



City of Elkhart Employee Handbook

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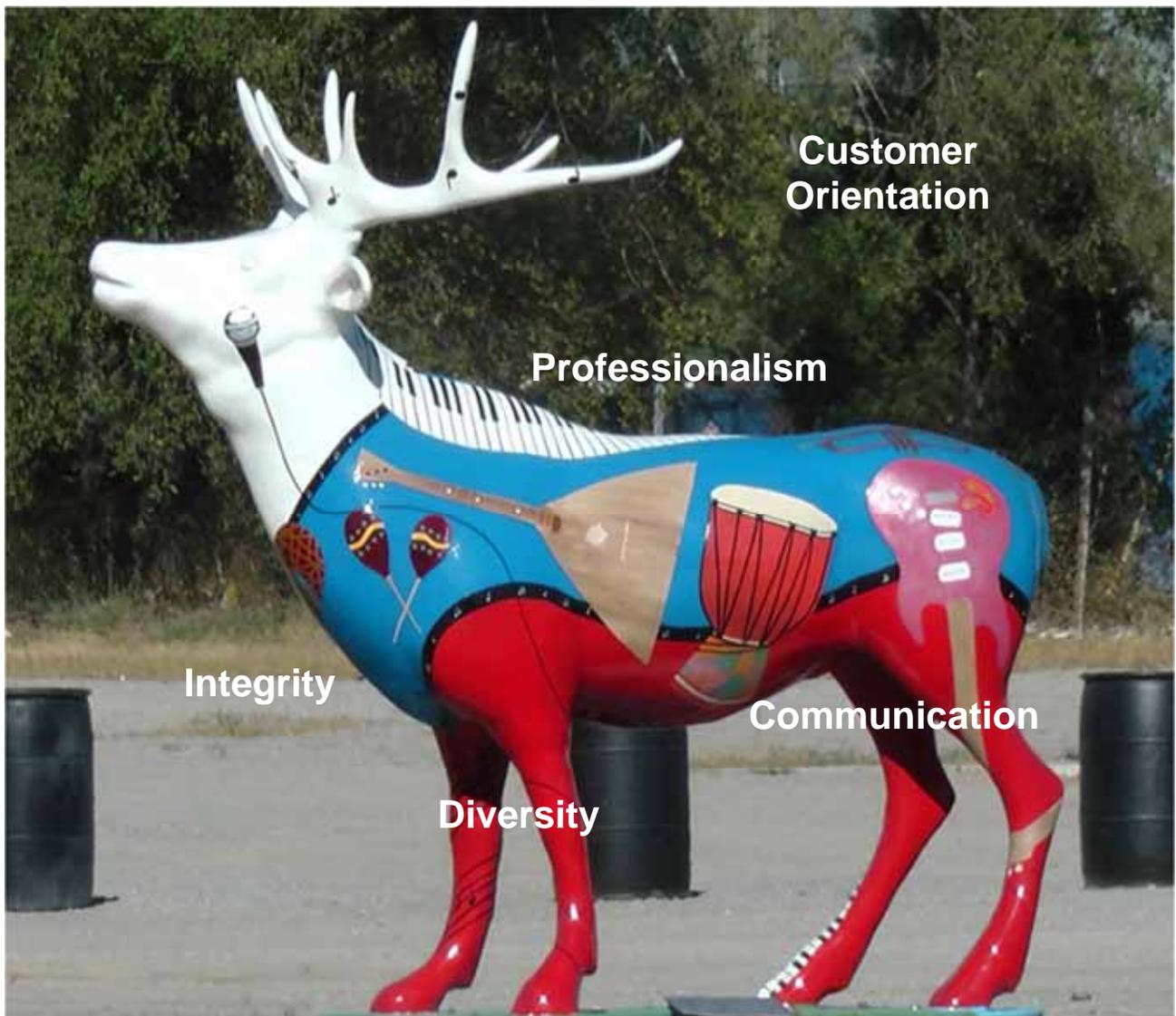


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EMPLOYEE WELCOME MESSAGE

“I have built my life and career around service to others in this great city. I look forward to working with you to deliver unparalleled service to the residents of our community. I am proud to call Elkhart my home and to be your Mayor. Each and every one of you are an integral part of our service-first approach and I thank you for joining our team. Let’s build a better Elkhart together.”

Mayor Rod Roberson





INTRODUCTION

The City of Elkhart is a dynamic and rewarding place to work. We consider the employees of the City of Elkhart to be its most valuable resources.

This Handbook has been developed as a resource for new and existing employees. It contains information on personnel policies, procedures and benefits. It also provides information on workplace expectations, obligations, conduct and standards.

While it is not intended to address every possible workplace rule, policy or situation, it contains general information and guidelines which should assist with common questions and concerns.

This handbook is intended to provide employees with a general understanding of our Human Resources policies. Employees are encouraged to familiarize themselves with the contents of this handbook, for it will answer many common questions concerning employment with the City. Your department may have specific additional policies or procedures which are not included in this Handbook. You should always consult with your manager or the Human Resources Department with any questions you may have about policies, procedures or benefits.

This Handbook is not an employment contract and is not intended to create contractual obligations of any kind.

DISCLAIMER AND RESERVATION OF RIGHTS

To retain necessary flexibility in the administration of policies and procedures, the City reserves the right to alter, amend, or eliminate any of the policies or benefits described in this handbook. Any changes to the Employee Handbook will be communicated to all employees.

The provisions of the handbook have been developed at the discretion of management and, except for its policy of employment-at-will, may be amended or cancelled at any time, and for any reason at The City's sole discretion. These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the Mayor of The City of Elkhart.

The policies and procedures set forth in this Handbook supersede all previous written and unwritten City personnel policies. This Handbook is not a limitation on the City's right to direct its workforce. Unless restricted by law or collective bargaining agreement, the City reserves all

rights to manage its workforce.

RELATIONSHIP TO COLLECTIVE BARGAINING AGREEMENTS

For employees covered by a collective bargaining agreement, the terms and conditions of the collective bargaining agreement supersede this Handbook *only* on any subject covered by the collective bargaining agreement. The subjects covered in this Handbook do not diminish the City's management rights and should not in any way be considered a waiver of these rights. Employees should contact their union representative and managers should contact the Human Resources Department if they have any questions regarding conflicts between collective bargaining agreements and this Handbook.

The terms and conditions of this Handbook supersede any contradictory terms or conditions set forth in any departmental policies and procedures. Departmental policies and procedures that do not conflict with this Handbook remain in full force and effect.

EMPLOYMENT POLICIES

EMPLOYMENT AT WILL

Employment with the City of Elkhart is an "at-will" relationship. This means that the employee is free to end their employment at any time for any reason. Similarly, the City is free to end the employment relationship with or without notice at any time and for any reason, except as prohibited by law. Nothing in this Handbook is intended to create a contractual relationship of any kind nor is it meant to or should be interpreted to alter the at-will relationship.

WORKPLACE EQUITY

DIVERSITY STATEMENT

The City recognizes the value of diversity and the benefits of fostering an inclusive work environment. All City employees should strive to create and support a diverse work environment.

EQUAL EMPLOYMENT OPPORTUNITY

It is the City of Elkhart's policy to provide equal employment opportunities to all employees and applicants for employment without regard to race, color, religion, gender, genetic information, sexual orientation, gender identity, national origin, age, disability, marital status, citizenship, ancestry, military or veteran status, in accordance with applicable federal laws. In addition, the City complies with applicable state and local laws governing nondiscrimination in employment in every location in which the City has operations or facilities. This policy applies to all terms and conditions of employment, including, but not limited to, recruitment, hiring, placement,

promotion, demotion, transfer, disciplinary action, termination, layoff, recall, leaves of absence, compensation, training and all other conditions of employment.

The City also prohibits retaliation against any employee for making a good-faith complaint of discrimination or harassment, for assisting another employee in doing so, or for participating in an investigation of a discrimination or harassment complaint.

AMERICANS WITH DISABILITIES ACT (ADA)

The City is firmly committed to equal employment opportunity for persons with disabilities in compliance with the Americans with Disabilities Act and state law.

The law prohibits discrimination against persons with a record of, or regarded as, disabled during the application process and in all phases of employment. It requires employers to interact with employees to identify reasonable accommodations that will enable them to perform the essential functions of their jobs and to enjoy equal benefits and privileges of employment.

The City will provide a reasonable accommodation for the known physical or mental disability of a qualified employee or applicant, unless doing so would pose an undue hardship or direct threat to the health or safety of the individual or others.

If you feel you need an accommodation for a disability, inform your supervisor or the HR Department immediately. The City of Elkhart will then engage in an interactive dialogue with the individual employee to verify the existence of a covered disability under the ADA, identify possible accommodations, and determine which accommodations, if any, The City can reasonably provide under the specific circumstances without resulting undue hardship to the City or presenting a direct threat to the employee or other city employees. Requests for accommodation will be evaluated on a case-by-case basis.

If you request an accommodation, it is essential that you participate fully in the interactive process to address your request. This participation may include, but is not limited to, providing medical documentation, meeting with specialists, and identifying restrictions and possible accommodations.

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

HARASSMENT FREE WORKPLACE

General Statement

The City is committed to providing and maintaining a workplace environment which fosters an attitude of courtesy, respect, and dignity to ourselves and each other, and which is free from any form of discrimination or harassment.

Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment, as well as bullying.

The City believes strongly in the rights of its employees to a workplace free from discrimination, harassment and bullying, and any alleged breach of this right will be thoroughly investigated and acted upon in the appropriate manner.

The City encourages reporting of all perceived incidents of discrimination or harassment and will take all allegations seriously. Accordingly, we will respond promptly to all complaints of harassment or discrimination. Further, any form of retaliation against an individual who has reported a complaint is a violation of this policy and is strictly prohibited.

DISCRIMINATION AND HARASSMENT POLICY

Discrimination or harassment of an employee by other employees, outside vendors, consultants, or customers is prohibited. Such behavior is prohibited in the workplace as well as on business trips, in business meetings, or at business-related social events.

Sexual harassment defined

Applicable state and federal law defines sexual harassment as severe or pervasive unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when:

- (1) submission to the conduct is made a term or condition of employment; or
- (2) submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual; or
- (3) the conduct has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive working environment.

It is unlawful for males to sexually harass females or other males and for females to sexually harass males or other females. Sexual harassment on the job is prohibited whether it involves coworker harassment, harassment by a manager, between employees of the same or opposite gender.

Sexual harassment may include a range of subtle and not so subtle prohibited behaviors

which include:

- comments regarding sexual prowess, or sexual deficiencies;
- leering, whistling, or touching; obscene comments or gestures;
- display in the workplace of sexually suggestive objects or pictures;
- sexually suggestive emails or texting;
- verbal sexual advances, propositions, or requests for sexual favors;
- offering employment (including promotions, transfers, etc.) in exchange for sexual favors;
- verbal conduct such as derogatory comments, epithets, slurs, sexually explicit jokes, whistling, or comments about an individual's body or dress, sexual prowess or sexual deficiencies; or the use of sexually degrading words to describe an individual, or suggestive or obscene letters, notes, or invitations
- verbal abuse of a sexual nature
- making or threatening reprisals after a negative response to sexual advances;
- verbal commentary about an individual's body;
- physical conduct such as touching, assault, or impeding or blocking movements;
- retaliation for reporting harassment or threatening to report harassment;
- other physical, verbal, or visual conduct of a sexual nature

Discriminatory Harassment

Harassment on the basis of race, color, religion, sex, genetic information, sexual orientation, gender identity, national origin, age, ancestry, physical or mental disability, marital status, medical condition or any other protected basis is also unlawful.

Under this policy, harassment is verbal, visual or physical conduct that denigrates or shows hostility or aversion toward an individual due to any of the factors above that:

- 1) has the purpose or effect of creating an intimidating, hostile or offensive work environment;
- 2) has the purpose or effect of unreasonably interfering with an individual's work performance; or
- 3) otherwise adversely affects an individual's employment opportunities.

Common actions that can be perceived as a form of harassment or create an offensive or intimidating workplace and are often overlooked include the telling of jokes that reference someone's race or religion, jokingly calling a co-worker a derogatory name, posting a cartoon or a phrase within an office, cubicle, or bulletin board that references someone's gender or even a person's hair color, or the calendar that displays pictures of men and/or women in various stages of dress.

Each of these examples has the ability to create an uncomfortable atmosphere, and as a result should not be brought into the workplace.

Mandatory Training

All new employees upon hire and all current employees annually, shall be required to complete sexual and discriminatory harassment training provided by the City. Failure to complete the required training could lead to discipline up to and including termination.

Workplace Bullying

The City defines bullying as ***repeated inappropriate behavior***, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.”

The purpose of this policy is to communicate to all employees, including supervisors, managers and executives, that the City will not tolerate bullying behavior. Employees found in violation of this policy will be disciplined up to and including termination.

Bullying may be intentional or unintentional. However, it must be noted that where an allegation of bullying is made, the intention of the alleged bully is irrelevant and will not be given consideration when meting out discipline.

As in sexual harassment, it is the effect of the behavior upon the individual that is important. The City considers the following types of behavior examples of bullying:

- Verbal bullying: Slandering, ridiculing or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as the butt of jokes; abusive and offensive remarks.
- Physical bullying: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault; damage to a person’s work area or property.
- Gesture bullying: Nonverbal threatening gestures or glances that convey threatening messages.
- Exclusion: Socially or physically excluding or disregarding a person in work-related activities.

Individuals should follow the guidelines found in the section below for reporting any instances of perceived bullying

Procedure for Reporting Harassment, Discrimination and Bullying

The City strongly urges the reporting of all incidents of discrimination, harassment, bullying or retaliation, regardless of the offender's identity or position.

Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the City strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.

Individuals who believe they, or other individuals covered by this policy, may have experienced such conduct should file their complaint with any of the following: their immediate supervisor, division manager/director, department head director/deputy director, or any member of the Human Resources Department. Immediately upon receipt of such complaint, the Director of Human Resources is to be informed.

Investigation, Responsive Action and Resolution of Complaints

All reported allegations of discrimination, harassment, bullying or retaliation will be investigated promptly. The Human Resources Department is responsible for investigating complaints. That investigation may be conducted by City officials or by a third party designated by the City. Confidentiality will be maintained to the extent possible throughout the investigatory process.

Investigation

Whether a particular incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances. In determining whether the alleged conduct constitutes a violation of this policy, the investigating individual may consider:

- The nature of the behavior
- The relationship between the parties involved
- Where the harassment occurred
- Any past incidents involving the same individuals
- Whether the conduct adversely affects the work environment
- The context in which the alleged incidents occurred.

During the course of an investigation under this policy, the investigating individual may conduct interviews with the complainant, alleged victim, alleged offender, any identified witnesses, or any other individuals deemed necessary by the investigating individual, as well as a review of pertinent documents.

An alleged offender will be informed of the allegation(s) the facts surrounding the allegation(s) and will be provided an opportunity to respond to the allegations and to submit evidence in his/

her defense for the investigator's consideration.

The City aims to complete all Sexual Harassment, Discriminatory Harassment and Bullying investigations within 60 calendar days of the initial report. However, there may be some investigations that cannot be completed within 60 calendar days. In such cases, the City will communicate to the complainant that the investigation is going to take longer than 60 calendar days and in doing so will indicate when the City believes it will complete the investigation.

After conclusion of the investigative process, a written report of conclusions will be prepared by or submitted to the Director of Human Resources.

The finding about whether or not there is a violation of this policy will be communicated to the complainant and the alleged offender. However, any sanction imposed will not be communicated to the complainant.

Reports to the alleged victim and alleged offender may be conclusory in nature and need not identify witnesses interviewed, statements offered, or evidence collected.

The results of the investigation of each complaint filed under these procedures will be reported in accordance with state and federal laws regarding data or records privacy, and consistent with the privacy rights of the alleged harasser.

The City's obligation to conduct this investigation shall not be extinguished by the fact that a criminal investigation involving the same or similar allegations is also pending or has been concluded.

Responsive Action

If a violation of this policy has occurred, the City will take prompt, appropriate action to address the violation. Appropriate actions may include but are not limited to counseling, awareness training, warning, transfer, termination or discharge. Action taken for violation of this policy shall be consistent with the requirements of applicable state and federal law, and the City's policies on disciplinary action.

The City will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses as much as possible, consistent with its legal obligation to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations.

In the event that the evidence suggests that the violation at issue is also a crime Corporation Counsel shall report the results of the investigation to the appropriate law enforcement agency charged with responsibility for handling such crimes.

Copies of all complaints and the investigations conducted pursuant to this policy shall be maintained for a period in accordance with the state statutes of limitations by the Director of

Human Resources.

Reprisal/Retaliation and Good Faith Reporting Obligation

Submission of a good faith complaint or report pursuant to this policy will not affect the complainant or reporter's work status.

Employees are prohibited from deliberately making false complaints of sexual harassment, discriminatory harassment, or discrimination. Employees found responsible for deliberately making false reports of sexual harassment, discriminatory harassment, or discrimination may be subject to a full range of disciplinary consequences.

Retaliation of any type against any person who reports an alleged violation of this policy, or who testifies, assists, or participates in an investigation or hearing related to such a violation will not be tolerated.

The City will discipline any employee who engages in retaliation, including possible termination or expulsion. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

Enforcement

The Director of Human Resources is charged with the responsibility to identify, prevent, and remedy sexual harassment, discriminatory harassment, and discrimination.

This individual shall:

- Receive complaints of sexual harassment, discriminatory harassment, and discrimination
- Oversee the investigative process;
- Be responsible for assessing the training needs of the City's staff;
- Arrange for necessary training;
- Insure that any investigation is conducted by an impartial investigator who has been trained in the requirements of equal employment opportunity.

A copy of this policy shall appear in the employee handbooks and shall be made available upon request of any employee and other interested parties.

Employee Relations

The City offers working conditions, wages, and benefits to its employees that are competitive with those offered by other employers in this area.

The City of Elkhart recognizes that from time to time work related issues arise which may not rise

to the level of discrimination, harassment or bullying. Employees are encouraged to submit all concerns, reports, or other employee related matters to their immediate supervisor. If employees have a matter that is not resolved by their immediate supervisor, they should go to the next supervisor in their chain of command. Employees can also go directly to Human Resources concerning any employee relations matter.

EMPLOYMENT PRACTICES

Employee Medical Exam

To help ensure that employees are able to perform their duties safely, medical examinations may be required. After an offer has been made to an applicant entering a designated job category, a medical examination may be required at The City's expense by a health professional of The City's choice. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam. Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially. Access to this information will be limited to those who have a legitimate need to know. All candidates for employment are subject to post offer, pre-employment drug screening.

A medical examination may be required prior to return to work from any medical leave or at any time fitness for duty is questionable.

Immigration Law Compliance

The City will employ only United States citizens and non-citizens who are authorized to work in the United States. The City does not unlawfully discriminate on the basis of citizenship or national origin.

The City of Elkhart must verify employment eligibility for each employee. 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 appropriate documentation establishing identity and employment eligibility within the timeframe stipulated on the most current I-9 form. If the employee cannot present the required documents within the identified time frame, the employee must present a receipt, providing proof that the documents have been applied for. This receipt must be presented within the same time frame established on the most current I-9 form.

Former employees who are rehired must also complete the Form I-9 if they have not completed a Form I-9 with The City of Elkhart within the past three years or if their previous I-9 is no longer retained or their work authorization has expired.

The Form I-9 lists acceptable document(s) that may be used to verify identity or employment eligibility. Employees can supply one document from List A, or one document from List B and

one document from List C. The choice of which document(s) to present belongs entirely to the employee. The City of Elkhart will not specify or suggest which documents it will accept from an employee and will not request additional or different documents once provided with documents sufficient to establish identity and eligibility to work.

The employee should present original documents by the first day of work. The City of Elkhart will not continue to employ individuals who cannot produce the required documents or, in certain situations, a receipt for a replacement document within three business days of their first day of employment. The City of Elkhart may, as it deems necessary, conduct internal audits of its Form I-9s to assure compliance with the I-9 verification procedure.

The City of Elkhart prohibits employees from falsifying any information on any Company record, report or other document, including the Form I-9. Therefore, falsifying the Form I-9 will result in immediate termination.

In addition, from time to time, The City of Elkhart may receive a so-called “no-match” notice—that is, a notification that the information an employee has given The City of Elkhart does not match the records of the Social Security Administration (“SSA”) or the Department of Homeland Security (“DHS”). The City of Elkhart has adopted a policy of responding to “no-match” notices. The City of Elkhart’s response will depend on the circumstances of each no-match. The City of Elkhart utilizes E-Verify in the employment process.

Child Labor Laws

Child labor laws are intended to protect children from working in dangerous jobs, working for long periods of time, and/or working during unsuitable hours. The City of Elkhart complies with all federal and state child labor laws. Minors between the ages of sixteen (16) and eighteen (18) may be employed in certain positions. Each minor under age eighteen (18) must have a valid work permit on file with The City of Elkhart prior to beginning work. Minors under the age of eighteen may not use power tools of any kind. The Human Resources Department can assist the minor in obtaining a work permit. The Human Resource Department must be contacted prior to extending an offer of employment to a minor.

Job Posting

The City provides employees an opportunity to indicate their interest in open positions and advance within the organization according to their skills and experience. In general, notices of all regular, full-time job openings are posted on the City’s website as well as certain on-line job posting sites, although The City reserves its discretionary right to not post a particular job opening.

Each job posting notice will include the dates of the posting period, job title, department, location, grade level, job summary, essential duties, and qualifications.

Current employees may apply for posted positions. To be eligible to bid on a posted job, employees must be performing satisfactorily in their current position and must have successfully completed their probationary period. To apply for an open position, employees should submit a job posting application to Human Resources. An applicant's supervisor may be contacted to verify performance, skills, and attendance. Any staffing limitations or other circumstances that might affect a prospective transfer may also be discussed.

Employment Categories

It is the intent of The City to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and The City.

Each employee is designated as either NON-EXEMPT or EXEMPT from federal and state wage and hour laws. NON-EXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws. EXEMPT employees do not receive overtime. An employee's EXEMPT or NON-EXEMPT status may be changed only upon written approval and notification by the Director of Human Resources.

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

- **Elected Officials** are those employees holding positions which are regulated and controlled by State and local law.
- **Appointed Officials** are salaried, exempt positions directly appointed by the Mayor or by an Official Board or Commission under the control of the Mayor.
- **Introductory/Orientation** employees are those whose performance is being evaluated to determine whether further employment in a specific position or with The City is appropriate. Employees who satisfactorily complete the introductory period will be notified of their new employment classification. This period of time normally will not extend beyond ninety (90) calendar days from the employees hire date. However, the Department Head may elect to extend this period to clarify performance issues. State Statute will dictate for Fire and Police.
- **Regular Full-time** employees, either salaried or hourly, are those who are not in a temporary or introductory status and who are regularly scheduled to work The City's full-time schedule. Generally, they are eligible for The City's benefit package, subject to the terms, conditions, and limitations of each benefit program. These employees work a regular work schedule which is normally more than 30 hours per week. These positions and their respective maximum rates of pay are set in the Salary Ordinance, and the budget as approved by the Common Council or by resolution of the appropriate Board or Commission for other salaried and hourly employees.
- **Regular Part-time** (salary or hourly) employees are those who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than 30

hours per week. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are not eligible for any of The City's other benefit programs. This employment status is recommended by the Department Head who has funds designated in the department budget for part-time only.

- **Temporary or Seasonal** employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. While temporary employees receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are not eligible for any of The City's other benefit programs. Ordinarily, under normal circumstances temporary employees will be employed for no more than seven (7) months. Any exceptions must be approved in writing by the Director of Human Resources. Temporary/seasonal employees may re-apply for employment from year to year.
- **Interns** are paid individuals in training who work for a limited duration and can be either full or part-time. Interns are not eligible for benefits, work under close supervision and do not displace regular employees. Interns are not automatically entitled to a job after the conclusion of their internship.
- **Volunteers** are individuals who provide services to the City. Volunteers are not paid and receive no benefits.

EMPLOYEE EXPECTATIONS

Business Ethics and Conduct

The successful operation and reputation of The City is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires the adherence to all applicable laws and regulations, as well as a high standard of personal integrity.

The continued success of The City is dependent upon our citizen's trust and our dedication to preserving that trust. Employees owe a duty to The City and its citizens to act in a way that will merit the continued trust and confidence of the public.

The City will comply with all applicable laws and regulations and expects its department heads, managers, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

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

Hiring of Relatives

In an effort to reduce the potential of any conflict of interest or allegations of preferential treatment in the employment process, members of management will be prohibited from hiring and/or supervising, directly, or indirectly in the line of supervision, any member of their

immediate family in any department that falls under their direct supervision. Immediate family members include parents, father-in-law, mother-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, spouses, aunts, uncles, niece, nephew, children, step children, and siblings. If the relative relationship is established after employment, the individuals concerned will decide who is to be transferred. If that decision is not made within 30 calendar days, management will decide. In other cases, where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment.

Conflict of Interest

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. Contact the Director of Human Resources for more information or questions about conflicts of interest.

Transactions with outside firms must be conducted within a framework established and controlled by the executive branch of The City or the appropriate Board or Commission. Business dealings with outside firms shall not result in unusual gains for those firms. Unusual gain refers to bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit the employer, the employee, or both.

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 City'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 a department head or a manager of The City as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties. In compliance with State Law, a written disclosure of conflict of interest may be necessary.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which The City does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving The City.

Outside Employment

A City employee may hold a job outside of The City of Elkhart provided the employee satisfactorily performs his/her job responsibilities with the City. Employees are not permitted to use City resources while engaged in any employment activity or enterprise for compensation outside of The City of Elkhart. Outside employment must not conflict in any way with an employee's duties and responsibilities with the City. If the City determines that an employee's outside work

interferes with their performance or ability to meet City requirements or expectations, the employee may be asked to terminate the outside employment if they wish to remain employed by The City. Employees who have accepted outside employment may not use paid sick days or personal absence time to work on the outside job. Fraudulent use of sick or personal absences will result in disciplinary action up to and including termination.

Confidential and Proprietary Information and Workplace Privacy

During the course of your employment, you may learn, see, create, discover, or receive confidential and/or proprietary information about the City, its employees, or our citizens. Such information is to be handled in strict confidence, and is to be shared ***only*** with those persons in the City who need to know such information. Employees are expected to deal with confidential/proprietary information in a manner which complies with state and federal laws and regulations, as well as City policies.

Confidential/proprietary information may include but is not limited to employee records, medical documentation, citizen related discussions, personal information regarding City employees or former employees, utility billing records, economic development information records of criminal investigations, and business and financial records.

Unless required by law, no employee may, during the term of employment or thereafter, use or disclose to others outside of the City any confidential or proprietary information. Nor should the employee disclose such information to any other City employee who does not have a specific need to know that information in order to sufficiently perform their job duties. The City recognizes the need to comply with reporting or disclosure requirements as mandated by federal, state and City laws and regulations. City employees who do not have a specific need to know confidential/proprietary information for the performance of their job duties are subject to the same public record request requirements as members of the general public in order to obtain information which may be classified as a public record.

The removal of confidential/proprietary information from the workplace for the purposes of further development (i.e. working from home) or implementation should be done with the knowledge and approval of the department head and should be safeguarded in a manner to assure protection should the manner of transporting such information be lost or stolen. This would include password protected computers or storage devices.

Recording Devices

The use of recording devices for the purpose of recording conversations or discussions among employees or citizens is strictly prohibited unless all parties are given advance written or verbal notice and/or give consent, either verbally or in writing or unless specifically authorized by the City administration.

Breach of Confidentiality

All employees will be required to sign a Confidentiality Agreement as a condition of employment. Employees must recognize that the unauthorized disclosure of confidential or proprietary

information could cause irreparable harm and be detrimental to the City. Any unauthorized access to or distribution of confidential/proprietary information is strictly prohibited and may subject the employee at issue to sanctions as imposed by federal or state law as well as discipline up to and including termination.

All confidential and proprietary information, as well as any other data or documentation created in the course of employment with the City must remain with the City upon separation of employment. Copying or removal of such information from City premises is strictly prohibited unless approved by the appropriate department leader.

Code of Conduct and Discipline

The City of Elkhart typically uses progressive discipline when attempting to correct issues with performance/behavior. The City of Elkhart recognizes it is in its best interest to ensure fair treatment of all employees and in making sure disciplinary actions are prompt, consistent and impartial. The objective of disciplinary action is to correct problem situations and to provide an atmosphere in which the employee can learn from past mistakes.

Employees are expected to perform their assigned duties at or above satisfactory levels. They are also expected to provide courteous and efficient performance and to conduct themselves in accordance with established policies and procedures. All employees must follow generally accepted standards of behavior and strictly comply with all laws and regulations applicable to their activities. Employees are reminded that both on and off the job they are representatives of the City and are expected to conduct themselves in a manner so as not to blemish the reputation of The City of Elkhart.

For certain serious rule violations, The City of Elkhart may find it necessary to discharge an employee after a first offense. However, most rule violations, as well as poor or unacceptable work performance are handled in accordance with the following steps:

1. Documented Verbal Warning
2. Written Warning
3. Final Written Warning and possible Suspension Without Pay
4. Termination

Any of these steps may be varied or skipped, depending on the circumstances. The City of Elkhart has two classes of code of conduct violations. Class 1 violations are most serious and will may result in immediate termination. Class 2 violations are less serious and depending on the circumstances may result in progressive discipline up to and including termination. The violations noted below are not inclusive.

Class 1 Violations:

1. Unauthorized possession or use of a weapon on The City of Elkhart property or at The City of Elkhart functions, except as permitted by state law.
2. Fighting or attempting to invoke a fight on The City of Elkhart property, during

- Company travel, at any The City of Elkhart sponsored event, or attempting or threatening bodily harm to another.
3. Attempted theft or theft of The City of Elkhart property, employee property or any other property; or unauthorized removal of any The City of Elkhart property.
 4. Violation of the Discrimination, Harassment and Bullying Policy.
 5. Falsification, altering, misrepresentation, dishonesty, or tampering with The City of Elkhart records or records submitted to The City of Elkhart or misrepresentation of records to any third party in an attempt to fraudulently draw benefits.
 6. Reporting for work in an unfit condition, due to the influence of illegal drugs, or prescriptive drugs that have not been prescribed to the employee, due to having a blood alcohol content or excess of 0.04 with a subsequent follow-up BAC test remaining equal to or increasing above 0.04 or any other violation of The City of Elkhart Drug and Alcohol Policy.
 7. Insubordination, including refusal or failure to perform work assigned, refusal or failure to obey orders of supervisors, or leaving work area prior to completing scheduled work and/or without being released by Supervisor.
 8. Disclosure of proprietary or confidential information to unauthorized individuals.
 9. Refusal to submit to drug and alcohol screening post-accident, for reasonable suspicion, rehabilitation follow up or as required by federal regulation(s).
 10. Immoral or indecent conduct at work or outside of work that may affect the business or reputation of the City.

Class 2 Violations: Typically, these are offenses of a lesser nature. However, disciplinary action up to and including termination may be warranted.

1. Failure to clock in for any assigned or scheduled work or failure to clock out when leaving The City of Elkhart premises.
2. Unsafe acts, horseplay, or violation of any safety rule, including failure to wear required personal protective equipment (PPE).
3. Falsely reporting of any emergency that causes an emergency plan to be put into action.
4. Failure to report any accident or injury immediately to the employee's supervisor.
5. Use of abusive or vulgar language or profanity whether directed toward other employees or supervisors.
6. Reporting for work or working in an unfit condition due to the employee having a blood alcohol content of 0.04 or less with a subsequent follow-up BAC test being less than a BCA of 0.04 and decreasing.
7. Poor attendance, excessive tardiness, or failure to complete the work schedule.
8. Posting, removing, mutilating, or tampering with information posted on bulletin boards or other notices without authorization.
9. Failure to meet performance/quality standards.
10. Failure to comply with The City of Elkhart's CDL Policy and DOT regulations.

If a written warning is issued to an employee, that employee is required to sign an acknowledgement of such warning. The employee's signature does not indicate admission to the violation.

Use of Phone and Mail Systems

When conducting any telephone communication, employees are expected to be courteous and respectful at all times. Personal use of City telephones should be limited to emergency situations.

The City mail system is for City business only. Employees are prohibited from using the City mail system for personal purposes.

Attendance and Punctuality

The attendance policy is a key standard for evaluating an employee's reliability at work. City efficiency, as well as common courtesy necessitates that an employee notifies their supervisor of an impending absence, late arrival, or early leave as far in advance as possible, but no later than the normal starting time. If an employee is going to be absent or late, they must let their supervisor know as far ahead of time as possible. Employees are required to call their supervisor within one (1) hour prior to the start of the employee's shift when either late or absent. If the situation is an emergency and the employee cannot notify their supervisor ahead of the scheduled start time, it is expected that the employee will call their supervisor within the first hour of the scheduled start time. Email or text messages to report an absence or late arrival are not considered proper notice. Also, notifying anyone other than their supervisor will not be considered proper notice. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

Dress Code and Personal Hygiene

All employees must be physically clean, neat and well-groomed, and must dress in a manner consistent with their job responsibilities. All employees must wear appropriate clothing, shoes, and protective equipment as necessary for the job. In most City offices "business casual" is appropriate every day; therefore, the City does not have any "dress down" or "casual" days policy.

Your supervisor or department head is responsible for establishing a reasonable dress code appropriate to the job you perform. If your supervisor feels your personal appearance is inappropriate, you may be asked to leave the workplace until you are properly dressed or groomed. Under such circumstance, you will not be compensated for the time away from work. Consult your supervisor if you have questions as to what constitutes appropriate appearance. Where necessary, reasonable accommodation may be made to a person with a disability.

Substance Abuse

It is the City's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory and safe manner. While on the City premises or while conducting business-related activities off the City premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other

individuals in the workplace. Abuse of prescribed medications is a violation of this policy. Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment and/or required participation in a substance abuse rehabilitation or treatment program as a condition of continued employment. Such violations may also have legal consequences.

Testing

The City will engage in 1) pre-employment, 2) reasonable suspicion, 3) post-accident and 4) random drug and alcohol testing. Testing will be conducted at a drug testing or medical facility designated by the City. Each type of testing is described more fully below. Refusal to take a drug or alcohol test when required to do so will constitute a violation of this policy and be grounds for discipline, up to and including termination.

1. Pre-employment. All applicants will be subject to a pre-employment drug test prior to beginning work for the City. Applicants who receive a positive drug screen shall not be hired or considered for employment for a period of one year. Applicants shall have an opportunity to submit medical documentation of legally prescribed medications that may explain a positive test result.
2. Reasonable Suspicion. The City may require any employee to submit to drug and/or alcohol testing if the City has a reasonable basis to believe that that employee is using illegal drugs or is under the influence of illegal drugs or alcohol. In cases where this reasonable suspicion arises when the employee is on the job, that employee will be removed from the job immediately. In all such cases, the employee will immediately be subject to a fitness-for-duty examination which shall include (but is not limited to) testing of the employee's urine or breath for the presence of drugs and/or alcohol. In the event an employee is determined to be subject to a fitness-for-duty examination, that employee's supervisor or the supervisor's designee shall drive that employee to the testing facility. Refusal to comply with a fitness-for-duty examination or a drug or alcohol test shall be grounds for discipline, up to and including termination.
3. Post-Accident. Any employee who is involved in an accident that 1) causes personal injury requiring more than first aid treatment or 2) results in substantial property damage, shall be subject to a drug and alcohol test if that employee exhibits behavior that leads supervision to believe the employee may be under the influence of drugs or alcohol. In all cases where post-accident testing is required, that employee's supervisor or the supervisor's designee shall drive the employee involved in the accident to the testing facility.
4. Random Testing
 - a. The City will comply with all Department of Transportation requirements regarding drug and alcohol testing of employees who hold commercial driver's licenses. Those employees should familiarize themselves with these regulations.
 - b. The following safety sensitive positions are subject to Random Testing for Drugs and Alcohol utilizing Department of Transportation guidelines.
 - Sworn firefighters
 - Sworn police officers and Public Safety Officers
 - 911 Emergency Dispatchers

- Air Traffic Controllers

The minimum annual percentage rate for random controlled substances testing shall be 50 percent of the average number of employees in total for each of these four groups respectively; 10 percent for alcohol testing. Between the first and fifth of each month a random selection process will identify those to be tested that month. The employees identified to be tested will, when notified, report to the testing facility designated by the City. Employees who refuse to be tested for any reason will violate this policy and be subject to disciplinary action up to and including discharge. All employees' names will be subject to selection every month.

Penalties

Negative Tests Results - If a tested employee does not receive a "positive alcohol and/or drug screen", that employee shall be returned to work with no loss of pay, seniority or benefits.

Positive Tests Results – If an employee tests positive for alcohol as noted in Class 2 number 6, that employee will be subject to the following:

- a. Be suspended pending further investigation, and/or
- b. As a condition of continued employment, may be required to:
 1. Accept suspension without pay for up to thirty (30) calendar days, and
 2. Submit to an alcohol assessment performed by the City's Substance Abuse Professional (the Employee Assistance Program or EAP), and
 3. Fully comply with all recommendations made by the EAP, and
 4. Submit a negative test before being allowed to return to work and,
 5. Submit to random unannounced alcohol testing up to six times within the twelve months following reinstatement.

If an employee refuses to complete or fails a random alcohol test, the employee will be terminated.

Employees with questions or concerns about substance dependency or abuse are encouraged to use the resources of the Employee Assistance Program. They may also wish to discuss these matters with their supervisor or the Human Resources Department to receive assistance or referrals to appropriate resources in the community.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program through The City's health insurance benefit coverage. Leave may be granted if the employee agrees to abstain from use of the problem substance; abides by all of the City policies, rules, and prohibitions relating to conduct in the workplace. And if granting the leave will not cause The City any undue hardship.

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

Employees with questions on this policy or issues related to drug or alcohol use in the workplace

should raise their concerns with their supervisor or the Human Resources Department without fear of reprisal.

Sworn police officers may in the course of performing their duties be required to take possession of prohibited drugs or alcohol. Sworn firefighters and sworn police officers may not be summarily terminated without due process afforded by their Collective Bargaining Agreements and IC 36-8-3-4.

Tobacco Use

The use of tobacco is strictly prohibited anywhere in any City facility, or within eight feet of any public entrance to any City facility. Furthermore, the use of tobacco is prohibited in all vehicles owned or operated by the City. "Use of tobacco" means all uses of tobacco, including a cigar, cigarette, pipe, snuff, or any other matter or substance that contains tobacco, as well as electronic, "vapor," or other substitute forms of cigarettes. Violation of this rule may result in disciplinary action up to and including termination.

Return of Property

Employees are responsible for all City property, materials, or written information issued to them or in their possession or control. Employees must return all City property immediately upon request or upon termination of employment. Where permitted by applicable laws, The City may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The City may also take all action deemed appropriate to recover or protect its property.

Solicitations

Except as permitted by State or Federal Law, City of Elkhart employees may not distribute any form of literature that is not related to City business at any time in the workplace, during work hours. Additionally, employees may not use City electronic messaging to engage in solicitations. The posting of any material on City of Elkhart electronic messaging systems or bulletin boards is restricted. All messages will be posted by the Human Resources Department.

The following activities are strictly prohibited:

- The solicitation of money, goods, or gifts for community groups, religious groups, political groups, charitable groups
- The sale of goods, services, or subscriptions outside the scope of official organization business
- The circulation of petitions
- The solicitation of memberships, fees, or dues

WORKPLACE MONITORING

Workplace monitoring may be conducted by The City to ensure safety and security of our employees and our assets. Computers furnished to employees are the property of The City. As such, computer usage and files may be monitored or accessed. The City may conduct video surveillance of non-private workplace areas. Video monitoring is used to identify safety concerns,

detect theft and misconduct, and discourage or prevent acts of harassment and workplace violence. Because The City is sensitive to the legitimate privacy rights of employees, every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner.

LACTATION

The City complies with all federal and state laws and regulations concerning breast-feeding and nursing mothers and provides assistance for nursing mothers who want to express and store breast milk at workplaces during business hours. This policy addresses different forms of lactation assistance that The City provides for nursing mothers. Employees who are nursing mothers may take reasonable break periods during the workday to express breast milk for their child. Nursing mothers may take such breaks to express milk beginning from the date of the nursing child's birth and for up to one year. Employees who are nursing mothers may use their meal and paid break times or reasonable unpaid break time up to one year after her child's birth for lactation purposes. Employees who are nursing mothers should discuss with their supervisors their need for break periods to express breast milk. For the convenience and privacy of nursing mothers, The City, upon request will provide as a lactation room. A private space, other than a bathroom, that is shielded from view and free from intrusion of others, to express breast milk. Please contact Human Resources to request accommodations and workplace supports. Any room designated as a lactation room will be cleaned daily. It is the responsibility of the nursing mother to use their own equipment. For more information about lactation assistance, employees should contact their supervisor or the Human Resources Department.

LEAVES OF ABSENCE

Family and Medical Leave Act (FMLA)

Under the Family and Medical Leave Act (FMLA), eligible employees are entitled to certain rights, and have certain obligations, with respect to unpaid leave for certain family and medical reasons.

FMLA Eligibility

An eligible employee under the FMLA is an employee who has been employed by The City of Elkhart for at least twelve (12) months and who has worked at least 1,250 hours in the past twelve (12) months.

Application for FMLA Leave

To request FMLA leave, the employee must provide verbal or written notice of the need for leave to the Human Resources Department. Within five (5) business days after the employee has provided this notice, the Human Resources Department will complete and provide the employee with the Notice of Eligibility and Rights form. The City of Elkhart also requires certification for the applicable qualifying reason for FMLA leave (as discussed below).

Use of Accrued Paid Time Off

An employee is required to use all accrued sick time, personal time, and vacation time prior to being in an unpaid status. During an FMLA leave of absence, sick time will not accrue and PERF

benefits will not be earned because you are not getting a pay check. In addition, Holiday pay will not be received during this type of leave

Employee Notice Requirements

An eligible employee must give The City of Elkhart at least thirty (30) days' notice of his or her intent to take leave under FMLA. If the employee is unable to give such notice because the need for leave is not foreseeable, then the employee must give as much notice as feasible. Typically, this will mean giving notice to The City of Elkhart within one or two working days of learning that FMLA leave must be taken. In cases where an absence has occurred prior to the employee giving notice for the need for leave, The City of Elkhart call-in procedures should be followed, absent unusual circumstances. Failure to give the required notice and in warranted situations, failing to adhere to call-in procedures, may adversely affect an employee's leave authorization.

Qualifying Reasons for FMLA Leave

Except for Military Family Leave Entitlements, which are described in more detail in a separate section below, an eligible employee may take FMLA leave of up to 12 weeks per leave year, for any of the following qualifying reasons:

1. For incapacity due to pregnancy, prenatal medical care or child birth;
2. To care for the employee's child after birth, or placement with the employee for adoption or foster care within 1 year of the birth or placement of the child;
3. To care for the employee's spouse, son or daughter, or parent who has a serious health condition;
4. For a serious health condition which renders the employee unable to perform his or her essential job functions.

Any leave taken by an eligible employee for one or more of these reasons will be counted against that employee's annual FMLA leave entitlement.

Serious Health Condition

For the purpose of determining whether an eligible employee or his or her spouse, child, or parent has a serious health condition, such condition is defined as an illness, injury, impairment, or physical or mental condition that involves:

- (a) any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
- (b) a period of incapacity requiring absence of more than three (3) calendar days from work, school, or regular daily activities that (i) also involves treatment by a health care provider at least one occasion with a continuing regimen of treatment with the first treatment visit taking place within seven (7) days of the first day of incapacity, or that (ii) also involves treatment by a health care provider two or more times with the two visits to a health care provider occurring within 30 days of the first day of incapacity; or
- (c) any period of incapacity due to pregnancy or for prenatal care; or
- (d) any period of incapacity that is permanent or long-term due to a condition which

- treatment may not be effective; or
- (e) any absences to receive multiple treatments by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated.

In the case of a chronic condition, that is defined as one that: (a) requires visits for treatment by a health care provider at least twice a year; (b) continues over an extended period of time (including recurring episodes of a condition); and (c) may cause episodic incapacity rather than a continuing period of incapacity.

Employees with questions about what illnesses are covered under this FMLA policy are encouraged to consult with the Human Resources Department.

Leave Year

For the purpose of this policy, the leave year within which an eligible employee may take his or her 12 weeks of FMLA-protected leave means a rolling 12-month period measured backward from the date the employee first takes leave for any of the reasons set forth previously. However, where spouses both work for The City of Elkhart, the two employees are limited to a combined total of 12 weeks of leave per leave year to cover the time off they may need following the birth, adoption, or foster placement of a child, to care for a parent with a serious health condition or in the event of a qualifying exigency. Furthermore, each employee is then eligible to take any unused portion of the 12 weeks to attend to their own serious health condition, the care of a seriously ill child, or the care of the other spouse.

Intermittent or Reduced Hours Leave

In the case of leave taken to care for a spouse, child, or parent, or due to the employee's own serious health condition, an employee may take leave intermittently (i.e., taking leave in separate blocks and times for a single qualifying reason) or on a reduced hours schedule (i.e., reduced number of working hours per day or per week) only when such leave is medically necessary, as certified by the employee's or family member's health care provider. Otherwise such leave is not permitted except at the sole discretion of The City of Elkhart. An employee who takes leave intermittently or on a reduced leave schedule may be temporarily transferred to another position for which the employee is qualified to better accommodate that leave. Employees on intermittent leave are required to adhere to The City of Elkhart call-in procedures as they relate to absence. Failure to adhere to call-in procedures could lead to disciplinary actions up to and including termination.

Job and Benefits Security

An eligible employee who takes leave under the FMLA and who returns to work before his or her annual FMLA entitlement has expired will be restored to the position he or she held when the leave commenced, or to an otherwise equivalent position with respect to pay, benefits, and other terms and conditions of employment, unless the employee would no longer have been employed in such a position had the employee not taken such leave. Additionally, any unused employment benefits that had accrued to an eligible employee prior to the commencement of leave will be

restored upon return from FMLA leave. Moonlighting by any City of Elkhart employee while on FMLA is not authorized and will result in disciplinary action.

Continuation of Group Health Plan Coverage

Group health plan coverage will be maintained by The City of Elkhart during an eligible employee's period of FMLA leave to the extent and under the same circumstances as it ordinarily is furnished to that employee. Payments for the employee portion of health plan coverage premiums should be made to the Human Resources Office by the end of the first month that the employee is on leave. Failure to pay such premiums during leave may result in the loss of health coverage. The Human Resource Department will be in contact with anyone that is on leave for more than 30 days to make arrangements for payments of their portion of their insurance coverage. Failure to pay such premiums during leave may result in the loss of health care coverage. If a loss of coverage should occur, a Consolidated Omnibus Budget Reconciliation Act (COBRA) notice will be sent to the affected employee.

Upon return from FMLA leave the employee's coverage will be immediately reinstated. Reinstated benefits will remain the same as previously elected before the leave began. An eligible employee who fails to return to work after the expiration of the FMLA leave period for reasons that are not beyond his or her control will be expected to reimburse The City of Elkhart for health care premiums paid by The City of Elkhart during the leave period.

Certification of Health Care Provider

In cases of leave to be taken to care for a seriously ill family member, a signed Certification of Health Care Provider for Family Member's Serious Health Condition, or in the case of leave to be taken for an employee's own serious health condition a Certification of Health Care Provider for Employee's Serious Health Condition must be completed and returned to the Human Resources Department within fifteen (15) days of receipt of the employee's leave request.

Failure to return these certifications in a timely manner may result in delays in securing authorization for leave, and failure to return the certification at all will preclude the employee from taking leave.

The City of Elkhart may request recertification for the serious health condition of the employee or the employee's family member, but will do so no more frequently than every 30 days unless circumstances have changed significantly, or The City of Elkhart receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, The City of Elkhart may request recertification for the serious health condition of the employee or the employee's family member every six (6) months in connection with an FMLA absence. The City of Elkhart may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

The City of Elkhart may also require, at its own expense, a second and third health care provider opinion if there is a question as to the validity of the certification provided by the employee. (Note that different rules apply to military caregiver leave and qualified exigency leave situations.)

Please consult the Military Leave of Absence section if applicable.)

An eligible employee may also be asked to furnish the City with subsequent health care provider certifications on a reasonable basis during the employee's leave period. An eligible employee's failure to furnish subsequent certifications may result in the termination of the employee's right to leave relating to a serious health condition.

An employee returning to work from an unpaid medical leave of absence must be able to perform the essential functions of his or her job. If a reasonable accommodation is required, the employee must notify the Human Resources Department. An eligible employee on FMLA leave must submit to The City of Elkhart a medical release (i.e., return to work certification) indicating that the employee is able to return to work. Failure to submit such a release may preclude the employee from being restored to his or her employment with The City of Elkhart.

Nondiscrimination/Non-retaliation Policy Statement

The City of Elkhart will not: (1) interfere with, restrain, or deny the exercise of any right provided under the FMLA; (2) discharge or discriminate against any person for opposing any practice made unlawful by the FMLA; or (3) discharge or discriminate against any person for his or her involvement in any proceeding under or relating to the FMLA.

Personal Leaves of Absence – Unpaid

An unpaid Personal Leave of Absence not otherwise covered under any other policy may be granted to a regular full-time employee. Leaves of this type are to be requested in writing only after all accumulated vacation and personal days (any paid time off) has been exhausted. A written request should be made to your Department Head thirty days prior to the beginning of the leave. The granting of such leaves will be the sole discretion of the City.

Leaves may be granted for an initial increment of up to thirty calendar days. Leaves may be extended up to no more than a maximum of six months. The appropriate Board or Commission will approve or disapprove any leave of absence on its own merit and give the employee written notification of the decision made. Documented verification may be required to accompany the request for leave. During such unpaid personal leave of absence sick time will not accrue and PERF benefits will not be earned because you are not getting a pay check.

You may continue your medical plan insurance coverage by arranging payment of your portion of the monthly premium with the Human Resources Department before you start your leave. However, should you fail to return from your leave you will be expected to repay the City for the full premium cost of your medical insurance during your leave period.

Failure to report to work on the first regular work day following the expiration of your leave will be considered a voluntary resignation and your employment with the City of Elkhart will be terminated.

Military Leave of Absence

All military leaves of absence are governed by the Uniformed Service Employment and Reemployment Rights Acts of 1994 (USERRA). Under USERRA, an employee is entitled to an unpaid military leave. However, The City of Elkhart employees will receive full pay while on leave for two-week training assignments and shorter absences. Any military absence in excess of two weeks will be unpaid, but employees may use any available paid time off for the absence. Vacation, sick leave and holiday benefits will continue to accrue during a military of absence of two weeks or less. Upon return from military leave, an employee is entitled to reinstatement in a position that the employee would have obtained if he or she had been continuously employed or in some circumstances in a position of like seniority, status, and pay. If unqualified for such a position, the employee will be reinstated to the position he or she held when the military leave began or in some circumstances to an alternative position of like seniority, status, and pay for which the employee is qualified. Reinstated employees are also entitled to full seniority benefits.

If an employee is absent for more than 180 days for military duty, the employee may not be discharged without just cause for one year subsequent to the employee's return. If the military leave is more than 30 days but less than 181 days, then the employee may not be discharged without just cause for a period of six months after the employee's return.

Employees who desire reinstatement under USERRA must apply for reinstatement within a limited period following termination of their military service. If the military leave is 30 days or less, the employee generally must report for reinstatement on the first regularly scheduled working day following his or her completion of the service. If the period of service is between 31 and 180 days, then the employee must apply for reinstatement within 14 days of completion of service. If the length of service is 181 days or more, then the employee has up to 90 days to apply for reinstatement under USERRA. Employees taking military leave under USERRA may receive any unused vacation pay and personal time. Employees taking military leave also are entitled to elect to continue health care coverage to the extent such coverage is otherwise provided for a period of up to 31 days. After 31 days, the employee will be entitled to coverage under COBRA.

If you are a reservist in any branch of the armed forces or a National Guard member, you will be granted time off for military training without pay after the initial first two weeks of annual training. Please advise your Supervisor of your training schedule as far in advance as possible. Employees who have time off for military training may receive any unused vacation pay and personal time.

Military Family Leave Entitlements

The National Defense Authorization Act (NDAA) amended the FMLA to allow eligible employees to take up to 12 weeks of job-protected leave in the applicable 12-month period (refer to the Leave Year section of the Family and Medical Leave Policy above) 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 12-month period" to care for a covered service member with a serious injury or illness. These two new types of FMLA leave are known as the military family leave entitlements.

Military Caregiver Leave

An eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness is entitled up to a total of 26 work weeks of unpaid leave during a “single 12-month period” to care for the service member. A covered service member is a current, or former member of the Armed Forces, including a current or former member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A former member would have to have been an active member of the Armed Forces, National Guard or Reserves at any time during the period of 5 years preceding the date on which the veteran begins treatment. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating. The “single 12-month period” for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later. This type of leave is not subject to The City of Elkhart’s rolling 12-month calculation. An eligible employee is limited to a combined total of 26 work weeks of leave for any FMLA-qualifying reason during the “single 12-month period.” (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.)

Qualifying Exigency Leave

An eligible employee is entitled to a total of 12 work weeks of unpaid leave during the normal 12-month period established by The City of Elkhart (refer to the Leave year section part of this policy for information regarding this 12-month calculation) for FMLA leave for qualifying exigencies arising out of the fact that the employee’s spouse, son, daughter, or parent is on active duty, or has been notified of an impending call or order to active duty, in support of a contingency operation. Under the terms of the statute, qualifying exigency leave is available to a family member of a military member in the National Guard, Reserves, or Regular Armed Forces.

Qualifying exigencies include:

- Issue arising from a covered military member’s short notice deployment (i.e., deployment on seven or less days of notice) for a period of seven days from the date of notification;
- Military events and related activities, such as official ceremonies, programs or events sponsored 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;
- 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;
- Making or updating financial and legal arrangements to address a covered military member’s absence;
- Attending counseling provided by someone other than a health care provider for oneself, the covered military member, or the child of a covered military member, the need for

which arises from the active duty or call to active duty status of the covered military member;

- Taking up to five (5) days of leave to spend time with a covered military member who is on short-term temporary, rest and recuperation leave during deployment;
- 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 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;
- Any other event that the employee and employer agree is a qualifying exigency.

Spouses employed by the same employer are limited to a combined total of 26 work weeks in a "single 12-month period" if the leave is to care for a covered service member with a serious injury or illness, and for the birth and care of a newborn child, for placement of a child for adoption or foster care, or to care for a parent who has a serious health condition.

FMLA leave may be taken intermittently whenever medically necessary to care for a covered service member with a serious injury or illness. FMLA leave also may be taken intermittently for a qualifying exigency arising out of the active duty status or call to active duty of a covered military member. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt the employer's operation.

Employee Notice

Employees seeking to use military caregiver leave must provide 30 days advance notice of the need to take FMLA leave for planned medical treatment for a serious injury or illness of a covered service member. If leave is foreseeable but 30 days advance notice is not feasible, the employee must provide notice as soon as possible – 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 employer as soon as practicable under the facts and circumstances of the particular case. Generally, it should be practicable to provide notice for unforeseeable leave within the time prescribed by the employer's usual and customary notice requirements.

Leave for a qualifying exigency must be supported by a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party. Leave to care for a covered service member with a serious injury or illness must be supported by a certification by an authorized health care provider or by a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued by any member of the covered service member's family.

While second and third opinions are not permitted for a covered service member's serious injury or illness or for a qualifying exigency, The City of Elkhart may use a health care provider, a human

resource professional, a leave administrator, or a management official – but not the employee’s direct supervisor – to authenticate or clarify a medical certification of a serious injury or illness, or an ITO or ITA. Additionally, The City of Elkhart may contact the individual or entity named in a certification of leave for a qualifying exigency for purposes of verifying the existence and nature of the meeting.

Indiana Military Family Leave Act

Under Indiana’s Military Family Leave Act (IMFLA), eligible employees are entitled to an unpaid leave of absence to spend time with certain family members who are engaged in or called to active military service.

IMFLA Eligibility

An eligible employee under IMFLA is an employee who has been employed by The City of Elkhart for at least 12 months, who has worked at least 1,500 hours during the 12-month period immediately preceding the leave, and who is the spouse, parent, grandparent, sibling, or court-appointed guardian or custodian (all as construed according to the statute) of a person who is ordered to active duty. The term “active duty” means full-time service on active duty orders in the Armed Forces of the United States or the National Guard for a period that exceeds 89 consecutive calendar days.

Reasons for IMFLA

An eligible employee may take IMFLA leave of up to 10 cumulative working days per calendar year during one or more of the following periods:

- Within the 30-day period before a spouse, son, daughter, grandson, granddaughter or sibling (“military family member”) begins active duty;
- During a period when the military family member is on leave; or
- During the 30-day period after a military family member’s active duty orders are terminated.

IMFLA leave is unpaid by The City of Elkhart.

Job and Benefits Security

An eligible employee who takes leave under the IMFLA and who returns to work before his or her IMFLA leave entitlement has expired will be restored to the position the employee held when the leave commenced or to an otherwise equivalent position with respect to seniority, pay, benefits, and other terms and conditions of employment.

Employee Notice and Leave Request Requirements

An eligible employee must give The City of Elkhart at least 30-days written notice of his or her intent to take leave under the IMFLA unless the military family member’s active duty orders are issued less than 30-days prior to the requested leave. An eligible employee must also provide a copy of the active duty orders, if available, along with the leave request.

The City of Elkhart reserves the right to require verification of the employee’s eligibility for IMFLA leave. If an employee fails to provide such verification, then his or absence will be considered

unexcused.

Continuation of Group Health Plan Coverage

The City of Elkhart will maintain group health plan coverage for an employee who takes IMFLA leave under the same terms and conditions as provided to active employees.

Non-Discrimination/Non-Retaliation Policy Statement

The City of Elkhart will not interfere with, restrain, or deny an employee's exercise of rights under the IMFLA, nor retaliate against any employee for exercising their rights under the IMFLA.

Sick Leave

The City provides paid sick leave benefits to all regular full-time employees for periods of temporary absence due to non-work-related illnesses or injuries. Each eligible Employee shall earn four (4) hours of sick time every two (2) weeks. Accumulated sick time shall be credited at the end of each pay period. Sick time will be used when the employee must be absent from work due to their own illness or injury, prescribed treatment, therapy or doctor visit or that of their spouse, parent or child. Sick hours may not be used for personal business. Paid sick hours may be used in minimum increments of one (1) hour. An employee reporting absent for more than three (3) consecutive work_days may be required to present a doctor's certification stating the dates of inability to work and the date the employee is able to return to work. All such medical statements will be forwarded to the Human Resources Department. Absences of more than three (3) consecutive work_days will also be considered under the Family and Medical Leave Act, if the employee is eligible and the circumstance warrant. Employees who are unable to report to work due to illness or injury must notify their direct supervisor before the scheduled start of their workday if possible. The direct supervisor must also be contacted on each additional day of absence. The intent and purpose of sick time is to serve as an insurance policy to pay you, at your present rate of pay, for time off work due to your extended illness or injury or that of an immediate family member. **Any misuse, falsification of documentation or misrepresentation regarding use of sick time will result in disciplinary action up to and including discharge.**

Accumulated Sick Time Hours up to 640 hours will be paid to the employee upon separation of employment for any reason except discharge for cause, when the employee retires at age 62 or older with five (5) continuous years of employment OR at any age with fifteen (15) years of continuous service with the City. Sick time hours may not be used to extend an employee's termination date. No employee will continue to receive pay for sick hours after they have left employment. Paid sick time for members of collective bargaining units is described in their respective collective bargaining agreements.

Personal Days

After one (1) year of continuous employment, you will be granted sixteen (16) hours off with pay each anniversary year for personal business. Scheduling of all personal days off will be at the discretion of your Department Head or Manager. Personal Days shall not accumulate or be carried over from year to year. Personal Days not used by the end of the benefit year are forfeited.

Bereavement Leave

Regular full-time employees will be allowed up to five (5) work days off without loss of pay in the event of death of the **employee's** immediate family members including spouse, parent, step parent, grandparent, step grandparents, grandchild, step grandchild, siblings including step brothers, and step sisters, son, daughter, or step children.

Regular full-time employees will be allowed up to three (3) work days off without loss of pay in the event of death of the **employee's** father/mother in-law, son/daughter in-law, brother/sister in-law or spouses grandparents.

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, or shift differentials. Bereavement leave must be taken in consecutive work days at the time of the event unless documentation for postponed services is provided.

Employees may, with their supervisor's approval, use vacation or personal paid days off for additional time off as necessary.

Jury Duty

The City encourages employees to fulfill their civic responsibilities by serving jury duty when required. The City protects against loss of earnings in this situation. If you are summoned for jury duty, you must submit a copy of the summons to your department head. Your regular rate of compensation will be paid to you during the time you are actually involved in jury duty. Your compensation from serving on a jury is not recoverable by the City. You are not to reimburse the City for the pay you receive from serving on jury duty or for mileage you receive for having served on the jury or being on a jury selection panel. Employees who report for jury duty but are excused for the day are expected to report to work for the remainder of the scheduled shift. Any employee who is subpoenaed as a witness will receive the same benefit. Any employee who is subpoenaed to court because of job-related matters will not suffer any loss of pay. Time off to meet with attorneys for personal reasons are not compensated under this policy.

Time lost by employees who are criminal defendants will not be compensated under this policy.

EMPLOYEE BENEFITS

Eligible employees at The City are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law. Benefits eligibility is dependent upon a variety of factors, including employee classification. Your supervisor can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in this employee handbook.

The following benefit programs are available to eligible employees:

Compensatory Time	Critical Care and Accident	Deferred Compensation
Dental Insurance	Drug or Alcohol Rehabilitation	Educational Assistance
Employee Assistance	Employee Health Program	Family Leave
Paid Holidays	Jury Duty Leave	Life Insurance
Longevity Pay	Medical Insurance	Medical Leave
Military Leave	Parking	Pension Plan
Personal Days	Savings Plan (PERF)	Sick Days
Short & Long Term Disability	Supplemental Life Insurance	Vacation Benefits
Vision Care Insurance	Voting Time Off	Wellness Program

Some benefit programs require contributions from the employee, but most are fully paid by The City. Administration reserves the right to adjust, amend or eliminate any of these benefits as circumstances warrant. Most of these benefits are described or discussed in this Handbook. However, for additional information on any employee benefit please see the Human Resources Department located at 201 S. Second St., 574-296-9167.

Vacation

The vacation schedule for employees of the City of Elkhart shall be as follows:

1. Vacation time is awarded in the first year of employment upon completion of a (90 day) probationary period as an employee of the City. Thereafter, vacation time is earned on the anniversary date of the employee's date of hire, according to the schedule set forth in Section 2 below.

However, if an employee's employment is terminated, voluntarily or involuntarily during the first year of employment, the employee shall be paid compensation based on the employee's daily rate of pay for the days of unused vacation time, relative to and in proportion to the amount of the first year worked. If an employee has used a greater percentage of the employee's vacation time than the percentage of the first year worked, then the employee's final pay shall be reduced by the amount of vacation time used that is greater than the percent of the first year worked. The reduction shall be based on the employee's daily rate of pay.

2. Employees shall be entitled to:
 - a. Two (2) weeks (10 work days) of vacation with pay after successfully completing a probationary period in the first year of employment, and on the anniversary date of the employee's date of hire in succeeding years.
 - b. Three (3) weeks (15 work days) of vacation with pay in year four (4) of employment.
 - c. Four (4) weeks (20 work days) of vacation with pay in year seven (7) of employment.
 - d. Five (5) weeks (25 work days) of vacation with pay in year fifteen (15) of employment.

3. In addition to the above entitlement, commencing in year (20) and each year thereafter, an employee shall receive the following:
 - a. One (1) additional vacation day with pay in year twenty (20);
 - b. One (1) additional vacation day with pay in year twenty-one (21);
 - c. One (1) additional vacation day with pay in year twenty-two (22);
 - d. One (1) additional vacation day with pay in year twenty-three (23);
 - e. One (1) additional vacation day with pay in year twenty-four (24).
4. Vacation time must be used by the employee's anniversary date. Any unused vacation time which remains on the employee's anniversary date shall lapse and shall not carry-over to be added to vacation time that the employee receives in succeeding years.

The length of eligible service is calculated on the basis of a "benefit year." Your benefit year begins on your hire date. Once employees enter an eligible employment classification, they begin to earn paid vacation time according to the schedule.

Paid vacation time can be used in minimum increments of one-half (.5) hours. To take vacation time employees **must** request approval from their supervisors in advance of the day to be taken as vacation. Requests will be reviewed based on a number of factors, including business needs and staffing requirements. Vacation time off is paid at the employee's base pay rate at the time vacation is taken. It does not include overtime or any special forms of compensation such as incentives, or shift differentials.

Holidays

The City grants paid time off to all full time regular employees for the holidays listed below:

- New Year's Day (January 1st)
- Martin Luther King, Jr. Day (third Monday in January)
- President's Day (third Monday in February)
- Good Friday (Friday before Easter)
- Election Day (Primary/General)
- Memorial Day (last Monday in May)
- Juneteenth (June 19)
- Independence Day (July 4th)
- Labor Day (first Monday in September)
- Veterans' Day (November 11th)
- Thanksgiving (fourth Thursday in November)
- Day after Thanksgiving
- Christmas (December 25th)

Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. To be eligible for holiday pay, employees must work their last scheduled day immediately preceding and the first scheduled day immediately following the holiday. Use of vacation time, personal time, or comp-time with prior department head approval, will also meet this requirement.

If a recognized holiday falls during an eligible employee's paid absence (such as vacation or sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied. Non-exempt full time regular employees required by their supervisor to work on a recognized holiday will receive pay for hours worked at the rate of one and one-half times their straight-time rate or the equivalent in Comp Time in addition to the holiday pay. Paid time off for holidays will be counted as hours worked for the purposes of determining whether overtime pay is owed, provided the holiday falls within the employee's regular work week. If you work a 7-day-a-week and/or 24 hour-a-day operation, you may have to work some holidays. Your department head will explain your schedule and the holiday pay procedure.

Worker's Compensation

The City provides a comprehensive worker's compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately. Employees who sustain work-related injuries or illnesses must inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. We encourage all City employees to be safety conscious and careful in all their activities - on and off the job.

Health Insurance

The City's health insurance plan provides employees and their eligible dependents access to medical, dental, life, supplemental life, disability and vision care insurance benefits. All full time regular employees are eligible to participate in the health insurance plan the day they start work.

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

A change in employment classification that would result in loss of eligibility to participate in the health insurance plans may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the Benefits Continuation (COBRA) policy for more information.

Details of the health insurance plans are described in the Summary Plan Description (SPD). A SPD and information on cost of coverage will be provided in advance of enrollment to eligible

employees. Contact the Human Resources Department for more information about health insurance benefits.

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 City'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 City's group rates plus an administration fee. The City provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under The City's health insurance plan. The notice contains important information about the employee's rights and obligations.

Life Insurance

All regular full-time employees are eligible for Life Insurance benefits. It offers you and your family important financial protection. The City provides a basic term life insurance plan for eligible employees, subject to all terms and conditions of the agreement between The City and the insurance carrier. Additional supplemental term life insurance coverage may be purchased.

Accidental Death and Dismemberment (AD&D) insurance provides protection in cases of serious injury or death resulting from an accident. AD&D insurance coverage is provided as part of the basic life insurance plan. Details of the basic life insurance plan including benefit amounts are described in the Summary Plan Description provided to eligible employees. Contact the Human Resources Department for more information about life insurance benefits.

Supplemental Insurance

The City also offers supplemental insurance to include Short Term Disability, Long Term Disability, Critical Care and Accident Insurance. Contact Human Resources for details.

Deferred Compensation

The State has established the Public Employees Retirement Plan (PERF) to provide employees the potential for future financial security for retirement. All employees of The City are required to participate. To be eligible to join the PERF, the employee must be 18 years of age or older. All employees join the plan on their first day of employment. The PERF dictates a contribution of three (3) percent of gross wages to the plan. The City also contributes an additional amount to each employee's PERF contribution. Complete details of the PERF plan are described in the Summary Plan Description provided to eligible employees. Contact the Human Resources Department for more information about the PERF plan. The City also provides another optional Deferred Compensation plan. The City does not contribute or match funds in this other plan. Contact the Human Resources Department for details.

Employee Assistance Program (EAP)

The City Administration cares about the health and well-being of its employees and recognizes that a variety of personal issues and problems can affect their private and work lives. While many employees solve their problems either on their own or with the help of family and friends, sometimes employees need professional assistance and advice.

Through the Employee Assistance Program (EAP), The City provides confidential access to professional counseling services. The EAP helps in confronting such problems as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles, and emotional distress. The EAP is available to all employees and their immediate family members offering problem assessment, short-term counseling, and referral to appropriate community and private services. The EAP is strictly confidential and is designed to safeguard your privacy and rights. Information given to the EAP counselor may be released only if requested by you in writing. All counselors are guided by a Professional Code of Ethics. Personal information concerning employee participation in the EAP is maintained in a confidential manner. No information related to an employee's participation in the program is entered into the personnel file. There is no cost for employees to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also let employees know whether any costs associated with private services may be covered by their health insurance plan. Costs that are not covered are the responsibility of the employee. Minor concerns can become major problems if you ignore them. No issue is too small or too large, and a professional counselor is available to help you when you need it. Call the EAP at 800-731-6501 to contact an EAP counselor.

Job Jeopardy Program

The City also utilizes our EAP provider to be involved when an employee is having a difficult time performing his/her job or a problem affects other employees. A supervisor may make a disciplinary referral for the employee to attend the Job Jeopardy Program to improve the behavior or conduct that affects their performance. This is usually the last step prior to termination. If the problem is not resolved through the Job Jeopardy Program, disciplinary action up to and including discharge may be taken.

EMPLOYMENT ADMINISTRATION

Employment Application

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

Employment Reference Checks

To ensure that individuals who join The City are well qualified and have a strong potential to be productive and successful, it is the policy of The City to check the employment references of all

applicants being considered for hire. In addition, The City conducts a criminal background check on any applicant being considered for hire or re-hire.

In-coming inquiries concerning past employees should be directed to The Human Resources Department, who 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 other employment information will be released without a written authorization signed by the individual who is the subject of the inquiry.

Employee Orientation

Each new hire joining The City is required to attend the HR and Safety orientation before they begin working. This training includes information covering employee benefits, employee expectations, safety and other information pertinent to employment with The City.

Probationary Period

Every new hired or re-hired City employee is hired for a (90) calendar day probationary period. The City has established a 90-day probationary period of employment that is intended to give every new hire an opportunity to demonstrate their ability to achieve a satisfactory level of performance and to ascertain whether their new position meets their expectations. The City will use this period to monitor employee attendance, capabilities, work habits and overall performance. However, the employee or The City may end the at-will employment relationship at any time during or after the probationary period, with or without cause or advance notice. This introductory period may be extended for an additional period of time at the discretion of The City. During the introductory period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security. They are also eligible for other provided benefits, subject to the terms and conditions of each benefit program. Employees should read the information for each specific benefit program for the details on eligibility requirements. Upon successful completion of the probationary period of employment and at The City's discretion the employee will become a regular employee of The City.

Break in Service/Rehired Employees

For seasonal or other previously employed individuals, if the break in service is greater than ninety (90) days, then a pre-employment drug screen will be required.

Access to Personnel Files

Personnel files are maintained in the Human Resources Department. Any employee wishing to review his or her personnel file must request such access from the Human Resources Department. A time will be scheduled for the individual to review their file. This review will take place in the presence of an HR staff member. Individuals are not authorized to remove the file, or any of its contents, alter any documents within the file, add any documents to the file, or make copies of any of its contents. If the employee requests a copy of any of the contents of the file, it will be made for them by a member of the Human Resources Department. Any concerns regarding the contents of the personnel file should be directed to the Human Resource administrator.

Reporting Time Worked

The City expects that time spent on the clock will be devoted to business and productive work. All employees must accurately record time worked. Non-exempt employees are not authorized to clock in more than six minutes prior to the start of their scheduled work time. Likewise, non-exempt employees may not clock out more than six minutes after their scheduled stop time without prior authorization from their supervisor. Any employee who falsifies their own or another employee's time card will be subject to termination.

Overtime

When operating requirements or other needs cannot be met during regular working hours, employees will be scheduled and expected to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior authorization. Overtime opportunities will be offered as equitably as practical to all employees qualified to perform the required work.

Overtime compensation or compensatory time off is administered for non-exempt employees in accordance with federal and state wage and hour laws. Overtime pay is based on actual hours worked. Overtime for non-exempt employees not covered by a Labor Agreement will be paid for all hours worked in excess of forty (40) in one (1) work week. Compensatory (comp) time may be granted for approved overtime. Comp time shall be awarded at the rate of one and a half hours of comp time for one hour of overtime worked. Comp time may only be used with the approval of the department head and it should be used as soon after its accrual as possible. However, in all cases comp time will be used in the calendar year in which it is earned.

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

Paydays

The City pays all employees on a bi-weekly basis every other Friday. In the event that a regularly scheduled payday falls on a holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

The law requires that The City make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. The City also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base." The City matches the amount of Social Security taxes paid by each employee. The City offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their pay checks to cover the costs of participation in these programs.

Direct deposit is offered to all City employees. Direct deposit for all or any portion of an employee's regular paycheck can be made to any banking institution. Multiple accounts can be accommodated through direct deposit. Direct deposit forms may be obtained from Payroll.

Employees must notify Payroll when there is a need to make changes to their direct deposit accounts.

Work Schedules

The normal workweek for City employees is five days, generally Monday through Friday, 8:00 AM to 5:00 PM, or as determined by administration. Your department may operate on a 24 hour/7 day per week schedule. You may also work Saturdays, Sundays, or both depending on the department in which you work and your specific work schedule. Your schedule will be outlined by your supervisor.

Personal Information

Any time an employee changes his/her name, address, telephone number, marital status, beneficiaries, dependents, social security number or any other employment related personal information it is the responsibility of the employee to notify Human Resources. Timely notification is very important. When a name change occurs, the employee must provide Human Resources with a copy of the employee's social security card bearing the new name.

When giving emergency information, the employee may list more than one (1) contact, and/or more than one (1) contact phone number. Employees should try to select a contact and phone number that will likely be available during normal work hours.

TECHNOLOGY AND SOCIAL MEDIA

The City provides technologies, networks, and Internet access to support the business and communication needs of The City. All guidelines in this handbook are applicable to all telecommunication services and equipment provided by The City including, but not limited to, the following:

- Computer workstations and notebook computers
- Tablets and other mobile devices
- Internet services
- Telephone services
- Cellular telephone services
- Radio Communication devices

All Internet data that is composed, transmitted, or received via our computer communications systems is considered to be part of the official records of The City and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in Internet e-mail messages and other transmissions is accurate, appropriate, ethical, and lawful. The equipment, services, and technology provided to access the Internet remain at all times the property of The City. As such, The City reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems.

Failure to adhere to The City policies and guidelines for the use of telecommunication resources may result in suspending or revoking the right to access these resources and disciplinary action up to and including termination. It is also important to remember that all electronic communications are subject to public records laws. Unacceptable uses of the network include but are not limited to: violation of an individual's rights to privacy, using profanity, obscenity, or other offensive language or images, copying copyright protected material and using the network for financial gain or for any commercial or illegal activity. Use of The City resources for political activities, religious activities, or any type of gambling, is prohibited.

The use of The City's social media carries with it certain responsibilities. To assist in making responsible decisions about use of The City's social media, these guidelines for appropriate use have been established. These guidelines apply to all employees who work for The City. The same principles and guidelines found in The City policies apply to your activities online. Ultimately, you are solely responsible for what you post online.

Carefully Read the Discrimination and Harassment Policy to ensure your postings do not conflict with this policy. Inappropriate postings such as discriminatory remarks, harassment, threats of violence, or any other form of inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

Be respectful. Always be fair and courteous in all your comments on social media. Never post personal political opinions or misrepresent your opinion as that of The City's.

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

Do not use The City email address to register on social networks, blogs or other online tools utilized for personal use. Employees are not permitted to create a social media account for their department that is linked to their personal social media page. Any new account, if approved, should be linked to an already existing City page.

SAFETY

Safety Program

To assist in providing a safe work environment for employees, customers and visitors, The City has established a workplace safety program. The Human Resources Department has overall responsibility for this high priority program. Specific information about this program can be found in the Employee Safety Manual. Each City employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to their supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or fail to report or, where appropriate, remedy an unsafe situation, may be subject to disciplinary action up to and including termination. Employees whose job function requires personal protective equipment (PPE) are required to use such equipment when warranted. Failure to do so will result in disciplinary action. In cases of accidents that result in injury,

regardless of how minor the injury may appear, employees must immediately notify their immediate supervisor.

Vehicle and Equipment Operation Guidelines

Before operating any City owned vehicle or equipment the operator must have a valid driver license for the vehicle or equipment that they will be operating. The Central Garage must check for the proper license before driving will be permitted. Each individual shall perform pre-trip inspections. Report any safety or maintenance problems with the vehicle or equipment to your supervisor immediately. While operating a vehicle or equipment be defensive at all times. Safety belts are required at all times in all city vehicles and equipment, and the driver is responsible to ensure all occupants use seat belts. The City of Elkhart has a no smoking ordinance which prohibits smoking in all City owned vehicles and equipment.

If you are in an accident while operating any City vehicle or equipment, you must contact the police and your supervisor immediately. If necessary, your supervisor will arrange your transportation to the City's designated drug testing facility. You will not be allowed to operate any City vehicle or equipment until a non-positive test result has been received.

When finished using any vehicle or equipment you must perform a post check inspection and report any safety problems to your supervisor.

If your driver's license or CDL physical card is due to expire, **you** are responsible for getting it renewed and giving a copy to the Central Garage supervisor for the DOT files.

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

Borrowing of any City-owned vehicles, equipment or tools by any employee for personal use is strictly prohibited. Any violations of these guidelines will subject the employee to disciplinary action up to and including discharge.

Violence Prevention

The City is committed to providing a safe work environment for all employees. The possession of firearms, archery-type devices, stun-guns, illegal knives, or martial arts devices on City property including City parking lots is strictly prohibited except where permitted by law. An employee who legally possesses a firearm is permitted to keep the firearm in his or her vehicle at work, as long as it is locked in the trunk, kept in the glove compartment of the locked vehicle, or otherwise stored out of plain sight in the locked vehicle.

The City will not tolerate threats, harassment, bullying and aggressive or violent behavior by employees or visitors. Threats may be direct or implied. Threats may take many forms, including showing a weapon, via phone call, physical altercation, letters, e-mail, vandalism, following/stalking, face-to-face conversations, and assaults/batteries.

If you believe you are a victim of threats, harassing behavior, acts of violence, or aggressive conduct immediately notify your supervisor or the Human Resources Department.

If you overhear or observe a threat or act of violence on company property or while on company business, report it immediately to your supervisor or the Human Resources Department. Your identity will be held in confidence to the extent reasonably possible. You have an obligation to protect yourself and others at work. If a court has issued a restraining order or injunction against someone based on a complaint made by you, or if you have filed an application for a restraining order and believe the individual may attempt to contact you at work, notify your supervisor or the Human Resources Department promptly so that appropriate precautionary measures can be taken to avoid problems in the workplace. If management receives any complaint of workplace violence or harassment, it will lead to the prompt investigation of the situation.

Use of City Property

While using any City owned property or equipment on the job, employees are expected to exercise care and diligence. They are required to notify their supervisor if any equipment, machines, tools, vehicles, or electronic equipment is damaged, appears to be damaged, defective or in need of repair. Any employee who is operating a City vehicle must have a current valid driver's license.

Employees using City-owned equipment may be fully liable for any damage or loss occurring to the equipment during the period of its use. The improper, negligent, or unsafe use of City equipment or vehicles may result in disciplinary action up to and including termination.

Internal Control Standards

The City has instituted internal control mechanisms, rules and procedures to ensure the integrity of financial accounting information, promote accountability and prevent fraud. Internal controls allows the City to comply with federal and state laws as well as manage assets to improve operational efficiency by improving financial reporting. These internal control standards establish a materiality threshold of five hundred dollars (\$500) and is attached as Exhibit A.

RESOLUTIONS

WHEREAS, the obligation and responsibility for furnishing efficient service to the public is a mutual responsibility of the City of Elkhart and of the employees of said City; and

WHEREAS, the responsibility for the operation of certain of the City’s departments is imposed by law upon the Mayor and upon the Boards of Public Works and Safety; and

WHEREAS, it is necessary and proper that administrative policy as to employees of the City of Elkhart be formulated and reduced to writing;

NOW, THEREFORE, BE IT RESOLVED:

The foregoing employee handbook for the City of Elkhart, Indiana pertains to all employees except as may be modified by Union Collective Bargaining Agreements, be, and hereby is, unanimously adopted, and shall be effective as of _____ on motion duly made and seconded and made of record in minutes of the Board of Public Works on _____ and the Board of Public Safety on _____, which policy is subject to revocation and/or modification by the said Boards as the occasion may arise.

CITY OF ELKHART BOARD OF PUBLIC WORKS

Michael Machlan, President

Chad Crabtree, Vice-President

Rose Rivera, Member

Jamie Arce, Member

Ronnie Davis, Member

CITY OF ELKHART BOARD OF PUBLIC SAFETY

Dr. Robert Woods, Chairman

Rev. Charlie Cross, Member

Dr. Kara Boyles, Member

Carol Loshbaugh Member

Anthony Coleman, Member

CONCURRENCE

The undersigned, Mayor of the City of Elkhart, Indiana, does hereby concur in and approve the adoption of the City of Elkhart Employee Handbook on this ___ day of _____, 2023.

Rod Roberson, Mayor

Reviewed for content and Legality

John M. Espar, Esq.
Corporation Counsel

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EXHIBIT A

CITY OF ELKHART, INDIANA

Internal Control Policy Pursuant to Indiana Code §5-11-1-27

1. Policy

The purpose of this policy is to communicate the Elkhart City Common Council's internal controls objectives to all employees ("Employees") and elected and appointed officials ("Management") of the City of Elkhart ("City") and to firmly commit the City to the seventeen (17) key principals of internal controls as established by the Indiana State Board of Accounts.

COMPONENT ONE: CONTROL ENVIRONMENT

Principle 1. The Oversight Body and Management demonstrate a commitment to integrity and ethical values.

- A. The policy for the City is that all public funds are entrusted to the City and that trust should not be broken. This policy is clearly stated and communicated and any violation of this policy shall be fully investigated with mandatory retraining, if applicable, up to termination.
- B. The City is committed to integrity in providing services and an ethics policy has been written and provided to each employee.
- C. Each employee, appointee, or elected official shall be conveyed the ethical policies and expectations of the City, including any changes of the ethical policies or expectations.
- D. Any person who knows or has any information regarding a suspected violation of a policy set forth herein, may report the violation to a member of the Common Council (the "Oversight Body"), which report shall be kept in the strictest of confidence as to the identity of the reporting person.
- E. The Oversight Body shall investigate all reports of violations of any policy or procedure. Should a majority of the Oversight Body find probable cause exists as to the violation, the Oversight Body shall determine if it will internally sanction the person so accused for minor violations or initiate litigation, either criminal, civil or both, for more serious violations.

Principle 2. The Oversight Body oversees the entity's internal control system.

- A. Internal Controls over receipting including all five components, have been reviewed by the Oversight Body, and approved.
- B. When necessary, an oversight committee comprised of people with the highest ethical values, excellent communications skill and superior problem solving skill will be appointed by the Oversight Body.
- C. All levels of management are required to provide the Oversight Body documentation of control process for the Oversight Body's review and input. The Oversight Body shall analyze the internal control system for weakness City-wide and by department.

Principle 3. Management establishes an organizational structure, assigns responsibility, and delegates authority to achieve the entity's objectives.

- A. Management shall compile an organizational chart that includes an outline of individual job duties.
- B. The organizational chart shall further designate the responsibilities of each job for each part of the accounting process, if applicable.
- C. The Oversight Body will randomly request from departments that have accounting processed, documentation, including monitoring and communication, of the internal control system.

Principle 4. Management demonstrates a commitment to recruit, develop and retain competent individuals.

- A. All job descriptions shall be clear and concise as to the skills necessary to perform the job.
- B. Each employee's training will be tracked including the need for mandatory review courses.
- C. Evaluations will be given to each employee no less than one time per year including addressing each employee's strengths and deficiencies and how any deficiency will be corrected. All evaluations shall contain discussions of the internal controls and the person's tasks and obligations regarding the internal controls.
- D. When candidates are being recruited, each manager shall determine and assess the best pools to be used to recruit candidates.
- E. If an employee has greater access than is needed to complete their assigned duties, that access shall be restricted to only that access needed to complete their assigned duties. Cross training is completed to make sure that more than one employee is knowledgeable about the receipting process. This cross training would allow more than one employee to become aware of potential design deficiencies in the internal controls or of noncompliance with internal controls. Each employee should be encouraged to report these situations to Management or the Oversight Body.

Principle 5. Management evaluates performance and holds individuals accountable for their internal control responsibilities.

- A. Management must, in each department, establish communications to help ascertain weaknesses in the internal controls and any non-compliance with internal control procedures.
- B. If Management has knowledge of any non-compliance with internal controls or procedures, Management will immediately address the problem with the person violating the internal control or procedure and determine how the violation can be eliminated, avoided or otherwise complied with by the person.
- C. Management and the Oversight Body shall address all acts of noncompliance with the internal control or procedure and take appropriate action to correct the noncompliance.

COMPONENT TWO: RISK ASSESSMENT

Principle 6. Management defines objectives clearly to enable the identification of risks and risk tolerances.

- A. An objective is for all collections to be deposited timely and intact and receipts to be properly issued. There is zero tolerance for theft. There is minimal tolerance for error. The financial ledgers, including the revenue ledger, must be up to date and accurate to provide Management and the Oversight Body correct information. Laws regarding deposits must be followed and funds must be posted correctly to allow for proper use of the funds in compliance with statute or ordinance.
- B. An objective is that all revenues collected will be immediately and accurately entered by the person accepting the funds on behalf of the City. Such funds shall be reported to the person who deposits the revenue. The person to deposit the funds shall reconcile that the funds given to that person by the person who was responsible for receiving funds total entries are equal to the amount of funds to be deposited. The reconciliation shall occur before either the receiving employee or the depositing employee may leave their work area. A third person shall sign a ledger that the revenues are of an equivalent as the deposits and then release employees.
- C. Each person in all processes shall be certain that the others involved in the process are complying with all law and regulation and especially these policies.

Principle 7. Management identifies, analyzes, and responds to risks related to achieving the defined objectives.

- A. There is a risk that errors in receipting or posting might occur and not be detected and corrected or prevented from occurring. There is a risk that the funds ledger could be incorrect and fund balances not accurate. If receipts are not posted to the correct fund, revenue or cash balances would be inaccurate and the provision of services may be impaired.
- B. There is a risk that the reconciled amount of revenues at the City do not equal the actual deposits made. There is a risk that two or more people in the process are working in unison and falsifying the revenue actually taken in.
- C. Every person handling City revenue or other funds shall be trained regarding IC 5-11-1-27(i) Report of Material Variances, Losses, Shortages, or Thefts to the State Board of Accounts.

Principle 8. Management considers the potential for fraud when identifying, analyzing, and responding to risks.

- A. There is always a risk, especially with cash collections, that the collections may be misappropriated prior to deposit. The records could be manipulated to cover the theft of collections. Job duties, segregation of duties and review processes will be implemented to ensure that an employee is not able to steal collections and cover up the theft.

- B. Every person handling City revenue or other funds shall be trained regarding IC 5-11-1-27(1) Report of Misappropriation of Funds to State Board of Accounts and Prosecuting Attorney.

Principle 9. Management identifies, analyzes, and responds to significant changes that could impact the internal control system.

- A. City internal control procedures will require evaluation and adjustment on a regular basis to accommodate the impact of future change, including but not limited to, personnel changes, newly elected and appointed officials, new programs, new technology, new laws, and financial fluctuations.
- B. Any changes in reporting will require new internal controls over compilation reports.

COMPONENT THREE: CONTROL ACTIVITIES

Principle 10. Management designs control activities to achieve objectives and respond to risks.

- A. Payroll Activities
 1. Salaries and wage rates are verified by someone outside of the payroll process.
 2. The responsibilities for hiring, terminating, and approving promotions are segregated from those preparing payroll transactions or inputting data.
 3. The responsibilities for approving time sheets are segregated from those for preparing payroll transactions or inputting data.
 4. Payroll adjustment reports are reviewed by someone outside of the payroll process.
 5. Employees' time and attendance records are approved by their supervisors.
 6. Corrections to recorded time and attendance records are approved by the employee's supervisor and authorized by Management.
 7. Procedures are in place to ensure that changes in employment status are promptly reported to the payroll processing unit.
 8. Payroll disbursements are reviewed and approved by an authorized individual prior to payment.
 9. Changes to a payroll disbursement are approved by an individual other than the ones authorized to make the changes.
 10. Access to payroll applications is appropriately controlled by user logins and passwords.
 11. Payroll checks are accounted for in numerical order and reconciled to the payroll check register.
 12. Access to the signature stamp used to sign payroll checks is adequately controlled.
 13. Payroll checks/stubs are periodically distributed by someone outside the normal payroll distribution function.
 14. Unclaimed payroll checks /stubs are returned to an individual other than those involved with the payroll process.

15. Employees are cross-trained on the payroll process; those assigned to payroll take mandatory vacations.

B. Disbursement Activities

1. The responsibility for approving claims is segregated from those preparing the claims.
2. Checks are written by an individual other than the one approving the claim.
3. Checks are signed by an individual other than the one preparing them.
4. Claims for payment are reviewed and approved by the governing body prior to payment.
5. A reconciliation is completed between the claims for payment approved by the board and the actual disbursements posted to the ledger.
6. The responsibility for acknowledging the receipt of goods or services is segregated from those preparing claims and writing checks.
7. Vendor checks are accounted for in numerical order and reconciled to the disbursement ledger.
8. Invoices or other receipts are attached to each claim to support the disbursement.
9. A review is completed by an individual outside the disbursement process in which the claim amount is compared to the supporting documentation attached to the claim and the amount of the check.
10. Access to disbursement applications is appropriately controlled by user logins and passwords.

C. Receipting Activities

1. The responsibility for collecting money and issuing receipts is segregated from those preparing the bank deposit.
2. The responsibility for making bank deposits is segregated from those preparing the monthly bank reconciliation.
3. Pre-numbered receipts are issued for all money collected and the duplicate receipt is retained.
4. Receipts are reconciled to the cash receipts ledger by an individual other than the one collecting money and issuing receipts.
5. Posting of receipts to the ledger is completed by an individual other than the one who collects money and makes the deposit.
6. Receipts indicate the type of payment received (cash, check, etc.) and this is reconciled to the make-up of the bank deposit.
7. Accounts receivable records are maintained by an individual other than the one(s) involved in the billing process.
8. The billing process is completed by an individual other than the one who collects cash payments from customers.

9. Adjustments to customer accounts are approved by the governing body only after a thorough review.
10. A periodic review is completed of all adjustments made to customer accounts by an individual independent of the billing and accounts receivable processes to ensure that all adjustments made have proper approval from the governing body.

D. Cash Activities

1. A reconciliation between the recorded cash balance and the bank balance is completed monthly by an individual separate from the receipting and disbursing processes.
2. A reconciliation between the receipts ledger and the credits to the bank account is completed periodically by an individual separate of the receipting process.
3. A reconciliation between the disbursement ledger and the debits to the bank account is completed periodically by an individual separate of the disbursement process.
4. The monthly reconciliation between the cash balance and the bank balance is thoroughly reviewed and approved by the governing body.
5. Disbursements from and reimbursements to petty cash funds are periodically reviewed by an individual other than the one responsible for maintaining the petty cash fund.

E. Credit Card Transactions

1. A designated official or employee oversees the issuance and use of the credit cards.
2. An ordinance or resolution specifically states the purposes for which the credit card may be used.
3. The designated official or employee collects the credit card when the purpose for which the credit card has been issued has been accomplished.
4. The designated responsible official or employee maintains an accounting system or log which includes the names of individuals requesting usage of the cards, their position, estimated amounts to be charged, fund and account numbers to be charged, date the card is issued and returned, sufficient documentation provided, etc.
5. A designated person separate from disbursement process reviews transactions listed on the credit card statements for sufficient documentation and inclusion in claim to the Board.

Principle 11. Management designs the entity's information system and related control activities to achieve objectives and respond to risks.

- A. Each employee will have a user id and password, these will not be shared.

- B. One employee will check the reconciliation of the cash drawer collections and cash change to the revenue report for that employee.
- C. The IT department will be consulted so that each employee is restricted in access within the software system to those areas needed to complete assigned duties only.
- D. All transactions will carry the unique user id of the employee that completed the transaction.
- E. Only the security administrator for the office/department will have access to user id's and passwords. The security administrator does not collect receipts.

Principle 12. Management implements control activities through policies.

- A. Receipting procedures are documented in writing and available to all employees in the office or department. Employees are encouraged to report problems they perceive in the implementation of internal controls
- B. Elkhart Employee Handbook containing the internal controls is available on line at <https://www.elkhartindiana.org>.
- C. Internal control procedures are available to every employee.
- D. Any variance in procedure will take place, after adequate notice, during a public meeting.

COMPONENT FOUR: INFORMATION AND COMMUNICATIONS

Principle 15. Management externally communicates the necessary quality information to achieve the entity's objectives.

- A. In establishing a process of external communication, Management may consider the following:
 - 1. Communications with State Board of Accounts, other State agencies, grantor agencies, regulatory agencies are documented by email, memos, letters and other correspondence.
 - 2. Logs are kept for information provided verbally.
 - 3. Procedures are established to retain public documents.
 - 4. Reports are cross checked for accuracy, relevancy and timelines of information
- B. All control deficiencies identified in an external audit are immediately addressed, evaluated and a corrective action plan is written. Management and the Oversight Body will follow up on the correction plan to ensure that it has been implemented and has correctly addressed the weaknesses.

COMPONENT FIVE: MONITORING ACTIVITIES

Principle 16. Management establishes and operates monitoring activities to monitor the internal control system and evaluate the results.

- A. When establishing a monitoring system, Management may consider the following procedures:

1. Periodic checks are performed to determine if controls are in place and working effectively.
 2. Control activities are reviewed to determine if the actual activities are in compliance with established procedures.
 3. Deficiencies in the internal control process are documented and remediation is quickly completed to address any deficiencies.
 4. Many of the control activities can also be used as monitoring activities
- B. Revenue reports generated from the months receipts are sent to the department head/office holder for review for accuracy and reasonableness. Monthly revenue is compared to prior months and same month from a year ago to determine reasonableness.

Principle 17. Management remediates identified internal control deficiencies on a timely basis.

- A. Internal control deficiencies may be identified internally through monitoring or externally through audit reports, communication from grantor agencies, etc. Once identified, Management addresses deficiencies immediately through the development of formal or informal corrective action plans. Management and the Oversight Body work together to ensure the corrective action plan is implemented and the resulting changes are effective in correcting internal control weaknesses. Management and the Oversight Body meet regularly to discuss controls, weaknesses and corrective action plans.
- B. Any violations of policies and procedures will be noted and evaluated. Internal Controls may be reevaluated to correct the problems discovered.

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**ACKNOWLEDGEMENT OF RECEIPT OF
THE CITY OF ELKHART EMPLOYEE HANDBOOK**

I have this day received a copy of the City of Elkhart Employee Handbook and I understand that I have an obligation to read the policies and practices contained within it. I understand if I have questions concerning the contents of the Employee Handbook I should ask my supervisor or the Human Resources Department for clarification.

I understand that the policies and benefits described in this handbook may be changed, modified, added to or deleted at any time. I understand that neither this handbook nor any communications by a management representative is intended to, in any way, create a contract of employment, and that either I or the company may terminate my employment at any time, with or without notice or without cause.

Printed Name

Date

Signature