recertification shall be borne by the employee.

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

4.8.6 Calculation of FMLA Leave

For purposes of calculating employee entitlement for a subsequent FMLA leave, the rolling "twelve (12)-month period" is measured forward from the date when the employee's previous FMLA leave began. For example, under this method an employee is entitled to twelve (12) weeks of leave the first time FMLA leave is

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taken (e.g. March 7, 20017); the next twelve (12)-month period would begin the first time leave is taken after completion of that twelve (12)-month period ending on (March 6, 2018).

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

An employee shall use any accrued paid leave (sick leave, personal, and vacation days) for any part of the twelve (12) week period of such leave under the County's FMLA policy. Any holiday that occurs during an FMLA leave shall be paid.

Accruals for benefit calculations, such as vacation, sick leave, or holiday benefits, shall accrue during FMLA leave.

4.8.6(A) Intermittent Leave or Reduced Leave Schedule

Intermittent leave shall be counted in increments of one (1) hour.

4.8.6(B) Health Benefits

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

4.8.7 Employee Reinstatement

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

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

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

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

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

4.8.8 Military Family Leave Entitlements

Effective January 28, 2008, the National Defense Authorization Act for FY 2008 (NDAA) amended the FMLA to allow eligible employees to take up to twelve (12) weeks of job-protected leave in the applicable twelve (12)-month period for any "qualifying exigency" arising out of the active duty or call to active duty status of a spouse, son, daughter, or parent. The NDAA also amended the FMLA to allow eligible employees to take up to twenty-six (26) weeks of job-protected leave in a "single twelve (12)-month period" to care for a covered servicemember with a serious injury or illness.

These two new types of FMLA leave are known as the Military Family leave entitlements.

This policy supplements the County's FMLA policy and provides notice of employee rights to such leave. Except as mentioned below, an employee's rights and obligations to Military Family leave are governed by the County's existing FMLA policy.

Military Family leave runs concurrent with other leave entitlements provided under federal, state, and local law, such as Indiana Military Family leave.

4.8.8(A) Employee Notice Requirements

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

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

When the need for Military Family leave is not foreseeable, the employee must provide notice to the County as soon as practicable under the facts and circumstances of the particular case. Generally, it should be practicable to provide notice for unforeseeable leave with the time prescribed by the County's usual and customary notice requirements. Please see section "Requesting FMLA Leave" above.

4.8.8(B) Entitlement

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

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

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

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

4.8.8(C) Covered Active Duty Defined

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

4.8.8(D) Covered Servicemember Defined

The term "covered servicemember" means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury, illness, or condition that existed before the servicemember's active duty but was aggravated by service in the line

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

4.8.8(E) Qualifying Exigency Leave

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

Qualifying Exigency leave is available to a family member of a military member in the National Guard or Reserves or a retired military member of the Regular Armed Forces or Reserve; it **does not extend** to family members of military members in the Regular Armed Forces.

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

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

Qualifying exigencies include the following:

1. **Short-notice deployment:** Issues arising from a covered military member's short notice deployment (i.e., deployment on seven [7] or less days of notice) for a period of seven (7) days from the date of notification;

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

4.8.8(a) Certification

The first time an employee requests leave because of a qualifying exigency arising out of the active duty or call to active duty status of a covered military member, the County shall require the employee to provide a copy of the covered military member's active duty orders or other documentation issued by the military which indicates that the covered military member is on active duty or call to active duty status in support of a contingency operation, and the dates of the covered military member's active duty service.

This information need only be provided to the County once. A copy of new active duty orders or other documentation issued by the military shall be provided to the County if the need for leave because of a qualifying exigency arises out of a different active duty or call to active duty status of the same or a different covered military member.

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

4.8.8(b) Verification

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

4.8.8(F) Military Caregiver Leave

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

Eligible employees are entitled to Military Caregiver leave to care for a current member of the Armed Forces, including a member of the National Guard or Reserves, or a member of the Armed Forces, the National Guard or Reserves who is on the temporary disability retired list, who has a serious injury or illness incurred in the line of duty on active duty for which he or she is undergoing medical treatment, recuperation, or therapy; or otherwise in outpatient status; or otherwise on the temporary disability retired list.

Eligible employees **may not** take leave under this provision to care for former members of the Armed Forces, former members of the National Guard and Reserves, and members on the permanent disability retired list.

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

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

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

4.8.8(c) Next of Kin Defined

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

4.8.8(d) Designating Leave

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

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

4.8.8(e) Certification

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

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

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

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

4.8.8(f) ITOs and ITAs Certification

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

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

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

The County, if appropriate, shall seek authentication and/or clarification of the ITO or ITA as stated above in the County’s FMLA policy. However, second and third opinions and recertifications, as outlined above in the

County's FMLA policy, are not permitted during the period of time in which leave is supported by an ITO or ITA.

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

In all instances in which certification is requested, it is the employee's responsibility to provide the County with complete and sufficient certification and failure to do so may result in the denial of FMLA leave.

4.9 LEAVE OF ABSENCE WITHOUT PAY

Department Heads, Full-time employees, and Benefit Eligible Permanent Part-time employees who have exhausted leave time under all other County leave policies may request a leave of absence without pay not to exceed six (6) months in a twelve (12) month period measured forward from the date when the leave begins.

A leave of absence without pay is intended for employees who have exhausted their twelve (12) weeks of FMLA leave, and have an FMLA qualifying serious illness or injury. At the discretion of the Elected Official/Department Head a leave of absence without pay may be granted to employees experiencing an emergency related incident or for a humanitarian mission.

Such requests shall be submitted in writing to the Elected Official/Department Head stating the reason for unpaid leave. This request shall be submitted to the County Commissioners for approval.

Eligible employees should make requests for leave of absence without pay to their Elected Official/Department Head in advance or as soon as possible for unforeseeable events.

Subject to the terms, conditions, and limitations of the applicable plans, the County will continue to provide health insurance benefits for the full period of approved leave of absence without pay, with the employee paying their portion of the premiums. During the leave period an employee's benefits other than insurance, shall not accrue.

If an employee fails to report to work promptly at the end of the approved leave period, the County will assume that the employee has resigned.

4.10 AMERICANS WITH DISABILITIES ACT (ADA)

It is the policy and practice of the County to comply fully with the Americans with Disabilities Act of 1990, as amended (ADA) and to ensure equal opportunity in employment for all qualified persons with disabilities. The ADA prohibits employment discrimination against qualified individuals who may have a physical or mental disability

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but can still perform the essential functions of the job with or without reasonable accommodation. The County is committed to ensuring that there is no discrimination under any terms, conditions, or privileges of employment and to making reasonable accommodations for qualified employees with physical and mental disabilities when such accommodation can be made without causing undue hardship. When a physical or mental disability may affect the individual's ability to perform essential job functions, the supervisor, with assistance from the County Commissioners, is responsible for considering what reasonable accommodations may be made. An employee who requires a reasonable accommodation to perform essential functions of his/her position should work with his/her supervisor to develop the appropriate accommodations.

Reasonable accommodations that do not cause an undue hardship for the County may be made for employees when such an accommodation is required to perform the essential functions of the job.

When an employee requests an accommodation, the supervisor may request that the employee provide a medical evaluation documenting the disability. All medical records obtained will be kept in a confidential file separate from general personnel files.

The County may require the employee to be evaluated by a physician selected by the County.

In considering a need for a reasonable accommodation, the following factors should be considered:

- Whether the employee is an individual with a disability covered by the ADA;
- The essential functions of the employee's job;
- The doctor's evaluation of the employee and the employee's current limitations;
- Possible accommodations suggested by the employee;
- Other possible accommodations; and
- Whether the disability can be reasonably accommodated without undue hardship or a direct threat to the health and safety of the employee or other individuals.

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

Any individual who believes he/she has received treatment inconsistent with the policies set forth above or any other requirement of the Americans with Disabilities Act (ADA), can file a complaint within ninety (90) days of the date of the alleged discriminatory act or practice with the County ADA Coordinator.

4.11 MILITARY LEAVE

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

4.11.1 Annual Training

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

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

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

4.11.2 Active Duty/Enlistment

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

USERRA requires employers to grant such employees reinstatement of the position held at the time of departure for military service, or in some cases to a position of equivalent or equal stature and pay provided the employee is discharged from service honorably.

The cumulative length of service that causes an absence from a position may not exceed five (5) years, except where provided by law.

USERRA also requires that returning eligible employees be granted seniority and benefits at the same level as if the employee had not left employment for service. Benefit time will continue to accrue while an employee is on military leave.

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Additionally, service members may (but are not required to) use accrued vacation while performing military duty.

Employees who are on active military duty leave and are under the County's health care plan may elect at their own cost to continue the health plan coverage for up to twenty-four (24) months after the absence begins, or the period of active duty service, whichever is shorter.

Upon returning from a military leave of absence an employee will be reinstated to a Brown County position provided the employee is discharged from military status under honorable conditions, including providing fulfillment papers to his/her supervisor, and makes a request for reinstatement within thirty (30) days after release from active duty, or one (1) year after release from hospitalization due to military accident. The employee must also be qualified to perform the essential functions of the position for which he/she is being reinstated, and shall be required to provide medical release forms from the military.

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

4.11.3 Indiana Military Family Leave

--- Eligible employees that are a parent, spouse, grandparent, or sibling of a person who is ordered to active duty for a period exceeding eighty-nine (89) days may be allowed Military Family leave under qualifying circumstances.

In order for an employee to be eligible for Military Family leave, the employee must have worked for Brown County for the previous twelve (12) months and worked a minimum of fifteen hundred (1,500) hours during that period.

Eligible employees may take leave during either the thirty (30) days before active duty orders are in effect or during the period in which the person ordered to active duty has their orders terminated. Military Family leave may not exceed a total of ten (10) working days annually.

Employees must notify their elected official/department head thirty (30) days in advance of the days they intend to take Military Family leave, unless the person ordered to active duty receives deployment orders less than thirty (30) days in advance. Brown County may require verification of the military orders in order to approve Military Family leave.

Military Family leave is unpaid and employees are responsible for paying their own benefits while on such leave.

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An employee may choose to substitute any earned paid vacation leave, or compensatory time available to the employee for any part of the ten (10) day period of Military Family leave.

Military Family leave runs concurrent with other leave entitlements provided under federal, state and local law, such as Military Family leave under FMLA.

4.12 WORKERS' COMPENSATION

Brown County provides a comprehensive workers' compensation insurance program at no cost for all employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, Workers' Compensation insurance provides benefits after a short waiting period.

While on workers' compensation disability, employee benefits shall accrue. Employee income received while on leave under this policy shall not exceed wages the employee would have normally received pre-major illness in-line-of-duty leave.

Claims will be reviewed by the insurance carrier and the Board of Commissioners. All accidents or injuries on the job no matter how small must be reported immediately to the employee's Department head or Supervisor. The Department head or Supervisor is responsible for completing the Incident Report within twenty-four (24) hours and submitting it to the Human Resources/Commissioners' Assistant's Office. Any employee required to visit a doctor due to the reported accident or injury will be subjected to a mandatory drug screen. No employee, after seeing a doctor, will be allowed to return to work without first securing that doctor's release.

Employees should contact the Human Resources/Commissioners' Assistant to obtain information and forms regarding filing workers' compensation claims. Initial reports are to be filed with the Human Resources/Commissioners' Assistant's Office. Medical certifications are required. Once completed, all such forms are to be filed directly with the insurance carrier.

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

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

If, however, the employer/carrier denies liability, a written notice of denial must be mailed within twenty-nine (29) days after the employer's knowledge of the alleged

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injury. The employer may obtain an additional thirty (30) day period if it establishes that the delay is due to an inability to obtain the medical information necessary to make a determination as to liability.

Certain injuries are excluded from Workers' Compensation coverage, including but not limited to employee intoxication, self-inflicted injuries, failing to use safety appliances, committing a violation of work rules, failing to obey a reasonable written or printed safety rule, and knowingly failing to perform a statutory duty.

Neither the County nor the insurance carrier will be liable for the payment of workers' compensation benefits for off-duty injuries or illnesses that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the County.

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

During workers' compensation leave, employees may be required to submit periodic medical certifications on their serious health condition.

Before returning to work, the employee shall provide medical certification from a health care provider verifying that he/she may safely return to work.

For eligible employees, workers' compensation leave is considered Family and Medical Leave Act (FMLA) leave beginning with the first day of leave. All FMLA leave time used counts against the employee's twelve (12) week FMLA entitlement.

4.13 EMPLOYEE INSURANCE

Department Heads, Full-time employees, and Benefit Eligible Permanent Part-time employees (but not temporary employees) whose regularly scheduled hours equal or exceed 1040 during the year, public defenders, and all county elected officials including township trustees* will have the availability of group insurance benefits on a non-discriminatory basis as determined from time-to-time by the Board.

Insurance benefits for Elected Officials will start the first day of their term; benefits for all other employees will start after a 60 day grace period has passed. When an employee moves from regular Part Time to benefits eligible Permanent Part Time or Full Time their calculation towards County Benefits eligibility begins, the first day of the new benefits eligible position.

Anyone currently on the county employee health insurance may continue covered under the plan so long as that person continues uninterrupted employment or elected service. Upon accepting employment, each employee shall be given a booklet explaining the available insurance benefits and any steps that the employee must take to obtain such benefits.

In the event of a disability, as defined under the County health insurance policy, coverage will continue for that employee for up to six months from the date of the date of the disability.

Employees in departments other than those included in the County general fund budget may, upon application to and approval by the County Commissioners, be accepted for coverage under the County insurance plan.

*On and after January 1, 2019 Township Trustees shall not be eligible for County group insurance coverage.

4.14 HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY (HIPAA)

Brown County is compliant with applicable requirements and standards of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and has established guidelines regarding the privacy of individually identifiable health information accordingly.

Brown County has designated the Human Resources/Commissioners' Assistant's Office as the County's "privacy official" who is responsible for developing and implementing privacy policies and procedures; and the Human Resources Office is the contact person who is responsible for receiving complaints regarding compliance.

All County HIPAA inquiries shall be directed to the Human Resources/Commissioners' Assistant's Office.

4.15 BENEFITS CONTINUATION (COBRA)

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

Under COBRA, the employee or beneficiary pays the full cost of coverage at the County's group rates. The County provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the employer's health insurance plan. The notice contains important information about the employee's rights and obligations.

All COBRA inquiries should be directed to the Human Resources/Commissioners' Assistant's Office.

4.16 INDIANA PUBLIC RETIREMENT SYSTEM (INPRS)

Elected Officials, Department Heads, Full-time employees, and Benefit Eligible Permanent Part-time employees are covered by INPRS, a 401 (A) qualified retirement program established and maintained by the State of Indiana. INPRS pays benefits to covered workers or their dependents upon retirement, death, and in certain cases, serious illness or injury. The County contributes a percentage to the pension account. The amount the County contributes varies and is determined actuarially annually. The employee's contributions and accumulated interest credits are refundable when an employee terminates employment prior to being eligible for benefits. INPRS' Employer Financed Pension requires ten (10) years of service to become vested, and is paid by the County based on an employee's length of employment, average salary, retirement option selected and age at retirement.

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

4.17 HOOSIER S.T.A.R.T.

Brown County offers a supplemental, voluntary deferred compensation retirement plan to Elected Officials, Department Heads, Full-time employees, and Benefit Eligible Permanent Part-time employees except those working seasonal or temporary schedules.

Deferred compensation programs allow saving and investment before-tax dollars through voluntary salary deferrals, supplementing any existing retirement/pension benefits. Employee before-tax contributions and any earnings grow tax-deferred until money is withdrawn (immediately or deferred) at separation of employment. Withdrawals of before-tax money are subject to ordinary income tax. Employees also have the option to contribute to a Roth 457 account, which offers after-tax savings.

Great-West/Empower Retirement serves as Plan Administrator and is authorized to make deductions from the pay of employees, who voluntarily participate, and make such arrangements as necessary to administer the plan.

Questions concerning the program should be directed to the local representative at Hoosier S.T.A.R.T. at 101 West Ohio Street, Suite 760, Indianapolis, IN 46204.

5. WORKING CONDITIONS

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

5.1 SAFETY

Establishing and maintaining a safe work environment is the shared responsibility of the County and employees from all levels of the organization. The County will take all reasonable steps to assure a safe environment and compliance with federal, state, and local safety regulations.

Employees shall obey safety rules and exercise caution in all their work activities, and shall immediately report any unsafe conditions to their Elected Official/Department Head. Reports and concerns about workplace safety issues may be made without fear of reprisal. All employees are expected to correct unsafe conditions as promptly as possible. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to, and including termination of employment.

All accidents that result in injury must be reported to the Elected Official/Department Head regardless of how insignificant the injury may appear. The Elected Official/Department Head must report such accidents to the Human Resources/Commissioners' Assistant. Such reports are necessary to comply with laws and initiate insurance and workers' compensation procedures.

In a medical emergency, the employee should follow the workers' compensation procedures in Section 4.12 of this handbook.

If a workplace injury requires long term medical attention, the injured employee will follow the workers' compensation medical professional's decision on when to return to work, and eligibility for continuing employment. In the case of permanent disability due to job injury, a final release will be arranged, if appropriate.

5.2 BLOODBORNE PATHOGENS

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

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

5.3 LACTATION SUPPORT

Brown County shall provide a reasonable paid break time for an employee to express breast milk for her nursing child for one (1) year after the child's birth each time such employee has need to express the milk. It is the responsibility of the employee to inform their Elected Official/Department Head and the Human Resources/Commissioners' Assistant of this need.

Brown County shall provide a room or other location, other than a bathroom, in close proximity to the work area, where employees can express their breast milk in privacy, which is shielded from view and free from intrusion from coworkers and the public, during any period away from their assigned duties.

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

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

- A. The expressing of employees' breast milk; or
- B. The storage of expressed milk.

5.4 USE OF TELEPHONES AND COUNTY MAIL

No employee shall use or allow to be used any County property such as vehicles, equipment (including computers), telephones, mailing privileges, material, etc., for personal use without the prior approval of the Administrative Official.

To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner.

5.5 USE OF CELLULAR/MOBILE PHONES AND PAGERS

Any County employee who is issued a cell phone by the County shall use that phone for County business only. In the event that an employee violates this policy by using the

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phone for non-County business, the employee shall, in addition to being subject to employee discipline pursuant to the County personnel policy, report this use to the Administrative Official on the same day the use occurs, and the employee shall be required to reimburse the County for the per minute cost of the call.

The use of personal cellular/mobile phones and/or pagers during work hours should be limited in frequency and duration. Employees may use personal cellular/mobile phones during meal breaks in locations that do not pose a disruption to others. Employees using cellular/mobile phones or pagers excessively during work hours will be subject to appropriate disciplinary action.

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

5.5.1 Use of Cell Phones While Driving:

The use of cell phones while driving may present a hazard to the driver, other employees, and the general public. This policy is meant to ensure the safe operation of County vehicles and equipment, and the operation of private vehicles while an employee is on work time conducting County business.

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

Employees should not use hand held cell phones for business purposes while driving. Should an employee need to make or receive a business call while driving, he/she should locate a lawfully designated area to park and make or receive the call.

Employees may use hands-free cell phones to make or receive business calls. Such calls should be kept short, and should the circumstances warrant (e.g. heavy traffic, bad weather), the employee should locate a lawfully designated area to park to continue the call.

5.6 USE OF COMPUTERS AND E-MAIL

As the use of technology has grown, so has the potential for its misuse. As public servants, all officers, employees and persons who contract with Brown County have a special responsibility to those we serve. This policy is intended as a guide to the use of computers, whether networked or stand-alone, provided by the county for the conduct of its business. It cannot be all-inclusive. Persons granted the privilege of using the county's computers are expected to use common sense, common courtesy and common

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decency in exercising that privilege. The computers are provided as a means to achieve greater efficiency in our services to the public. They are not provided for any other purpose and should not be used for other purpose.

5.6.1 Definitions

1. "County" means Brown County, Indiana.
2. "County computer facility" or "county computer system" means those computers and terminals supplied by the county.
3. "County employee" means a person employed by the county, whether full time, part time, temporary, or upon any other basis.
4. "Independent contractor" means any person working as an independent contractor, whether as a general contractor or subcontractor, for the county.
5. "Person" means and includes but is not limited to any human being, natural person, individual, corporation, company, partnership, firm, proprietorship, joint fraternity, sorority, society, club, union, institution, cooperative, department, governmental officeholder, governmental employee, governmental contractor or subcontractor, governmental organization or entity, or other organization or entity, any similar entity or any combination of the foregoing acting in concert, and any employee or representative thereof. The personal pronoun includes all genders. The singular includes the plural, and the plural includes the singular.
6. "Internet" means the system of interconnected computers outside the county computer system.
7. "Intranet" means the system of interconnected computers within the county computer system.
8. "Systems administrator" means the Board of Commissioners of Brown County, Indiana, or its designee.

5.6.2 Application

The following rules and policies apply to all persons granted permission to use the county computer system.

The following rules and policies apply to the use of the county computer system, whether or not the system is used during normal working hours.

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The following rules and policies apply whether or not the county computer system is accessed from county terminals or from elsewhere.

The following rules and policies are subject and subordinate to local, state, and federal laws, regulations and rules. If any part of these rules and policies is found in violation of any such law, regulation or rule, its invalidity will not affect the validity or operation of remaining rules and procedures.

5.6.3 Policies

5.6.3(A) No Privacy in System

The county's computer facilities are provided to further the conduct of public business. Persons to whom use of the facilities has been granted should use them for public business and no other reason.

The county has the right, but not the duty, to monitor any and all employee communications passing through its computer facilities, as its sole discretion.

Persons using the system should never place information they intend to be personal or private on any county computer facility. Information required by law to remain private (i.e. certain court, law enforcement and health records) should only be placed on county computer facilities if permitted by law and if appropriate safeguards (i.e. using a stand-alone computer, encryption, firewalls, passwords) are in place and functioning correctly to prevent their disclosure to persons not authorized access to that information.

5.6.3 (B) Improper Activities

Persons using the system will not download, upload, disseminate or knowingly receive violent, harassing, threatening, bigoted, discriminatory, sexually explicit, obscene, false or illegal information using any county computer facility, network, intranet or internet connection. Note: This includes jokes or cartoons. Applicable County Policies (e.g. Non Harassment Policy) also must be followed when using the system.

Persons using the system will not use county computer facilities for personal, commercial, or political advertisements, solicitations or promotions.

Persons using the system will not knowingly cause interference with or disruption to any network, information service, equipment or any user thereof.

Persons using the system will not attempt to modify or gain access to files, passwords, or data belonging to others; nor will they seek unauthorized access to any computer system.

Persons using the system will not damage or, without permission from the system administrator, alter software components of any network or database or alter the hardware or software configuration of the county computer system.

Unless they have received prior permission from the systems administrator, persons using the system will not use their own software programs in the county computer system; nor will they install additional software or plugging from the internet.

Any person who learns of such activities will report them to the systems administrator immediately.

5.6.3(C) Nature of Email

Email should be considered more like paper communications than telephone conversations in its permanence. Deleting an email does not mean it cannot be retrieved from a computer system or it's backup. Email can also be forwarded to others, printed or copied. It may be susceptible to discovery in legal proceedings and may be subject to laws requiring public disclosure of its contents.

Consequently, all persons using county computer facilities must exercise appropriate discretion, courtesy and decorum in any email communications. If you would not want your mother to read it on the front page of the local newspaper, do not put in an email message.

5.6.3(D) Nature of Communications

Because the county computer facilities are provided for the conduct of public business, the public and others using the facilities have a right to expect honesty, accuracy and courtesy. Only true and accurate information should be transmitted over the system and it should be communicated in a manner that is not offensive or defamatory.

Persons using county computer facilities will not use those facilities to send messages expressing potentially offensive or defamatory comments on race, religion, sex, national origin, color, creed, politics, social policies, individuals, etc. Provided, that if mention of any of the foregoing areas is legitimately necessary for the conduct of public business, messages containing references to them, so long as they are not offensive or defamatory, shall not be considered a violation of this policy.

All communications through county computer facilities must clearly identify the user. Users may not misrepresent their identities.

5.6.3(E) Downloading and Copying/Intellectual Property of Others

The internet makes available many materials which can be easily copied or downloaded that are owned by others. These items, such as audio recordings, video clips, artwork, and computer programs, may subject the county and the person copying or downloading them to legal proceedings, resulting in an assessment of money damages, fines and costs. Copying or downloading such materials may also be considered theft.

Other materials available on the internet that are not subject to any claim of a property right may contain viruses that could cause severe damage to the county's computer system. In addition, widespread downloading of any material could rapidly use the storage capacity of the county's computer system, requiring the expense of county time to find and remove items or the expense of county funds to increase storage capacity.

As a result, person using county computer facilities will not download or use material from the internet or other sources in violation of any license, copyright or trademark, without obtaining prior written approval of the owner of the license, copyright or trademark and the intellectual property of another shall require the prior written approval of the systems administrator. The originals of such approvals shall be provided to and kept by the systems administrator, whose decision whether to approve copying or downloading shall take into consideration whether the material is for the conduct of public business and the capacity of the county computer system.

5.6.3(F) Communications with Public/Disclaimer Required

Communications with the public deal with, among other things, requests for information and requests for statements of official position. The information is usually requested to enable a citizen to understand and more easily interact with government (i.e. how to apply for a permit, which office to call, locations of offices, and telephone numbers, addresses and names of stakeholders), while requests for statements official position are usually to learn what a decision has been on a request to an agency, or what an agency might decide if asked. The public should be provided with information when appropriate and authorized, but answers to requests for statements of official position, unless provided as a result of a lawful public action by the appropriate agency, should carry a disclaimer letting the public know that the answer is not an official position of the agency or office.

Consequently, unless authorized to speak on behalf of an agency or office, all email, newsgroup and similar communications by persons using county computer facilities addressed to any member of the public other than an answer to a request for information should contain the following disclaimer or one substantially similar: "The author of this message speaks only for (himself or herself), and is not authorized to speak on behalf of the (agency or office)." Upon request, the system administrator may demonstrate how to create a block with this disclaimer that can be easily inserted into an email.

5.6.3 (G) Network Security

All persons using the county computer system will comply with instructions for virus protection, password selection and security, and other security matters issued separately and periodically updated by the systems administrator.

The systems administrator, to insure the integrity and virus-free condition of the county computer system, shall use county-approved virus scanning software (to be updated no less than once per week) to check all files from outside the county being placed on any county computer, whether they came from the internet or elsewhere.

5.6.3 (H) Encryption

Unless required or allowed by law or after approval by the system administrator, persons using the county computer system will not send email messages containing information required to be kept confidential over the internet without using an encryption method approved by the system administrator. The system administrator shall be provided a copy of any password or key needed to decrypt the sent material.

No intranet email messages sent using the county computer system shall be encrypted without the prior approval of the systems administrator, who shall be provided a copy of any password or key needed to decrypt the sent material.

Notwithstanding the above, material privileged or protected from disclosure by operation of law (i.e. attorney/client,, physician/patient, certain health, court and law enforcement information may be sent in an encrypted form using the county computer system, without the prior approval of the systems administrator and without providing the password or key needed to decrypt the sent message.

5.6.3 (I) Sanctions

Access to and use of the county computer system is a privilege, not a right. Violations of this policy may result in immediate revocation of that privilege, at the sole discretion of the systems administrator.

Violations of this policy may also subject the violator to any and all disciplinary measures contained therein.

Violations of this policy which are violations of any county ordinance or state or federal statute may subject the violator to any and all punishments provided therein.

Violations of this policy which subject the county to any civil liability may subject the violator to any civil remedies available to the county, including but not limited to recovery of money damages, costs and fees.

The foregoing sanctions are not exclusive of one another or of any other sanctions permitted by law. Violations may result in the imposition of any combination of available sanctions or all available sanctions.

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Brown County strives to maintain a workplace that is free of harassment and is sensitive to the diversity of its employees.

Therefore, the County prohibits the use of computers and the E-mail system in ways that are disruptive, offensive to others, or harmful to morale.

For example, the display or transmission of sexually-explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, jokes or anything that may construed as harassment, or showing disrespect to others. Employees violating this policy are subject to disciplinary action, up to and including termination.

Employees should immediately report violations of this policy to their Elected Official or Department Head. County employees who make, acquire, or use unauthorized copies of computer software are violating federal copyright law and are subject to disciplinary action, up to and including termination.

5.7 SOCIAL MEDIA POLICY

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

5.7.1 Guidelines

Ultimately employees are solely responsible for what they post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees, or otherwise adversely affects the public, and people who work on behalf of Brown County, or Brown County's legitimate business interest may result in disciplinary action up to and including termination.

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

Given the growing popularity of online media, Brown County has developed a series of guidelines to assist its employees when engaging in such forums and discussions. The guidelines are intended to assist employees both when participating personally as well as when acting on behalf of Brown County.

5.7.2 Know and Follow County Policies and Work Rules

Carefully read these policies in this personnel policies handbook, the County Equal Employment Opportunity Policy, Productive Work Environment Policy, Requests For Information Policy, Use of Information Technologies Policy, Sexual Harassment Policy, Business Ethics and Conflict of Interest Policy, Solicitation and Distribution Policy, Political Activity Policy, Workplace Violence Policy, and Confidentiality Policy.

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

5.7.3 Be Respectful

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

However, if you do post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, and threatening or intimidating, that disparage co-workers, County vendors, or the public, or that might constitute harassment or bullying. Examples of such conduct include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or County policy.

5.7.4 Be Honest and Accurate

Make sure you are honest and accurate when posting information and news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about Brown County, fellow co-workers, County vendors, or the public.

5.7.5 Restrictions

- a. Do not post confidential or propriety information about the County, co-workers, County vendors, or the public. Never violate federal law such as HIPAA (Health Insurance Portability and Accountability Act). Employees who share confidential information are subject to disciplinary action, up to, and including termination.

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- b. Do not use the Brown County logos or any other images or iconography on personal social media sites. Do not use the County's name to promote a product, cause, or political party or candidate.
- c. Do not discuss your job responsibilities for the County on the Internet. Do not state or imply that you speak for the County, for a County office or department, or for County officials. Be aware of your association with the County when using social networks, and do not identify yourself as a County employee.
- d. If you publish to a blog or some other form of social media, make it clear that whatever you say is your view or opinion by stating: "these are my personal views and opinions and not necessarily the views and opinions of your employer."
- e. Photographs posted on social media sites easily can be appropriated by others. Do not post pictures of County Department events, County employees, or citizens visiting County offices or departments.
- f. Do not post obscenities, slurs, or personal attacks that could slander or libel you or the County which could result in civil or criminal penalties.
- g. Do not infringe on copyrights or trademarks.

5.7.6 Respect Time and Property

The County's computers and time on the job are reserved for work-related business. Employees may use personal cellular/mobile phones during break periods, including meal breaks in locations that do not pose a disruption to others.

5.7.7 Think Twice Before Posting

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

5.7.8 Know That the Internet is Permanent

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

5.7.9 Social Media Accounts of Public Officials

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

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

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

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

Brown County reserves the right to remove material that:

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

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

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

5.8 DRUG AND ALCOHOL FREE WORKPLACE

The County requires that all employees report for work in a condition that allows them to perform their duties in a safe and efficient manner. Employees will not be permitted to work under the influence of alcohol or illegal drugs/controlled substances that may adversely affect safe job performance. This policy applies to all employees of the County.

In accordance with the Drug-Free Workplace Act of 1988 and the State of Indiana Drug-Free Workplace Executive Order No. 90-5 of 1990, the County is committed to maintaining a drug-free workplace, thereby ensuring a safe, healthy, and productive work environment. Failure to comply with this law could jeopardize government funds this organization receives. Adherence to the County's Drug-Free Workplace Policy is a condition of continued employment.

Violation of this policy will be considered just cause for disciplinary action up to and including discharge, even for a first offense. In addition, refusal to adhere to any part of this policy may lead to disciplinary action up to and including discharge.

This policy and related procedures may be modified by the County at any time in order to comply with any applicable federal, state, or local laws or to better serve the needs of the County. This policy will be applied in a manner that is in compliance with all applicable federal, state, and local law.

Illegal Drugs/Controlled Substances

Controlled substances are defined in the Controlled Substance Act (21 U.S.C. §802), and the definition of controlled substances under this policy is intended to mean controlled substances which have not been prescribed by a licensed physician or dentist for specific treatment purposes for the employee.

The unlawful manufacture, possession, sale, distribution, transfer, purchase, or use of illegal drugs or controlled substances while on the employer's property, while attending County-related activities, while on duty, or while operating a vehicle or machine leased or owned by the County is inconsistent with the County's objective of maintaining a drug-free workplace, operating in a safe and sufficient manner, and is prohibited. Accordingly, no employee shall use or have in his/her possession illegal drugs/controlled substances during working time, on County premises (including vehicles used for County business), or while conducting County business at any time. Additionally, no employee shall report to work under the influence of illegal drugs or controlled substances.

While on official business or when an employee may be deemed to be a representative of the County, he/she must comply with this policy as a condition of employment.

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Law enforcement officers will be notified whenever suspected illegal drugs are found on County premises or the County has reason to believe employees may be involved with selling, distributing, or purchasing illegal drugs or controlled substances while on County property. Any illegal substances found on such premises will be turned over to the law enforcement officers and may lead to criminal prosecution.

Alcohol

The use of alcohol on the job or on County premises is prohibited, unless the use is part of an authorized official event. Use of alcohol in County vehicles or equipment used for County business is strictly prohibited.

Alcohol possession applies to all open or unsealed alcoholic beverage containers. Such containers are not allowed on the job or on County premises, unless their possession is part of an authorized official event. Possession of such containers in vehicles used for County business is never authorized.

Employee Rehabilitation

Determinations associated with assisting employees who are at risk of health or performance deterioration will be made on a case-by-case basis. Employees may use physician prescribed medication, provided that the use of such drugs does not adversely affect job performance or the safety of the employee or other individuals in the work place.

Employees who voluntarily request assistance in dealing with a substance abuse problem (prior to violation under this Policy) will generally be offered an unpaid leave of absence option consistent with the present policies and practices of the County. Employees with any sort of alcohol or substance abuse problem are encouraged to come forward to seek counseling and rehabilitation. Upon verification of a successful completion of a treatment program (paid for by the employee), the employee may be subject to unannounced periodic drug and/or alcohol testing based upon the particular facts and circumstances. Any positive subsequent test may result in the employee's immediate dismissal.

Voluntary treatment for alcohol or drug abuse will not prevent disciplinary action for violation of this policy or any other County policy.

Testing

The County is committed to providing a safe, efficient, and productive work environment for all employees. In keeping with this commitment, employees and job applicants shall be asked to provide sample (e.g., breath, urine) to determine the illicit use of marijuana, cocaine, opiates, amphetamines, alcohol, barbiturates, and phencyclidine (PCP). The County will attempt to protect the confidentiality of all drug test results. However, these records may be released if compelled by law, judicial, or administrative process.

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Drug tests may be conducted in the following situations:

(1) Pre-Employment, Post-Offer. New employees who are made a conditional offer of employment will be required to successfully complete a drug test prior to commencing employment.

(2) Reasonable Suspicion Testing. An employee must submit to testing upon reasonable suspicion that he/she is under the influence of drugs or alcohol during the workday. Reasonable suspicion generally means when an employee appears to be in a condition that impairs his/her ability to safely perform the job. Reasonable suspicion may be based on a number of factors, such as: (1) observation of drug or alcohol use; (2) observation of drugs, drug paraphernalia, alcohol, or containers traditionally used for drugs or alcohol; (3) the smell of alcohol on an employee's breath; (4) physical symptoms of being under the influence, such as staggering or lumbering walk, bloodshot eyes, slurred speech, repetitive talking, flushed face, swaying while standing, slow reactions, or impaired judgment, reasoning, concentration, or motor control; (5) exhibiting a pattern or irrational or erratic behavior or a marked change in behavior; (6) arrest or conviction of a drug or alcohol-related offense; or (7) engaging in other conduct and behavior in the workplace which reasonably appears to be the result of drug or alcohol use or being under the influence.

(3) Post-Accident Testing. An employee involved in a work-related accident which results in either the death or injury of persons, or damage to property shall, at the discretion of the County, be required to undergo post-accident testing, based upon the particular facts and circumstances. The employee involved should abstain from using alcohol until after the determination is made.

(4) Return to Duty and Follow-Up Testing. These tests may be done in appropriate situations at the County's discretion, such as return to work pursuant to a Last Chance Agreement. Any further confirmed positive results will result in dismissal from employment.

(5) Commercial Driver's License/Safety Sensitive Positions Testing. The County is committed to compliance with the Federal Motor Carrier Safety Regulations. County personnel whose job descriptions require them to possess a commercial driver's license ("CDL") must (a) pass all required written, driving, and health tests or examinations (b) maintain a good driving record such as not to be subject to any license suspensions or forfeitures, or not to be subject to any adverse actions by the County's liability insurance carrier, including but not limited to, a determination not to provide coverage for such employee or to provide coverage only upon an increased premium over what the County pays for other with a CDL (c) maintain the CDL so long as it is required by the employee's job description and (d) are subject to random testing and alcohol testing. Employees not required to hold a CDL but who hold safety-sensitive positions, including any public safety position, may also be subject to random drug and alcohol testing.

Violations

Employees who violate this policy with either a positive test result, a refusal to test, or other appropriate circumstances will be subject to disciplinary action up to and including termination of employment. A failure to test includes circumstances where the employee: (1) fails to provide adequate breath for testing without valid medical explanation after he/she has received notice of the requirement for breath testing in accordance with this policy; (2) fails to provide adequate urine (or other acceptable medium) for controlled substance testing without a valid medical explanation after he/she has received notice of the requirement for testing in accordance with this policy; (3) fails to provide an adequate sample based upon any medium selected by the testing site; or (4) engages in conduct that clearly obstructs the testing process.

5.9 SMOKING

It is the philosophy of Brown County Government to provide its employees with a work environment that offers the opportunity and resources to optimize their personal health and well-being. In accordance with this philosophy and the convincing evidence of the negative effects of side stream (passive) smoke, it is Brown County Government's intent that all County owned and operated facilities maintain a Smoke-Free environment.

Therefore, smoking and the use of smokeless tobacco products or any type of inhaled devices are prohibited on or in all County property unless designated, including County-owned or leased vehicles. This prohibition extends to privately owned motor vehicles while they are located on County facilities. The use of any tobacco products within eight (8) feet from facility doors is prohibited.

Management, department heads, elected officials, or supervisory staff will be responsible for the ongoing compliance with the smoke free workplace policy within their work areas.

Employee violations are treated like any performance problem. Failure to comply with all of the components of this section will result in disciplinary that can lead up to and include employment termination.

This policy applies equally to all employees, citizens and visitors; signs are posted in County facilities.

5.10 USE OF EQUIPMENT AND VEHICLES

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

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Employees should promptly notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others.

The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

Before operating any motor vehicle owned by the County or operating any other vehicle on county business, all County employees shall submit to the Administrative Official a transcript of all arrests and/or convictions for moving traffic violations and/or alcoholic or controlled substance offenses, and shall keep the Administrative Official informed of all such arrests and/or convictions thereafter so long as the employee operates any such motor vehicle.

No employee shall operate any motor vehicle owned by the County, or any other motor vehicle on County business, during any time that the employee does not possess a proper, valid driver's license. All persons hired for service with the county Highway Department, and who drive or are expected to drive vehicles that require a valid commercial driver's license, must obtain, within ninety (90) days of employment, and maintain a valid commercial driver's license to qualify for and maintain employment. All employees who are required to hold a commercial driver's license are subject to the County's drug/alcohol testing policy.

All employees must comply with all safety procedures and use proper safety equipment at all times. Participation in County provided training sessions is mandatory as specified from time to time and for various jobs.

The County will initially pay the fee for approved Highway Department employees to take the test for a Commercial Driver's License (CDL) and, if necessary, will allow the employee taking the CDL test to use a Highway Department truck to take the test. If, however, the employee leaves his employment with the Highway Department less than one (1) year after having received his CDL, the employee must reimburse the Highway Department for the fees for the test within one (1) month after leaving employment with the Highway Department.

5.11 TAKE HOME VEHICLES

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

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This policy applies to all employees under the cognizance of the Board of Commissioners of Brown County, Indiana ("Commissioners"). It also applies to all vehicles owned by the Commissioners and subject to their authority. This policy specifically does not apply to the Brown County Sheriff's Department, which operates under separate guidance.

All Brown County employees may, upon specific written direction or approval of the Commissioners, be assigned to take home a Brown County owned vehicle on a permanent or semi-permanent basis.

All County employees with a take home vehicle shall follow the following provisions:

Only County employees, possessing a valid State of Indiana driver's license appropriate for the vehicle, are authorized to operate County vehicles.

Employees shall not operate a County vehicle while under the influence of drugs or alcohol.

Employees shall not transport any persons other than County employees in a County vehicle, except in the course of official business.

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

All incidents involving County vehicles must be reported to the law enforcement office of the appropriate jurisdiction, the employee's supervisor, and to the Brown County Commissioner's Assistant. County employees with take home vehicles will provide copies of any accident reports, citations, etc., concerning the vehicle or its operation, to their supervisor and/or the County Administrator.

Employees will not operate their vehicles in such a way as to cause public criticism or nuisance. This includes vehicle parking when not in use.

Employees are expressly prohibited from making any cosmetic or mechanical modifications to any County vehicle without the approval of the Commissioners. The County reserves the right to remove any or all modifications that may impair the vehicles safety or usefulness and/or cosmetic changes that are not in keeping with County policy.

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

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

Employees are responsible for the maintenance of their take home vehicles. Scheduled maintenance will be conducted in compliance with Brown County Highway Department guidelines. County employees will be responsible for routine maintenance, such as checking the tire pressure, all fluid levels, etc. County employees may be subject to disciplinary action for failing to maintain their take home vehicle in proper working order or if there are signs of mechanical abuse or uncleanness. All vehicle maintenance shall occur on duty. No compensation will be made for any maintenance performed off duty.

Take home vehicles should be fueled at the County's fueling station or in accordance with County guidelines, whenever practical. Reimbursement for any other fuel purchase may be denied.

Any County employee assigned a take home vehicle is required to commute in the vehicle for valid business reasons.

Occasions that may prompt the Commissioners to authorize additional employees to take home department vehicles include but are not limited to: preparations made in advance of a severe storm, such as a blizzard, to secure vehicles, or to position vehicles to facilitate effective post-storm service restoration/clean-up activities. Such authorizations may be temporary in nature and may require alternative work assignments. Pre-approval from the Commissioners to take home a County vehicle for storm related purposes may be requested in writing through Department Heads in accordance with Department/County policies.

Violations of this policy and procedures may result in disciplinary action and could result in the revocation of take home vehicle privileges.

5.12 PERSONAL USE OF ORGANIZATION FACILITIES

To minimize unnecessary expenses, prevent the loss of valuable work time, and prevent lowered morale of employees, personal or business use of County facilities, vehicles, and equipment is prohibited. This policy applies to all employees and persons using County facilities.

It restricts the personal use of organization facilities, including bulletin boards, vehicles, and equipment. Occasional exception maybe approved by the County Commissioners. Contact the County Commissioners' office for details.

5.13 APPEARANCE OF WORK AREAS

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

5.14 BUSINESS TRAVEL

County government strives to provide services to the citizens of Brown County in a cost effective manner while maintaining quality services. While it is the intent of County government to provide travel reimbursement for expenses incurred in the performance of job duties, it is also financially necessary to control these expenses.

This policy is in large based on the State of Indiana's policy in regards to travel reimbursement. The following policy applies to all county employees, department heads, and elected officials.

1. Lodging expenses will be reimbursed up to a maximum of \$150 per night for travel that is in excess of 50 miles from the County Annex Building. If the room rate will exceed \$150 per night, the employee, department head, or elected official must obtain approval for the excess reimbursement from the County Commissioners prior to incurring the expense. Those attending functions requiring travel are responsible for learning the rates for overnight stays prior to their attendance and obtaining necessary approval for reimbursement. If overnight lodging is anticipated in a facility less than 50 miles from the Annex, then the employee, department head, or elected official must have prior approval from the Board of Commissioners.
2. Meal expenses will be reimbursed up to a maximum of \$50 per day. Employees will not be reimbursed for the expense of any alcoholic beverages. Brown County shall not pay for a person's meal more than once. This includes, but is not limited to, meals included in registration fees or by hotels in the room charge. If a person in travel status received a meal without charge, then the subsistence allowance must be reduced.
3. Mileage for use of a personal vehicle will be reimbursed at the rate set by the State of Indiana and approved by the County Commissioners and in effect at the time the travel expense was incurred. No reimbursement will be made for employees, department heads, or elected officials who use a county-owned vehicle. Parking fees incurred for job-related reasons will be reimbursed.
4. No reimbursement will be made for any entertainment expenses including the cost of any additional charges to the hotel/motel bill for services in excess of the room charges, (except for room service meals under the maximum daily allowance in paragraph 2) that are requested or ordered by the employee, department head, or elected official.

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5. All reimbursable expenses must be supported by an itemized receipt that provides at a minimum the following information: date, amount, place of service or purchase, and description of service or item(s) purchased; along with tip and taxes (tax exempt sheets can be obtained in the Auditor's Office). Tip should not exceed 20% of the cost of the purchase.
6. All reimbursable expenses must be submitted on a claim form with receipts attached. An employee's supervisor shall be responsible for verification of all travel expenses. Claim forms with receipts must be submitted to the Auditor's Office within thirty (30) calendar days from date the expense occurred.
7. No provision herein shall supersede any state allowable maximums for expenses of per diem reimbursements as provided by code and/or approved by the Board of Commissioners.
8. If multiple employees from one department are to attend the same conference resulting in reduced staffing, that reduction should not cause a disruption in service or an office to close completely, unless pre-approved by the County Commissioners.
9. Any travel expenses paid for using grant funds should be expended using the guidelines within the grant agreement. If there are not established guidelines within the grant agreement, the requirements of this Section shall apply.
10. The use of a privately owned vehicle must be approved by the department head or elected official prior to traveling to ensure that transportation costs and liability insurance are effectively managed. If an employee uses his/her privately owned vehicle for such travel without prior approval, the employee will not be reimbursed for mileage.

5.15 PETS IN THE WORKPLACE

Brown County is responsible for ensuring the health and safety of all employees. In keeping with this objective, the County has formulated a policy balancing these concerns with the desire to promote a positive employment experience by allowing domesticated pets in the workplace. A domesticated pet may be allowed in the office if its health and behavior are acceptable within the workplace setting, and if it does not adversely affect workplace operations.

An employee wishing to bring a domesticated pet to the workplace shall obtain written permission from his or her immediate supervisor. Any decision to allow a domesticated pet to come to the workplace, or to exclude a domesticated pet from the workplace, shall be made by the employee's Elected Official/Department head.

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A pet may be excluded from the office if it:

1. Causes any person to experience allergic reactions, fear, or any other physical or psychological discomfort;
2. Distracts any employee from their work; or
3. Reduces any employee's productivity or quality of work.

The following pets may not be brought to the workplace:

1. Sick pets;
2. Pets with fleas or any disease that is communicable to other animals in the office or humans;
3. Pets that have not been properly vaccinated, or that have internal or external parasites;
4. Dogs that bark or behave aggressively; or
5. Pets that have not been spayed or neutered will not be permitted in the workplace in season.

Employees shall provide proof that their pets are properly vaccinated and free of parasites prior to bringing them to the workplace.

All dogs must be leashed at all times. All pets must be in the physical presence of the owner, in the owner's office, or in the space around the owner's desk at all times. Employees are expected to clean up, completely and immediately, after their pets.

Employees may leave work to walk their dogs on their lunch breaks, and should avoid using excessive work time to care for their pets. If a pet needs constant care and attention, the employee may be instructed by the Elected Official/Department Head to leave the pet at home. Employees are advised not to leave pets in their vehicles for extended periods of time.

The County shall require the employee to maintain a liability insurance policy covering damage or injuries caused by the pet while at the office.

The County shall not be liable for loss of, or injury to, any pet brought to the workplace.

Complaints regarding any pets in the workplace should be reported to the employee's Elected Official/Department Head.

5.16 POLITICAL ACTIVITY

No employee paid partially or wholly from Federal funds is eligible to run for office in a partisan election.

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

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

Employees are prohibited from campaigning in any form during office hours. Non-verbal exhibits supporting or opposing a political candidate are prohibited on county premises during working hours (such as shirts, pins, buttons).

5.17 INDIANA INTERNAL CONTROL STANDARDS POLICY

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

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

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

Training shall be completed on an annual basis by all personnel who are not otherwise on leave status. The training program may be accessed on the State Board of Accounts Website at <http://www.in.gov/sboa> under the tab "Uniform Internal Control Standards for Indiana Political Subdivisions". Personnel may choose the webinar training or manual review training.

Upon completion of the training, personnel shall complete the Internal Control Training Certification for Elected Officials, Appointees, and Employees and return the form to the Human Resource/Commissioners' Assistant as evidence for their training. These certifications are to be maintained by Brown County on-site.

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

5.18 WHISTLEBLOWER POLICY

A whistleblower as defined by this policy is an employee of Brown County who reports an activity that he/she considers to be illegal or dishonest. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures. The Board of County Commissioners is charged with these responsibilities.

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

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

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

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

The County will not retaliate against a whistleblower. This includes protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, and threats of physical harm.

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

All investigative reports of illegal and dishonest activities will be promptly submitted to the Board of County Commissioners who will be responsible for determining any wrongdoing and coordinating corrective actions.

5.19 HEALTH PANDEMIC OPERATIONS

All County employees and visitors are required to practice social distancing while on County property/facilities i.e. keep a physical distance of at least six feet from other people, when possible, practicing good hygiene measures, staying at home when ill, and wearing a face covering that covers the nose and mouth.

Exclusions will be evaluated on a case-by-case basis. For any questions regarding Americans with Disabilities Act (ADA) accommodations, please contact the Human Resource Director.

1. To help ensure the health and safety of employees and the public, face coverings are required to be worn as follows:

- a) All visitors visiting any County property or facility.
- b) All employees whose job responsibilities include interactions with the public. All employees who work indoors when other people are present and unable to appropriately social distance. This includes common areas, such as hallways, stairways, restrooms, and elevators.
- c) Employees working outdoors, if keeping a six foot distance from others may not be possible.
- d) Occupancy of two or more people in a vehicle and any occupant is working in the course of employment for the County.

Face coverings are not required when:

- a) Working or spending time alone in a personal County workspace and/or office.
- b) Working or spending time outdoors (e.g. walking, exercising) when at least six foot distance can be maintained.
- c) Operating a vehicle with only one occupant.
- d) Teleworking outside of a County building.

2. The use of masks may be excused because of medical or health risk in the following circumstances:

- a) A medical professional has advised that wearing a face covering may pose a health risk to the person wearing the covering or impair their breathing. The County may require documentation from a Health Care provider.

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- b) Wearing a face covering would create a safety risk. Employees who cannot wear a face covering shall be provided a face shield.
- c) The person is physically unable to put on or remove the face covering without assistance.
- d) The person has trouble breathing or is unable to remove the face covering without assistance.
- e) The person is deaf or hard of hearing and uses facial and mouth movements as part of their communication.

The County will provide masks, face shields, PPE, and sanitizing supplies as requested. Employees can submit requests to the Emergency Management Agency.

3. The County will follow OSHA and CDC guidelines for monitoring employees and visitors to County facilities.

- a) Employees and visitors at County facilities and property will be required to participate in a daily health check including temperature check and Health screening questionnaire.
- b) Employees are required to report symptoms such as temperatures of 100.4 or higher, shortness of breath, sore throat, new loss of taste or smell, or exposure to a person who has tested positive to their Supervisor and/or Department Head within 24 hours of the onset of the symptoms. Department Heads/Elected Officials are required to forward this information to the Human Resources Office.

4. Employees and Visitors will be restricted from entering County property and facilities for the following reasons:

- a) Refusal to comply with the daily health check.
- b) Refusal to wear a face covering without medical documentation.
- c) Failure to pass the Health and Temperature Check.

5. Following a First Level Known Exposure to a Pandemic related illness: (As confirmed by state or local health department, or school officials.)

As directed by the Center for Disease Control (CDC) along with the direction of the County Health Officer:

Employees who are asymptomatic (having no symptoms), and have been tested due to a confirmed known exposure, may work from home (at the discretion of their Department Head), until they provide proof of a negative pandemic illness test result to HR, before returning to the workplace.

6. Following a Positive Pandemic Illness test result:

As directed by the Center for Disease Control (CDC) along with the direction of the County Health Officer, employees with a Pandemic Illness or who have been in isolation or quarantine due to a Pandemic Illness may return to work under the following circumstances:

Following a positive test result for CV19, or other pandemic illness, employees may not return to work until they are retested and provide a negative result OR have a physician's note stating they are fit for duty. Returning employees must be at least 72 hours (3 days) symptom and fever free without the use of fever reducing medications. Employees with more severe symptoms, or longer duration of symptoms will be evaluated on a case by case basis. Please contact HR if you have any questions. *Upon returning to work, employees will clean and sanitize all personal areas of their workspace.

7. Employee Compensation

Employees who are either exposed and awaiting test results, or those with positive pandemic illnesses, will be compensated as described either through Workmen's Compensation, and/or FMLA. Sick Bank days will be granted as determined by the sick bank board.

6. PERSONAL CONDUCT

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

6.1 EMPLOYEE CONDUCT AND WORK RULES

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

6.2 ATTENDANCE AND PUNCTUALITY

All employees are expected to arrive on time for work and are not to depart prior to the regularly scheduled quitting time. Any departure from this policy will require permission from the employee's Elected Official/Department Head.

If an employee will unavoidably be either tardy or absent, it is his/her responsibility to notify the Elected Official/Department Head no later than one half hour after the employee is scheduled to report to work. An employee is tardy if he/she is not at work as of his/her scheduled starting time.

Excessive tardiness and absence shall be considered to be three (3) occurrences of unexcused absences in a six (6) month period; or three (3) occurrences of tardiness in a three (3) month period; or any combination thereof.

Unreported and/or excessive tardiness or absences will result in disciplinary action. Elected Officials/Department Heads are to keep records of all employee tardiness and absence. These records shall include whether the absence/tardiness was reported prior to occurrence or within the specified period.

An unreported absence of three (3) consecutive scheduled workdays is considered a voluntary resignation.

6.3 PERSONAL APPEARANCE

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image presented to visitors. During business hours, employees are expected to present a clean and neat appearance.

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Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstance, employees will not be compensated for the time away from work.

Employees should consult their Elected Official/Department Head regarding what constitutes appropriate attire for your position/department.

6.4 HARASSMENT/HOSTILE WORK ENVIRONMENT

Discrimination or harassment of sexual, racial, ethnic or religious nature is specifically forbidden. Such harassment includes unsolicited remarks, gestures or physical contact, display or circulation of written materials or pictures derogatory to either gender or to a racial, ethnic or religious group; or personnel decisions based on an employee's response to sexually oriented requests; discriminatory intimidation, ridicule or insult as a general course of conduct or as a result of a single severe incident.

6.4.1 Definition of Harassment

Harassment is a form of employee misconduct that undermines the integrity of the employment relationship. All employees are entitled to work in an environment free from harassment or inappropriate conduct. While it is difficult to define what constitutes illegal harassment under the law, Brown County realizes that any type of harassing behavior based on race, color, sex/gender, pregnancy, religion, age, marital status, sexual orientation, gender identity, national origin, disability, veteran status, genetic information, ancestry, or any other category protected by law is inappropriate in the workplace. Therefore, Brown County will not tolerate any behavior that creates an intimidating, offensive, or hostile work environment or that interferes with work performance. Examples of harassing behavior include, but are not limited to: racial slurs, ethnic jokes, stereotyping, the display of posters or other materials that are offensive or show hostility to a group or individual based on a protected category as defined above, or any other category protected by law.

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

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

6.4.1.(a) Types of Workplace Harassment

1. **Physical Harassment:** Physical harassment can come in the form of violence, both physically or to property. This can also be threatening behavior. In its extreme, it can even be termed assault. An employee may be physically abused,

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such as pushing, punching, or slapping, as well as other kinds of physical abuse. It can also involve a car, for example. One worker may damage the vehicle by tampering, breaking, scratching, or inflicting other kinds of damages.

2. **Personal Harassment:** The victim may be subjected to unwanted remarks, insults, offensive and derogatory statements. Being constantly put down with condescending statements can all be seen as personal harassment. Personal harassment can also be called bullying.
3. **Discriminatory Harassment:** Discriminatory harassment in the workplace is directed at someone's race, age, sex, or some other form of protected class who is subjected to offensive or intimidating remarks.
4. **Psychological Harassment:** Psychological harassment occurs when a victim is put down, belittled, or has to listen to needless condescending remarks that can affect him/her. These negative remarks can be aimed at the victim from both a professional as well as a personal level.
5. **Cyberbullying:** Cyberbullying occurs online. Cyberbullying includes making threatening statements to the victim or spreading rumors on social media.
6. **Sexual Harassment:** Sexual harassment occurs when the perpetrator behaves in a romantic or sexual way towards the victim who is clearly uncomfortable and does not want attention of this nature. Sexual harassment includes but is not limited to:
 - A. Unwelcome sexual advances, requests for sexual favors, unwanted physical contact, including touching, patting, pinching, etc., unwelcome comments of a sexual or demeaning nature, the display of sexually offensive posters, pictures, or objects.
 - B. Any use of an employee's submission to or rejection of the conduct described above as the basis for employment decisions affecting the employee (such as hiring, firing, promotions, compensation, or working conditions).
 - C. Any explicit or implicit implication that submission to such behavior is a term or condition of an individual's employment.
7. **3rd Party Harassment:** 3rd party harassment occurs with someone who is not a Brown County employee. Examples of 3rd Party may include suppliers, vendors, and citizens.

Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating or intimidating, hostile or offensive working environment. Violators will be subject to immediate and appropriate discipline, up to and including termination.

6.4.2 Reporting a Complaint

While the County encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his/her behavior is unwelcome, the County also recognizes that power and status disparities between an alleged harasser and a target may make such a confrontation impossible.

In the event that such informal, direct communication between individuals is either ineffective or impossible, the following steps should be followed in reporting a sexual harassment complaint.

In order to take a corrective action, the County must be aware of sexual harassment or related retaliation. Therefore, anyone who believes that he/she has experienced or witnessed sexual harassment or related retaliation should promptly report such behavior.

Any employee who experiences sexual harassment should contact his/her Elected Official/Department Head immediately. If unresolved, or in the event the harassment is alleged against the Elected Official/Department Head, the employee is advised to obtain a sexual harassment complaint form from the Auditor. The employee is directed to submit the completed form to the Elected Official/Department Head, or in the event the alleged harassment is against the Elected Official/Department Head, then the completed form is to be submitted to the County Attorney. The best time to register a complaint is immediately after the act occurs.

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

6.4.3 Description of Misconduct

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

Verbal reports of sexual harassment must be recorded in written form either by the complainant or the individual(s) designated to receive complaints, and be signed by the complainant. Individuals who believe they have been or currently

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are being harassed should maintain a record of objectionable conduct to effectively prepare and corroborate their allegations.

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

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

6.4.4 Time Frame for Reporting Complaints

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

6.4.5 Protection Against Retaliation

Brown County does not tolerate retaliation against any employee for making a complaint under this policy or for cooperating in an investigation of any complaint under this policy. Any employee who believes that he/she is the subject of such retaliation should report this immediately to the Auditor.

The County will not in any way retaliate against the individual who makes a report of sexual harassment nor permit any supervisor or employee to do so. Retaliation is a serious violation of this sexual harassment policy and should be reported immediately. Any person found to have retaliated against another individual for the good faith reporting of sexual harassment will be subject to the same disciplinary action provided for sexual harassment offenders.

6.4.6 Investigating the Complaint

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

Upon completing the investigation of a sexual harassment complaint, the County will communicate its findings to the complainant and the alleged harasser. If the Commissioners and the alleged harasser's Elected Official/Department Head determine that harassment occurred, they will determine appropriate disciplinary action. The complainant will be informed of the disciplinary action to be taken.

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

6.4.7 Identification of Investigators

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

6.4.8 False Accusations

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

6.4.9 Sanctions

Individuals found to have engaged in misconduct constituting sexual harassment, creating a hostile work environment, or related retaliation will be severely disciplined, up to and including termination of employment. Additional action may include: referral to counseling, withholding of a promotion, reassignment, demotion, temporary suspension without pay, or termination.

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

6.4.10 Maintaining a Written Record of the Complaint

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

6.4.11 Prevention

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

6.5 COMMISSION OF A FELONY OR UNLAWFUL ACT

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

Whenever an employee is cited for an infraction while on duty or arrested for any misdemeanor or felony while on duty, the employee shall report this matter, in writing, to their Elected Official or Department Head within twenty-four (24) hours of the arrest or citation. Failure to report in accordance with this policy shall be considered a violation of the personnel policies subject to disciplinary actions up to and including termination. Citations for infractions or arrests for misdemeanors or felonies which occur during an employee's off-duty hours must be reported to the Elected Official or Department Head in writing within five (5) calendar days of receiving the citation or the arrest.

Unauthorized time away from work shall be subject to the County's attendance and wage policies.

An employee who is cited for an infraction or arrested for any misdemeanor or felony, whether the citation or arrest happened while the employee was on duty or not, may be suspended without pay pending an administrative investigation and/or the disposition of any charges filed against the employee. The investigation will be used to determine if the accused employee is in violation of the personnel policies and to determine if disciplinary action is warranted, up to and including termination. The determination as to the whether an employee is suspended shall be based upon the nature and circumstances of the alleged offense and the impact the charges may have on the employee's ability to adequately perform their job duties and/or remain in compliance with the County's personnel policies.

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It is the responsibility of any employee with pending criminal charges to provide to their Elected Official/Department Head written documentation such as a court record of the disposition of the charges within five (5) calendar days after receiving notification. Failure to do so will be considered a violation of this policy and may subject the employee to discipline, up to and including termination.

If the employee is on a leave of absence pending administrative investigation and/or the disposition of any charges, and the outcome is favorable to the employee, he/she shall be returned from suspension.

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

Any employee found guilty of a felony will be subject to immediate dismissal.

6.6 GHOST EMPLOYMENT

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

A public servant who knowingly or intentionally hires an employee for a governmental entity and fails to assign the employee any duties, or assigns duties not related to the operation of the governmental entity, is committing ghost employment. Additionally, a public servant employed by a governmental entity knowing that he/she has not been assigned any duties to perform for the entity and accepts property (compensation) from the entity, or a public servant who knowingly or intentionally accepts property (compensation) from the entity for the performance of duties not related to the operation of the entity, commits ghost employment.

Examples of violations of this policy include, but are not limited to, performing work on private property that is not job related, authorizing or receiving payment for time not worked, and authorizing or receiving payment for leave time not authorized by County paid leave policies. Violations of this policy shall result in disciplinary action up to and including termination, in addition to potential prosecution under Indiana Code 35-44.1-1-3.

6.7 BUSINESS ETHICS/CONFLICT OF INTEREST

All employees having a pecuniary interest in or deriving a profit from a contract or purchase connected with an action by the County will be required to complete a conflict

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of interest statement when hired. Recognizing that situations and conditions may change during the course of employment, all employees will be required complete conflict of interest at the beginning of each Calendar Year.

No officers or employees of the County shall solicit nor accept gratuities, favors, or anything of monetary value from Consultants, potential Consultants, or parties to sub-agreements, unless in accordance with this policy. The aforementioned prohibition does not include gratuities, favors, social gatherings, or anything of monetary value under three hundred dollars (\$300.00). Any financial interest under three hundred dollars (\$300.00) shall be considered not substantial in accordance with the Code of Federal Regulations. A "Consultant" is defined as an individual or firm providing engineering and design related services as a party to a contract with a recipient or sub-recipient of federal assistance.

Brown County recognizes and respects the right of individual employees to engage in private activities outside of the organization that do not in any way conflict with, or reflect poorly on, the organization. Indiana Code 35-44.1-1-4 states that a person who knowingly or intentionally obtains a pecuniary interest in or derives a profit from a contract or purchase connected with an action by the governmental entity served by the public servant commits a Class D felony unless a financial disclosure form is approved in advance and filed as required by law.

The County also recognizes its right and obligation to determine when an employee's activities present a conflict of interest with the organization. At such times the organization must take whatever action is necessary to resolve the situation, including but not limited to, termination of employment. This policy applies to all employees, as well as to former employees, where applicable.

Employees having financial interest in a company or substantial investments in a corporation that might benefit from their dealings with the County must file a conflict of interest statement with the County Clerk. If deemed by said official to be in the best interest of the County, those employees shall either divest themselves of such interest or investments or be ineligible for continued employment with the County.

6.8 SOLICITATION AND DISTRIBUTION

This policy is designed to protect the interests of the citizens of Brown County by ensuring that only official County business is transacted in work areas during employees' work time. This section shall include the promotion of religious beliefs or religious materials by employees or non-employees during work hours in the workplace.

There shall be no solicitation or distribution by employees or non-employees during work time in the workplace. This section does not apply to vendors and/or charity organizations that have received the approval of the Board of County Commissioners.

Employees shall not solicit other employees or non-employees during work time.

6.9 SECURITY OF PREMISES

Brown County wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the County prohibits the control, possession, transfer, sale, or use of such materials on its premises.

However, Ind. Code 34-28-7 allows appropriately licensed employees to bring firearms and ammunition onto County property as long as the firearm and ammunition are locked in a glove box or trunk or stored out of plain sight in the employee's personal locked vehicle. This exception does not apply to employees driving or riding in County-owned vehicles where firearms and ammunition are prohibited.

Except for law enforcement officers who have obtained handgun/firearms certification by the Indiana Law Enforcement Academy and maintain required department firearms qualifications, employees working at the Brown County Jail shall (1) secure the employee's firearm or ammunition, or both, in a locked case, and (2) store the firearm or ammunition in the truck or glove compartment or out of plain sight in the employee's locked vehicle. (I.C. 2-3-10; 34-28-7 effective April 26, 2017).

The County prohibits the possession of firearms, ammunition, and the possession of other weapons by persons other than County employees and the law enforcement officers in County facilities and offices. The County requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees, but remain the sole property of the County. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the County at any time, either with or without prior notice.

Except as specifically provided below, employees are prohibited from possessing weapons, including but not limited to, firearms, knives, brass knuckles, clubs, bats, or explosives on County property (including in County parking lots and in County-owned or leased vehicles). An employee found in possession of a weapon in violation of this policy will be subject to disciplinary action, up to and including termination.

An employee who possesses a firearm or ammunition in the County parking area and does not comply with the above provision is subject to discipline up to and including termination.

In addition, this policy does not apply to weapons that County law enforcement employees are permitted to carry and possess in the performance of their County job duties.

6.10 WORKPLACE VIOLENCE/HOSTILE WORK ENVIRONMENT

The safety and security of Brown County employees and customers is very important. It is the intent of the County to provide a workplace for all employees which is free of violence. Threats, threatening behavior, acts of violence, or any related conduct which disrupts another's work performance or the organization's ability to execute its mission will not be tolerated.

Workplace violence includes, but is not limited to, intimidation, threats, physical attack or property damage. These terms are defined as follows:

- A. "Intimidation" includes, but is not limited to, stalking or engaging in actions intended to frighten, coerce, or induce duress.
- B. "Threat" is the expression of intent to cause physical or mental harm. An expression constitutes a threat without regard to whether the person communicating the threat has presented the ability to carry it out and without regard to whether expression is contingent, conditional, or future.
- C. "Physical attack" is unwanted or hostile physical contact such as hitting, fighting, pushing, shoving, throwing objects, firing a weapon, causing an explosion of hazardous materials, or discharge of hazardous substances.
- D. "Property damage" is intentional damage to property which includes property owned or leased by the County, employees, visitors, or vendors.

Any person who makes threats, exhibits threatening behavior, or engages in violent acts on County-owned or leased property may be removed from the premises. Additionally, possession of illegally altered firearms, weapons, and other dangerous or hazardous devices or substances are strictly prohibited on County property without proper authorization as specified in *Section 6.9 Security of Premises of this Personnel Policy Handbook*.

Threats, threatening behavior, or acts of violence executed off County-owned or leased property but directed at County employees or members of the public while conducting official County business, is a violation of this policy. Off-site threats include, but are not limited to, threats made via the telephone, fax or electronic or conventional mail, or any other communication medium.

Violations of this policy will lead to disciplinary action that may include termination of employment, and may also result in arrest and prosecution. In addition, if the source of such inappropriate behavior is a member of the public, the response may also include barring the person(s) from County-owned or leased premises, termination of business relationships with the individual(s), arrest, and prosecution of the person(s) involved.

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Employees are responsible for notifying their Elected Official/Department Head of any threats which they have witnessed, received, or have been told that another person has witnessed or received.

Employees should also report any behavior they have witnessed which they regard as threatening or violent when the behavior is job related or might be carried out on County-owned or leased property or in connection with County employment.

Any employee who receives a protective or restraining order which lists County-owned or leased premises as a protected area is required to provide their Elected Official/Department Head with a copy of such order.

If an emergency exists, contact the Sheriff Department at 911, and notify your supervisor.

If not an emergency, employees should inform their Elected Official/Department Head. If the Elected Official or Department Head is unavailable or if the nature of the complaint is such that the employee does not believe he/she can discuss it with the Elected Official/Department Head, the employee may bring concerns to the County Attorney.

Employees who act in good faith by reporting real or implied violent behavior violations of this policy need not fear retaliation.

6.11 CONFIDENTIALITY

Much of the information with which County employees deal is a matter of public record and employees shall strictly observe the provisions of Indiana law concerning the public's access to governmental records. Other information is confidential and confidentiality shall be strictly maintained. An employee should refer any questions concerning the confidentiality of any information to the Elected Official/Department Head. Even though accessible to any person making an inquiry, even non-confidential, job-related information should not be discussed by an employee with, or within the hearing of, non-employees except as required by his/her job.

6.12 EMPLOYEE CONDUCT

Behavior of Employees. In regulating the behavior of its employees, the County has classified offenses as first, second, and third level offenses based upon their seriousness. These classifications are provided to illustrate the procedures for progressive discipline that will be followed in respect to such conduct.

The following conduct is prohibited and will subject the individual involved to disciplinary action, up to and including termination. This list of examples is merely illustrative of the kinds of conduct that will not be permitted.

It is not intended to be all inclusive or to in any way limit rules, guidelines, and restrictions set out elsewhere in this handbook.

GROUP I OFFENSES

Examples of, but not limited to, the following:

1. Tardiness or failure to report for duty within a reasonable time.
2. Reporting to work clothed or groomed in an unclean or inappropriate manner.
3. Neglect or carelessness in recording work time.
4. Failure to cooperate with other employees as required by job duties.
5. Distracting the attention of others, unnecessarily shouting, demonstrating, or otherwise causing a disruption on the job.
6. Malicious mischief, horseplay, wrestling, or other undesirable conduct, including use of profane or abusive language.
7. Unauthorized use of telephone, fax, or mail for personal use.
8. Unsatisfactory work or failure to maintain required standard of performance.
9. Unauthorized breaks.
10. Littering or otherwise contributing to unsanitary conditions.

GROUP I DISCIPLINE

First Offense	Verbal warning
Second Offense	Written reprimand
Third Offense	Three (3) working days suspension without pay
Fourth Offense	Termination of employment

GROUP II OFFENSES

Examples of, but not limited to, the following:

1. Leaving the job or work area during working hours without authorization.
2. Threatening, intimidating, coercing, or interfering with subordinates or other employees.
3. Obliging Brown County for any expense, service, or performance without authorization.
4. Sleeping during working hours.
5. Reporting for work or working while unfit for duty.
6. Excessive absenteeism according to County definition.
7. Unauthorized use of County property or equipment.
8. Willful failure to sign in or out when required.
9. Failure to report for overtime work after being scheduled to work according to overtime policy.
10. Willful failure to make required reports.
11. Solicitation on County premises without authorization.
12. The making or publishing of false, vicious, or malicious statements concerning employees, supervisors, the County, or its operations. Making threatening remarks to supervisors or others.
13. Refusing to provide testimony in court during an accident investigation or during any type of public hearing.

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14. Giving false testimony during a complaint investigation or hearing.
15. Unauthorized posting, removal, or alteration of notices or signs from bulletin boards.
16. Distributing or posting written or printed matter of any description on County premises unless authorized.
17. Unauthorized presence on County property.
18. Willful disregard of department rules.
19. Use of abusive or threatening language toward supervisors or other employees.
20. Discourteous treatment of the public.

GROUP II DISCIPLINE

First Offense	Three (3) working days suspension without pay
Second Offense	Ten (10) working days suspension without pay
Third Offense	Termination of Employment

GROUP III OFFENSES

Examples of, but not limited to, the following:

1. Being in possession of or drinking alcoholic beverages on the job.
2. Neglect in the performance of assigned duties or in the care, use or custody of any County property or equipment. Abuse or deliberate destruction in any manner of County property, tools, equipment, or the property of employees.
3. Punching, signing, or altering other employees time cards, time sheets, or unauthorized altering of own time card or sheet.
4. Falsifying testimony when accidents are being investigated, falsifying or assisting in falsifying or destroying any County records, including work performance reports, or giving false information or withholding pertinent information called for in making application for employment.
5. Making false claims or misrepresentations in an attempt to obtain any County benefit.
6. Performing private work on County time.
7. Violation of the County sexual harassment policy.
8. Stealing or similar conduct, including destroying, damaging, or concealing any property of the County or of other employees.
9. The use of controlled substances or the sale of controlled substances.
10. Fighting or attempting to injure other employees, supervisors, or persons.
11. Carrying or possession of firearms on County property at any time without proper authorization.
12. Knowingly exposing others to hazardous conditions, such as communicable diseases, which may endanger other employees or the public.
13. Misuse or removal of County records or information without prior authorization.
14. Instigating, leading or participating in any illegal walkout, strike, sit down, stand-in, refusal to return to work at the scheduled time for the scheduled shift, or other concerted curtailment, restriction, or interference with work in or about the County's work stations.
15. Dishonesty or any dishonest action. Some examples of what is meant by "dishonesty" or "dishonest action" are as follows: theft, pilfering, opening desks assigned to other employees without authorization, theft and pilfering through lunch boxes, tool kits, or

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other property of the County or other employees without authorization, inserting slugs in vending machines without paying the proper charge therein, making false statements to secure an excused absence or to justify an absence or tardiness, making or causing to be made inaccurate or false reports concerning any absence from work. The foregoing are examples only and do not limit the terms "dishonesty" or "dishonest action."

16. Insubordination by refusing to perform assigned work or to comply with written or verbal instruction of the supervisors.
17. Disclosure of confidential information.
18. Failure to disclose at the time of employment the past conviction or a misdemeanor and/or felony if reasonably related to the employee's duties or the public trust.
20. Violation of the Drug-Free Workplace policy and/or failure to submit to a blood test, urinalysis, or Breathalyzer examination.
21. Failure to maintain certifications required of the position, e.g., driver's license.
22. Refusing to provide testimony in court during an accident or any other job related investigation, or during any type of public hearing.
23. Failure to follow safety regulations when safety of an employee or others is affected.
24. Violation of the attendance policies.

GROUP III DISCIPLINE

First Offense Any appropriate discipline, up to and including termination of employment.

7. PROBLEM RESOLUTION

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

Employees and supervisors will benefit from a process that allows for the free discussion of matters of mutual concern and effectively addresses complaints on specific issues.

These procedures provide for open discussion and speedy resolution of issues of serious concern to any employee who thinks that Brown County's policies have been violated, or who believes that he/she has been treated unfairly. A complaint is an employee's expressed dissatisfaction with what that employee believes, rightly or wrongly, to be unfair treatment or a mistake in the administration of a rule, plan, or County policy. This section does not apply to disciplinary actions taken by Elected Officials or Department Heads having the authority to take disciplinary actions.

When a complaint arises, it should be heard and resolved at the lowest organizational level. The employee has three alternatives available:

STEP 1: Elected Official/Department Head (Oral complaint)

If an employee has a complaint, it should be first discussed with the Elected Official/Department Head. The employee should schedule a time to discuss the situation with the Elected Official/Department Head. Every effort should be expended to resolve the issue satisfactorily at this meeting.

STEP 2: Elected Official/Department Head (Written complaint)

If the complaint cannot be solved satisfactorily by the employee and Elected Official/Department Head through discussion, or if the decision is not satisfactory, the employee may reduce the complaint to writing. The employee may take or send the written complaint to the Elected Official/Department Head. Elected Officials/Department Head are encouraged to give a written response to the complaint within five (5) days.

STEP 3: County Commissioners

In the event that a complaint involves an Elected Official/Department Head, a written letter detailing the alleged employment violation can be directed to the County Commissioners for investigation. The Commissioners will take appropriate actions as deemed necessary.

SEVERABILITY

The policies and procedures contained in this handbook are subject to all applicable federal and states laws, County of Brown, Indiana rules and regulations and shall be interpreted wherever possible so as to comply fully with such laws, provisions, or any judicial interpretations. If an article or section of this handbook shall be held invalid by operation of law or tribunal or competent jurisdiction, or compliance with or enforcement of any article or section of this handbook shall be restrained by such tribunal, the remainder of this and any amendments thereto shall not be affected and shall remain in full force and effect. The County of Brown, Indiana, reserves the right to delete, modify, or amend the policies contained herein or allocate new policies as needed.

INDEMNIFICATION

In the event that a Elected Official/Department Head or any other County employee becomes a defendant, either in his/her representative capacity or individually in any litigation arising out of the administration to this policy, the County and/or its insurers shall defend the employee of that action and pay any judgment entered in the action provided by the County, so long as the Elected Official/Department Head or County employee has made a good faith effort to comply with the terms and conditions set out in this handbook.

ENABLING ORDINANCES

This handbook shall be approved by Ordinance passed by both the Board of Commissioners of Brown County and the Brown County Council. The terms and conditions of this handbook shall be incorporated by reference in the Salary Ordinance approved annually by the Brown County Council. The terms and conditions set out herein shall be deemed a condition of compensation.

AMENDMENTS

This handbook may be amended from time to time by an Ordinance in substantially the same form approved by the Board of Commissioners of Brown County and the Brown County Council. Any amendments shall be distributed to each department of the County and shall be conspicuously posted for at least ninety (90) days throughout the offices of the County after their passage.

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