

ORDINANCE NO. 863

**AN ORDINANCE OF THE
OGDEN DUNES TOWN COUNCIL ADOPTING
A NEW PERSONNEL POLICY HANDBOOK**

BE IT AND IT IS HEREBY ORDAINED by the Ogden Dunes Town Council as follows:

SECTION 1: That the document attached to this ordinance entitled "Town of Ogden Dunes Personnel Policy Handbook" is adopted in its entirety. All policies and procedures of the Town are hereby repealed and replaced to the extent that they conflict with the attached Personnel Policy Handbook.

SECTION 2: This Ordinance shall be in full force and effect from and after its adoption as required by law.

ALL OF WHICH IS PASSED AND ADOPTED THIS 5th DAY OF SEPT, 2020

OPPOSED

Mike Webber, President

Scott Lehmann

Scott Lehmann

Nate Ball

Nate Ball

Carolyn Saxton

Carolyn Saxton

OPPOSED

Doug Cannon

ATTEST:

Jean Manna

Jean Manna, Clerk-Treasurer

OGDEN DUNES TOWN COUNCIL
CLERK-TREASURER

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91	Welcome to Ogden Dunes	

92
 93 This Personnel Policy Manual has been prepared for the employees and representatives of the
 94 Town of Ogden Dunes, hereinafter referred to as the “Town,” to promote and maintain a positive
 95 work environment. Town representatives shall include all employees as well as committee, board,
 96 and council members and shall hereafter be referred to as “representatives.” Since it is not possible
 97 for this manual to cover each and every aspect of employment, the policies, procedures and
 98 benefits described in this manual are summarily described and are not intended to be all
 99 encompassing or applicable to every situation. This manual is based on the Ordinances of the
 100 Town particularly, but not totally based on Chapter 34. To clarify or covering evolving issues, the
 101 town may add, modify or terminate some of its policies, procedures or benefits at any time for
 102 reasons related to the appropriate business operations of the Town. This manual is to help clarify
 103 an understanding of expectations between the town and its employees rather be a contract of any
 104 kind, expressed or implied, between any employee and the Town. As Indiana is an “Employment-
 105 at-Will” state, either the employee or the Town may end the employment relationship with or
 106 without cause.

107
 108 Each employee is expected to read and become familiar with the provisions in this manual. Any
 109 questions about this material should be referred to your supervisor. All employees are required to
 110 sign a receipt acknowledging that they have received a copy of the manual and have read and
 111 understand the contents of the manual.

112 113 **What we believe in, our values**

114
 115 and what we expect of our employees would also adopt....

- 116 • To act with moral courage.
- 117 • To make decisions for the public’s best interests, even when they may not be popular.
- 118 • Not to engage in any business that would be – directly or indirectly – inconsistent with the
- 119 conscientious performance of public duties.
- 120 • To make no private promises of any kind that may unduly influence public duties.
- 121 • To accept the responsibility to:
 - 122 ○ expose corrupt practices and/or behaviors
 - 123 ○ where empowered to do so, protect any public employee from retaliation who has
 - 124 exposed corrupt practices and/or behaviors.
- 125 • To treat others as we would wish to be treated.
- 126 • To accomplish the goals and responsibilities of this individual position, while respecting
- 127 the role as a member of a team and the community at large.
- 128 • To act in a professional and responsive manner.
- 129 • To work together in a spirit of tolerance and understanding.
- 130 • To work to build consensus and accommodate diverse opinions.
- 131 • To communicate effectively by listening carefully, asking questions and responding in a
- 132 way that adds value to conversations.
- 133 • To work collaboratively in order to create an environment that is respectful of other
- 134 employees and is free of harassment and intimidation.

135 136 **Cooperation and Teamwork**

137

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

144
145

146 **Our Code of Ethics and Values**

147

148 The proper operation of the government of our town requires that all official representatives be
149 effective, independent, objective and accountable to the people they serve. To ensure these
150 qualities are upheld, we have adopted a Code of Ethics and Values through the Shared Ethics
151 Advisory Commission to promote and maintain the highest standards of personal and professional
152 conduct in our community. All elected and appointed officials, employees, volunteers, and others
153 who participate in our government are required to subscribe to this Code, understand how it applies
154 to their specific responsibilities, and practice these core values in their work. Some of the
155 behaviors that employees must adopt in following our ethics code include the following:

- 156 • To not participate in any decision where there is a conflict of interest or from which my
157 family, business, and professional associates or I may personally benefit.
- 158 • To not use a position, public property, or public resources for personal benefit, family, or
159 business and professional associates.
- 160 • To never solicit or accept any favor or benefit for family, business, and professional
161 associates or that might be construed as influencing the performance of my public duties.
- 162 • To make full public disclosure of the nature of any conflict of interest prior to any action
163 taken.
- 164 • To avoid disclosing or abusing the information gained by virtue of position for personal
165 benefit, family, or businesses and professional associates.
- 166 • To not engage in direct competition with our neighboring communities while an employee,
167 an appointed official, or an elected official.
- 168 • To support the public’s right to know the truth and encourage diverse and civil public
169 debate in the decision-making process.
- 170 • To promote non-discrimination in decision-making and to make decisions based upon the
171 merits of the issue at hand.
- 172 • To recognize the function of government to serve the best interests of the citizens.
- 173 • To use authority to promote the efficient and effective delivery of public services.
- 174 • To refrain from proposing services where adequate resources are not available.
- 175 • To work to remedy the imbalance where inadequate resources adversely affect the best
176 interests of the citizens.

177

178 **Inappropriate Ethical Behavior.** Behavior inconsistent with the values set forth in our Code
179 of Ethics & Values may be redressed by the traditional instruments of governance including
180 state law, ordinances, work rules, and disciplinary procedures. A few samples of unethical
181 conduct appear as follows:

182

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

189
190 **Solicitation** is the verbal communication for the purpose of selling, political campaigning,
191 organizing for civic activities or any other cause. **Distribution** is an exchange of printed
192 materials such as handbills, letters and pamphlets for any sale, candidate or cause.
193 Solicitation by an employee of another employee is prohibited while either the person
194 doing the soliciting, or the person being solicited, is on working time. Solicitations must
195 be limited to meal and break periods.

196
197 **Compliance with the Equal Employment Opportunity Act &**
198 **Title VI of the Civil Rights Act of 1964**

199
200 The Town of Ogden Dunes is proud to be an equal opportunity employer. It is our policy to provide
201 equal employment opportunities to all qualified employees and applicants for employment without
202 regard to race, religion, color, sex, age, mental or physical disability unrelated to ability, national
203 origin, marital status, veteran status, or any other protected status consistent with applicable law.
204 Our intent is to recruit and retain qualified employees through objective measures and
205 qualifications, education, training, and performance. See more details on **workplace bulletin**
206 **boards** regarding federal, state or local laws, rules or regulations, and information from the Town
207 Council to keep you informed at all times of special announcements, activities, work schedules,
208 open job positions, and other matters.

209
210 **The Hiring Process**

211
212 No employee is authorized to commit the Town to an offer for full time employment until the
213 appointment is approved in writing by at least three (3) members of the Town Council. Hiring of
214 replacement, part-time, and temporary employees will be at the discretion of Departmental
215 Managers but limited by staffing levels approved within the budget.

216
217 **Nepotism & Employment.** All elected and appointed officials as well as employees of the
218 Town of Ogden Dunes are hereby directed to fully comply with the provisions of **IC 36-1-**
219 **20.2**, which is adopted as the policy of the Town of Ogden Dunes. Individuals who are
220 relatives may not be employed by the Town of Ogden Dunes, its executive departments, or
221 utilities, in a position that results in one relative being in the direct line of supervision of
222 the other relative.

223
224 For the purposes of this policy, “direct line of supervision” means an elected officer or
225 employee who is in a position to affect the terms and conditions of another individual's
226 employment, including making decisions about work assignments, compensation,
227 grievances, advancement, or performance evaluation. The term does not include the
228 responsibilities of the executive, legislative body, or fiscal body of a unit, as provided by

229 law, to make decisions regarding salary ordinances, budgets, or personnel policies of the
 230 Town. The Town by this policy recognizes that no individual member of the Town Council
 231 is authorized to make decisions regarding the terms and conditions of any individual's
 232 employment with the Town. For the purposes of this policy, the term "*relative*" means
 233 any of the following:

- 234 • A spouse.
- 235 • A parent or stepparent or parent-in-laws
- 236 • A child or stepchild
- 237 • A brother, sister, stepbrother, or stepsister.
- 238 • A niece or nephew (by marriage or blood)
- 239 • An aunt or uncle (by marriage or blood)
- 240 • A daughter-in-law or son-in-law (by marriage or blood)

241 For purposes of this section, an adopted child of an individual is treated as a natural child
 242 of the individual. For the purposes of this policy, "*employed*" means an individual who is
 243 employed by the Town of Ogden Dunes on a full-time, part-time, temporary, intermittent,
 244 or hourly basis. The term does not include an individual who only holds an elected office.
 245

246 For the purposes of this policy, the performance of the duties of a volunteer firefighter is
 247 not considered employment by the Town under the terms of this policy. Furthermore,
 248 "member of the police department" means the Town Marshall or any police officer
 249 appointed to the department.
 250

251 **Personnel and Payroll Records; Personal Information Changes** - Your personnel file
 252 will be established upon your employment with the Town. Your file is not a disclosable
 253 public record but will be made available for inspection by the employee or the employee's
 254 representative. Your file will include information and records relating to your pay,
 255 insurance benefits, attendance, and other important state and federal laws. It is important
 256 that your personnel records be kept up to date. It is your responsibility to notify the Office
 257 of the Clerk-Treasurer in writing of any changes as they occur in personal status that can
 258 affect your income tax, insurance benefits, and other important records. This includes:

- 259 • Address
- 260 • Telephone number
- 261 • Driver's License Number
- 262 • Marital status
- 263 • Military service status
- 264 • Number of tax exemptions
- 265 • Individual to contact in case of emergency
- 266 • Births, deaths, and all increases or decreases in immediate family members
- 267 • Beneficiary of insurance
- 268 • Change of legal name

269
 270 **Performance Review** - During your first year of employment with the Town, your job
 271 performance will be evaluated throughout the year as deemed necessary by your supervisor
 272 or, in some cases, the Town Council. After receiving your one-year review, you will
 273 receive an annual performance review thereafter. At each of your reviews, your supervisor
 274 will share and discuss with the Town Council your progress, accomplishments, areas in
 275 need of improvement, attendance, safety record, and overall job performance.
 276

277 **Attendance and Tardiness** - You were screened, interviewed, and selected as a Town
278 employee based upon many important factors. One such factor is attendance. We define
279 proper attendance as: Being at work on time, for the scheduled time of every scheduled
280 workday. Your absence has direct effects on town employees and citizens. As a result of
281 excessive absenteeism, tardiness, and/or leaving early, disciplinary action may be required
282 and will be based on frequency of occurrences in accordance with the following:

- 283 • Any day that an employee is absent or tardy without proper notification will be
284 considered an occurrence of absenteeism.
- 285 • If you agree to work overtime, when asked, and fail to report for work without
286 notifying your supervisor, this will also be considered an absence. If you are
287 excused, in advance, from scheduled overtime work, such absence will not count
288 as an absence.
- 289 • Three (3) consecutive workdays of absence without notifying your supervisor will
290 be considered job abandonment and a voluntary termination of employment by the
291 employee.
- 292 • If you are absent from work for more than seven (7) consecutive days due to illness,
293 you must apply for a Short-Term Leave of Absence. If you are absent for three (3)
294 or more consecutive days due to illness, on the day of return you may be asked by
295 your supervisor to bring a statement from your doctor releasing you to return to
296 work.

297
298 If you know in advance you are going to be late or absent from a scheduled shift, please
299 advise your supervisor at least one day in advance so that your position can be filled if
300 necessary. Please notify your supervisor by text or phone call (speaking directing to your
301 supervisor or department manager), or voice mail prior to the shift or as soon as possible.

302 When reporting an absence, be sure to include information about:

- 303 (1) Name
- 304 (2) Department
- 305 (3) Name of Supervisor
- 306 (4) Reason for Absence
- 307 (5) Expected Date of Return

308
309 A pattern of unexplained absences or tardiness will be considered grounds for disciplinary
310 action up to and including termination.

311
312 **Promotions**

313
314 Promotions are based on the belief that it is in the best interest of all of us to have the most qualified
315 person on every job. It is our policy to fill vacancies whenever practical by promoting current,
316 qualified employees who deserve such promotions. Various Town positions will be posted on the
317 Town's bulletin boards for five (5) workdays. If you want to be considered for the position, notify
318 your Supervisor. Promotions will be made on the basis of factors such as job performance,
319 efficiency, training, knowledge, job qualifications, skills, ability and the Supervisor's evaluation
320 of the employees' potential abilities. To be eligible for promotion, an employee must meet
321 minimum requirements of the higher-level position and must have a current satisfactory
322 performance rating in the present position. **Final decisions whether to promote a current**

323 **employee or to hire someone outside the organization resides solely with the Town Council.**
324 A six (6) month trial period is required, subject to the discretion of the Town Council. After an
325 employee accepts a promotion, the employee cannot return to the prior position unless the position
326 is available.

327
328 **Layoffs**

329
330 It is our desire to maintain a steady work force and we always strive to avoid layoffs. Although
331 we hope this never happens, if budgets or income were reduced substantially, we might
332 then be forced to decrease our work force. Altered priorities of governing boards, reorganization
333 of work and services, lack of work, lack of funds or other reasons may affect our employment
334 needs. In the event we decide it is necessary to eliminate or consolidate jobs or otherwise curtail
335 staff, layoffs may be necessary. The decision as to which individuals to be laid off will be made
336 by the Town Council. Employees will receive at least ten (10) working days’ notice of layoff.

337
338 **Employee Classifications¹**

339
340 **Regular full-time employees** are those salaried or hourly paid employees who are
341 regularly scheduled to work at least 30 hours per week. Full-time employees are also those
342 employees who have been appointed for ongoing employment to a position identified as
343 “full-time” as established in the Wage and Salary Ordinance and the annual budget and
344 who have completed their probationary period. All full-time employees are eligible for
345 benefits identified in this handbook after the prescribed applicable waiting period. Regular
346 part-time employees are those salaried or hourly paid employees who are hired with the
347 understanding that they will regularly work less than 30 hours per week. **Part-time**
348 **employees** are not eligible for employee benefits except as set forth in this handbook or as
349 required by law, subject to the requirements of the Affordable Health Care Act. A part-
350 time employee who becomes a full-time employee will have seniority and benefits based
351 on the date that full-time employment begins.

352
353 **Temporary Employees** - Temporary employees are those salaried or hourly paid
354 employees who are hired with the understanding that their tenure with the Town is for a
355 fixed period of time. Temporary employees may work any number of hours including
356 **forty (40) or more hours per week.** **Temporary** employees will not receive any benefits
357 from the Town, except as required by law. A temporary employee who becomes a regular
358 full-time employee will have seniority and benefits based on the date the employee
359 becomes full-time.

360
361 **Employment-At-Will** - Full and part-time employment is for no definite term. This means
362 that you and the Town have an "employment-at-will" relationship. In such a relationship
363 you may end your employment with the Town at any time and the Town may do likewise
364 unless prohibited by law. The Town does request that you give at least two weeks’ notice
365 prior to leaving. No written or oral promises have been made to employees regarding the
366 length of their employment or the reason for which their employment can be terminated.

¹ See Chapter 34 of the ordinances, specifically section 34.02

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Hours of Work and Compensation Policies

Workday and Work Week - Your supervisor will tell you the starting and quitting time for your shift. Unpaid lunch periods are normally 30 minutes long. Most personnel will be expected to work a five (5) consecutive day work week. The lunch period shall be designated by each department manager. Personnel of the Police Department may be assigned to different workday and work week schedules.

Overtime Work - On occasion, we have to work overtime to satisfy needs. When overtime is necessary, you will receive as much advance notice as possible. If for some reason you are unable to work overtime, please discuss this with your supervisor. No overtime may be worked unless specifically authorized by your supervisor. Regular full-time employees will receive preference and an effort will be made to equalize such overtime among those able to perform the available work.

Work Schedules and Overtime Pay - All non-exempt, non-salaried employees will be paid time and one-half the regular rate of pay OR will receive compensatory time at one and one-half the time for all work performed in excess of forty (40) hours per week. No more than 24 hours of compensatory time may be accumulated before the employee must take pay for any overtime worked. For all full-time employees, holidays and comp hours/days will be counted as hours worked for purposes of calculating your overtime hours. Other time off of work shall not count toward overtime. Overtime pay will be computed in fifteen-minute increments

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

No full-time, salaried employee of the Town may receive overtime pay or compensatory time off, without the express written permission of the Town Council.

Employees are responsible for notifying their responsible elected official or department head during each pay period when overtime occurs, to request compensatory time off in lieu of pay for the overtime accumulated during the pay period.

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

Pay Day - All probationary, regular full-time, regular part-time and temporary employees as well as the Clerk-Treasurer shall be paid bi-weekly. Employees shall only be paid by

413 direct deposit to a checking or savings account as identified by the employee. All elected
414 officers shall be paid according to a frequency fixed by state law and ordinance.

415
416 If there is any question concerning your salary or wages, please notify your supervisor as
417 soon as possible to take steps to correct any errors. There will be no advances of wages as
418 it is prohibited under Indiana law. (IC 5-7-3-1.)

419
420 **Payroll Deductions** - The law requires that we make certain deductions from your
421 paycheck for federal income tax, state income tax, Social Security, any other applicable
422 taxes and court orders. These deductions will vary depending upon how much you earn
423 and how many dependents you have. This is another good reason for you to report any
424 change in marital status or number of dependents to the Office of the Clerk-Treasurer
425 immediately. You may request a payroll deduction for other purposes upon a written
426 request to the Office of the Clerk-Treasurer. Except where expressly indicated otherwise,
427 no deduction, other than those named above, will be made from your check without your
428 consent. If you have any questions about any deductions, do not hesitate to ask your
429 supervisor. The Town reserves the rights to make corrections for payroll errors, including
430 the right to deduct from future paychecks those overpayments which have been made to
431 employees in error.

432
433 **Pay for Temporarily Replacing another Employee at a Higher-Grade Level** - If a
434 regular full-time employee is assigned to temporarily replace another employee at a higher
435 grade-level for an extended period of time, that employee will begin to receive the higher
436 rate of pay after completing thirty (30) calendar days in that position. *The actual rate will*
437 *be subject to approval by the Town Council.* All other benefits remain the same.

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458 **Employee Benefits²**

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Holidays - The Town recognizes and pays for holidays throughout the year for full-time employees who have worked at least 30 calendar days with the Town. The holidays recognized by the Town are as follows:

- New Year's Day, January 1
- Good Friday
- Memorial Day
- Independence Day, July 4
- Labor Day
- Veterans Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Day, December 25

If a recognized holiday falls on a Saturday, the previous Friday will normally be observed as the holiday. If the holiday falls on a Sunday, the following Monday will normally be observed. The Town Council President is authorized to issue a written clarification when the weekend rules are unclear. You will be paid for eight hours **or the appropriate equivalent for salaried workers.**

In addition to the paid holidays listed above, all full-time employees shall be eligible for two additional, paid holidays, one to be either the day before or the day after the Christmas Day holiday, and the other either the day before or the day after New Year’s Day as determined by the Town Council.

To be eligible for holiday pay, an employee must work his or her last scheduled day before and the next scheduled day after the observed holiday. This policy does not apply to a pre-approved vacation or a compensatory or regularly scheduled day off. In the event an employee is ill on the last scheduled day before or next scheduled day after a holiday, the employee may be eligible for holiday pay, provided proof of the illness is presented in a form sufficient to the employee's supervisor. Employees on medical or other leaves of absence, including disciplinary leaves of absence, and employees who are scheduled to work on a holiday but call off are not eligible for holiday pay.

Employees who are required to work on an observed holiday will be paid at a rate of one-and-a-half times their regular rate of pay for each hour worked. In addition, full time employees shall receive up to eight hours of vacation time, at the rate of one (1) hour compensatory time for each one (1) hour worked, to be used at a later date.

The Town Council will designate the observed holidays. Full time employees whose regularly scheduled day off falls on a holiday, at their option, may choose to be paid

² See Chapter 34 of the ordinances, specifically section 34.20-34.30

502 an additional eight (8) hours for the holiday, or may receive eight (8) hours of
503 vacation time to be used at a later date.

504
505 Employees who have already worked two 40 hours weeks prior to working a holiday
506 shift, and who are eligible for overtime pay, shall be entitled to overtime pay for the
507 shift worked.

508
509 **Vacation Leave** - We believe that you should have a time of rest and relaxation each year.
510 Vacation with pay (straight time base rate and any longevity) is one of the ways we show
511 our appreciation for your length of service and productive efforts. A full-time employee
512 becomes eligible for vacation after completing six (6) months of uninterrupted full-time
513 employment. Full-time employees receive vacation leave at rates from 5 days to 25 days
514 per year based upon the number of years of service. Paid vacation leave is earned according
515 to the following schedule:

<u>Years of Service</u>	<u>Entitled To</u>
517 First year	.00923 hour per hours worked (1 week)
518 Second year	.03846 hour per hours worked (2 weeks)
519 Seventh year	.05769 hour per hours worked (3 weeks)
520 Tenth year	.07692 hour per hours worked (4 weeks)
521 Fifteenth year	.09615 hour per hours worked (5 weeks)

522
523
524 Accumulated vacation leave is paid to employees upon separation of employment unless
525 that occurs in first six months of employment; the initial period of ineligibility. Vacation
526 leave may be taken any time after it has been earned, provided the scheduling of the leave
527 has been approved by the responsible elected official or, where appropriate, department
528 head.

529
530
531 The employee must receive written approval from the responsible elected official or,
532 where appropriate, department head for utilizing more than 20 consecutive days of
533 earned vacation time.

534
535 An employee may accumulate no more than 160 hours of vacation leave before the
536 employee must schedule time off. The Town Clerk’s office will notify the employee’s
537 Supervisor that the 160-hour vacation leave threshold has been met.

538
539 If vacation time off has not been scheduled within 30 days, any time accumulated after
540 that pay period will be forfeited to keep accumulated vacation leave below 160 hours.

541
542 If you terminate employment with the Town, you will be eligible to receive pay for any
543 unused vacation time.

544
545 In the event of your death, payment will be made for any unused vacation allowance for
546 which you were eligible on the date of your death. Such payment will be made to the same
547 person who is entitled to receive unpaid wages.

548
549 Payment in lieu of vacation is prohibited under conditions of this policy and in keeping
550 with the Indiana Statutes.

551
552 **Group Insurance**

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

557
558 **Workers Compensation Insurance** - This insurance becomes effective on your
559 first day worked and protects you if you are injured on the job. To be sure to protect
560 yourself under this insurance, you must REPORT ALL INJURIES, HOWEVER
561 SLIGHT, TO YOUR SUPERVISOR IMMEDIATELY. With the exception of
562 employer provided health insurance coverage, all other employer provided
563 monetary and other benefits, including accrual of vacation and sick leave, will be
564 suspended during unemployment under Workers Compensation leave.

565
566 **Medical and Life Insurance** - The Town will provide health, hospitalization
567 and life insurance to all qualified full-time employees and will make insurance
568 benefits available to all qualified dependents through payroll deductions. The
569 Town reserves the right to change alter, modify or cancel the insurance plan
570 coverage with or without notification. For specific details on the type and extent
571 of coverage, please refer to the plan document, which will be provided at the time
572 of enrollment. The Town requires a co-payment by employees covered by the
573 Town Medical policy. The Town will not pay the premiums for the members of the
574 Town Council for participation in any group insurance plans.

575
576 Extension of Insurance Plan – COBRA - The right to COBRA continuation
577 coverage was created by a federal law, the Consolidated Omnibus Budget
578 Reconciliation Act of 1985 (COBRA).

579
580 Group Health Insurance Plan as defined in this section includes medical insurance
581 that may be offered by the Town or mandated by state or federal law at the time of
582 retirement or separation of an employee.

583
584 Employees who separate from employment for any reason and who elect to
585 continue their group insurance plan coverage according to the terms of the
586 insurance company contract, must personally pay insurance premiums under the
587 terms of the COBRA law. Such electing employees shall pay the actual cost of the
588 premium plus a two percent (2%) service fee. Payment must be made to the Clerk-
589 Treasurer prior to the 5th day of each month for the month’s insurance. If payment
590 is not received by the fifth day of the month, the premium will not be paid for that
591 month. No notices of payment due will be sent to separating employees. The Clerk-
592 Treasurer shall have authority to implement and administer this benefit policy, as

593 adopted, including implementing the provisions related to the employee group
594 premium co-payment, all in accordance with IC 36-5-6 et seq.

595
596 **Health Savings Accounts (HSA Accounts)** - The Town of Ogden Dunes may
597 provide the option to support worker establishment of a *Health Savings Account*
598 pursuant to and as outlined in the relevant sections of the Internal Revenue Code.
599 The plan option will only be available to **eligible full-time employees of the Town**
600 **as defined by Section 2.01**. The Town of Ogden Dunes as employer will make a
601 financial contribution to the individual health saving account of **eligible employees**
602 **of the town** that elect to participate. The **eligible employees of the town** must not
603 be covered by any other group health insurance plan. Details of the plan shall be
604 maintained as a plan document and retained on file.

605
606
607 **Sick Leave** - Only full-time employees are entitled to be paid sick leave. Employees shall
608 be granted sick leave at the rate of six and two thirds hours per month of continuous service
609 with the Town. For full-time employees who have served at least one year with the Town,
610 sick leave will be awarded at a rate of ten (10) days a year at the beginning of the
611 employee’s employment anniversary date as a lump sum. Paid sick leave is intended for
612 use in instances of a bona fide illness or injury of the employee, or for use for the care of a
613 spouse, child, or parent of the employee who has a bona fide illness or injury. If not used,
614 sick leave will accumulate and be placed in a personal sick bank, to a maximum of 30 days,
615 for use in the event of an extended illness with approval of the council. See town ordinance
616 34.22 Sick Leave section B, section 2-4.

617
618 **Military Leave** - The Town of Ogden Dunes provides military leave to eligible employees.
619 The Town’s military leave follows established regulations which follow federal and state
620 laws including the federal Uniformed Services Employment and Reemployment Rights
621 Act which are in force at the time the military leave is taken. Employees should notify
622 their supervisors as soon as they become aware of military service.

623
624 **Bereavement Leave** - If a death should occur in your **immediate family**, you may be
625 given personal paid time off for personal bereavement. The pay will be for the time lost
626 from work because of the bereavement, but not to exceed eight (8) hours per day at your
627 straight time rate, up to a maximum of (5) five days per year. You will not be paid for
628 bereavement leave on days for which you are otherwise compensated (holidays, vacation,
629 etc.). Immediate family is defined as current spouse, cohabitating partner, child, parent,
630 brother, sister, grandparents, grandchildren (all by blood or marriage). If you need time
631 off for bereavement leave, you must notify your Supervisor as soon as possible. Upon
632 returning from bereavement leave, you may be asked to present a copy of the funeral notice
633 to your supervisor. Unused bereavement leave will not ‘roll over’ but will be lost if not
634 used prior to the employee’s anniversary date. Employees who leave employment, whether
635 voluntarily or involuntarily, will not be compensated for unused bereavement leave.
636 Bereavement leave benefit occurs after one year of employment based on your anniversary
637 date of your employment.

638

639 **Disability Leave** - The Town provides a Worker’s Compensation Benefit and short/long
640 term disability insurance to provide wage continuation for those employees who may
641 become injured or ill. The health and well-being of our employees is important to us. Since
642 we endeavor to hire the finest possible employees, we believe it is in the best interest of
643 both the employee and the Town to protect the health of all personnel. The purpose of
644 Workers Compensation Leave is to provide salary continuation for salaried and hourly full-
645 time employees who are unable to work because of disability as a result of injury or illness.

646
647 **Other Benefit Coverage During Disability Leave.** With the exception of employer
648 provided health insurance coverage and payments to the employee’s Health Savings
649 Account, all other employer provided monetary and other benefits, including the accrual
650 of vacation, bereavement leave and sick leave, will be suspended during Disability Leave.

651
652 The Town provides, at no expense to you short-term and long-term Disability insurance.
653 The purpose of Disability coverage is to provide salary continuation for salaried and hourly
654 full-time employees who are unable to work because of disability as a result of illness or a
655 non-related work injury that is not covered by Worker’s Compensation.

656
657 Subject to the terms of the applicable disability policy, short term and long-term insurance
658 benefit shall be in force after seven (7) consecutive days disabled and after the employee
659 has obtained a doctor's or attending physician's report. Council approval expressed by the
660 written signature of Town Council President is mandatory for payments to be made. The
661 first seven (7) days of sickness/disability, before Disability Leave begins, are charged to
662 the employee’s accrued sick leave, personal leave or vacation leave. The first seven (7)
663 days are unpaid if accrued leave is not available. Disability Leave is supplemental to the
664 disability benefit provided by workers compensation insurance for a job-related injury or
665 sickness.

666
667 **Public Employee Retirement Program** - The Town will enroll its employees in the
668 State Public Employee Retirement Program according to their status. Eligible
669 employees include all qualified full-time employees of the Police Department, Clerk-
670 Treasurer’s office, and the Public Works Departments of the Town. For the purposes
671 of this section, Public Works Departments shall mean both the Streets Department
672 and Water Utility so that all full-time employees of the Street Department and Water
673 Utility are included as “Public Works Department” employees.

674
675 Qualified employees are those made eligible by this section and accepted by the
676 Public Employees Retirement Fund of Indiana and covered by the pension plan
677 agreement with Public Employees Retirement Fund of Indiana.

678
679 The Town shall pay that portion of an eligible employee’s gross wages in the Public
680 Employees Retirement Fund mandated by state law to be paid by the employer.
681 Eligible employees are required to contribute to the Public Employees Retirement
682 Fund the mandatory amount set by state law. Eligible employees may elect to
683 contribute to the Public Employees Retirement Fund an additional amount of their
684 gross wages (over the mandatory state amount) as permitted by state law.

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Deferred Compensation Retirement Program - Employees of the Town, both full-time and regular part-time employees may become voluntary participants of the town’s I.R.C. Section 457 (Internal Revenue Code) deferred compensation retirement program.

Miscellaneous Benefits

Authorized Use of Town Owned and/or Leased Vehicles - The following individuals by title are permitted, subject to the concurrence of the governing board of jurisdiction, to utilize municipal leased and owned vehicles for the purpose of conducting public business, providing transportation to and from the workplace, and limited personal business.: *Town Marshall, Street Department Manager*. In the event of leave lasting more than three consecutive days, the vehicle must remain in Ogden Dunes.

The persons identified by title and only these persons are authorized to use vehicles for limited personal business. Except as otherwise restricted by rules or regulations of the Town of Ogden Dunes, reasonable personal business is described as usage of an assigned vehicle within a thirty (30) mile radius of the Town of Ogden Dunes by an assigned worker who can be called for duty at any time. In all cases municipal vehicles may not be used for personal business beyond the thirty-mile radius. No other persons, other than the municipal employees listed by title in this section, are authorized to operate the vehicle for personal use. Pursuant to Federal and State income tax guidelines, employees using town owned or leased vehicles shall keep records of personal use. Personal use shall be taxed as fringe benefits according to the mileage rates established by the United States Internal Revenue Code.

Mileage Reimbursement - All elected town officials and full-time department heads and staff shall be entitled to reimbursement for official and necessary travel by private automobile on appropriate and official town business.

The rate of reimbursement shall be a sum for mileage equal to that sum per mile paid to state officers and employees.

Police Department Clothing Allowance - Law Enforcement Officers of the Ogden Dunes Police Department as defined by I.C. 5-2-1-2(a) shall be reimbursed for uniform expenses. It is hereby declared necessary and essential that a clothing allowance be created for certain members of the police force of the town and that each police officer coming within this provision have certain allowances for clothing as follows:

- The Marshal shall be entitled to a reimbursable clothing allowance up to \$1,200 per year (detailed receipts required).
- All other full-time officers shall be entitled to a reimbursable clothing allowance up to \$1,200 per year (detailed receipts required).

731 The Marshal is hereby given the authority to supply the Clerk-Treasurer with
732 a list of those individuals eligible for clothing allowance and may request the
733 distribution of reimbursable funds payable pursuant to this section
734 throughout each calendar year as may be necessary for the replacement of
735 clothing for the police personnel provided for and as reasonably necessary.
736

737 Patches and badges and other police department equipment issued to part-
738 time officers remain the permanent property of the town and must be
739 returned to the Marshal or the Town by the employee upon termination.
740

741 **Elective Waiver of Benefits** - Any employee or elected officer of the Town of Ogden
742 Dunes, may decline and waive any of the benefits conferred and set forth in the
743 Compensation and Benefits Ordinance, provided such waiver be in writing, in a form
744 approved by the Town Attorney, a copy of which shall be retained and placed on file with
745 the municipality and that any such waiver may not be rescinded once executed without
746 authorization and approval of the municipal legislative body.
747

748 **Complaint Procedure**

749
750 The Town recognizes that there are going to be times when you have a problem or
751 complaint that needs to be resolved. We seek to ensure that any problem or complaint you
752 may have receives prompt and thorough consideration.
753

754 In order to provide you with an effective means to bring your problems or complaints
755 concerning your well-being at work, we have established a "Complaint Procedure" to be
756 used by all employees. Remember, the only way we can answer your questions or help
757 solve your problems is for you tell us about them. We hope you will feel free to use our
758 Complaint Procedure. You, as well as all of us at the Town, can benefit from it.
759

760 For general workplace complaints, first, see your Supervisor or Department Manager. In
761 most cases, any problems or complaints you may have can be resolved by frank and
762 friendly discussion with your Department Manager. Your Department Manager is there to
763 help you and to see that you are treated fairly; you should feel free to speak with him or
764 her candidly. The Department Manager will generally make a final decision as to the merits
765 of your complaint.
766

767 If the problem or complaint is still unresolved, the decision of the Department Manager
768 may be reviewed (if submitted in writing) by the Department liaison of the Town Council
769 within fifteen (15) working days after the decision of the Department Manager. After
770 receipt of an employee complaint, the Town Council will meet with the employee and the
771 Department Manager in an attempt to resolve the problem or complaint. The Town Council
772 will respond to the employee and the decision of the governing board shall be final and
773 binding between the Town and the employee involved.
774

775 In special cases, you can go directly to the Town Council. If the complaint should involve
776 your Department Manager, you can request a personal meeting with the Department’s
777 Town Council liaison.

778
779 **Complaints alleging discrimination or harassment on the basis of age, gender, race,**
780 **color, or national origin should follow the grievance procedures below.**

781
782 **Grievance Procedure:**

783 The Town of Ogden Dunes has adopted and implemented a grievance procedure for
784 complaints under Section 36.01 of the Town of Ogden Dunes, Indiana, Code of
785 Ordinances. The grievance procedure was established to meet the requirements of Title VI
786 of the Civil Rights Act of 1964. It may be used by anyone who wishes to file a complaint
787 alleging the Town of Ogden Dunes discriminated on the basis of race, color, or national
788 origin regarding the exclusion from participation in, being denied the benefits of, or being
789 subjected to discrimination under any program or activity receiving Federal financial
790 assistance.

791
792 The complaint should be in writing and contain information about the alleged
793 discrimination such as name, address, phone number of complainant and location, date and
794 description of the problem.

795
796 The complaint should be submitted by the grievant or his/her designee as soon as possible
797 but no later than sixty (60) calendar days after the alleged violation. To protect the privacy
798 of the grievant, the complaint must be sealed and marked as confidential and delivered to
799 the Town Council President and to the appointed Title VI Coordinator for the Town of
800 Ogden Dunes. Thereafter, the Town Council President and the Title VI Coordinator may
801 meet with the town attorney for legal guidance on the appropriate steps to investigate the
802 complaint. Any future actions indicated in this document and taken by the Title VI
803 Coordinator will be under the legal guidance of the town attorney.

804
805 Within thirty (30) calendar days after receipt of the complaint, acting under legal guidance
806 from the town attorney, the Town of Ogden Dunes’ Title VI Coordinator will meet with
807 the complainant to discuss the complaint and the possible resolution. Within thirty (30)
808 calendar days of the meeting the Town of Ogden Dunes’ Title VI Coordinator or his
809 designee will respond in a format accessible to the complainant. The response will offer
810 options for substantive resolution of the complaint.

811
812 If the response of the Town of Ogden Dunes’ Title VI Coordinator or his designee does
813 not satisfactorily resolve the issue, the complainant or his/her designee may appeal the
814 decision, in writing, within fifteen (15) calendar days after receipt of the response to the
815 Ogden Dunes Town Council.

816
817 Within fifteen (15) calendar days after receipt of the appeal, the Ogden Dunes Town
818 Council will meet with the complainant to discuss the complaint and possible resolution.
819 Within fifteen (15) calendar days after that meeting, the Ogden Dunes Town Council will
820 respond in a format accessible to the complainant with a final resolution of the complaint.

821 To ensure the confidentiality of the Grievance Procedure, all written complaints received
 822 by the Ogden Dunes' Title VI Coordinator or his designee, investigatory documents
 823 created, written appeals to the Ogden Dunes Town Council and responses from these two
 824 offices will be considered confidential and, at the discretion of the Town Council, shall be
 825 excepted from disclosure. All records shall be retained by the Town of Ogden Dunes for
 826 not less than three (3) years. In the case of records involving employees of the Town, such
 827 records shall be maintained in a file separate from the employee's personnel file.
 828

829

830 **Authority for Leaves with pay during the pendency of investigations.**

831

- 832 • During the course of investigating alleged violations of work rules or employee
 833 misconduct, department managers are authorized to suspend from the work
 834 schedule an employee or employees with pay and continuation of benefits about
 835 whom the allegations are made.
- 836 • When the alleged violations of work rules or employee misconduct allege a
 837 department head, the authority to suspend the department head with pay and
 838 continuation of benefits is conferred upon the Town Council.
- 839 • The suspension may not exceed twenty (20) days, excluding weekends, unless
 840 specifically approved by the Town Council.

841

842 **Workplace Safety Rules**

843

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

- 850 (1) Use the safety equipment and follow the safety procedures for each job.
- 851 (2) If an injury or illness occurs while on the job, the supervisor must be notified.
 852 All injuries, no matter how slight, must be reported at once. You should
 853 never treat your own or another employee's injury nor remove foreign
 854 particles from the eye.
- 855 (3) If you need to leave work before the end of a scheduled shift because of illness
 856 or injury, you must notify your supervisor.
- 857 (4) Before beginning any job, take the time to think about the hazards that you may
 858 encounter. Preparation and experience prevents surprises.
- 859 (5) If medical treatment is necessary for an injury, notify the supervisor so that
 860 proper records can be maintained
- 861 (6) Aisles, passageways, and floors should remain clean, dry, and free from tripping
 862 hazards at all times.
- 863 (7) Turn off and unplug machines before cleaning, adjusting, or repairing. Use
 864 appropriate lock-out/tag-out system.

- 865 (8) Ladders should be routinely inspected and free from defects. When necessary
- 866 to prevent slipping, inspect the condition of the floor area and the ladder’s
- 867 rubber feet, and have another worker “steady” the ladder for you if needed.
- 868 (9) Never use "makeshift" or defective scaffolding, rigging, or stages. Five gallon
- 869 buckets are deceptively dangerous!
- 870 (10) Do not attempt to lift or push excessively heavy objects that can be done with
- 871 a lift or a helping hand. Never bend at the waste, bend at the knees! When
- 872 lifting, tense the muscles in your stomach; this actually supports your back.
- 873 (11) Never use any defective tool! Defective cords or wooden handles should be
- 874 removed immediately and not temporarily taped back into service. Dispose
- 875 or destroy any tool that cannot be repaired...Do not leave it sitting around
- 876 waiting for a victim.
- 877 (12) Know the locations of all fire extinguishers in town vehicles or work areas. If
- 878 seal is broken, pin pulled, or extinguisher is used, notify your supervisor at
- 879 once so that it can be replaced or re-charged.
- 880 (13) Learn the location and proper use of firefighting equipment that is accessible
- 881 to your department.
- 882 (14) Gloves should only be worn where it will not impede the ability to operate
- 883 machinery safely. Do not wear gloves or loose clothing around moving
- 884 machinery such as saws, lathes, and drill presses.
- 885 (15) Notify the supervisor of any electrical issues in need of repair. Do not make
- 886 electrical repairs unless you are qualified to do so. Make sure all power is
- 887 turned off until electrical issue has been resolved and is safe to use again.
- 888

889 **General Policies Regarding Employee Conduct**

890
891 **Appropriate Dress and Grooming** - As an employee of the Town, you are a
892 representative of the Town and a role model to the public. Although we do not have a
893 formal dress code, you are required to be neatly groomed and to wear suitable clothing for
894 your work environment, including approved uniforms as required by your Department.
895

896 **Outside Employment** - We expect that your employment with the Town to be your major
897 obligation. In order to avoid any misunderstandings or potential conflict of interests, any
898 outside employment must be approved in advance by your Department Manager and the
899 governing board of jurisdiction. Generally, we have no objection to employees holding
900 other jobs or being self-employed as long as: you are able to meet the performance,
901 attendance requirements, overtime and other requirements of your job; your off-duty work
902 activities do not constitute a conflict of interest, interfere or negatively reflect on the
903 interests and reputation of the Town; and you do not engage in off-duty work activities that
904 directly compete with the Town or obligate the Town to overtime under FLSA
905 requirements. During scheduled work hours, employees are required to conduct only the
906 business of the Town.
907

908 **Use of Municipal Property and Facilities** - Employees who operate vehicles owned by
909 the Town will lock the vehicle when it is not occupied or otherwise secured in a facility
910 that is locked down. **The use of Town postage stamps or the postage meter for personal**

911 **use is strictly prohibited; use of Town tools, material, facilities, vehicles, computer**
912 **equipment or any other equipment for personal use is prohibited.** This prohibition
913 does not prevent the use of facsimile or photo-coping machines provided the authorized
914 fees for such uses are paid. Still further, this policy does not prohibit the use of Town
915 properties that are otherwise made available to the public subject to a rental or user fee,
916 provided the employee applies for the use as would any member of the public and pays the
917 appropriate user fees. No town tools should leave the town at any time.

918
919 **Confidential Information** - In the course of your employment with the Town, you may
920 have access to information which is confidential, including, but not limited to, information
921 about new Town projects, accounting records, insurance records, personnel records and
922 information about our citizens. You shall not use, disclose or divulge the confidential
923 information of the Town or its citizens to any third party, without prior written
924 authorization by the Town Council.

925
926 **Residency** - Residency will not be a condition of employment or continued employment.

927
928 **Use of Telephones and Computers** - Although we recognize that there will be times when
929 personal phone calls or messages must be made or received during business hours, personal
930 phone calls or e-mails (both incoming and outgoing) shall be kept to a minimum. Make
931 personal calls or e-mails and take care of personal business on your breaks or during your
932 meal period. An employee’s excessive phone calls or emails may be subject to disciplinary
933 action by the Department Manager.

934
935 An employee’s use of Town computers or phones to engage in illicit/illegal acts, distribute
936 or solicit illicit or illegal materials, or to visit pornography sites or visit sites that promote
937 discrimination against individuals based on religion, race, gender, sexual orientation,
938 ethnicity may result in immediate dismissal.

939
940 **Use of a Mobile/Cellular Phones While Operating a Motor Vehicle** - Employees whose
941 job responsibilities include regular or occasional driving are expected to refrain from using
942 their telephone while driving. Regardless of the circumstances, employees shall pull off to
943 the side of the road and safely stop the vehicle before placing or accepting a call. Under no
944 circumstances are employees allowed to place themselves at risk to fulfill business needs.
945 Employees who are charged with traffic violations resulting from the use of their telephone
946 while driving will be solely responsible for all liabilities that result from such actions. Use
947 of a cell phone in violation of this policy includes the writing, sending, or receiving of a
948 text message. Employees are expected to refrain from texting while in a vehicle during
949 their on-duty hours or while performing any function for the Town. Violations of this
950 section will be subject to discipline, up to and including termination.

951
952 **Non-Smoking Policy** - No smoking is permitted in any Town Building or Town owned
953 vehicle.

954
955 **Anti-Theft Policy** - Property losses resulting from theft increases costs, harm morale,
956 cause suspicion and mistrust and threaten the future of our jobs. As a result, we have a

957 policy to ensure that all suspected theft cases are handled consistently, fairly and with
958 dignity. In the event of theft or suspected theft, the Town will thoroughly investigate the
959 matter. Law enforcement may be called in to investigate such theft. Any employee caught
960 stealing will be subject to possible criminal prosecution and/or termination from
961 employment with the Town of Ogden Dunes. While the Town cannot be held accountable
962 for any loss, destruction, or theft of employee's personal property, this policy should help
963 to minimize the risk of loss due to theft.

964
965 **Sexual Harassment and Non-Fraternization Policy**

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

974
975 Allegations of sexual harassment are taken very seriously. Any employee who
976 believes that he or she is the victim of sexual harassment should immediately bring
977 the matter to the attention of his or her supervisor, or to any other member of
978 management (if the employee would feel more comfortable speaking with someone
979 other than his or her supervisor). All such matters will be treated confidentially,
980 and with the utmost discretion. The Town will actively investigate all sexual
981 harassment complaints, and if it is determined that sexual harassment has occurred,
982 management will take appropriate disciplinary action against the offending party,
983 up to and including discharge.

984
985 Acts considered to constitute sexual harassment include, but are not limited to,
986 unwelcome sexual advances, requests for sexual favors and other verbal or physical
987 conduct of a sexual nature where:

- 988 (1) submission to such conduct is either an express or implied term or
989 condition of employment;
- 990 (2) submission to or rejection of such conduct is used as a basis for an
991 employment decision affecting the harassed person; or
- 992 (3) the purpose or the effect of such conduct is to substantially interfere with
993 the affected individual's job performance or to create an
994 intimidating, hostile or offensive work environment.

995
996 **Prohibited Relationships among employees where there is direct supervision**
997 **or control between the parties** - The Town strives to provide an environment for
998 its employees that is respectful, fair and free of unlawful harassment and
999 discrimination. In keeping with its commitment to provide equal opportunity to its
1000 employees, and in order to avoid potential conflicts of interest, favoritism,
1001 exploitation, harassment or breaches of professional standards, the Town prohibits
1002 romantic or sexual relationships among employees where there is supervision,

direction or control between the parties. This policy applies to *all employees*, as defined herein. For purposes of this policy the following definitions shall apply:

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

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

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

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

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

Questions regarding the applicability of or reporting requirements contained in this policy may be directed to any supervisor or manager. Allegations of harassing behavior must immediately be reported to his or her supervisor, or to any other member of management.

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

1049 **Substance Abuse Policy** - The Town Council holds that drug and alcohol use is highly
 1050 detrimental to the safety and productivity of our people and its citizens. Additionally, the
 1051 Town supports and complies with both State and Federal Drug Free Work-Place Acts. The
 1052 Town is committed to maintaining a drug free workplace. The unlawful manufacture,
 1053 distribution, dispensation, use, or being under the influence of alcoholic beverages or
 1054 illegal drugs while on the Town's property, while attending work related activities, while
 1055 on duty, or while operating a vehicle or machine leased or owned by the Town is strictly
 1056 prohibited. Employees in the workplace in violation of any of the prohibitions above shall
 1057 be subject to disciplinary proceedings before the Town Council.

1058
 1059 **Social Media** - This policy governs the publication of and commentary on Social Media
 1060 by town employees as well as Committee, Board, and Council members (herein referred to
 1061 as “representatives”) of the Town of Ogden Dunes (herein referred to as “Town”) and is
 1062 not designed for the purposes of interference with or restriction of town representatives’
 1063 rights under all applicable laws including the National Labor Relations Act as well as
 1064 federal, and state equal opportunity laws.

1065
 1066 We respect the laws and employees’ rights to engage in concerted activities under the laws.
 1067 For the purposes of this policy, the term “Social Media” describes any facility for online
 1068 publication and commentary, including without limitation the Town’s blogs, wiki's, social
 1069 networking sites such as Facebook, LinkedIn, Twitter, Flickr, YouTube, Instagram and the
 1070 Town’s organizational website. This policy is in addition to and complements any existing
 1071 or future policies regarding the use of technology, computers, e-mail and the internet. It is
 1072 the representative’s responsibility to read, understand, and follow this policy when
 1073 establishing or participating in the Town’s wikis, social networks, blogs, or any other sort
 1074 of Social Media. The Town takes no position on a representative’s decision to start or
 1075 maintain a blog or participate in other Social Media or social networking activities.
 1076 However, it is the right and duty of the Town to protect itself from Town representatives
 1077 who indicate that they are speaking on behalf of the Town when they are not authorized to
 1078 do so.

1079
 1080 Town representatives are free to publish or comment via Social Media in accordance with
 1081 this policy. Town representatives are subject to this policy to the extent that they identify
 1082 or represent themselves as a Town representative (other than as an incidental mention of
 1083 place of employment in a personal blog on topics unrelated to the Town). Notwithstanding
 1084 the previous section, this policy applies to all uses of Social Media, including personal, by
 1085 Town representatives. All uses of Social Media must follow the same ethical standards
 1086 that Town representatives must otherwise follow.

1087
 1088 **Setting up Social Media.** The Town respects the right of its representatives to
 1089 write blogs and use Social Media and social networking sites. The Town does not
 1090 want to discourage its representatives from self-publishing and self-expression, and
 1091 the Town takes a neutral position toward representatives who use Social Media in
 1092 connection with personal interests and affiliations, or for other lawful purposes.
 1093 However, Town representatives are expected to follow the guidelines and policies

1094 set forth to make clear that their comments and posts are made as individuals and
 1095 not as Town representatives.

1096
 1097 **Maintain Confidentiality.** Town representatives must adhere to the Town's
 1098 Policy on Confidentiality in their use of Social Media. Likewise, these
 1099 representatives may not post through Social Media confidential and/or proprietary
 1100 Town-related documents or post any information that would violate the Town's
 1101 Policy on Confidentiality.

1102
 1103 **Protect Privacy.** Privacy settings on Social Media platforms should be set to allow
 1104 anyone to see profile information similar to what would be on the Town's website
 1105 or any other information that is simple public knowledge. Other privacy settings
 1106 that might allow others to post information or see information that is personal
 1107 should be set to limit access. Town representatives should be mindful of posting
 1108 information that the public should not be able to see.

1109
 1110 **Honesty.** Representatives are not to blog anonymously, or use pseudonyms or false
 1111 screen names when undertaken as part of the work for and on behalf of the Town.
 1112 The Town believes in transparency and honesty. Representatives should use real
 1113 names, establish identity, and state that they are Town representatives.
 1114 Representatives should refrain from saying anything that is knowingly false. If a
 1115 vested personal interest exists in something being discussed, the representative
 1116 should disclose this.

1117
 1118 **Respect Copyright Laws.** It is critical that representatives show proper respect
 1119 for the laws governing copyright and fair use or fair dealing of copyrighted material
 1120 owned by others, including Town's own copyrights and brands. Representatives
 1121 should never quote more than short excerpts of works that are not their own, and
 1122 always attribute such work to the original author/source. It is good general practice
 1123 to link to others' work rather than reproduce it.

1124
 1125 **Respect Audience, Town, and Coworkers.** The public in general and Town
 1126 representatives reflect a diverse set of customs, values, and points of view and
 1127 should therefore refrain from saying anything contradictory or in conflict with the
 1128 Town mission or values. Representatives should not be afraid to be themselves,
 1129 but this must be done in a respectful manner. This includes not only the obvious
 1130 (no ethnic slurs, offensive comments, defamatory comments, personal insults,
 1131 obscenity, etc.), but also proper consideration of privacy and of topics that may be
 1132 considered objectionable or inflammatory - such as politics and religion.
 1133 Employees should use best judgment and be sure to make it clear that the views and
 1134 opinions expressed are theirs alone and do not represent the official views of the
 1135 Town.

1136
 1137 If a representative sees misrepresentations made about the Town in the media, they
 1138 are permitted to correct this. Representatives must always do so with respect and
 1139 with the facts. When speaking about others, representatives must not make

1140 statements that are knowingly false and malicious. All Town policies, including
 1141 but not limited to policies regarding harassment and discrimination, apply to
 1142 representatives and in their use of social media.
 1143

1144 **Reporting Violations.** The Town requests and strongly urges representatives to
 1145 report any violations, or possible or perceived violations, of this policy to
 1146 supervisors or the Town President Council President. representatives are
 1147 encouraged to report violations to the Town Council President. In particular, the
 1148 Town would request that residents or representatives provide a snapshot and/or
 1149 printout of the page(s) that is believed to contain the violation so that the Town may
 1150 examine the entire context of the alleged violation.
 1151

1152 **Consider Consequences.** Representatives are personally responsible for their
 1153 commentary and posts through Social Media. Representatives can be held
 1154 personally liable for commentary that is considered defamatory, threatening,
 1155 intimidating, harassing, obscene, proprietary, or libelous and should always
 1156 exercise their best judgment.
 1157

1158 **Disclaimers.** Many Social Media users include a prominent disclaimer saying who
 1159 they work for, but that they are not speaking officially on behalf of the organization.
 1160 This is good practice and is encouraged but should not be counted on to avoid
 1161 trouble - it may not have much legal effect.
 1162

1163 **Interference with Duties.** Employees must ensure that Social Media activities do
 1164 not interfere with duties or commitments. Use of the Town's IT capabilities to
 1165 conduct personal Social Media activities should be kept to a minimum and not
 1166 disrupt work activities. Excessive or inappropriate personal use of the Town's IT
 1167 resources for Social Media purposes will be subject to disciplinary action.
 1168

1169 **Enforcement - Policy** violations will be subject to disciplinary action, up to and
 1170 including termination for cause. Any violations of this policy should be reported
 1171 to the President of the Town Council immediately. Proper disciplinary action will
 1172 then be determined upon a complete and thorough investigation. The Town may
 1173 request that employees avoid certain subjects or withdraw certain information
 1174 concerning Town if the Town believes that doing so will help ensure compliance
 1175 with applicable laws. The Town reserves the right to remove any posted comment
 1176 on any of its related sites if it is deemed not appropriate for the topic discussed or
 1177 the use inappropriate language is present. Internet postings should not violate any
 1178 other applicable policy of the Town, including those set forth in the Employee
 1179 Handbook Representatives must agree that Town shall not be liable, under any
 1180 circumstance, for any errors, omissions, loss, or damages claimed or incurred due
 1181 to any internet postings of their own. The Town reserves the right to suspend,
 1182 modify, or withdraw this Social Media Policy at any time and for any reason, and
 1183 representatives are responsible for reviewing the terms of this policy regularly for
 1184 any changes or updates.
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Employee Conduct and Discipline

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

- (A) Exceeding time limits on break or meal periods or taking break or meal periods other than the designated times without proper authorization.
- (B) Stopping or leaving work before the end of a scheduled work period without proper authorization.
- (C) Sleeping, loafing or wasting time during a scheduled work period.
- (D) Using work hours for personal matters. This includes making or receiving non-emergency personal telephone calls, personal e-mails, personal use of computers and the Internet during scheduled work periods.
- (E) Directing profane, abusive, insulting or threatening language at a fellow employee.
- (F) Creating disharmony among employees or interfering with other employees on the job.
- (G) Working time is for work. Solicitation by employees is prohibited during the working time of the solicitor and the employee being solicited. Distribution of literature by employees, including handbills, leaflets, circulars or other matter is prohibited in any working area, including aisles and corridors, at any time. "Working time," means the time when you are actually scheduled to work as opposed to mealtime, breaks, etc.
- (H) Posting materials on bulletin boards without the prior written approval of the Department Manager, or defacing, marking, damaging, destroying, or removing materials posted on the s authorized by management.
- (I) Failure to observe safety rules or regulations or engaging in any other unsafe or unhealthful conduct.
- (J) Having or allowing unauthorized or unregistered visitors in your work area.
- (K) Engaging in conduct that violates the Town's policy concerning business ethics and conflicts of interest.
- (L) Failure to report any work-related injury or accident -- no matter how minor -- to your Supervisor or the Department Manager.
- (M) Irregular attendance or excessive tardiness or absenteeism, whether with or without proper notice.
- (N) Failure to provide adequate and acceptable verification of illness or injury, or substantiating documentation for absences due to other reasons when required by your Supervisor or the Department Manager.
- (O) Unauthorized entry into designated limited access areas.

- 1232 (P) Poor workmanship, low productivity or substandard performance.
- 1233 (Q) Smoking in non-smoking areas.

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References when leaving employment

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

Handbook Updates

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It is the responsibility of each employee to use common sense, sound judgment and to conscientiously perform your work duties while following our policies and management directives in the performance of your job. You should familiarize yourself with our employment policies and keep yourself abreast of changes in them. When new or revised sections of this Handbook are issued, you are responsible for inserting those sections in your copy of the Handbook, discarding sections that have been replaced and signing acknowledgement of receipt of new sections. In cases where this handbook may be in conflict with Chapter 34 or other sections of the Town of Ogden Dunes Ordinances, the Town Ordinances will prevail.

1262 **Acknowledgement of Receipt**

1263

1264 I have received a copy of the Town of Ogden Dunes Employee Handbook. I understand that it is
1265 my responsibility to become familiar with the contents of this book, as it outlines my benefits and
1266 the Town's policies. I also understand that nothing contained in this Handbook shall be construed
1267 as a contract or guarantee of employment. I understand that the Town and I have an "employment-
1268 at-will" relationship. In such a relationship I may end my employment with the Town at any time
1269 and the Town may do likewise.

1270

1271 Should I have any questions regarding these benefits and policies, I understand that I am
1272 encouraged to talk them over with my supervisor.

1273

1274

1275

1276 Signed: _____

1277

1278 Employee: _____ Date: _____

1279

1280 Print Name: _____

1281

1282 Counter Signed:

1283 Supervisor: _____ Date: _____

1284

1285 **Print Name:** _____

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