

Town of Munster Employee Manual

Last updated: March 2018

WELCOME TO THE TOWN OF MUNSTER

Munster's historic identity as a high-quality suburb of Northwest Indiana and Chicago has steered the forward thinking development strategies first established in the 1939 master plan. Munster, "The Town of Integrity" continues to hold a reputation as a conveniently located, well-educated community that serves as a medical and cultural center for Northwest Indiana.

You have been chosen to receive an opportunity to become part of a proud working tradition. Our work is the work of the public and our resources and trust are provided by the public. Our "product" is a high quality of service delivery that results in a community that all of us are proud to work in, and many of us call home. This standard imposes on us a responsibility greater than that imposed on any private business - to serve our residents and community well. Your co-workers and their predecessors have established an outstanding reputation of service and you are now part of that tradition.

This manual contains the policies and procedures to be observed by all employees of the Town of Munster. The policies have several major emphases. The first is to assure the prudent use of the Town's assets and resources: its personnel, property, equipment, and funds. Second is to assure the maintenance and development of employees of the highest professional quality and loyalty to the Town. The third is to assure maximum responsiveness to the legitimate demands of our public constituency. All of this flows from the fact that we are a public service entity.

I encourage you to understand these policies and to observe them. I commit myself and my staff to administer them fairly and with recognition of your professional stature and your individuality.

In service,

Dustin Anderson
Town Manager

PREFACE

The Town of Munster Employee Manual is organized in five general sections: the organization; employment practices; covering recruitment, promotion and other personnel matters; pay and benefits, including salary and leave policies and fringe benefits; rules and practices, including standards of conduct and performance expected of staff; and office procedures, containing standard operating procedures for important elements of office operation.

It is the intent of the manual to bring together all essential policies which employees will be expected to observe. As policies are changed or added, the new and revised pages will be distributed to all employees through use of numbered administrative memoranda.

EMPLOYEE MANUAL ACKNOWLEDGMENT AND RECEIPT

I hereby acknowledge receipt of the employee manual of the Town of Munster. I understand and agree that it is my responsibility to read and comply with the policies in the handbook.

I understand that the handbook and all other written and oral materials provided to me are intended for informational purposes only. Neither it, Town of Munster practices, nor other communications create an employment contract or term.

I understand that my employment is at will. I further agree that neither this document nor any other communication shall bind the Town of Munster to employ me now or hereafter and that my employment may be terminated by me or the Town without reason at any time.

As circumstances may change, it is understood the Town reserves the right to revise, change, supplement or rescind any or all parts of the policies, procedures or benefits described in the manual as may be deemed necessary or desirable in the future.

Employee's Name in Print

Signature of Employee

Date Signed by Employee

TO BE PLACED IN EMPLOYEE'S PERSONNEL FILE

Employment at Will

Employment at the Town of Munster is on an at-will basis unless otherwise stated in a written individual employment agreement signed by the Town Manager or Town Council.

This means that either the employee or the Town may terminate the employment relationship at any time, for any reason, with or without notice.

Nothing in this employee manual is intended to or creates an employment agreement, express or implied. Nothing contained in this or any other document provided to the employee is intended to be, nor should it be, construed as a contract that employment or any benefit will be continued for any period of time.

Any salary figures provided to an employee are stated for the sake of convenience or to facilitate comparisons and are not intended and do not create an employment contract for any specific period of time.

Nothing in this statement is intended to interfere with, restrain, or prevent concerted activity as protected by the National Labor Relations Act. Such activity includes employee communications regarding wages, hours, or other terms or conditions of employment. The Town of Munster employees have the right to engage in or refrain from such activities.

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CHAPTER 1.1
PURPOSE, DISCLAIMERS, AND DEFINITIONS

Section 1: General Purpose

These policies are enacted by the Town of Munster in order to further the following goals:

- A. To provide a uniform system of personnel administration throughout the Town service.
- B. To seek the goal that recruitment, selection, placement, promotion, retention and separation of Town employees are based upon employees' qualifications and fitness, and are in compliance with Federal and State laws.
- C. To assist employees in supervisory positions in the development of sound management practices and procedures, and to make effective, consistent use of employees throughout the Town.
- D. To promote communication between directors, supervisors, and employees.
- E. To codify and clarify the rights and responsibilities of employees.

These personnel policies apply to all employees. In the event of a conflict between these rules and any personnel services contract, Town ordinance, or State or Federal law, the terms and conditions of that contract, ordinance or law shall prevail. In all other cases, these policies and procedures shall apply.

In the event of the amendment of any ordinance, rule or law incorporated in this document or upon which these provisions rely, these rules shall be deemed amended in conformance with those amendments.

THE TOWN SPECIFICALLY RESERVES THE RIGHT TO REVISE, CHANGE, SUPPLEMENT OR RESCIND THESE POLICIES AT ANY TIME, WITH OR WITHOUT NOTICE. NONE OF THESE PROVISIONS SHALL BE DEEMED TO CREATE A VESTED CONTRACTUAL RIGHT IN ANY EMPLOYEE OR OBLIGATION OF THE TOWN, NOR LIMIT THE POWER OF THE TOWN MANAGER OR COUNCIL TO REVISE, CHANGE, SUPPLEMENT OR RESCIND THESE POLICIES. THE POLICIES ARE NOT TO BE INTERPRETED AS PROMISES OF SPECIFIC TREATMENT.

Section 2: Definitions

The following words shall have the meaning as prescribed to them in this section unless the context shall clearly indicate otherwise:

Base Pay - Base pay (or base salary) is the hourly or bi-weekly rate of pay received by an employee excluding any additional, authorized compensation such as overtime, other pay, allowance, reimbursement or benefit.

Benefit-eligible - Refers to a position which is regular (continuing on a year-round basis), and is approved for benefit eligibility on relevant personnel schedules. A benefit-eligible position scheduled for a less than full-time schedule shall be eligible for benefits on a pro-rated schedule. Employees hired to work less than 30 hours per week shall not be eligible for certain health benefits. Unless otherwise provided by this code, positions designated temporary or seasonal are not “benefit-eligible.”

Compensatory Leave - Is defined as leave which is earned at the rate of one and one-half times the overtime hours worked. It may be approved in lieu of overtime pay for irregular or occasional overtime work.

Continuous Work Hours of Employment - Continuous hours of employment refers to the number of routine working hours an employee has been in a pay status subsequent to initial employment or following a promotion, transfer, demotion, salary adjustment, other status change or performance review. Continuous hours do not include overtime, compensatory time, or any other hours worked in addition to a normal schedule (typically forty (40) hours per week.) Continuous employment hours may be broken by absences in a non-pay status, resulting in extension of eligibility for various benefits or other considerations, with the length of any extension being governed by the circumstances causing the non-pay status, at the discretion of the Director following a report and recommendation by the Town Manager.

Demotion - The movement of an employee from a position in one class to a position in another class having a lower maximum salary rate because of disciplinary reasons, incapacity to perform work, inefficiency or unsatisfactory work performance, by request of the employee, or lack of work at higher class.

Department - The term “department” means a major operating functional unit of the Town government.

Disciplinary Action - An action taken against an employee and which may range from a verbal reprimand up to and including termination.

Division - A specific activity or program within the department.

Eligible - A person who is a qualified candidate for a position.

Employee - Generally, a person employed and paid by the Town to work on a regular and continuing basis.

Exempt Employee - Exempt employees are employees who, because of their positional duties and responsibilities and level of decision-making authority, are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA).

Immediate Family - That group of individuals defined to include one's spouse, child, step-child, parent, step-parent, sibling, or a family member of the immediate household permanently residing under the same roof.

Nonexempt Employee - An employee who is eligible to receive overtime pay through the Fair Labor Standards Act (FLSA). A nonexempt employee is determined using a combination of criteria including their occupation (or industry), the rate of pay, and the job duties that they perform.

Outside Employment - Employment of any kind engaged in by a Town employee for which compensation is received from a source other than the Town.

Overtime Hours - Are defined as the total hours worked not including any paid leave or paid holiday which exceed the regularly scheduled hours established by the Director for a work week or work period for a classification. When the regularly scheduled hours exceed the FLSA limit, then overtime hours shall include those regular scheduled hours in excess of the FLSA limit.

Overtime Pay - Is defined as additional pay earned at a pay rate of one and one-half times the overtime hours worked.

Pay Adjustment - Change of an employee's salary without change in duties or responsibilities.

Pay Plan - A schedule of pay ranges in hourly, bi-weekly, and annual rates for each class within the Town service.

Pay (or Salary) Range - The minimum and maximum rates of pay established for each class.

Pay Status - Pay status denotes an employee who is receiving compensation from the Town either for services rendered or on an approved leave with pay. Eligibility for benefits generally is contingent on being in a pay status.

Position - A group of current duties and responsibilities assigned or delegated by the Town Council, requiring the full-time or temporary employment of one person.

A. Regular: A position included in the adopted salary ordinance that is neither specified as temporary, nor limited for a period of less than the budget year; also any such position established during a given budget year unless the appointing authority certifies that such position will not be continued in the succeeding year's budget. The term "regular" does not confer upon any employee the right to retain a position for an indefinite period of time.

(1) Full-Time Employment: Employment in a position which normally requires at least forty (40) hours work per week.

(2) Part-Time Employment: Employment in a position which normally requires less than forty (40) hours work per week, but continues on a year-round basis.

- B. Temporary Appointment: A temporary appointment indicates that the employee is expected to work for the Town for a period of less than twelve (12) consecutive months. When an employee has service of twelve (12) consecutive months in a temporary appointment, a personnel action shall be submitted changing his/her status to a regular appointment or separating him/her from the service, unless the employee had entered into an employment agreement with the Town for a period in excess of twelve (12) months, prior to working for the Town.
1. When the appointment of an employee is changed from temporary to regular, crediting of annual leave and sick leave becomes retroactive to the date of the most recent appointment, or its full time equivalent provided there has been no break in service (greater than 90 days).
 2. Temporary employees may be separated at any time within the twelve (12) months appointment when their services are no longer required. This separation is not subject to the rules under Chapter 2.7.
 3. Temporary employees hired to replace a regular employee off on disability, sick leave, etc., shall be compensated at a rate of pay equal to “an amount necessary to secure the appropriate skill level, (as determined by the Town Manager)”, for the position for which they are employed. Temporary employees are not eligible for paid holidays, vacation, sick leave or other fringe benefits.
- C. Seasonal Employment: The term “seasonal employment” designates temporary work which may be full- or part-time, usually associated with a specific program or purpose and for a finite period of time (such as holidays, vacations, seasonal activities, etc.).
1. Employees not listed below and not accounted for elsewhere in the salary ordinance who are appointed shall be paid based upon the market demand for the type of work being performed. Employees shall be paid at least the existing federal minimum wage. The maximum rate shall not exceed 150% of the lowest paid regular employee in the job classification.

Maintenance Laborers
Office
Emergency Snow Removal
Sandbagging and other
Public Works-related activities
ICMA Analyst

Director - The term “director” means the officially appointed head of any department, or an employee appointed as “acting” head of any department.

Promotion - The advancement of an employee from their current position in one class to a vacated position in another class with increased duties and responsibilities and a higher pay range.

Reclassification - The movement of an employee or position to a different class because of a change in duties and responsibilities.

Recruiting Process - The process of advertising a vacant position and review of all applicants according to experience, education, training, and if applicable, test score, prior to interviewing and final selection.

Reinstatement - The action by which a former Town employee is reinstated into the Town service.

Supervisor - An employee below the department head level in charge of a work unit or other employees. Where no such level exists between an employee and the Director, the Director acts also as the supervisor.

Suspension - The temporary removal with or without pay of an employee from his/her designated position.

Termination - A complete separation from Town employment resulting from discharge, resignation, retirement or death.

Transfer -

(a) lateral - The movement of an employee from one position to another position within the same classification.

(b) classification - The movement of an employee from one classification to another classification within the same pay range.

CHAPTER 1.2

Commitment to Diversity and Equal Opportunity

Commitment to Diversity

The Town of Munster is committed to creating and maintaining a workplace in which all employees have an opportunity to participate and contribute to the success of the Town and are valued for their skills, experience, and unique perspectives.

Equal Opportunity

The Town of Munster provides equal employment opportunities to all employees and applicants for employment without regard to race, color, ancestry, national origin, gender, sexual orientation, marital status, religion, age, disability, gender identity, results of genetic testing, or service in the military. Equal employment opportunity applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.

The Town of Munster expressly prohibits any form of unlawful employee harassment or discrimination based on any of the characteristics mentioned above. Improper interference with the ability of other employees to perform their expected job duties is absolutely not tolerated.

Americans with Disabilities Act (ADA) and Reasonable Accommodation

To ensure equal employment opportunities to qualified individuals with a disability, the Town of Munster will make reasonable accommodations for the known disability of an otherwise qualified individual, unless undue hardship on the operation of the business would result.

Employees who may require a reasonable accommodation should contact the Human Resources Director.

ADA GREIVANCE PROCEDURE

1. The complainant and/or his/her designee should submit the grievance as soon as possible, but no later than sixty (60) calendar days after the alleged occurrence or as soon as possible after the alleged occurrence. Submit grievance to the Human Resource Director:

<p>Debi Macut 1005 Ridge Road Munster, IN 46321 Email: dmacut@munster.org Phone: (219) 836-6900 Facsimile: (219) 836-6540</p>

2. The complaint should be presented to the Human Resources Director either in writing, in person, or in any other format for the Director to be able to document the incident(s) of alleged discrimination. Any complaints should also be copied to the Town Manager. The complaint should contain the following information about the alleged discrimination: full name, address, phone number of the complainant; location of the

occurrence, date, and description of the alleged discrimination. The complaint will specify the Department involved and any employee(s) and/or witness(s) involved in the occurrence. Upon request, alternative means of filing complaints, such as personal interviews or a tape/video recording of the complaint, will be made for a person with disabilities.

3. Within fifteen (15) calendar days after receipt of the complaint, the Human Resource Director, or designee, will meet with the complainant to discuss the complaint and possible resolutions.
4. Within fifteen (15) calendar days after the meeting, the Human Resource Director will respond in writing or in another form acceptable to the complainant. The response provides a final resolution of the complaint.
5. If the individual who has filed a grievance continues to have concerns after this process concludes, he or she is welcome to bring any unresolved concerns to the Town Manager of the Town of Munster.
6. All appeals received and responses given by the Human Resource Director will be kept by the Town of Munster for at least five (5) years, as required by the Americans with Disabilities Act.

Harassment and Complaint Procedure

Sexual and other unlawful harassment is a violation of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, as well as many state laws. Harassment based on a characteristic protected by law, such as race, color, ancestry, national origin, gender, sex, sexual orientation, gender identity, marital status, religion, age, disability, veteran status, or other characteristic protected by state or federal law, is prohibited.

The Town does not tolerate and expressly prohibits harassment or any acts (physical, verbal or otherwise) that create a hostile or intolerable working environment for any employee, (volunteer, applicant, agent, contractor, customer, client or vendor e.g.) because his or her gender or other protected status under law.

The policy applies to every person in the workplace and everyone who participates in work sponsored activities no matter his or her authority, position or classification.

Definition of Unlawful Harassment. “Unlawful harassment” is conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of substantially and unreasonably interfering with an individual’s work performance; or otherwise adversely affects an individual’s employment opportunities because of the individual’s membership in a protected class.

Unlawful harassment includes, but is not limited to, epithets; slurs; jokes; pranks; innuendo; comments; written or graphic material; stereotyping; or other threatening, hostile, or intimidating acts based on race, color, ancestry, national origin, gender, sex, sexual orientation, marital status, religion, age, disability, veteran status, or other characteristic protected by state or federal law.

Definition of Sexual Harassment. The Town defines *sexual harassment* as behavior or comments that create a hostile work environment for another person because his or her gender. This includes male-to-female, female-to-male, male-to-male, and female-to-female harassment.

Verbal, physical, sexual or any other form of harassment that belittles or demeans any individual on the basis of sex, or any other status or condition protected by applicable federal, state or local laws is also strictly prohibited.

Prohibited sexual harassment includes conduct that has the purpose or effect of unreasonably interfering with an employee's work performance or experience or creating an environment that is hostile, intimidating or offensive.

Sexual advances; requests or demands for sexual favors; physical conduct of a sexual nature; sexual jokes; sexual slurs; and other harassing language or conduct that is meant to intimidate or that negatively impacts an employee's work environment is strictly prohibited.

Complaint Procedure. If you believe you are harassed or if you know or suspect harassment to another employee or workplace participant, you must report it immediately to the Human Resources Director. If for any reason you do not want to discuss the matter with the Human Resources Director, you may report the matter to the Town Manager.

If you experience wrongdoing, like sexual harassment, you must make a reasonable effort to make the wrongdoing known to your supervisor as soon as or soon after you experience or discover it. Discussing or reporting acts of harassment to any person not listed above does not constitute a report.

Retaliation Prohibited. If you believe you are being subjected to retaliation for reporting a violation of the policy, or participating in an investigation of this policy, you should report the retaliation immediately in the manner provided above. Please note that you do not have to confront the person that is the source of the retaliation before reporting it, but to help prevent retaliation from continuing, you must report it.

Any employee or workplace participant that retaliates against another employee or workplace participant for making a good faith complaint of a violation of this policy, or for assisting in an investigation of a complaint of a violation of this policy, is subject to discipline or termination. Retaliation can include, but is not limited to harassment, discrimination, bullying or any other unfair treatment or abuse of power.

Workplace Investigation. The Town will investigate credible allegations of harassment. The Town may use third parties to assist in such investigations. All employees have a responsibility to cooperate fully in any such investigation. Unreasonable refusal to participate in an investigation of a complaint of harassment may lead to discipline.

False Claims Prohibited. Any employee or workplace participant that makes a knowingly false or frivolous claim of workplace wrongdoing, like a knowingly false claim of sexual harassment, will be subject to discipline or termination.

Questions About This Policy. If you have any questions, suggestions or concerns about this policy, you should direct them to your supervisor or Director.

If you feel uncomfortable discussing your questions, suggestions or concerns about this policy with the persons listed above, you can direct them to the Human Resources Director.

CHAPTER 1.3

PROTECTION OF CHILDREN AND YOUTH FROM ABUSE AND NEGLECT

The Town of Munster is dedicated to providing a child safe environment for all children that interact with its workplace(s) and its employees and volunteers. The purpose of this policy is to identify mandatory reporting requirements, create employee training requirements and to identify procedures for employees and volunteers to follow when reporting suspected child abuse or neglect.

A. Mandated Reporters

Under current Indiana law, “...any individual who has a reason to believe a child is a victim of abuse or neglect has the duty to make a report; therefore, each citizen of Indiana is a considered a “mandated reporter.” While reporting child abuse is everyone’s responsibility, Indiana law requires some in certain occupations to do so. These professional reporters are staff members in a medical or other public or private institution, school, facility, or agency. These reporters are legally obligated by their profession to report alleged child abuse or neglect. (IC 31-33-5.)

B. What is Child Abuse or Neglect?

Child abuse is a crime and includes physical, emotional and sexual abuse and/or neglect.

Child, for the purposes of child abuse and neglect reporting, is defined as a child in need of services before the child becomes eighteen years of age, who prior to juvenile proceedings, has not been judicially emancipated or emancipated by marriage and is unlikely to be provided or accepting of the services without the coercive intervention of the court.

Neglect means, “...seriously endangered as a results of the inability, refusal, or neglect of the child’s parent, guardian, or custodian to supply the child with necessary food, clothing, shelter, medical care, education, or supervision.” (IC 31-34-1-1).

Physical or Mental Health means, “...(1) the child’s physical or mental health is seriously endangered due to injury by the act of omission of the child’s parent, guardian, or custodian. (2) (b) Evidence that the illegal manufacture of a drug or controlled substance is occurring on property where a child resides creates a rebuttal presumption that the child’s physical or mental health is seriously endangered.” (IC31-34-1-2).

Sex Offense means, “...the child lives in the same household as another child who is the victim of a sex offense under: (A) IC 35-42-4-1; (B) IC 35-42-4-2 (repealed); (C) IC 35-42-4-3; (D) IC 35-42-4-4; (E) IC 35-42-4-7; (F) IC 35-42-4-9; (G) IC 35-45-4-1;(H) IC 35-45-4-2; (I) IC 35-46-1-3; or (J) the law of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in clauses (A) through (I); (2) the child lives in the same household as the adult who: (A) committed the sex offense under subdivision (1) and the sex offense resulted in a conviction or a judgment under IC 31-34-11-2; or (B) has been charged with a sex offense listed in subdivision (1) and is awaiting trial; (4) a caseworker assigned to provide services to the child: (A) places the child in a program of informal adjustment or other family or rehabilitative services based upon the existence of the circumstances described in subdivisions (1) and (2) and the assigned caseworker subsequently determines further intervention is necessary; or (B) determines that a program of informal adjustment or other family or rehabilitative services is inappropriate. As added by P.L.1-1997, SEC.17.Amended by

P.L.18-2004,SEC.” (IC 31-34-1-3).

The current definitions of the State of Indiana’s definitions of child abuse and neglect can be found in IC 31-34 and can be found in the Town Manager’s office.

C. Relationships with Minors Prohibited

Employees and volunteers shall adhere to all aspects of the State of Indiana’s Child Abuse and Neglect laws; including establishing and maintaining an appropriate relationship with a minor that interacts with employees or the workplace.

Employees, volunteers and other workplace participants while performing their job duties who have violated this policy, determined by an appropriate agency with authority, will be reported to the proper legal authorities and subject to termination.

D. Code of Conduct for the Protection of Children and Youth

The Town requires all employees, volunteers and workplace participants interact with minors in a safe and proper manner including:

- Agreeing to do their best to prevent abuse and neglect among children or youth involved in Town activities and services
- Never physically, sexually or emotionally abuse or neglect a child or youth
- Agree to comply with the policies for general conduct with children and youth as defined in these *Policies for the Protection of Children and Youth from Abuse*
- Agree to comply with the State of Indiana Child Abuse and Neglect laws
- In the event a Town employee, volunteer or workplace participant observes or suspects any inappropriate behaviors or possible policy violations with children or youth, the employee, volunteer or workplace participant agrees to immediately report their observations or suspicions
- All Town employees, volunteers and workplace participants acknowledge their obligation and responsibility to protect children and youth and agree to report known or suspected abuse of children or youth to the appropriate agency with authority

E. Training

Training in the duties imposed by this policy shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. As part of that training, Town employees, volunteers and workplace participants shall provide to all being trained a written copy of the reporting requirements and a written disclosure of this policy.

F. Reporting

If you have reasonable suspicion to believe that child abuse or neglect is occurring or that a minor is in danger, you shall immediately make an oral report to the Indiana Family and Social Services Administration; or the Munster Police Department. When required by law a report must also be made to the Town. A listing of the local Department of Children Services can be found below:

Local DCS Office: Lake County
661 Broadway
Gary, IN 46402
P: (219) 881-6944
F: (219) 881-2142
Child Abuse and Neglect Hotline: 1-800-800-5556

A copy of the state reporting form can be found in the Town Manager's Office.

G. Questions

If you have questions about this policy direct them to the Human Resources Director or the Town Manager. If you feel uncomfortable discussing your questions with the Town Manager you can direct your questions to the Indiana Department of Child Services.

CHAPTER 1.4 ADMINISTRATION

Section 1: Administration of Merit System

The Town Manager shall administer the merit personnel system along with the benefits and procedures established by these rules, including such supplemental personnel regulations as may be necessary for the effective implementation of these rules.

Section 2: Technical Personnel Services

The Town Manager, with the concurrence of the Council, may contract with any qualified person or agency for the performance of such technical services as may be needed in the establishment and operation of the personnel system.

Section 3: Delegation of Authority to Directors

The Town Manager may delegate to Directors in writing the authority to take personnel actions in their unit in accordance with these rules. This authority may not be delegated by the Director.

Section 4: Emergencies

In an emergency, the Town Manager shall have the power to make decisions involving Town personnel not specifically covered by these rules. Such action shall be reported to the Council, as soon as possible, but not later than its next regular meeting.

Section 5: Programmatic Regulations

Subject to the approval of the Town Manager, Directors may adopt regulations to implement these rules for their unit.

Section 6: Directors

The following positions shall constitute Directors:

- a. Public Works Director
- b. Chief of Police
- c. Fire Chief
- d. Parks and Recreation Director
- e. Planning Director
- f. Clerk-Treasurer
- g. Human Resources Director

**CHAPTER 2.1
RECRUITMENT, SELECTION AND
APPOINTMENT OF EMPLOYEES**

Section 1: Recruitment of Employees

- A. Job Posting: So that Town employees reach their full potential, all permanent employment opportunities shall be posted at the job sites prior to public notification. Once the job is posted, employees shall have a minimum of 72 hours to bid on the position. Upon review with the Director (within 7 days after posting), the Town Manager and/or Human Resources Director shall determine whether further recruitment is necessary. Testing for minimum skills may be required. Directors shall be informed in the event that any of their current department employees have bid on any Town vacancies.
- B. Recruitment Policy: Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified candidates for the various types of positions. In cases where residents of Munster and non-residents are equally qualified for particular vacant positions, the residents shall receive first consideration in filling such vacancies.
- C. Announcement: The Human Resources Director shall make known all vacancies for all positions by posting announcements of such vacancies on official bulletin boards, professional affiliations, job boards, in newspapers and other publications, and in such places as the Town Manager and/or Human Resources Director deem advisable. Directors may also forward job opening announcements to professional affiliations in their respective fields of experience or associations.
- D. Recruitment Expenses: While it is the policy of the Town to recruit local persons, it is recognized that the various positions require recruitment from outside the area to obtain well-qualified applicants. Accordingly, in recruiting for and filling positions of this type, the Town Manager may authorize payment of expenses for an applicant's trip for a personal interview or reporting to duty upon appointment to Town service. These expenses may include an allowance for transportation, meals and lodging.

Section 2: Selection of Employees

- A. Application Form: Applications and/or resumes for employment shall be accepted at any time. Each candidate for municipal employment shall make application on the standard form prescribed and provided by the Town Manager's office. Such information may be required as is deemed necessary in order to judge the applicant's fitness for services in the Town. Applications shall not be returned but will remain in an active file for a period not to exceed one (1) year, in the Town Manager's Office, after which they may be destroyed in accordance with the Public Records Retention Act.
- B. References: As part of the pre-employment procedures, former supervisors and employers (for a reasonable past period) and references provided by candidates on the standard application form shall be checked as a precaution against obtaining undesirable employees. References and other checks shall be documented and made part of the applicant's files. These checks shall be completed prior to an offer of employment and the information is to be handled as privileged information.

C. Disqualification: An applicant shall be removed from further consideration if:

1. They do not possess the qualifications for the job.
2. They have demonstrated an unsatisfactory employment record or personal record as evidenced by information contained on the application form or by the results of a reference check.
3. They have made false statements of any material facts or practiced deception in their application.
4. They are physically, mentally or otherwise unable to perform the duties of the position.
5. They have individual interests which, financial or otherwise, directly or indirectly, conflict with the best interests of the Town of Munster.
6. The applicant is not within the legal age limits prescribed by law.

D. No Discrimination:

The Town of Munster shall promote and afford equal treatment, service and employment opportunity to all citizens and to all applicants without regard to race, religion, creed, color, national origin, age, gender, marital status, sexual orientation or the presence of any sensory, mental, or physical disability unless such disability effectively prevents the applicant from meeting the bonafide occupational qualifications of the position, and which disability cannot be accommodated without undue hardship. The Town shall operate within the principles of equal employment opportunity and affirmative action guidelines set forth in Federal, State and local laws and regulations.

All activities relating to employment including recruitment, testing, selection, promotion training and termination shall be conducted in a nondiscriminatory manner.

The Town of Munster will cooperate fully with all organizations and commissions organized to promote fair practices and equal employment opportunity.

E. Nepotism:

It is the Town's policy to discourage the employment of members of an immediate family in any position where:

1. One relative would have the authority to directly supervise, appoint, remove, discipline or evaluate the performance of the other.
2. One relative would be responsible for auditing the work of the other.
3. Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the Town's interest and their own.
4. An offer of a position to an immediate family member of a current employee must be pre-approved by the Town Manager.

5. The Department Head and Human Resources Director will review changes in family status, i.e. marriage between two employees, and appropriate actions will be taken to avoid conflicts between the employees' best interest and the Town's. Any resolution must be approved by the Town Manager.

*Refer to Ordinance 1561 for further information

Section 3: Physical Examination

Appointment and continued employment shall be contingent upon the candidate or incumbent satisfactorily passing a physical examination to assure that physical standards prescribed for the different classes of positions by the Town Manager are met. Physicians designated by the Town shall give all required examinations. The results of the examination will be evaluated against the criteria of whether the person could perform the particular required duties without hazard to himself/herself or others. All physical examinations required by the Town shall be at the Town's expense.

- A. Pre-Employment Physical Examination: Pre-employment physical examinations shall be passed prior to the date an applicant reports to duty for all positions requiring a high degree of physical fitness. A Physician of the Town's choice shall perform these examinations.
- B. Periodic Physical Examination: Employees may be given a physical examination to ensure their continued good health and fitness for duty. The scheduling of these examinations shall be based upon the employee's job requirements and general physical health.
- C. Americans with Disabilities Act (ADA): In administering this policy, the Town shall be guided by, and comply with, all Federal and State rules and regulations governing disabilities including the Americans with Disabilities Act, and the Town's policy as stated in Chapter 1.2.

Section 4: Appointment of Employees

Method of Appointment: All vacancies shall be filled by regular appointment, temporary appointment, seasonal employment, promotion, transfer, or demotion. Appointment to a vacancy shall be recommended by the Director from the qualified candidates and submitted to the Human Resources Director for final approval by the Town Manager.

Section 5: Workplace Safety

Employees and the Town have a mutual obligation to maintain a safe and healthy work environment. This policy is instituted to assure that the work place does not have employees whose job performance may be impaired by the abuse of drugs and/or alcohol.

The unlawful use, possession, purchase, sale, distribution, or being under the influence of any illegal drug and/or the misuse of legal drugs while on Town premises or while performing services for the Town is strictly prohibited. The Town also prohibits reporting to work or performing services while impaired by the use of alcohol or consuming alcohol while on duty or during work hours.

To ensure compliance with this policy, substance abuse screening may be conducted in the following situations:

Pre-employment: As required by the Town for prospective employees who receive a conditional offer of employment

For Cause: Upon reasonable suspicion that the employee is under the influence of alcohol or drugs that could affect or has adversely affected the employee's job performance or any time an accident occurs while operation a Town vehicle

Random: As authorized or required by federal or state law

Compliance with this policy is a condition of employment. Employees who test positive or who refuse to submit to substance abuse screening will be subject to termination. Notwithstanding any provision herein, this policy will be enforced at all times in accordance with applicable state and local law.

Any employee violating this policy is subject to discipline, up to and including termination, for the first offense.

Smoke-Free Workplace

Smoking is not allowed in buildings, work areas or Town vehicles at any time. "Smoking" includes the use of any tobacco products, electronic smoking devices, and e-cigarettes containing nicotine cartridges, such as vaping.

Smoking is only permitted during break times in designated outdoor areas. Employees using these areas are expected to dispose of any smoking debris safely and properly.

Procedure

Employees covered under the Town's Commercial Drivers License CDL Policy shall follow that procedure, for all other employees the following is the procedure:

1. In the event there is reasonable cause to believe that an employee's job performance may be impaired by drugs or alcohol, the employee's supervisor shall question the employee with regard to the behavior. The supervisor shall directly observe the employee's behavior and document the behavior as well as contact the Human Resources Director. Indications of impaired behavior include but are not limited to the following: staggering or irregular gait, the odor of alcohol on the breath, slurred speech, dilated or constricted pupils, inattentiveness, listlessness, hyperactivity, performance problems, illogical speech and thought processes, poor judgment, or unusual or abnormal behavior.
2. When possible, a second managerial employee shall also observe the employee to verify that there is reasonable cause to believe that drug or alcohol consumption may be involved. A determination shall be made as to whether or not the employee's behavior is impaired to the point of being unable to perform his duties effectively and safely. The employee shall be relieved of his/her duties and placed on a suspension with pay status until a final determination can be made as to the abuse or non-abuse of drugs or alcohol.
3. If it is concluded that there is reasonable cause to believe that drug or alcohol consumption is involved, the supervisor will contact the Human Resources Director and at that time a decision will be made for a drug or alcohol test to be administered. Failure of an employee to take the test(s) may be cause for disciplinary action. The Town may also have the employee undergo a physical examination at Town expense at the time that the drug or alcohol test is administered. The test(s) must be conducted within a reasonable time period after the observation of the problem behavior.

4. If the test is negative, the employee shall be counseled by the physician and returned to work if appropriate to the medical diagnosis. There shall be no loss of pay or benefits. Where appropriate a signed physician's release may be required by the Employer before the employee is returned to work. Time lost due to an illness will be charged to sick leave. If the behavior that led to the initial investigation is not due to substance abuse but continues to hinder job performance, the Town may require the employee to undergo further medical evaluation.

5. If the test is positive the employee may be terminated depending upon the circumstances of the situation. Circumstances that would warrant an immediate termination would include incidents where the employee's impairment resulted in loss of life, serious injury to self or others, the serious loss or damage of property or an incident of parallel magnitude.

6. In cases where immediate termination is not warranted, the employee will be placed in an unpaid rehabilitation leave status. The employee shall be evaluated and a recommended appropriate treatment shall then be arranged. Where appropriate, the employee shall be referred to a treatment program agreed upon by the Employer. Once the inpatient part of the program has been completed, the employee may be re-employed but only with a written release from a physician. Where a physician and/or a treatment program prescribe it, drug testing may be included as a part of that treatment program. An employee who is returned to work as provided for under this procedure who fails to comply with any of the terms of an agreed upon treatment and/or return to work agreement may be subject to the full range of disciplinary action, including termination.

7. An employee who is the subject of an investigation related to substance abuse may have another employee present during the investigative procedures outlined above. Disciplinary actions taken by the Town under this procedure shall be subject to the Grievance Procedure, refer to Chapter 2.8.

8. The Town may utilize both urine and blood tests for verification. The Town shall pay for the costs of all tests and medical examinations. The Town shall maintain confidentiality of test results to the extent possible.

9. The Town and the employee, where applicable, shall work cooperatively to facilitate the resolution of problems that arise under the administration of this policy. When appropriate, the employee and the Town shall enter into joint agreements that establish the form of treatment and the conditions that will be imposed for the return of an employee to the work place.

CHAPTER 2.2

ORIENTATION AND EMPLOYEE IDENTIFICATION CARDS

Section 1: Orientation

All new employees will participate in an Orientation session in the Town Manager's Office during their first week of employment. The Human Resources Director briefly summarizes the agency's personnel policies and provides each employee with a copy of the Personnel Manual. The new employee is strongly advised to read this text carefully. The individual is also furnished with other written materials about the Town and its fringe benefit program, and various payroll, personnel, and insurance forms are completed.

The individual's supervisor is responsible for providing an orientation session to the individual's department and its relationship to others is explained. Employees are also briefed regarding appropriate departmental procedures (e.g. safety). Office tour introductions are recommended. The supervisor is responsible for specifying the duties and requirements of the new employee's job and providing whatever on-the-job training is necessary.

Section 2: Employee Identification Cards

It is the policy of the Town of Munster to issue employee identification cards to all regular full-time and regular part-time employees. Cards may also be issued to other employees who may require Town identification while working in remote job sites. The card contains the following information: employee name, position, employee number and department.

The card should be carried and displayed at all times when an employee is acting in an official capacity [and displayed when necessary.] The card shall be used as identification if requested by a member of the public or another Town employee. Unauthorized or inappropriate use of the employee identification card is prohibited and will result in disciplinary action.

The Town Manager's Office is responsible for the preparation of the identification card. Each employee is responsible for retaining his or her identification card and to protect it from loss, theft or misuse. Should a card be lost, damaged or destroyed, it should be immediately reported to the Town Manager's office.

All identification cards remain the property of the Town and shall be returned to the Town Manager's Office upon termination of employment or at the request of the employee's Director or the Town Manager's Office.

It shall be the employee's responsibility to provide accurate and timely updates of information contained on the employee identification card. The employee shall make all requests for re-issuance of employee identification cards through his/her Supervisor for processing through the Town Manager's Office. All old I.D. cards shall be returned to the Town Manager's Office before issuance of a new card.

CHAPTER 2.3

PROBATIONARY PERIOD

Section 1: Objective of Probationary Period

The probationary or working test period shall be regarded as an integral part of the examination process and shall be utilized by supervisors and Directors for closely observing the employee's work, and for changing the work pattern of a new employee whose performance does not meet the required job standards. This period is intended to familiarize probationary employees with existing departmental personnel and practices. It is recognized that probationary employees may be removed from employment with the Town during the probationary period for reasons, which would not constitute sufficient grounds for removing full-time, non-probationary appointees.

Section 2: Duration of Probationary Period

Every person appointed to a regular position or promoted to a regular position shall be required to successfully complete a probationary period. The probationary period shall be of sufficient length to enable the Director to evaluate the employee's ability to perform the principal duties of the position. The probationary period shall begin immediately upon original appointment or promotion. For original appointments it shall be a minimum of six (6) months and may be extended to a maximum of twelve (12) months. The probationary period for employees who have received a promotion shall be a minimum of three (3) months and may be extended to a maximum of six (6) months. A Director may at any time after the minimum probationary period has been served and before the maximum has been reached, evaluate the employee's performance and the probationary period should end.

Sworn Police personnel accepting original appointment from the Board of Safety shall serve up to a 12-month probationary period. Police personnel accepting a promotion shall serve up to a 6-month probationary period.

Section 3: Removal

At any time during the probationary period, the Director may recommend in writing to the Human Resources Director and Town Manager, the termination of an employee, if in his/her opinion such employee is unable or unwilling to perform the duties of the position satisfactorily or that his/her habits and dependability do not merit his/her continuance in the service. Such recommendation of the Director shall be submitted in writing to the Human Resources Director and Town Manager. If the Human Resources Director and Town Manager concur with the recommendation the employee shall be removed without cause. No employee shall be removed from a position during his/her probationary period without the approval of the Town Manager. Employees on probation as a result of initial appointment are not considered to be regular employees.

Section 4: Probationary Increase

Police officers who successfully complete the probationary period shall be paid the rate of a 2nd Class Police Officer. After a police officer successfully completes his/her second year he/she shall be paid at the minimum rate of a 1st Class Patrolman.

CHAPTER 2.4

CLASSIFICATION PLAN

Section 1: Classification of Position

All positions shall be grouped into classes, and each class shall include those positions sufficiently similar as to character, difficulty, and responsibility that:

- A. The same descriptive title may be used to designate each position allocated to the class;
- B. The same level of education, experience, knowledge, ability, and other qualifications may be required of incumbents;
- C. Similar tests of fitness may be used to select incumbents; and,
- D. The same range of compensation will apply with equity under substantially the same employment conditions.

Section 2: Class Specifications

Written specifications shall be prepared for each class. Each class specification shall include a class title, a description of the duties and responsibilities of the class, and the minimum qualifications required of applicants seeking appointment. Class specifications shall be descriptive and explanatory and are not restrictive. The use of a particular expression or illustration as to duties, qualifications or other attributes shall not be held to exclude others not mentioned, if such others are similar in kind or quality, nor to limit the duties of a position. Class specifications shall determine the class to which any position will be allocated.

Section 3: Classes in the Plan

The Classification Plan shall consist of the classes listed in the Salary Plan with amendments thereto from time to time as may be recommended by the Town Manager and adopted by ordinance by the Town Council.

Section 4: Reclassification of Positions

Whenever the duties and responsibilities of an existing position are so changed that the position in effect becomes one of a different class from that to which it is allocated, the Director shall study the position and may recommend reallocation to a more appropriate class.

Section 5: Employee Requests for Reclassification of Job Title

Any regular employee who considers his/her position improperly classified shall first submit his/her request for reclassification to his/her Director who shall review such request as to its justification. If the Director finds that there is justification in the request, he/she shall immediately transmit his/her recommendation to the Human Resources Director and Town Manager. If the Director finds that the request is not justified, he/she shall so advise the

employee of the decision. Such decision may be appealed to the Town Manager. The reclassification must be approved by the Town Council.

Section 6: Status of Employees Upon Reclassification

Upon the reclassification of a position from one class to another class of the same, a lower level, or a higher level, the method of filling the position shall be determined in accordance with the rules regarding transfers, demotions or promotions, as may be appropriate. An employee occupying a reclassified position at the same grade level shall continue in the position if the change is in class title only, or if the change is in recognition of the gradual change in duties and the employee has been satisfactory or better in performance of the duties of the position. The Town Manager, before recognizing an employee's right to retain a position reclassified to a higher level, may require evidence of qualifications and fitness of the incumbent, including a hearing and investigations.

CHAPTER 2.5

PROMOTIONS, TRANSFERS, AND DEMOTIONS

Section 1: Promotion Policy

The Town encourages employees to develop skills, attain greater knowledge of their work and make known their qualifications for promotion to more responsible and difficult positions. No supervisor shall deny an employee permission to apply for a promotion opportunity in any Town office or department. When the Town Manager determines that an insufficient number of well-qualified employees are available from within the organization, he/she may consider outside applicants along with employees in order to provide an adequate number of candidates for consideration.

Section 2: Transfer Policy

Transfer of an employee from one position to another without change in grade may be affected when:

- A. The employee meets the qualification requirements; or
- B. It is in the best interests of the Town; or
- C. Further training and development of an employee in another position would be beneficial to the future staffing potential of the Town; or
- D. It meets a personal need of the employee and is consistent with A and B above.

Section 3: Demotion Policy

An employee may be demoted to a position of a lower grade, for which he/she is qualified, for any of the following reasons:

- A. Position is being abolished or reclassified to a lower grade.
- B. Lack of work.
- C. Lack of funds.
- D. The return to work from authorized leave of an employee whose position the demoted employee was filling.
- E. When an employee does not possess the necessary qualifications to render satisfactory service in the position he/she holds.
- F. When an employee voluntarily requests such demotion.

CHAPTER 2.6

EMPLOYEE DEVELOPMENT

Section 1: Employee Development

It shall be the responsibility of the Human Resources Director and Town Manager to foster and promote programs of training of employees for the purpose of improving the quality of personal services rendered to the citizens and aiding employees to equip themselves for advancement in the service.

Section 2: Administration of the Employee Development Program

They shall:

- A. Establish standards for training programs;
- B. See that training is carried out as approved and shall have prepared certificates or other forms of recognition to persons who satisfactorily complete approved courses and programs;
- C. Provide assistance to Directors in developing and conducting training to meet the specific needs of their units and in developing and utilizing other techniques for increasing employee efficiency;
- D. Develop supervisory and management training and other types of training and employee development programs common to all units;
- E. Provide assistance to Directors in establishing standards of performance and procedures for evaluating employee efficiency;
- F. Keep a record of all approved training courses and programs and a record of employees who successfully complete such courses and programs.

Section 3: Tuition Reimbursement Program

- A. Eligibility: All full-time employees with at least (12) months of continuous service with the Town of Munster are eligible to participate in the tuition reimbursement program.
- B. Requirements: The following criteria must be met in order for tuition reimbursement to be received.
 - 1. The employee enrolled in a job related degree program or certification program at an accredited college, university, or technical school;
 - 2. The employee must continue his/her employment during the quarter or semester enrolled;

3. The employee must score a B- or better per course in order to be reimbursed, except that in the case of tuition reimbursement for courses leading to a degree, so long as a B-average is maintained and no grade is lower than a C, said course work expense will be reimbursed; if the class was pass/fail the employee must pass;
 4. Employees may take pass/fail classes, if pass/fail is the only option available, and the employee will only be reimbursed if they pass the class;
 5. Courses necessary to complete a degree program or certification program that are job related will be reimbursed; and
 6. Benefits will be coordinated with other reimbursement programs available through state, federal, or private agencies or programs.
- C. Reimbursement: Only tuition, (required books and related fees (e.g. labs)) will be reimbursed. Required books and related fees (e.g. labs) will be reimbursed up to \$100 per class, or up to \$200 per semester. Meals, travel, etc., are not reimbursable expenses. The maximum number of credit hours and the total reimbursement for the approved courses shall be determined by the Town Manager. No payment shall be made until the completion of the course, and the employee presents an official transcript including final grades of the approved course to the Town Manager's Office.
- D. Repayment: If an employee voluntarily leaves the service of the Town within twelve (12) months of receiving reimbursement he/she shall repay 50% of the reimbursements received within the prior twelve (12) months.
- E. Procedure: The employee must present his/her application for proposed enrollment to the Town for approval prior to the start of the quarter/semester.
- F. Town Required Classes: For any class that the employee was required to attend by his/her Director or the Town Manager, the employee may credit the time spent at classes on his/her time card or time sheet. The Town will also pay for the class when payment is due.

CHAPTER 2.7

EMPLOYEE SEPARATION

Section 1: Service Retirement

Service Retirement is voluntary termination after having satisfied the age and length of employment requirements of the applicable State Retirement System. The procedures for applying for retirement benefits are detailed in the Manual entitled CHAPTER 3.6 - RETIREMENT.

Section 2: Disability Retirement

Disability Retirement is voluntary termination necessitated by an injury or illness which renders the employee incapable of performing his/her usual job. Action may be initiated by the employee, his/her legal representative, or the Town, but in all cases must be supported by medical evidence, acceptable to the Town Manager. The Town may require an examination at its expense and performed by a physician of its choice.

Section 3: Employee-Initiated Resignation

Employee - Initiated Resignation is voluntary termination for any reason other than formal retirement. An employee wanting to leave the Town in good standing shall provide a written resignation to his/her immediate supervisor at least 14 calendar days prior to the effective date of resignation. The resignation letter should include the reason for leaving as well as the proposed effective date. Two weeks' notice is understood to mean that the resigning employee will be available for work during this time so as to aid in the training of a replacement. Exceptions to the time limit requirement may be granted by the Town Manager's Office. Failure to give two weeks' notice may be cause for denying future employment with the Town. The resignation shall be placed in the resigned employee's personnel file.

Section 4: Death

Separation due to death shall be effective as of the date death occurs. All compensation due in accordance with Chapter 2.7 shall be paid to the estate of the employee, except for such sums as by law may be paid to the surviving spouse or others under a small estates affidavit.

Section 5: Supervisor-Initiated Resignation

Supervisor - Initiated Resignation is termination requested by the supervisor which permits the employee to resign in lieu of being discharged. A termination of this type occurs only after the supervisor's consultation with the Human Resources Director and approved by the Town Manager. An evaluation of the circumstances is conducted, including reasons for the request, supporting documentation, and alternatives. Guidelines are similar to those for discharge.

Section 6: Discharge

Discharge is termination of an employee by the Town. Refer to Chapter 4.2 - Disciplinary Action.

Section 7: Probationary Termination

Probationary Termination is discharge of an employee during the established probationary (introductory employment) period, usually for the inability to meet position/department requirements. A probationary termination occurs only after the Director's consultation with the Human Resources Director and approved by the Town Manager.

Section 8: Layoff

Layoff is termination of an employee(s) by the Town for lack of work, lack of funds, or other changes that have taken place. When a position must be discontinued or abolished because of a change in duties, reorganization, lack of work, or lack of funds, the Director shall submit a report to the Town Manager together with a recommendation as to the employee to be laid-off.

- A. Order of Layoff: The Town Manager shall determine the order of layoff of employees on the basis of the relative suitability for the jobs that remain and the level of continuous meritorious service with the Town, except that no regular employee shall be separated while there is a temporary or probationary employee in any class in that unit performing duties for which the regular employee is at least equally qualified, and applies.
- B. Notice of Layoff: Regular employees subject to layoff shall be notified in writing. The Town shall provide an employee with at least two (2) weeks advance notification prior to layoff, except in case of emergency.
- C. Recall: An employee on layoff must keep the Town informed of the address and telephone number where he/she can be contacted. If the Town is unable to contact the employee within seven (7) calendar days, the Town's obligation to recall the employee shall cease. The Town shall have no obligation to recall an employee after he has been on continuous layoff for a period which exceeds one (1) year. Should an employee not return to work when recalled, the Town shall have no further obligation to recall the employee. Employees will be recalled in order to meet the best needs of the Town.

Section 9: Exit Interview and Separation Process

In separations other than layoffs or terminations, the supervisor will schedule an Exit Interview for the employee with the Human Resource Director prior to the last day of employment. Temporary employees do not participate in the Exit Interview process unless information can be gained which will improve or enhance present employment conditions. The response will be reviewed by the Town Manager's Office and filed together with the Exit Interview report. The Exit Interview will be maintained in the employee's official personnel file. Summaries of any areas of concern will be made available to respective Directors.

At the time of separation the matter of continuing the health, dental, and/or life insurance will be discussed. There will also be a discussion of retirement benefits, and returning of Town ID's, keys, and all other Town property.

Section 10: Separation Pay and Benefits

Employees who separate from the Town service shall receive payment for all earned salary, compensatory time for eligible employees and vacation leave subject to deduction for any indebtedness. Termination pay shall be reduced by any authorized legal deductions; authorized pension plan; credit union, tax sheltered annuity; and any other amounts specifically agreed upon orally or in writing by the employee and the Town.

At the time of separation and prior to final payment, all records, uniforms, equipment, or other items of Town property in the employee's custody shall be delivered to his/her Director.

A. Police Equipment

All police personnel shall return their original issue firearm upon leaving the Town's service. An exception is made for police officers who serve over 20 years for the Town. They will be able to keep their firearm however; it is considered a taxable benefit under federal guidelines.

B. Date of Termination

The official date of termination will be the last full day the employee reports for work. Benefits continue through the official date of termination. All vacation, compensatory time, etc., will be paid in full on the next regular payroll check. An employee's termination date may not be extended to include any vacation or compensatory time.

For those employees who are not retiring, monies accumulated in the employee's retirement account are refundable. Forms required to request this refund are available through Indiana Public Retirement System (INPRS). If an employee is going to another PERF covered position the money may be transferred.

All claims for unemployment compensation as filed by a terminating employee shall be processed by the Town Manager's Office. Requests for information about unemployment compensation should be forwarded to the Town Manager's Office immediately to avoid unauthorized charges against the Town's account.

| C. Terminal Leave

All employees who retire or separate from the Town's service with a minimum of fifteen years of service shall be rewarded with the payment of termination leave in accordance with the following schedule.

15 to 17 years:	Ten (10) paid days of salary and one month of insurance if desired
18 to 19 years:	Twenty (20) paid days of salary and two months of insurance if desired
20 years or more:	Thirty (30) paid days of salary and three months of insurance if desired

For the purposes of calculating this award, an employee shall not be granted additional vacation or holiday pay. This payment is made in addition to all other eligible leave time. Insurance coverage will be at the current rate and status as of the last day full day worked. Life Insurance is not transferrable and will terminate on the last day of employment. Termination leave is payable as a lump sum on the final paycheck that includes the final hours worked.

CHAPTER 2.8

GRIEVANCES

Section 1: Grievance Procedure

Employee grievances concerning the administration of these rules other than those governing matters in Chapter 2.8 shall be presented as follows:

- A. Initial Grievance Filed with Immediate Supervisor: First, the aggrieved employee shall notify his/her immediate supervisor in writing of the nature and facts of the grievance within five (5) calendar days of its occurrence. The immediate supervisor shall investigate the grievance, if necessary, and make and deliver his/her response within five (5) calendar days after such notification.
- B. Appeal to Director: If the supervisor's response to the matter is not satisfactory to the employee, he/she shall submit such grievance in writing to the Director within five (5) calendar days of receiving the response. The Director may investigate the grievance by interviewing those involved, holding meetings and/or reviewing files and records. Within ten (10) calendar days after the Director receives such grievance, he/she shall make and deliver to the employee his/her response to the matter in writing including the reasons for the decision.
- C. Appeal to the Human Resources Director: If the Director's response to the matter is not satisfactory to the employee, he/she shall submit such grievance in writing to the Human Resources Director within five (5) calendar days of receiving the response. The Human Resources Director and Town Manager may call a meeting to review the nature and facts of the grievance. The aggrieved employee, the Director and any other person involved in the complaint may be called to attend such meeting. The Human Resources Director and/or Town Manager within ten (10) calendar days of the date of his/her receipt shall render a written determination of the grievance.

If the employee's immediate supervisor is a Director the grievance shall be filed with the Human Resources Director with appeal allowed to the Town Manager, if necessary. If the employee's immediate supervisor is the Town Manager the grievance shall be filed initially to the Human Resources Director. The Town Manager's decision will be final and binding on all parties.

Section 2: Role of the Town Council and Boards

Town employees do not have the alternative of airing their grievances and appeals to the Town Council, individual Council members nor to other respective Boards. The only grievance procedure is that which is described in the above sections. The Town Manager has the discretionary powers to resolve all grievances and appeals. The Town Council sets official Town policies, but it is the responsibility of the Town Manager to administer them.

CHAPTER 3.1

PAY PLAN

Section 1: Guidelines for Establishing Salaries

In order to assure the recruitment and retention of personnel necessary to maintain a continued high level of public service, it is the policy of the Town that the level of compensation of municipal employees should be sufficient to attract and retain high quality employees in the labor market from which they are drawn. In carrying out this policy, consideration shall be given to the relative qualifications, duties, and responsibilities of the various types of position, rates paid for comparable services in public and private employment, experience in recruiting for such positions, and availability of funds.

Section 2: Preparation of the Plan

The Town Manager shall prepare a uniform and equitable pay plan which shall consist of minimum and maximum rates of pay for each class and such intermediate rates as he/she considers necessary or equitable. The pay plan shall be submitted to the Town Council for approval.

Section 3: Pay Surveys

Periodically, the Human Resources Director and Town Manager shall make comparative studies of factors affecting the level of salary ranges. On the basis of the information derived from the studies, requests for adjustments in salary ranges shall be initiated by the Town Manager and submitted to the Town Council for approval.

Section 4: Pay Increases by Merit

Pay increases for advancement in the range, promotions and other salary actions shall be based on meritorious service and not on length of service.

Section 5: Entrance Salary Rates

- A. Starting Rate on Initial Employment: A new employee shall be compensated at the minimum rate of pay for the class in which he/she was hired. The Town Manager may approve initial compensation at a rate higher than the minimum when the needs of the Town make such action necessary, provided that:
1. The qualifications of the applicant are outstanding in relation to those of competing applicants, his/her qualifications are substantially in excess of the requirements of the class, and his/her employment cannot be obtained at the minimum rate; and
 2. There is a shortage of qualified applicants available at the minimum rate of the range.
 3. In recognition of lateral years of service or to match existing compensation.

- B. Starting Rate on Returning from Military Service: Any regular employee who leaves the Town service to enter the Armed Forces shall be reinstated in accordance with State and Federal Law.
- C. Rate of Pay on Transfer or Demotion: When a regular employee is transferred from a position in one class to a position in another class at the same grade, he/she shall continue to be paid at the same rate. When a regular employee is demoted to a lower grade, his/her salary shall be set at:
- The rate in the lower grade which provides the smallest decrease in pay, if the action is not for cause; or,
- If the action is for cause, any lesser rate in the lower grade as determined by the Town Manager.
- D. Rate of Pay on Promotion: In general, when an employee is promoted to a class with a higher grade, the employee shall receive a pay increase based on the requirements of the position and the promoted employee's ability to fulfill those requirements. Advancement to the maximum rates subsequent to the promotion will be based on the application of merit principles coinciding with the Salary Ordinance.

Section 6: Full-time Basis of Salary Schedule

Salary rates are based on full-time employment at normal working hours for each group specified in Chapter 3.2, Section 2B. Hourly rates are computed by dividing the bi-weekly salary by the standard annual scheduled hours of work for each group. Part-time employees in any of the groups will be compensated for actual hours worked.

Section 7: Implementation of Pay Adjustments

All pay adjustments shall become effective when they are due.

Section 8: Compensation for Work in a Higher Classification

When an employee performs the duties of a higher job classification for an expected period of twenty (20) or more working days, he/she shall be compensated at the minimum of the higher job grade, or 5% more than their current hourly compensation, whichever is greater. Advancement to the maximum rates subsequent to the promotion will be based on the application of merit principles.

Section 9: Direct Deposit Program

All employees will have their paychecks automatically deposited directly into their checking, savings, investment and/or credit union accounts via electronic transfer. Funds become available to the participant from the financial institution on the designated paydays. Additional information and sign-up materials may be obtained from the Clerk-Treasurer's Office.

Section 10: Post-Employment Compensation

If, for any reason, exclusive of suspension or termination, a former employee of the Town of Munster is required to testify on behalf of the Town, compensation shall be made in the following manner. The former employee shall receive pay equal to the rate of pay that he/she last received from the Town multiplied by the total number of hours required for the testimony.

CHAPTER 3.2

HOURS OF WORK AND OVERTIME

Section 1: Hours of Work

- A. Normal Work Week: The normal work week for full-time regular and temporary employees shall be a total of forty (40) hours. The normal work week, for some members of the Police Department, shall be defined in accordance with the Fair Labor Standards Act (FLSA). Alternative work schedules may be established by the Town Manager to promote more efficient service to the Town.
- B. Rest Periods: Employees are expected to work an actual eight (8) hours. Subject to the Director, the employees may be allowed to take one (15) minute rest break during any 4 hour work period.

Section 2: Overtime

- A. Overtime Administration: The Director may allow reasonable overtime work to meet operational needs. Complete records of overtime of employees shall be maintained in accordance with the FLSA.
- B. Positions Exempt from Overtime: Exempt employees are not subject to the overtime payment requirements of the FLSA due to the nature of their work. These employees are expected to have flexible working hours, which may exceed forty (40) hours in a week.
- C. Overtime Compensation: When a full-time employee is required to work in excess of the normal work week as described in chapter 3.2, Section 1A, the employee shall receive payment in one of the two following ways:
 - 1. One and one-half times the employee's regular hourly rate for all hours worked over 40 hours in one week. In the case of Public Safety personnel, their work week shall be defined in accordance with the provisions of the Fair Labor Standards Act.
 - 2. A regular full-time employee eligible to receive overtime compensation may request compensatory leave equivalent to one and one half of the amount of overtime worked in lieu of payment. Time may be taken when approved by the Director or his/her designee. Overtime needs to be approved by the Director prior to the time worked to be eligible for compensatory time.
 - 3. Salary non-exempt employees will be reimbursed for overtime under the pro-rated FLSA guidelines, and they will not be able to bank their compensatory time.
 - 4. Vacation time and sick time utilized during a week in which an employee has worked over 40 hours shall be paid as straight time. The following are examples of how the policy will be administered:

- a) If an employee works 39 regular hours from Monday to Thursday, then takes a vacation day on Friday, they will be paid 47 hours of straight time pay.
 - b) If an employee works 46 regular hours from Monday to Thursday, then takes a vacation day on Friday, they will be paid 40 hours of straight time pay, 8 hours of regular pay for the vacation time and 6 hours of overtime.
5. Under emergency conditions such as, but not limited to, substantial snow events, flood events, or hazardous material spills, the Director with approval from the Town Manager may authorize all or part of hours over 40 to be paid at an overtime rate. The following are examples of how the policy will be administered:
- a) An employee works 16 regular hours Monday and Tuesday, then has Wednesday through Friday scheduled as vacation, but is called out on Thursday evening and works 7 hours. The employee may be paid 40 hours regular pay (including vacation) and 7 hours overtime.
 - b) An employee works a combined 32 hours for Monday and Tuesday, but only works 3 hours on Wednesday and goes home sick for the remainder of the day (5 hours), then works a combined 16 hours on Thursday and Friday. The employee may be paid 40 hours regular pay (including 5 hours sick time) and 16 hours overtime.

For those employees that help in an emergency situation, i.e. plowing in a major snowstorm, whose normal work duties do not include the task they are asked to perform, will be paid a flat fee of \$15.00 an hour.

- D. Overtime Authorization: Overtime must be authorized by the employee's immediate supervisor prior to the time worked.
- E. Compensatory Time Banking: Employees eligible for overtime compensation, except for salary non-exempt employees, choosing to bank comp-time shall be able to bank up to 80 hours of overtime, which equals 53.33 straight time hours, maximum. If an employee exceeds the 80 hours, those hours in excess of 80 hours will be paid at one and one half the rate of that employee's normal rate of pay, on the next pay check. The Town has the right to cash out comp-time liability for any eligible employee at any time.

CHAPTER 3.3

LEAVE

Section 1: General Policy

Leave is any authorized absence during regularly scheduled work hours that is approved by proper authority. Leave may be authorized with or without pay and shall be granted in accordance with these rules on the basis of the work requirements of the programmatic units and, whenever possible, the personal wishes of the employee.

Section 2: Types of Leave

The following types of leave are officially established:

- A. Holiday
- B. Vacation
- C. Sick
- D. Disability
- E. Injury
- F. Compensatory
- G. Emergency
- H. Other Leave with Pay
- I. Leave without Pay
- J. Discretionary

Section 3: Holidays

Regular employees shall be granted the following paid holidays:

New Year's Day
Good Friday
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Friday following Thanksgiving
Christmas Day
Two (2) Optional Days (as determined annually by the Town Manager)

Holidays that fall on a Saturday shall be observed on the preceding Friday and holidays that fall on a Sunday, shall be observed the following Monday.

- A. Holiday for Part-Time Employee: Part-time employees who are regularly scheduled to work less than twenty-four (24) hours per week shall be ineligible for holiday leave. Part-time employees whose normal work week is twenty-four (24) hours or more will be paid according to the number of hours they would be scheduled to work on the day observed on the holiday.
- B. Holiday for Temporary Employees: Temporary employees shall receive holiday leave without pay.
- C. Holiday During Paid Status: In order to receive pay for an observed holiday, an employee must be in a work or paid leave status immediately preceding and following the holiday.
- D. Pay for Work on a Holiday: Employees who work on a holiday will be paid their eight hours of holiday pay and one and one half their regular pay for the hours they work on the holiday.

Section 4: Vacation Leave

Regular employees whose normal work week is 24 hours or more shall earn vacation leave at the following rate:

<u>Years of Service</u>	<u>Rate per Day</u>	<u>Rate per Pay</u>	<u>Rate per Year</u>
1 st thru the 4 th	.03850 hours	3.0769 hours	80 hours
5 th thru the 11 th	.0577 hours	4.6153 hours	120 hours
12 th and over	.0769 hours	6.1538 hours	160 hours

- A. Regular Full time and Part-time employees whose normal work week is twenty-four (24) hours or more shall be able to utilize vacation.
- B. Regular part-time employees who are scheduled to work less than twenty-four (24) hours per week shall not receive vacation leave. Regular part-time employees whose normal work week is twenty-four (24) or more shall receive vacation leave in proportion to their normal workweek.
- C. Compensation: Vacation benefits shall be based on straight time pay.
- D. Scheduling: Vacation shall be scheduled at the discretion of the Director unless directed otherwise by the Town Manager. In no case shall vacation leave be taken before vacation time is earned. Each department shall set up a vacation schedule.
- E. Accumulation: Vacation leave shall be earned on a daily basis. A vacation account shall be kept on each employee with bi-weekly deposits and deductions when leave is taken. The maximum vacation accrual allowed is two (2) times an employee’s annual rate of accrual. Accumulation in excess of this is addressed in Pay-in-Lieu-of-Leave.

- F. Pay In-Lieu-of Leave: Vacation accrued in excess of twice an employee's annual accrual shall be paid out at the employee's current hourly rate. The vacation accrual adjustment will take place twice annually. The first adjustment will take place on the first paycheck in January. The second adjustment will be on the first paycheck in July. An employee may request payment of accrued vacation leave to cover family financial emergencies. The employee must submit a request in writing to the Town Manager. The Town Manager may approve such a request and authorize the payment for the next regular payroll. In addition, an employee may use their vacation or compensation time for the use of employees who qualify for emergency leave. No other additional salary shall be paid to an employee in lieu-of-vacation.
- G. Break in Service: Vacation leave shall be determined by the length of continuous service. For purpose of computing vacation leave, employees who leave the Town service in good standing and are later restored (within 90 days), shall receive prior service credit, upon approval by the Town Manager.
- H. Transfers: Any employee who is transferred between departments shall retain all accrued vacation leave.
- I. Holiday Celebrated During Vacation Leave: Observed holidays established by these rules shall not be considered as part of vacation leave.
- J. Employment Experience: The Town Manager may credit employees who possess similar previous experience with another employer, with those year(s) of experience when determining vacation benefits, so long as the level of responsibility is comparable.
- K. Vacation Conversion to Other Leave: Vacation time can be converted into paid time during absences such as those prescribed under FMLA.
- L. Reporting of Leave: All leave such as vacation, comp and sick must be taken in quarter hour increments.

Section 5: Sick Leave

Full-time, including probationary and permanent part-time employees, whose normal work week is twenty-four (24) hours or more, shall be eligible for sick leave with pay. Sick leave shall be accumulated at a .46154 hours per pay or 12 days a year, beginning with the first pay period of initial employment. Permanent part-time employees will accrue sick leave at a rate proportionate to their time worked as a percentage of a normal work week. Unused sick leave shall be accumulated to a maximum of 1,040 hours (130 days). Sick time is not reimbursed upon separation from Town employment.

- A. Use of Sick Leave: Sick Leave will be allowed for the following purposes:
 1. Personal illness, injury or disease.

2. For medical and dental appointments, when an employee has made reasonable efforts to secure appointments outside his/her normal working hours. The Director must be notified at least one day in advance of the day in which such an absence occurs.
3. Illness, injury, disease or medical condition to an immediate member of the employees' family, requiring his/her personal attention. Leave in excess of five days will need the Director's approval in consultation with the Human Resources Director and Town Manager.

B. Proof of Illness:

The Town may investigate any absence for which sick leave is requested. A Director may require proof of illness. In the judgment of the Director, approval of sick leave may include a doctor's certificate or other proof of illness from the employee's physician indicating the nature and duration of the illness. If an employee is required to visit a specific doctor designated by the Town, the Town will pay the doctor's fee for the visit. If an employee is absent more than 2 days, a physician's note may be required.

C. Report of Illness:

On the first day of absence from work due to illness, the employee shall report his/her illness to his/her supervisor no later than the beginning of his/her scheduled work assignment, except that where a relief employee is required, such report must be made at least two (2) hours prior to the beginning of his/her scheduled work assignment. Nothing in this section shall preclude the payment of sick leave to an employee who cannot comply with provisions of this section due to extenuating circumstances, as determined by the Director.

D. Emergency Leave

All full-time regular employees who have been retained passed the probationary period, but as a result of a long illness, non-job related injury, numerous illnesses, and/or being a responsible care provider, and have exhausted all available leave, may apply for Emergency Leave. Emergency Leave will pay eligible employees the equivalent monetary value of the hours of sick leave based upon voluntary contributions of Vacation and earned Compensatory time by Town employees wishing to donate the same on behalf of the employee requesting Emergency Leave. Surplus leave donated but not utilized by the employees will be re-credited back to the employee donating the leave on a pro-rata basis. Emergency Leave requests shall be administered through the Town Manager's Office.

E. Emergency Sick Leave

Only in the event that a full-time regular employee falls terminally ill and has exhausted all available leave, he/she may apply for Emergency Sick Leave. Emergency Sick Leave will pay eligible employees the equivalent monetary value of the hours of sick leave based upon voluntary contributions of a combination of vacation/comp/sick by Town employees wishing to donate the same on behalf of the employee requesting the Leave.

Guidelines:

Sick time can only be donated based on the following:

One day of Vacation or earned Compensatory time must be donated first and then One day of Sick will then be allowed for donation.

Donation minimum – 8 hours

Donation maximum – 40 hours or no more than 50% of your current balance

Employees who receive donated time must first complete and return long term disability paperwork to HR and have the claim approved prior to receiving donated time.

Surplus leave donated but not utilized by the employees will be re-credited back to the employee donating the leave on pro-rata basis. Emergency Leave requests shall be administered through the Town Manager's Office.

Section 6: Injury Leave

Each regular full-time and regular part-time employee whose normal work week is twenty-four (24) hours or more, shall be eligible for injury leave. Injury leave, as distinguished from sick leave, shall mean paid leave given to an employee due to absence from duty caused by an accident, injury or occupational disease that occurred while the employee was engaged in the performance of his/her duties. Injury Leave shall be accumulated at a .46154 hours per pay or 12 days a year, beginning with the first pay period of initial employment. Permanent part-time employees will accrue injury leave at a rate proportionate to their time worked as a percentage of a normal work week. Unused injury leave shall be accumulated up to a maximum of 1,040 hours (130 days). Injury time is not reimbursed upon separation from Town employment. Employees of the Town are covered by workmen's compensation insurance and are paid stated amounts due to injuries sustained on the job. The Town, in case of an injury leave, shall supplement the payments of the insurance company so that the employee will receive full pay during his/her absence, for a period not to exceed his/her accumulated injury leave. In the case of injuries causing temporary disability and for absences of seven (7) days or less, the Town shall pay the employee's regular salary for such period up to a maximum of his/her accumulated injury leave, since payments are not made under workmen's compensation insurance for such accidents. In the event of permanent total work related disability, supplemental payments shall be made for a period not to exceed the employees accumulated injury leave. Said leave shall be assessed based on the percentage of a day necessary to supplement, multiplied by the number of days supplemented.

- A. Payments on Injury Leave: All payments on injury leave shall be made subject to the same rules and regulations as workmen's compensation insurance and shall not be payable if the accident shall have been due to intoxication, drug abuse, or willful misconduct on the part of the employee. Lost time under injury leave shall not be charged to vacation or sick leave accruals, unless the employee has exhausted all accumulated injury leave and elects to use other leave to supplement workmen's compensation payments.
- B. Use of Sick and Other Leave: When an employee has exhausted his/her accumulated injury leave, he/she may not supplement workmen's compensation benefits by using other leave.

Section 7: Compensatory Leave:

Compensatory leave shall be credited to a non-exempt employee as provided in the rules governing overtime. Compensatory time may not be used in the same period as accumulating the leave.

Section 8: Funeral Leave:

Each regular employee who works twenty-four (24) or more hours per week shall be granted paid emergency leave up to three (3) days by the Town Manager when death occurs in the employee's or spouse's immediate family. For purposes of this rule, "immediate family" shall include: father, mother, sister, brother, spouse, and children. Up to one (1) day of leave may be authorized when a death occurs to a grandparent, grandchild, aunt, uncle, niece, or nephew of an employee, or any other linear relative by blood, marriage or adoption. Proof will be required for leave to be granted, such as a copy of the death certificate or obituary.

Section 9: Other Leave with Pay

Regular employees may be granted leave with pay in accordance with the following:

- A. Administrative Leave
 - 1. Training: With the approval of the Town Manager, leave of absence with pay may be granted by the Director for the purpose of allowing a regular employee to participate in conferences, seminars, training courses, and official meetings which enhance the employee's value to the Town.
 - 2. Special: The Town Manager may authorize either full or partial paid days off, in addition to those already authorized in these rules, to permit closing of some or all Town offices in such instances as severe snow storms, public celebration and days of mourning.
- B. Jury Duty: Regular employees shall be granted leave of absence with pay for required jury duty. The employee shall notify his/her Director of the scheduled jury duty in advance. During this period of jury duty, the compensation paid to the employee shall be the difference between his/her compensation for jury duty and the amount of salary or

wages due as an employee of the Town. If the compensation for jury duty is equal to or greater than the salary or wages due the Town employee, then no payment shall be made, except that normal payroll deductions for insurance purposes shall be paid by the Town during such leave.

C. Military Leave:

A regular full-time employee participating in required field training in the Federal Armed Service Reserve or National Guard shall be entitled to absent himself/herself from his/her Town duties while engaged in such required field training. No such employee shall be subjected to any loss or reduction of vacation or holiday privileges. The employee is entitled to receive a leave of absence from his/her Town duties, in addition to regular vacation period, without loss of time or pay for consecutive or nonconsecutive periods not to exceed a total of fifteen (15) days in any calendar year. The employee is entitled to receive from the Town a leave of absence from their duties, in addition to the employees regular vacation period, for the total number of days that the employee is on active duty under IC 10-16-7-5 (Call for active duty, state or Federal). If an employee requires leave beyond time covered by military leave, he/she may utilize vacation time. Leave beyond the military and vacation will be without pay, and the employee will be in a non-pay status. An employee participating in such reserve military training shall give his/her supervisor sufficient advance notice.

Section 10: Leave without Pay

Generally, when the interests of the Town can be benefited, the Town Manager may grant a leave of absence without pay to an employee provided the position remains vacant, or is filled by temporary appointment until the expiration of such leave.

A. Professional Development: The Town Manager may grant a regular full-time employee leave of absence without pay for travel or study for a period not to exceed one (1) year. Such leave shall be granted only after consideration of the service record of the employee and when it will not result in undue harm to the interests of the Town. No leave without pay shall be granted except upon written request of the employee. Leave without pay shall not be for less than one (1) week. All benefits shall cease during the period of leave without pay unless paid for in full by the employee granted leave.

B. Family or Medical Leave

1. Statement of Policy

As provided by the 1993 Family and Medical Leave Act (FMLA), all eligible employees shall be entitled to take up to 12 weeks of unpaid, job-protected leave during any 12 month period for specified family and medical reasons.

2. Covered Family and Medical Reasons

An eligible employee shall be entitled to 12 weeks of unpaid leave during a 12-month period for one or more of the following reasons:

- a) the birth or placement of a child for adoption or foster care;

- c) to care for an immediate family member (spouse, child, or parent) with a serious health condition; or,
- d) to take medical leave when the employee is unable to work because of a serious health condition.

An employee may take leave if a serious health condition makes the employee unable to perform the functions of his/her position. Employees with questions about whether specific illnesses are covered under this policy or under the Town's sick leave policy are encouraged to meet with the Human Resources Director.

3. Employee Eligibility

An employee shall be entitled to family leave when he/she meets the following criteria:

- a) The employee has worked for at least 12 months for the Town. The twelve months need not have been consecutive. (If the employee was on the payroll for part of a week, the Town will count the entire week. The Town considers 52 weeks to be equal to twelve months.)
- b) The employee has to have worked for the employer for at least 1,250 hours over the 12 months before the leave would begin.
- c) When both spouses are employed by the Town, they are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.

4. Calculation of Leave

Eligible employees can use up to 12 weeks of leave during any 12 month period. The Town will use a rolling 12 month period measured backward from the date an employee uses any FMLA leave. Each time an employee uses leave, the Town computes the amount of leave the employee has taken under this policy, subtracts it from the 12 weeks, and the balance remaining is the amount the employee is entitled to take at that time. For example, if an employee has taken 5 weeks of leave in the past 12 months, he or she could take an additional 7 weeks under this policy.

5. Maintenance of Benefits

An employee shall be entitled to maintain group health insurance coverage on the same basis as if he/she had continued to work at the Town. To maintain uninterrupted coverage, the employee will have to continue to pay their share of insurance premium payments. This payment shall be made either in person or by mail to the Clerk-Treasurer's Office by the 1st of each month. If the

employee's payment is more than 30 days overdue than the coverage will be dropped by the Town.

If the employee informs the Town that he/she does not intend to return to work at the end of the leave period the Town's obligation to provide health benefits ends. If the employee chooses not to return to work for reasons other than a continued serious health condition, the Town will require the employee to reimburse the Town the amount the Town contributed towards the employee's health insurance during the leave period.

If the employee contributes to a life insurance or disability plan, the Town will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the Town will request that the employee continue to make those payments, along with the health care payments. If the employee does not continue these payments, the Town will recover the payments at the end of the leave period, in a manner consistent with the law.

Other benefits will not continue during leave. However, the use of family or medical leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

An employee that takes leave under the Family and Medical leave Act and does not return to work after the leave has expired may be entitled to COBRA continuation coverage, under certain conditions. Once an employee's FMLA leave has ended, a qualifying event requiring the employer to provide COBRA continuation coverage occurs if the following three conditions are met:

- a) The employee does not return from FMLA leave (rendering the employee terminated)
- b) The employee (or a spouse or a dependent child of the employee) must be covered under an employer-provided group health plan on the day before the first day of the FMLA leave (or become covered during the FMLA leave); and
- c) The employee (or a spouse or a dependent child of the employee) would, in the absence of COBRA continuation coverage, lose coverage under the group health plan before the end of what would be the maximum COBRA coverage period.

6. Job Restoration

An employee who utilizes family or medical leave under this policy will be restored the same job or a job with equivalent status, pay, benefits and other employment terms, as long as they are physically capable of completing the essential functions of the job.

The Town may choose to exempt certain highly compensated, "key" employees

from this job restoration requirement and not return them to the same or similar position at the completion of FMLA leave. Employees who may be exempted will be informed of this status when they request leave. If the Town deems it necessary to deny job restoration for a key employee on FMLA leave, the Town will inform the employee of its intention and will offer the employee the opportunity to return to work immediately.

7. Use of Paid and Unpaid Leave

If an employee has accrued paid leave of less than 12 weeks, the employee will use paid leave first and take the remainder of the twelve weeks as unpaid leave.

If an employee uses leave because of his/her own serious medical condition the employee will first use sick leave, then any compensatory time, then vacation time and then will be eligible for unpaid leave. If an employee uses leave because a serious medical condition of an immediate family member, the employee must use all compensatory time, then vacation time, then sick time, and then will be eligible for unpaid leave for the remainder of the 12 weeks.

An employee using leave for the birth of a child will use paid sick leave for physical recovery after childbirth. The amount of sick leave utilized after this point will be decided on a case by case basis. The employee then may use all compensatory time, then vacation time, then sick time, and then will be eligible for unpaid leave for the remainder of the 12 weeks.

An employee using leave for the adoption or foster care of a child will use all paid vacation, comp and sick leave first, and then will be eligible for unpaid leave for the remainder of the 12 weeks.

8. Intermittent Leave and Reduced Work Schedules

In certain cases, intermittent use of the twelve weeks of family or medical leave or a part of a reduced work week may be allowed by the Town. Employees wishing to use leave intermittently or to utilize a reduced work week for birth or adoption purposes will need to discuss and gain approval for such use from the employee's Director, Human Resources Director and the Town Manager.

Employees may also use family or medical leave intermittently or as part of a reduced workweek whenever it is medically necessary. If the need to use leave is foreseeable and based on preplanned and pre-scheduled medical treatment, then the employee is responsible to schedule the treatment in a manner that does not unduly disrupt the Town's operations. This provision is subject to the approval of the health care provider.

In some cases, the Town may temporarily transfer an employee using intermittent or a reduced work week to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced schedule.

9. Procedure for Requesting Leave

All employees requesting leave under this policy must complete the Family/Medical leave form available from the Town Manager's Office.

When an employee plans to take leave under this policy, the employee must give the Town 30 days' notice. If it is not possible to give 30 days' notice, the employee must give as much notice as is possible. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the Town's operations.

While on leave, employees are requested to report periodically to the Town regarding the status of the medical condition, and their intent to return to work.

10. Procedure for Notice and Certification of Serious Health Condition

On occasion, the Town may require the employee to provide notice of the need to utilize leave (where it is possible to know beforehand) and/or may require the employee to provide certification of an employee's or immediate family member's serious health condition by a qualified health care provider. The employee should try to respond to such a request within 10 working days of the request, or provide a reasonable explanation for the delay.

Qualified health care providers include: doctors of medicine or osteopathy, podiatrists, dentists, clinical psychologists, optometrists, and chiropractors, nurse practitioners and nurse-midwives authorized to practice under State law and performing within the scope of their practice under state law; and Christian Science practitioners listed with the First Church of Christ Scientist in Boston, Massachusetts.

When seeking certification of a serious medical condition, an employee should make certain that the certification contains the following:

- a) Date when the condition began; expected duration; diagnosis; and a brief statement of treatment.
- b) If employee is seeking medical leave for his/her own medical condition, certification should also include a statement that the employee is unable to perform the essential functions of the employee's position.
- c) For a seriously ill family member, the certification should include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.
- d) If taking intermittent leave or working a reduced schedule, certification should include dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

If deemed necessary, the Town may ask for a second opinion. The Town will pay for the employee to get a certification from a second doctor, who the Town will select. If there is a conflict between the original certification and the second opinion, the Town may require the opinion of a third doctor. The Town and the employee will jointly select the third doctor, and the Town will pay for the opinion. The third opinion will be considered determinative and final.

In the event that the Federal Family and Medical Leave Act is amended, from time to time, the foregoing provisions shall be deemed amended to conform to the new legislation and/or regulation.

- C. Personal Leave: Any regular employee with a minimum of three (3) years' service with the Town may request an unpaid leave for personal reasons. The Town Manager may grant such leave for a minimum period of three (3) months to a maximum of twelve (12) months. Before a Personal Leave shall be considered, the employee's immediate supervisor and Director shall review the request. If the department head is in agreement, he/she shall submit a recommendation to the Human Resources Director and Town Manager outlining how the position will be filled during the leave period.

The granting of a Personal Leave should not diminish the overall operating effectiveness of the employee's assigned program. Under no circumstances should the granting of a Personal Leave require the Town to pay additional funds. Substitute personnel, overtime coverage, etc. must be equal to or less than the salary and fringe benefit costs of the incumbent employee salary level. The department heads shall base their evaluations of the request on the following criteria:

1. The difficulty in replacing the employee for a short term basis.
2. The employee's past performance evaluations.
3. The reasons for the leave.
4. Decision if the leave will be of mutual benefit to the Town and the employee.

Any employee granted a Personal Leave shall not be eligible for an additional Personal Leave until the expiration of five (5) years after his/her return from such leave, except in extreme hardship cases. All benefits will cease during the period of leave unless paid for by the employee, to include the Town's contribution as well as employee's contribution. Any accumulation of leave such as vacation and sick will also cease during duration of leave.

- D. Disability Leave: Any regular employee shall be granted disability leave upon the time that he/she is no longer physically able to perform regular work duties. Any employee requesting disability leave must submit the request in writing to the Human Resources Director and/or Town Manager at least two weeks before its proposed effective date. The Town Manager will approve the leave for the time period that the employee is medically unable to return to work.

Upon medical release of the employee, said medical statement must be submitted to the Human Resources Director and/or Town Manager, and the employee shall return to

work within two (2) working days. Should the employee request time off in excess of the medical disability period, it shall be reviewed on a case by case basis, approved at the discretion of the Town Manager.

- E. Absence Without Leave: An absence of an employee from duty, including an absence for a whole or part of a day, that is not authorized by a specific grant of leave of absence under the provisions of these rules shall be deemed an absence without leave. Any such absence shall be without pay and shall be subject to disciplinary action, which may include dismissal. Any employee who is absent from work for two (2) consecutive days, or on two (2) separate occasions for less than a total of two (2) days without notifying his/her Director or immediate supervisor of the reason for such absence or absences shall be considered to have resigned from the Town service.
- F. Adjustments to Time Served: In cases of leave of absence without pay, the period of time for which the leave was in affect shall not count towards the accrual of any leave benefits.

Section 11: Discretionary Leave:

Employees in FLSA exempt positions are not eligible for compensatory time for hours worked in excess of their regular work schedule. The salary of an exempt employee will not be reduced for time away from the job that is less than 1/2 of the normal work day, nor will paid leave time be charged against the employee. Eligible employees may utilize Discretionary Leave under the following conditions:

1. Discretionary Leave shall not accrue from year to year;
2. Discretionary Leave may be taken in an amount not to exceed sixteen (16) hours in any pay period and must have prior approval by the Town Manager;
3. Discretionary Leave may not be used with vacation time except to complete a week if accrued vacation time is insufficient.
4. The Town Manager may, under extreme circumstances, authorize additional Discretionary Leave for an eligible employee who has exhausted all available leave. Such leave authorization shall be reported to the Town Council and may not exceed five (5) additional days without specific Council approval.

CHAPTER 3.4

GROUP INSURANCE

Section 1: General

The Town will provide group insurance benefits described in the Town of Munster Medical, Dental and Vision Plans as well as the Life Insurance documents. Employees will be issued plan documents upon appointment and supplied amendments as they become effective.

Section 2: Eligibility

Only regular employees, whose normal work week is thirty (30) or more hours, are eligible to subscribe to the Town's hospitalization, major medical, dental and/or vision insurance plans upon appointment.

Section 3: Enrollment

Enrollment in the Town's insurance plans shall be open to all eligible employees and their families. Eligible employees will receive summary plan descriptions of the Town's medical, dental and vision insurance upon their enrollment in any insurance plan. For specific details regarding the plans please refer to the Human Resources Director. The Town reserves the right to make changes to benefits programs it offers at its discretion.

Section 4: Medical, Vision and Dental Insurance

The plans for eligible Town employees shall pay benefits in accordance with each plan document in force at the time the claim is made. The premium contributions shall be determined by the Town Council from time to time and will be included in the annual Salary Ordinance.

Section 5: Life Insurance

The Town shall pay the premiums for group life insurance for regular employees in amounts established from time to time and will be included in the annual Salary Ordinance.

CHAPTER 3.5

OPTIONAL BENEFITS

The Town currently offers certain optional fringe benefits (in addition to dependent health, dental and vision insurance) to its eligible employees. Employees opting to participate in these programs must bear the full costs of these benefits themselves, and payments are generally accomplished through payroll deduction. New employees may initially sign up for these optional benefits at the time employment commences. Unless an open enrollment period is required, employees may then join the program at any subsequent date.

Section 1: Deferred Compensation

All employees are eligible to participate in the optional deferred compensation plan offered by the ICMA Retirement Corporation. Employees who enroll in this program elect to have a certain percentage or amount of their pay “deferred” on a pre-tax basis until retirement. Employees may join or change their contribution amounts or investment choices at any time. The ICMA Retirement Corporation provides a variety of investment options, which are described in the materials available from the Town Manager’s Office. This is a non-defined benefit plan. Under a non-defined benefit plan, the amount of money that is invested, plus any interest earned is all that is eligible to be paid out.

Section 2: Life Insurance

Additional life insurance may be obtained by eligible employees. Informational materials and applications may be obtained from the Town Manager’s Office.

Sun Life

Sun Life offers term insurance to employees and/or their dependents. Amounts of insurance are limited and are subject to the company’s underwriting requirements.

Section 3: Supplemental and Dependent Life Insurance

The Town may make available to employees as a part of its insurance program, Supplemental Employee and Dependent Life Insurance. The amounts available shall be in accordance with the plan documents in force at the time. The Town shall not contribute towards the cost of the premiums.

CHAPTER 3.6

RETIREMENT

Section 1: Indiana Public Retirement System (INPRS)

Retirement benefits shall be as provided by the Indiana Public Retirement System. These are defined benefit programs. Defined benefit programs are those where the contribution is made on behalf of any one member does not equal the payout. The employee is eligible for an amount pre-determined by a formula, not the amount contributed by the employee or employer. All regular employees are required to participate in the plan immediately upon employment, unless otherwise exempted by P.E.R.F. All sworn officers hired prior to May 1, 1977 shall be covered under the 1925 Plan. All sworn officers hired after May 1, 1977 are under the 1977 Police Pension Plan.

Section 2: Alternative Retirement Systems

Employees who are members of the management staff (Directors and above) or who are otherwise ineligible to enroll in P.E.R.F. may select to enroll in an approved alternative tax sheltered retirement program instead of participating in the Indiana Public Employees Retirement Fund.

- A. Eligibility for an alternative retirement program begins upon employment. Under no circumstances will the Town's contribution exceed the percentage of the Town's retirement contribution for other employees participating in P.E.R.F., unless formally approved by the Town Council. Employees selecting this option will be required to satisfy the requirements of the State of Indiana for an alternative retirement program which substitutes for P.E.R.F. participation.
- B. Any Town employees below Director's rank may voluntarily enroll in an approved retirement program, however, this will not relieve them of the requirements to join P.E.R.F.

Section 3: Vesting

Vesting rights shall be as prescribed by the specific pension fund(s) to which the employee belongs.

CHAPTER 4.1

CONDUCT OF EMPLOYEES

Section 1: General Conduct

All of the employees of the Town are expected to conduct themselves properly, with decorum, treating each member of the public and fellow employees with respect.

Section 2: Ethics Guidelines

All employees of the Town of Munster will perform their assigned duties in a manner which will safeguard the public's confidence in the integrity of the Town. They will do so by being honest, fair, responsive, and respectful of citizens. They will avoid conduct that could create an appearance of impropriety or which could be perceived as unbefitting of the public service. This policy reflects the organization's core values and promotes the following two objectives:

An ethic of stewardship in the exercise of all public responsibilities; and

The promotion of personal and institutional accountability in the delivery of services.

In addition to other specific provisions, which are contained in other sections of this Handbook, employees will follow and observe the following guidelines:

- A. Employees will be impartial in the discharge of all of their official duties.
- B. Employees will not use their official positions for private gain.
- C. Employees will not participate in any decision that could influence their own financial interests or the professional or financial interests of their relatives and business associates.
- D. Employees will not directly or indirectly solicit any gifts, favors, services, loans, entertainment, food or drink for themselves, their relatives or their business associates for any activity which should be performed as a part of their official assigned duties.
- E. Employees will not accept any gifts, favors, services, or loans for themselves, their relatives, or their associates in return for any activity which is performed as a part of their official or assigned duties. It is recognized that token gifts, entertainment, food and drink are sometimes provided in the course of conducting business with the Town of Munster. This is acceptable as long as the offer is of nominal value.
- F. Employees will not accept payment for any appearance, speech or written work product which is a part of their official or assigned duties.
- G. Employees will not misuse official time; Town owned or leased facilities, equipment, or supplies.

- H. Employees will not disclose or use any information for a non-official purpose which is of a confidential or proprietary nature that is gained through the exercise of their official or assigned duties.

Complaints alleging ethics violations will be directed, in writing, to the Town Manager. Complaints alleging an ethics violation by the Town Manager will be directed in writing to the Human Resources Director for immediate referral to the Town's attorney. The attorney will fully investigate all such allegations. Appropriate action will be taken in all such cases.

Any employee who initiates an ethics complaint or who serves as a participating witness in an investigation will not be retaliated against, disciplined, or discriminated against for having done so in good faith. A personnel action that results from a report of a criminal violation of official misconduct that an employee knows to be false will not constitute a reprisal action. Internal investigation will be kept confidential to the extent that it is feasible to do so.

Section 3: Obligation to Work

All employees of the Town are obliged to fulfill the duties and responsibilities of their positions, including required overtime, for compensation received. Accordingly, no individual employee may contract out or subcontract to other employees or individuals for the performance of his/her assigned duties.

Section 4: Outside Employment

Outside employment must first be discussed and approved by the employee's Director. A copy of such notification shall be sent to the Human Resources Director, and then placed in the employees' personnel file. However, no employee may engage in additional employment which in any manner interferes with the proper and effective performance of the duties of his/her position, or results in a conflict of interest. If such outside employment is disadvantageous to the Town, upon notification in writing by the Town Manager, it shall be terminated.

- A. Preference to Town Employment: Any employee who engages in employment outside of his/her regular working hours shall be subject to call to perform his/her regular Town duties first.
- B. Injury and Illness: The Town shall in no respect be liable for injury leave in case of any injury to an employee while he/she is engaged in outside employment, nor be liable for any occupational illness attributed thereto.
- C. Injury and Sick Leave: Under no circumstances shall an employee work at his/her outside employment on a day in which he/she has called off for injury or sick time.

Section 5: Political Activity

All employees of the Town shall be able to exercise their rights as citizens to express their opinions and cast their votes. No employee of the Town shall be required to attempt, in any manner, to influence the ballot choice of any voter in any election. No employee of the Town shall, in any manner, influence or attempt to influence the ballot choice of any voter while the employee is on duty, while performing his duties, while in a uniform of the Town, or by representing he/she is acting on authority of the Town. No employee of the Town shall seek, solicit, collect or receive funds for political purposes while on duty or be expected to do so on their personal time.

Section 6: Responsible for Losses/Damages

All employees shall be held financially responsible for lost or damaged Town property, or private property, if such loss or damage resulted from an employee's willful misconduct, gross negligence, intoxication or illegal drug use. Should the employee be separated from the Town prior to full restitution being made, a deduction may be withheld from the employee's final paycheck to apply on account of the damage.

CHAPTER 4.2

DISCIPLINARY ACTION

It shall be the policy of the Town to administer discipline fairly, reasonably, and impartially. Employees and the Town are best served when discipline is administered to correct actions rather than to punish. ¹

Section 1: General

All disciplinary actions involving suspensions without pay or termination require concurrence of the Human Resources Director and approval of the appointing authority prior to discipline being administered.

The tenure of Town employees shall be based on reasonable standards of job performance and professional conduct. Failure or refusal to meet these standards shall constitute just cause for disciplinary action including oral or written reprimand, suspensions, demotions, and dismissal. The nature and severity of the offense and the employee's prior record shall be considered.

In any major disciplinary action, pertinent information shall be given to the employee in writing and shall be reviewed with the employee in person. The pertinent written notice shall specify the following information:

- A. the cause for discipline;
- B. the specific reasons supporting the cause;
- C. the discipline to be imposed;
- D. the effective date, and;
- E. the right of the employee to be heard once the disciplinary action has been communicated.

Section 2: Causes for Disciplinary Action

The Director or appointing authority may dismiss, demote or suspend an employee after concurring with the Human Resources Director and Town Manager. Reasons for such action may include, but shall not be limited to:

- A. Activities prohibited by the State and/or Federal statutes or Town ordinances;
- B. Failure to meet prescribed standards of work. Any employee who receives two (2) consecutive unsatisfactory performance appraisals shall be dismissed from Town service;
- C. Theft or destruction of Town property;
- D. Failure to obey a direct lawful order;
- E. Conviction of a criminal offense;

¹ Sworn members of the Police and Fire Department shall follow the Disciplinary procedures as set forth in the Board of Safety's Rules and State Statutes, as amended.

- F. The use of abusive language or manner toward a fellow employee or the public;
- G. Fraudulently obtaining or using sick or injury leave;
- H. Unauthorized absences;
- I. Acceptance of any consideration from a third party intended to inappropriately influence the employee in the performance of his/her duties;
- J. Falsification of records;
- K. Use of official position for personal financial advantage;
- L. Dishonesty, deliberate untruthfulness, recklessness on the job, and habitual tardiness.
- M. Failure to follow the prescribed safety measures as outlined in the Departmental Safety Manual;
- N. Sexual Harassment and Unlawful Harassment as specified in Chapter 1;
- O. Retaliation against an employee for filing a grievance;
- P. Failure to observe departmental policy;
- Q. The unlawful use, possession, purchase, sale, distribution, or being under the influence of any illegal drug and/or the misuse of legal drugs while on Town premises or while performing services for the Town is strictly prohibited; and
- R. Reporting to work or performing services while impaired by the use of alcohol or consuming alcohol while on duty or during work hours.

Section 3: Procedure

- A. Degree of Discipline: The degree of discipline administered will depend on the severity of the infraction and shall be in accordance with Town policies and procedures as well as local, state or federal laws and regulations. It is the responsibility of each supervisor and Director to evaluate thoroughly the circumstances and facts as objectively as possible and then apply the most suitable form of discipline. The Town follows the principle of progressive discipline.
- B. Types of Disciplinary Action:
 - 1. Verbal Warning
This type of discipline should be applied to infractions of a relatively minor degree or in situations where the employee's performance needs to be discussed. The verbal warning should be given in private with a witness present. Supervisors should inform the employee that the supervisor is issuing a verbal warning, that the employee is being given an opportunity to correct the condition, and if the condition is not corrected, the person will be subject to more severe disciplinary action. A notation that a verbal warning was given should be made in the employee's personnel file.

2. Written Warning/Reprimand

This notice will be issued in the event the employee continues to disregard a verbal warning or if the infraction is severe enough to warrant a written reprimand in the employee's personnel file. Written warning/reprimand notices must be issued within ten days after the occurrence of the violation claimed by the supervisor. The warning/reprimand shall state the nature of the infraction in detail and what corrective action must be taken by the employee to avoid further discipline as outlined in Numbers 3, 4, and 5.

A copy of the written warning/reprimand is to be handed to the employee at the time of the discussion of the discipline. The employee shall sign the written warning to acknowledge receipt. A copy, signed by the employee, will be placed in the employee's personnel file. If the employee refuses to sign the acknowledgment, then the supervisor and one other witness shall note on the reprimand that the employee received a copy thereof and refused to sign it.

3. Suspensions

This form of discipline is administered as a result of a severe infraction of policies or for repeated violation. A suspension can be given after the employee has received a written warning.

- a. Regular Suspension - A regular employee may be suspended by the Director or appointing authority with or without pay for reasons of misconduct, negligence, inefficiency, insubordination, disloyalty, unauthorized absence or other justifiable reasons when alternate personnel actions are not appropriate. Within forty-eight (48) hours, exclusive of Saturday, Sunday or holiday, the Human Resources Director, Town Manager and the employee shall be furnished with a written statement of such action specifically setting forth the reasons for the suspension and the appeals procedure.

Under no circumstances shall suspension be in effect within twenty-four (24) hours of Saturday, Sunday, or holiday. Any regular employee so suspended shall have the right to appeal as provided in Chapter 2.8, Section 1 of these rules.

- b. Suspension with Pay - At the discretion of the Manager and Human Resources Director, an employee of the Town may be suspended with pay and benefits pending investigation of allegations of misconduct, when the nature of the allegation compromises the ability of the employee to perform his/her duties, and when a substantial period of time will be required to complete an investigation or legal action. Such suspension is not a disciplinary action and may not be appealed. If the charges are substantiated, disciplinary action will be taken in accordance with the nature of the offense, and may include recovery of salary and benefits paid during the suspension. If the charges are unfounded, the employee will be restored to duty and a letter of exoneration will be placed in the employee's official personnel file.

4. Demotion
Demotion may be used in those instances where an employee has been hired in, or promoted to, a position where they are unwilling or unable to perform the responsibilities of that position. Demotion is not to be used as a substitute for dismissal, when dismissal is warranted. Demotion may be used as disciplinary action.
5. Dismissal
Immediate removal of an employee from the job site pending review for dismissal may be warranted in instances involving serious insubordination, theft, serious illegal or destructive acts while on the job, or other substantial reasons deemed appropriate by the Manager. An employee may also be dismissed after repeated offenses of a less serious nature if the offenses have been documented by the supervisor and appropriate behavioral changes have not resulted from previous progressive disciplinary action.

C. Probationary Employees: Probationary employees may be terminated at any time without cause and without the right of appeal. Notification of dismissal in writing shall be provided to the probationary employee and a copy filed in his/her personnel file. Request for the dismissal of a probationary employee requires the concurrence of the Human Resources Director and approval of the Town Manager.

D. Appeals: Appeals from suspension or dismissal or demotion may be made by a regular employee by applying in writing within five (5) working days to the Town Manager. The Town Manager shall hold a hearing within five (5) working days or a mutually agreeable time after such request for appeal shall have been made by the employee. The hearing will be of an informal nature with the employee and the Director as well as the Human Resources Director present. The Town Manager shall render his/her decision within ten (10) working days after the hearing. The Town Manager may uphold, increase or reduce the severity of punishment should this, in his/her judgment, be warranted.

If it is the Manager who has issued the initial disciplinary action, any appeal shall be in the form of a request for reconsideration. The manager shall respond to such request within (5) working days. The manager's decision shall remain final. Exempt Directors shall be governed by the "Employment at Will" doctrine. In all other cases, this policy and procedure shall apply.

E. Rehire: It is the policy of the Town not to rehire former employees who have been dismissed, resigned without sufficient notice or who resigned while charges were pending.

CHAPTER 4.3

WORKING AT HOME

Under certain circumstances employees may be allowed to work at home as part of their regular work schedule for the Town.

A request for a work-at-home arrangement must be submitted in writing and will be evaluated on a case-by-case basis by the Director and the Human Resources Director, both of whom must concur in the arrangement with the final approval being granted by the Town Manager.

In evaluating the request, consideration will be given as to whether the nature of the employee's work lends itself to being done at home and allows for supervisor evaluation of productivity. Positions which require frequent or ongoing face-to-face interaction with other staff and/or the general public are generally considered inappropriate. Consideration will also be given as to whether the work requires the use of equipment or information on the Town's premises which may not reasonably be taken off-site, and a work-at-home arrangement generally may not entail any additional financial expense to the agency.

A determination must also be made that sufficient staff coverage exists within the department to allow for this option to occur. Participating employees must have demonstrated the ability to perform the work with minimal supervision. A request may be denied on the basis of any of the above criteria.

The specific work schedule and subsequent modifications will require prior Director approval. If the Town's needs require, the home day may be preempted with whatever notice may be provided. The employee must be reachable by telephone or email during the specified work-at-home hours and consent to have her or his telephone number released to and used by staff and/or other individuals deemed to have a justifiable need to speak to the employee on work-related matters. The cost of all telephone calls to Town's offices must be borne by the employee, although he or she may request reimbursement for other work-related telephone calls if documentation of the charges is submitted with an expense report.

The work-at-home arrangement for each participating employee will be reexamined every three months and at the beginning of each new fiscal year by the Director. A work-at-home arrangement may be terminated or altered based on past experience and/or changes in the nature of the assignments or any other reason not prohibited by law.

CHAPTER 4.4

ATTIRE

It is recognized that the attire required of the employees will vary depending upon the responsibilities and nature of work of the individual employee.

Section 1: Office Staff

In general, staff should wear customary business attire (i.e., suits, sport coats, ties, pant suits, skirts, or dresses) if they are to attend or likely to attend public meetings within our office or represent the Town at functions outside the office where such attire would normally be expected. In such situations, customary business attire is deemed necessary in order to present a professional image of the Town Staff.

More casual attire is deemed appropriate if there is little or no public contact or there are duties outside the office where customary business attire would be neither practical nor expected. It is also appropriate if a staff member is exposed to paint, ink, or copying supplies or involved in cleaning or moving activities. Casual attire may also be worn during periods of extreme heat or cold, when personal safety, comfort and well-being must be given foremost consideration. Certain casual attire is not deemed appropriate, however, including shorts, sweat pants, t-shirts, flip flops, tank or halter tops, sleeveless shirts or blouses. All attire shall be neat and clean in appearance.

If further clarification on attire is required, the staff member's supervisor should be consulted. The Town shall determine periodically, through the Town's approved Budget, the amount of clothing to be purchased for Staff, and IRS rules will be followed for reimbursement.

Section 2: Uniform and Clothing Allowance

The Town provides certain employees with an initial complement of uniforms, specialty work clothes, and items with the Town or departmental logos. These employees are awarded an annual clothing allowance for the purpose of clothing maintenance beginning in the year after receiving the initial complement of clothing. The first year of the clothing allowance will be pro-rated based on full months of service in the previous year. Clothing allowances and the value of certain uniforms and clothing provided by the Town shall be subject to taxes and other deductions as established by law. The allowance is subject to approval by the Town Council at the annual salary ordinance. Those receiving a clothing allowance are:

1. **Police Department** – Payment to each sworn officer of \$1,700 per year, payable in February
2. **Fire Department** – Clothing for a newly hired firefighter shall be provided by the Town at the Town's expense, one time, at the time of initial appointment. This does not include "Class A" uniforms. After one year of service, an annual payment of \$300.00 shall be provided to the firefighter, payable in February
3. **Public Works/Parks Maintenance/Community Services Officer** – Clothing for initial appointment shall be provided to the employee by the Town at its expense. After the first year of service, an annual payment of \$800.00 shall be provided, payable in February

CHAPTER 5.1

TELEPHONE, VOICE MAIL AND FAX

The Town's telephone, fax and voice mail systems are essential to the effective and efficient operation of the Town. Accordingly, these systems are to be used principally for official Town business, and personal usage must be minimized.

Telephone

It is recognized that an occasional need may arise to contact the family or friends on matters of some urgency or in order to schedule or reschedule a personal appointment. However, phone calls should be kept to a minimum. If possible, such calls should be scheduled during break periods.

As a public agency, all employees are expected to handle their telephone calls and voice mail messages in a respectful, prompt and courteous manner. When answering a phone call it is customary to greet the caller by thanking them for calling the Town of Munster, state your department and name. If it becomes necessary to transfer a call, ask the calling party if it is acceptable to be transferred to the voice mail system if the receiving party does not answer. If not, then contact the receiving party first to see if he or she is able to take the call.

Voice Mail

Voice mail messages should be reviewed periodically throughout the day while in the office and at least once a workday while outside the office on agency business, if possible. All voice mail messages should be returned as promptly as possible and preferably the same day. Each staff member's "greeting" message on the voice mail should be checked and updated periodically, and such messages should be professional and businesslike. Although not required, staff is encouraged to review and update their "greeting" messages.

Fax

Employees are allowed to receive incoming faxes. Outgoing faxes should be related to Town business. Occasional personal usage is allowed with Director approval. Employees shall not use the fax machine for the transmission of inappropriate material.

CHAPTER 5.2

CORRESPONDENCE

Mail, faxes, hand-deliveries, and e-mail messages represent important communications, which require consistent handling in order for the information to be communicated to the appropriate parties and for a record to be preserved in the agency's central files.

All mail coming into the office is delivered to the Clerk-Treasurer's Office for sorting and distribution. Mail marked "personal" or "confidential" is delivered unopened to the addressee. Mail addressed to a Council Member is delivered unopened to the Town Manager's Office. All other mail will be opened and date stamped by the Department's Secretary. The Clerk-Treasurer's Office will be responsible for determining the distribution of the mail. The mail will be placed in the appropriate mail slots in the mail center for pick-up by staff.

A modification of the above mail routing routine is used for faxes, hand deliveries, documents brought into the office by staff members from outside sources, and materials presented at Council and Commission meetings. These materials are to be given to the Department Secretary, who will determine the routing. Processing is carried out with all due speed in order that appropriate employees receive copies of such documents as quickly as possible.

CHAPTER 5.3

RECORDS AND REPORTS

Section 1: Personnel Records

The Town Manager shall maintain an adequate record of his/her official acts under these rules and the employment record of every employee. These records shall be kept in the individuals personnel file.

Section 2: Administration of Employee Personnel Records

A. The following are the procedures and responsibilities for the maintenance of employee Personnel Records.

1. The Human Resources Director is responsible for establishing and maintaining an official personnel file for each employee of the Town. These shall be kept in the Town Manager's Office.
2. Directors are responsible for the forwarding of documents for inclusion in the personnel files of those employees assigned to their department.
3. Each employee is responsible in notifying the Human Resources Director of any changes or updates to their personal information that should be added to their personnel file. Employees have a right to a copy of any information in their personnel file. The employee is to contact the Human Resources Director to coordinate a time to view their file.
4. The official personnel files shall be maintained in the Town Manager's Office with the exception of payroll records, which shall be maintained in the Clerk-Treasurer's Office.

B. The following is the information to be included in the employee's personnel file:

1. Permanent Documents. Documents retained in the folder throughout the association of an employee with the Town:
 - a. Employee application
 - b. Job description and specification information
 - c. Job performance ratings and evaluations
 - d. Education/training information
 - e. Personnel Actions
 - f. Physicals

C. Establishment of procedures for the release and accessibility of information and audit of the personnel files.

1. All employee information will be treated as confidential except information relating to job title, department, base salary, and dates of employment.
2. Information contained in the personnel file will not be released to the public without the express written permission of the employee.

3. Access to information contained in the personnel file will be limited to the Manager, Human Resources Director, respective Director, immediate supervisor and the employee. Files pertaining to employees who are bonafide candidates of interdepartmental transfer will be accessible to the prospective Director and supervisors.
- D. Items not included in the Official Personnel File and/or Official Clerk-Treasurer's records of the Town may not be used for either promotional or disciplinary proceedings.
- E. This policy will be periodically reviewed to ensure compatibility with current accepted personnel procedures.
- F. Permanent records are maintained during the tenure of the employee and for seven years after the employee leaves Town employment.

Section 3: Confidentiality

Information contained in employee personnel files is confidential. It is a violation of these rules to divulge or use in any inappropriate manner, any information obtained by viewing an employee personnel file or information placed in or taken out of said file. The Town will follow the Indiana Access to Public Records Law.

CHAPTER 5.4

PURCHASING

The Town Council, as the Town of Munster's Purchasing Agency, shall set policies and rules concerning all of the Town's purchases. This policy was established by the adoption of Ordinance 1107 on June 22, 1998 and amended by Ordinance 1629 on April 14, 2014. The Town Manager shall serve as the Head Purchasing Agent for the Town of Munster, and as such, serve as the main administrator of the Town's Purchasing Policy. The Clerk-Treasurer's office shall serve as the processing agents of purchase transactions and repository for all requests for proposals and bids.

The Town Manager, Directors, Superintendents, Deputy Police and Fire Chiefs, Police Lieutenant, Police Sergeants, Fire Battalion Chiefs and Crew Leaders shall all be designated as purchasing agents for the Town of Munster.

The Purchasing Agent(s) may purchase or assign the authority to purchase items in the Open Market up to the following amounts:

- | | | |
|----|---|----------|
| 1. | Crew Leaders, Police Sergeants, Accounting Supervisors and Fire Battalion Chiefs and Recreation Supervisors | \$1,000 |
| 2. | Deputy Police, Fire Chief, Street Superintendent, Recreation Superintendents, Park Maintenance Superintendent, Police Lieutenant and other designated as second in charge | \$7,500 |
| 3. | Department Heads | \$20,000 |
| 4. | Town Manager | \$50,000 |

CHAPTER 5.5

TRAVEL

The Town encourages professional and educational development of its employees and recognizes that attendance at training seminars, association meetings and conventions may further this objective.

It is the general policy of the Town to reimburse its staff for reasonable costs incurred in the conduct of official Town business outside the office. It is the responsibility of the employee to avoid unnecessary, excessive or unallowable expenses, including costs of an entertainment nature. Reimbursement will not be provided for an individual's normal trip to work expenses.

Section 1: Travel Rules

- A. Directors are allowed one trip annually to a National Association Conference with prior approval from the Town Manager. Other overnight travel by Directors is limited to job related seminars and professional associations and must be approved by the Town Manager. Overnight trips outside the State of Indiana and the Chicago metropolitan area will not exceed two per year. Trips for specific Town business shall not apply to this limit.
- B. The Town Manager, Board or Commission members overnight travel must be pre-approved by the Town Council.
- C. Travel by employees below Director level must be approved by their respective supervisor.
- D. No more than two people from any department will attend any conference or seminar without the written approval from the Town Manager. Except in unusual circumstances, the number 1 and 2 persons in a department will not attend an overnight conference together.
- E. Requests for travel arrangements are to be submitted as early as possible to insure adequate opportunity to secure the best possible arrangements.

Section 2: Written Travel Reports

Written summary reports may be required to be submitted to the Director or supervising board for the purpose of evaluating the benefit of attending future sessions.

Section 3: Vehicles

Town vehicles will be utilized, whenever possible, for all travel in the Chicago metropolitan area or the State of Indiana. If personal vehicles are used, mileage will be paid at the existing rates as allowed by the IRS and not to exceed the standard coach airfare.

Section 4: Air Travel

Should it be necessary to fly, airfare will be paid at the lowest cost that is available. Reasonable planning should be accomplished to secure supersaver fares whenever possible. Reasonable

ground transportation expenses to and from the airport shall be reimbursed.

Section 5: On-Site Travel

Taxi fare will be reimbursed, if receipts are presented. Rental cars will be reimbursed only when absolutely necessary. Parking fees will be reimbursed.

Section 6: Lodgings

Employees lodging will be reimbursed in the amount not to exceed the government or conference single room rate. When a government or conference rate is not available, the single room rate will apply.

Section 7: Meals

When traveling, employees shall be reimbursed for meals not included in the conference or seminar program. The per diem rate, as established by the current Town Council and as spelled out on the Town's reimbursement form shall be utilized. Documentation of meals that are included in the conference costs must be supplied.

CHAPTER 5.6

IT Policy

Purpose

The purpose of this policy is to outline the acceptable use of computer equipment at the Town of Munster. These rules are in place to protect the employee and the Town of Munster. Inappropriate use exposes the Town of Munster to risks including virus attacks, compromise of network systems and services, and legal issues.

Scope

This policy applies to the use of information, electronic and computing devices, and network resources to conduct Town of Munster business or interact with internal networks and business systems, whether owned or leased by the Town of Munster, the employee, or a third party. All employees, contractors, consultants, temporary, and other workers at the Town of Munster and its subsidiaries are responsible for exercising good judgment regarding appropriate use of information, electronic devices, and network resources in accordance with the Town of Munster policies and standards, and local laws and regulation.

This policy applies to employees, contractors, consultants, temporaries, and other workers at the Town of Munster, including all personnel affiliated with third parties. This policy applies to all equipment that is owned or leased by the Town of Munster.

Section 1: General Use and Ownership

Town of Munster proprietary information stored on electronic and computing devices whether owned or leased by the Town of Munster, the employee or a third party, remains the sole property of the Town of Munster. You must ensure through legal or technical means that proprietary information is protected in accordance with the *Data Protection Standard*.

- You have a responsibility to promptly report the theft, loss or unauthorized disclosure of the Town of Munster proprietary information.
- You may access, use or share the Town's proprietary information only to the extent it is authorized and necessary to fulfill your assigned job duties.
- Employees are responsible for exercising good judgment regarding the reasonableness of personal use. Individual departments are responsible for creating guidelines concerning personal use of Internet/Intranet/Extranet systems. In the absence of such policies, employees should be guided by departmental policies on personal use, and if there is any uncertainty, employees should consult their supervisor or manager.
- For security and network maintenance purposes, authorized individuals within the Town may monitor equipment, systems and network traffic at any time.
- The Town of Munster reserves the right to audit networks and systems on a periodic basis to ensure compliance with this policy.

Section 2: Security and Proprietary Information

- All mobile and computing devices that connect to the internal network must comply with the *Minimum Access Policy*.
- System level and user level passwords must comply with the *Password Policy*. Providing access to another individual, either deliberately or through failure to secure its access, is prohibited.
- All computing devices must be secured with a password-protected screensaver with the automatic activation feature set to 10 minutes or less. You must lock the screen or log off when the device is unattended.
- Postings by employees from a Town of Munster email address to newsgroups should contain a disclaimer stating that the opinions expressed are strictly their own and not necessarily those of the Town of Munster, unless posting is in the course of business duties.
- Employees must use extreme caution when opening e-mail attachments received from unknown senders, which may contain malware.

Unacceptable Use

The following activities are, in general, prohibited. Employees may be exempted from these restrictions during the course of their legitimate job responsibilities (e.g., systems administration staff may have a need to disable the network access of a host if that host is disrupting production services).

Under no circumstances is an employee of the Town of Munster authorized to engage in any activity that is illegal under local, state, federal or international law while utilizing Town-owned resources.

The lists below are by no means exhaustive, but attempt to provide a framework for activities which fall into the category of unacceptable use.

System and Network Activities

The following activities are strictly prohibited, with no exceptions:

1. Violations of the rights of any person or company protected by copyright, trade secret, patent or other intellectual property, or similar laws or regulations, including, but not limited to, the installation or distribution of "pirated" or other software products that are not appropriately licensed for use by the Town of Munster.
2. Unauthorized copying of copyrighted material including, but not limited to, digitization and distribution of photographs from magazines, books or other copyrighted sources, copyrighted music, and the installation of any copyrighted software for which the Town or the end user does not have an active license is strictly prohibited.
3. Accessing data, a server or an account for any purpose other than conducting Town business, even if you have authorized access, is prohibited.
4. Exporting software, technical information, encryption software or technology, in violation of international or regional export control laws, is illegal. The appropriate management should be consulted prior to export of any material that is in question.
5. Introduction of malicious programs into the network or server (e.g., viruses, worms, Trojan horses, e-mail bombs, etc.).
6. Revealing your account password to others or allowing use of your account by others. This includes family and other household members when work is being done at home.
7. Using a Town of Munster computing asset to actively engage in procuring or transmitting material that is in violation of sexual harassment or hostile workplace laws in the user's local jurisdiction.
8. Making fraudulent offers of products, items, or services originating from any Town account.
9. Making statements about warranty, expressly or implied, unless it is a part of normal job duties.
10. Effecting security breaches or disruptions of network communication. Security breaches include, but are not limited to, accessing data of which the employee is not an intended recipient or logging into a server or account that the employee is not expressly authorized to access, unless these duties are within the scope of regular duties. For purposes of this section, "disruption" includes, but is not limited to, network sniffing, pinged floods, packet spoofing, denial of service, and forged routing information for malicious purposes.
11. Port scanning or security scanning is expressly prohibited unless prior notification to Impact is made.

12. Executing any form of network monitoring which will intercept data not intended for the employee's host, unless this activity is a part of the employee's normal job/duty.
13. Circumventing user authentication or security of any host, network or account.
14. Introducing honeypots, honeynets, or similar technology on the Town network.
15. Interfering with or denying service to any user other than the employee's host (for example, denial of service attack).
16. Using any program/script/command, or sending messages of any kind, with the intent to interfere with, or disable, a user's terminal session, via any means, locally or via the Internet/Intranet/Extranet.
17. Providing information about, or lists of, Town of Munster employees to parties outside the Town of Munster.

Email and Communication Activities

When using Town resources to access and use the Internet, users must realize they represent the Town. Whenever employees state an affiliation to the Town, they must also clearly indicate that "the opinions expressed are my own and not necessarily those of the Town". Questions may be addressed to the Town Manager.

1. Sending unsolicited email messages, including the sending of "junk mail" or other advertising material to individuals who did not specifically request such material (email spam).
2. Any form of harassment via email, telephone or paging, whether through language, frequency, or size of messages.
3. Unauthorized use, or forging, of email header information.
4. Solicitation of email for any other email address, other than that of the poster's account, with the intent to harass or to collect replies.
5. Creating or forwarding "chain letters", "Ponzi" or other "pyramid" schemes of any type.
6. Use of unsolicited email originating from within the Town's networks of other Internet/Intranet/Extranet service providers on behalf of, or to advertise, any service hosted by the Town of Munster or connected via the Town's network.
7. Posting the same or similar non-business-related messages to large numbers of Usenet newsgroups (newsgroup spam).

Blogging and Social Media

1. Blogging by employees, whether using the Town's property and systems or personal computer systems, is also subject to the terms and restrictions set forth in this Policy. Limited and occasional use of the Town's systems to engage in blogging is acceptable,

provided that it is done in a professional and responsible manner, does not otherwise violate the Town's policy, is not detrimental to the Town's best interests, and does not interfere with an employee's regular work duties. Blogging from the Town's systems is also subject to monitoring.

2. The Town of Munster's Confidential Information policy also applies to blogging. As such, Employees are prohibited from revealing any Town confidential information, trade secrets or any other material covered by the Town's Confidential Information policy when engaged in blogging.
3. Employees shall not engage in any blogging that may harm or tarnish the image, reputation and/or goodwill of the Town of Munster and/or any of its employees. Employees are also prohibited from making any discriminatory, disparaging, defamatory or harassing comments when blogging or otherwise engaging in any conduct prohibited by the Town of Munster's *Anti-Harassment* policy.
4. Employees may also not attribute personal statements, opinions or beliefs to the Town of Munster when engaged in blogging. If an employee is expressing his or her beliefs and/or opinions in blogs, the employee may not, expressly or implicitly, represent themselves as an employee or representative of the Town of Munster. Employees assume any and all risk associated with blogging.

5. Policy Compliance

Compliance Measurement

- The Impact team will verify compliance to this policy through various methods, including but not limited to, business tool reports, internal and external audits, and feedback to the policy owner.

Exceptions

- Any exception to the policy must be approved by the Impact team in advance.

Non-Compliance

- An employee found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

Related Standards, Policies and Processes

- Data Classification Policy
- Data Protection Standard
- Social Media Policy
- Minimum Access Policy
- Password Policy

Definitions and Terms

Password policy

1. The password policy is set to a minimum of 8 alphanumeric characters including a

- number and special character
- 2. Password is changed every 90 days
- 3. No password sharing is occurring within the environment

Audit policy

- 1. Reserve the right to audit the usage of devices at any time
- 2. Reserve the right to audit files accessed within the network

Minimum access policy

- 1. Will adhere to the principle of least privilege giving users only the access and permissions to view or modify files and folders to which they are assigned usage
- 2. Files or folders should never be shared with those who have not been assigned access to them

Personal devices should never access internal network resources, i.e., cell phones, laptops, tablets not issued by the Town of Munster.